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The role of specialised groups in the debate about the European Constitution

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To my brother Alfonso for his courage.

"Al final, siempre es un pelotón de soldados el que salva la civilización."

Javier Cercas, *Soldados de Salamina*

Outline

Abstract

This thesis uses the notion of specialised publics in order to analyse whether the participation of civil society organisations in the European Convention contributed to make European publics more aware of this debate. In particular it asks whether activism by European civil society organisations about participatory democracy has contributed to a stronger linkage between the EU and Spanish and French general publics.

The thesis analyses the role of a group of 22 civil society organisations in the agenda setting process where the discourse of the EU about participatory democracy was built ahead the Convention. Furthermore the role of 25 Spanish and French organisations active in the Convention is considered as well. 51 in-depth interviews with members of the Convention, officials of European institutions, European, French and Spanish civil society organisations have been conducted in the frame of the thesis. These provide abundant information about the way in which these organisations were involved in the Convention and more in general about biases in action at EU level between European and national organisations.

The analysis of the evolution of the organisations' demands and justifications demonstrates that these consultations were an important agenda-setting process where the demands of civil society for institutionalisation were framed as a way to introduce participatory democracy arrangements in the EU. It is found that during the Convention participation was a strong priority for these organisations which had a great impact on article 47 of the TCE on civil society participation. It appears that contrary to expectations the Convention was not a meeting point for European and national organisations and contributed little to the diffusion of this debate beyond European specialised actors. Furthermore it appears that Spanish and French organisations had no motivation to "download" the Convention debates in the context of the national referenda. European organisations did not need to mobilise their members

to meet their objectives, Spanish organisations were stronger at the EU level than in the national debates and French organisations did not share most of the participatory frame elaborated the EU level.

However it is found as well that national organisations did not ignore this topic. In this sense Spanish organisations shared it strongly although they had little effect on the national debate, whereas French organisations scepticism on the Convention's commitment to the question of civil society participation contributed to their involvement against the Treaty in the national campaign. In doing so they contributed to frame the French referendum as an occasion for citizens' participation in the EU, and thus circulated a version of the European frame.

Albeit in an exceptional setting, the thesis finds that civil society organisations have a strong potential to contribute to Europeanising debates and to articulate participation in the EU. These results contribute to a better understanding of the dynamic connections between different publics in the European public sphere by pointing to the importance of considering the political opportunity structure and the institutional barriers to the Europeanisation general publics.

From specialised groups to organised civil society

I decided to keep the original title of the research proposal with which I started this PhD project in November 2008 because it is a good occasion to explain its origins, motivation and evolution. I hope that it be the occasion to introduce the reader into the rationale behind my project rather than deceive them about the content.

Since the beginning of my post-graduate studies I was interested by the question of the European public sphere as a space where European citizens' could engage each other and build a common project and identities based on their own autonomy without renouncing to their own identities. However I felt it frustrating that this idea was always associated with academic dreams and put as a future project.

I thus started looking at existing European public spheres. Historical narratives highlight the existence of such spheres among medieval monasteries, Renaissance artists or Enlightenment philosophers. Others put forward the role of intellectuals who can articulate a European cause by coordinating their articles in quality newspapers. All these ideas remitted me to the notion that the European public sphere was not inexistent but rather strongly fragmented and driven by elites.

Being interested in European governance it was difficult not to come across with expert meetings, consultative committees and specialised newsletters and journals where European integration was discussed in depth. I started realising that those were a good example of really existing public spaces where participants adapted their arguments to circumstances and to their public. The immediate question was what was the political relevance of these discussions and to what extent it served as a model or a catalyser for a more public sphere of all European citizens.

Having undertaken most of my specific EU studies in the aftermath of the failed ratification of the EU constitution, I was studying in Strasbourg on May 29th 2005 when the French people rejected the European constitution, it was interesting to analyse how the fora of European experts that was the Convention had resonated among the peoples of Europe who had been called to ratify the Treaty. Although in 2008 when I started my PhD the Convention was long gone and buried it looked as a good opportunity to take a step back from it, in particular as I felt that the question of the role of experts in raising constitutional debates in larger publics was not sufficiently addressed in the academic literature.

Obviously this was still too general for a researchable individual project. However I realised that among the numerous types of experts that were called upon to intervene in the Convention, civil society organisations had a prominent role. Their inclusion was strongly related to the will of the EU to come closer to the citizens by becoming more participatory. This had been a salient topic in the leaflets promoting the European constitution. Analysing how the expert groups debated of a mechanism intending to make citizens more aware of the EU seemed to offer a perfect chance to study at the same time the broader debate on mechanisms of how to bring the citizens' closer and how these mechanisms were designed and work in very practical terms. It thus offered a very complete case study for the project.

The rest of the story is inside the thesis. So despite referring to the role of experts the project is not about technical or scientific matters but rather about how EU specialised debates empower citizens and how participation in public debates is a relevant variable in the competition between different interests.

Acknowledgements

This research project has taken me to live in Brussels, Madrid and Aberdeen, meet dozens of people and I have virtually only found friendly faces in the process. I would not have finished this research project if it was not because of the support and sympathy of all these friends, family, colleagues and the support of the Robert Gordon University.

The first big thank you goes to all the interviewees who patiently gave me part of their precious time to discuss a matter which was off their main concerns since a long time. I hope that reviving the frequently good memories of the Convention paid off for them. I feel particularly in debt with the interviewees from the European Foundation Centre, Social Platform, ATTAC Spain and RCE who gave me access to their archives. They cannot be named but my appreciation goes to them in particular.

Secondly, I wish to thank teachers and colleagues who encouraged me to start this project. I think in particular of Robert Picht, Benigno Pendás and Carlos Closa with whom I commented for the first time my ideas about the role of civil society in the European public sphere. I'm very grateful of Geir Kvaerk for facilitating access to a part of the documents missing from the Convention archive. Thanks to Susana del Río Villar for sending me the relevant chapters of her thesis and introducing me to some of my interviewees. Of course I'm indebted with many colleagues that I have had the chance of meeting at different conferences and events and with whom I have discussed ideas.

Obviously, family and friends have been a decisive support. Civil society became a "trending topic" at some occasions of friendly gatherings with Pedro, Julio, Trini and all the rest. Special thanks go to my parents Luis and Mercedes and my brother Alfonso for understanding me spending so much valuable time far away from home at difficult times. And of course to Lola, who's been with me throughout this entire process and I hope will do so for a long time.

Last, but in this case in particular not least, the most sincere gratitude goes to my supervisors, Peter for reminding me about the objectives of the project and to Justin without whose expertise and encouragements I don't think I would have embarked on this journey.

List of acronyms

ACN –Active Citizenship Network
ACSUR - Asociación para la Cooperación en el Sur
ADICAE - Asociación de Consumidores y Usuarios de Bancos, Cajas, Productos Financieros y de Seguros
AFEM - Association de femmes de l'Europe méridionale
ATTAC- Association pour la transaction des transferts financiers pour l'aide au citoyen
CEDAG – Comité européen des associations d'intérêt général
CEV - Centre Européen du Volontariat
CEMR – Council of European Municipalities and Regions
CGT - Confédération générale du travail
CJE - Consejo Juventud de España
CPMR – Conference of Peripheral and Maritime Regions
COFACE – Confederation of Family Organisations of the European Union
CONCORD – Confederation for Cooperation, Relief and Development
CCOO - Comisiones obreras
CSCG – Civil society contact group
EAPN Spain - European Anti poverty Network Spain
ECAS - European Citizens Action Service
ECI - European Citizens' Initiative
EEB – European Environment Bureau
EESC - European Economic and Social Committee
EFC - European Foundation Centre
ELO – European Landwoners Organisation
ETUC – European Trade Union Confederation
EU - European Union
FCCE - Fòrum Civic per a una Constitució Europea
FCCV - Fédération du Grand Commerce de Centre-Ville
ICG - Inter-Governmental Conference
IRI – Initiative and Referendum Institute Europe
ONCE-CEPES - Organización nacional de ciegos españoles – Confederación empresarial española de la economía social
LDH - CCDF - Ligue des droits de l'homme - Collectif pour la défense des droits fondamentaux
MEDEF - Mouvement des entreprises de France
MIC - Mouvement pour l'initiative citoyenne
PFCS – Permanent Forum of Civil Society
RCE - Red Ciudadanas Europeas
UEAPME- European Association of Craft, Small and Medium-sized Enterprises
UNICE - Union of Industrial and Employers' Confederations of Europe
TCE - Treaty Establishing a European Constitution[1]

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[1] In the thesis Treaty and Constitution are used indistinctly to refer to the TCE, except where explicitly mentioned.

Chapter 1 The European public sphere, a sphere of groups. Consequences for our understanding and research design

1. The EU's democratic legitimacy crisis and the public sphere

Questions on the democratic legitimacy of the EU have sharply arisen ever since the troublesome ratification of the Maastricht Treaty. The evolution of the academic debate can be linked to the political scenario of the EU. In this sense, until the debate on the future of the EU some arguments considered that the EU could not be legitimated by political will formation and political participation and that it should thus focus on producing successful policies making it legitimate thanks to the collective goods it produces (Scharpf 1999; Majone 2002; Moravcsik 2006). In these years, other authors argued that on the contrary the EU should be understood as a regular political system that suffered a democratic deficit problem related to its institutional design (Follesdal and Hix 2006). This approach assumes that input legitimacy problems are not irredeemable but linked to the institutional setup of the EU.

However the rejection of the constitutional Treaty seems to have moved the debate beyond the issue of the EU's democratic deficit to point out to the EU's legitimacy crisis, which encompasses the existence of a democratic deficit with a structural lack of communication, trust and accountability (Kohler-Koch and Rittberger 2007; Chopin 2010; Bertoncini and Chopin 2010). In this sense it is less a matter of objective institutional design but of a subjective perception, such as Max Weber conceived of legitimacy (de Castro Asarta 2011). Recently, it has been pointed out that the EU is becoming increasingly politicised and contested (Hooghe and Marks 2009; Papadopoulos and Magnette 2010; De Wilde 2011) breaking the permissive consensus of public opinions on which European integration has rested since its inception.

Additionally the consensus-prone nature of the European Union integration process has blurred traditional political frames (Eriksen 2000,

58–61). At EU level it is difficult to perceive and communicate a clear political framework beyond the traditional tension between member states' interests and more or less European integration. In this sense it is not surprising that contestation and EU politicisation have been mainly left to European federalists or emerged from generally eurosceptic national political parties and grassroots movements (Hooghe and Marks 2009).

The paradox of the debate on the democratic deficit is well summarised by the fact that every increase in the powers of the European Parliament has been matched by a new decrease in the participation in European Parliament elections (Costa 2009). The paradox of the EU's institutional discourse is that it has assumed the existence of a democratic legitimacy problem (European Commission 2001) but has tried to solve it through reforms focusing on the institutional system. For instance the Laeken declaration's mandate, which launched the European Convention, focused exclusively on the reform of the EU institutions. Even when the focus has been put on communication in order to breach the distance with the public it has strongly avoided the politicisation of the EU and opted for bureaucratic incremental procedures (Bee 2010). This does not mean that these sorts of procedures cannot create opportunities for deliberation and that output and input legitimacy are incompatible (Lindgren and Persson 2011). However it remains highly technical as the aim is rather to raise the quality of the citizens' debates on the EU (Boucher 2007) rather than highlighting recognizable EU's political cleavages facilitating citizens' understanding and participation in the new polity (Hix 2005; Bertoncini and Chopin 2010).

The thesis will rely heavily on literature on the role of civil society in the development of the European public sphere and it limits (François and Neveu 1999; Kaelble 2002; Chalmers 2003; Trenz and Eder 2004; Giorgi, Von Homeyer, and Parsons 2006; Fossum and Schlesinger 2007; Bee and Bozzini 2010). It can be argued that the notions of the public sphere, deliberation and civil society have been attractive to European Union scholars and institutions because they are not necessarily but historically linked to the nation state (J. Cohen and Arato 1992, 201), and they can

be employed to imagine a cosmopolitan political community not bound to the state but constructed by mutual recognition in the public sphere (Kaldor 1995; Habermas 2000). Thus Cohen and Arato's proposal of a theory of democratic legitimacy rooted in Habermas' discourse ethics requiring that "all the affected have an effective equality of chances to assume dialogue roles" (J. Cohen and Arato 1992, 348) seems particularly well suited to the EU's diversity of cultural and political traditions (Nicolaïdis 2003) and its long-lasting tradition of stakeholders' consultation (Kohler-Koch and Finke 2007).

Some historians and sociologists have considered that the notion of the public sphere could be applied to the level of the EU without substantially modifying the focus on the long term emergence of a common European public as historically publics have emerged along new spheres of economic exchange and political power (Kaelble 2002; Delanty and Rumford 2005). However Schlesinger and Deirdre (2000, 220–221) have suggested that a quest for a common European public conduces to determinism about the inexistence of a European public sphere as long as the media and general publics do not pay attention to the EU (see Ward 2002; Delanty and Rumford 2005; de Swaan 2007 for examples of such determinism). Furthermore it may neglect the study of emergent processes and marginalise the role of actors other than the media and general publics (Trenz 2010, 29; van de Steeg 2010, 35–36).

There are considerable differences between the emergent European public sphere and Habermas' original notion of a common public sphere (Schlesinger and Deirdre 2000). Thus most authors foresee the constitution of publics alongside the institutions and policies of the European Union rather than the emergence of a general European public (Schlesinger and Deirdre 2000; Giorgi, Von Homeyer, and Parsons 2006; Eriksen 2007; Bozzini 2010). Eriksen has suggested conceiving of the emergent European public sphere as a set of divided socio-political spaces in which the predominant actors differ (Eriksen 2007). Eriksen sees civil society organisations and expert fora (Zito 2001) as a segmented public intermediating between general publics, composed by individuals and

media at the national level, and the official debates within the institutions which are conceived as a strong public (Eriksen 2007). Ruzza (2004, 26–28) points out as well the importance of designing a research strategy taking into account of the interrelated levels of governance. It is thus necessary to analyse the logics of each of these spaces and it is particularly important to consider their interrelations and communication flows. Recently some authors have applied similar approaches in trying to analyse and map the entrepreneurship of different actors for the Europeanisation of public spheres (Trenz 2010). Generally speaking contributions in Giorgi et al. (2006); Fossum and Schlesinger (2007); Kohler-Koch and Rittberger (2007); Bee and Bozzini (2010) tend to see a much stronger activism among civil society organisations than the media in linking different public spaces in the EU.

The emergence of segmented publics in the form of specialists working on the EU and the rise of European issues in national public spheres (Eriksen and Fossum 2000; Fossum and Schlesinger 2007; Vetters, Jentges, and Trenz 2009; Trenz 2010), are seen as useful devices to legitimise European integration (Chalmers 2003; Trenz and Eder 2004; Giorgi, Von Homeyer, and Parsons 2006; Fossum and Schlesinger 2007; Bee and Bozzini 2010). However contrary to the expectation of European institutions (Bee 2010) it is noticeable that several of the actors contributing to the emergence of debates on the EU are not necessarily supportive of European integration (Feron 2006; Agrikoliansky 2007; Hooghe and Marks 2009). One of the aims of this thesis is to contribute to understanding better whether civil society organisations contribute to linking different public spaces and whether this may contribute to the legitimacy of the EU.

2. Civil society and the public space

Habermas' definition of public sphere as "the sphere where private people come together as a public" (Habermas 1989, 27) emphasises its mediating role between private interests in civil society and the political realm. Both notions are thus closely linked and indeed rooted in each

other, so organised civil society can be seen as a key actor in the segmented European public.

In their review of 4 distinct conceptions of European civil society Kohler-Koch and Quittkat (2011) analyse a public discourse inspired definition: "Civil society is composed of those more or less spontaneously emergent associations, organizations and movements that distil and transmit societal problems to the public sphere and are enhancing problem-solving discourses on questions of general interest" (Kohler-Koch and Quittkat 2011, 23–24). However one of the difficulties of such definition is that activism in the public sphere is only one of the manifestations of civil society. Take for instance Cohen and Arato's classical conception of civil society as "a sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations), social movements and forms of public communication." (J. Cohen and Arato 1992, ix). This definition suggests that often activity within each of these spheres does not entail publicity and may not be democratic, as workers and women movements for the democratisation of everyday life, including family life, have historically suggested (J. Cohen and Arato 1992).

These definitions are very useful in that the focus is not limited to organisations promoting general interests versus private ones (Fazi and Smith 2006; Vázquez García 2010, 47) without however overstretching the notion as to include manifestations of the spheres between which civil society mediates such as economic activity or political parties (Vázquez García 2010; Pérez Díaz 1994a). This is particularly important considering that the very definition of civil society and whether it should be limited to the third sector has been an important policy issue opposing different groups and institutions as it will be discussed in the next chapter (Smismans 2003). The question of the definition is so sensitive that despite the potential contribution of civil society to the legitimacy of the EU the Commission does not adhere to any definition, despite having been sympathetic of the European Economic and Social Committee's descriptive definition (Kohler-Koch and Quittkat 2011). In this sense the Europa

website claims that: "There is no commonly accepted or legal definition of the term 'civil society organisation'. [...] It should be noted that in its policy of consultation the Commission does not make a distinction between civil society organisations or other forms of interest groups. The Commission consults "**interested parties**", which comprises all those who wish to participate in consultations run by the Commission"[2].

Research on European civil society has emphasised the contribution that civil society organisations can make to the legitimacy of the EU and in particular to the emergence of a European public sphere. The institutionalisation of civil society relations has generally been agreed by academic literature as a step in such direction (De Schutter 2002; Armstrong 2002; Joerges 2002; Fazi and Smith 2006; Eder and Trenz 2007; Greenwood 2011a). The expectation that civil society organisations can be the link between international and European governance arenas and ordinary citizens (Steffek and Nanz 2008; Steffek and Hahn 2010) can be seen as a step to increase democratic legitimacy by associating civil society to the construction of an artificial public sphere (McLaverty 2002), to be enlarged in due course. On the wake of the weak pan-European mobilisations of ordinary citizens and media (Imig and Tarrow 2001; Balme and Chabanet 2008; Trenz 2010) the EU has fostered the emergence of a pluralistic system of civil society relations which is expected to fulfil democratic functions such as the mutual check and balance of different interests, holding European institutions to account and fostering a public sphere (Greenwood 2011b, 201–202).

These expectations on the role of civil society in the EU do not differ from the traditional association of civil society with the promotion of democracy in political theory since de Tocqueville's classical work and its influence in both politics and academia (Van Der Meer and Van Ingen 2009). The turn of the EU towards civil society is not only due to its specific remoteness from ordinary citizens. Since the late 80's the reinforcement of civil society and citizen's participation is promoted as a consequence of

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[2] http://ec.europa.eu/civil_society/apgen_en.htm#5, consulted on 27 November 2011, in bold in the original.

academic and political recognition of the decline in the quality of democracy (J. Cohen and Arato 1992) as expressed by forms of formalism, disinterest in politics and individualism (Barber 2003; Vázquez García 2010). In this sense, a more intense participation by citizens in civil society can both make democracy stronger by making it rest on more substantial foundations than liberal ones (Barber 2003) and by fostering civic virtues, in that the requirements of interest for public affairs, ability to speak up, trust and organisation that are required within associations are useful for the political realm as well (Warren 2001; Vázquez García 2010). When it comes to the European Union, Monaghan summarises the democratic expectations on EU civil society in the categories of participation, representation and communication (Monaghan 2007).

However the role of civil society in the promotion of a more substantial democracy has been discussed as well. Hannah Arendt is probably the strongest modern critic of civil society by pointing out its role in the promotion of privatism (Eliasoph 1998 has emphasised this point as well) and in making politics more oligarchical (J. Cohen and Arato 1992, 178–199). More recently academic literature has suggested that participating in civil society organisations does not make citizens more civic and willing to participate but that instead there is a self-selection effect where the most civic citizens engage in these organisations and movements (Van Der Meer and Van Ingen 2009).

In the long debate between liberal and communitarian conceptions of civil society, the EU seems to have opted for a neo-pluralist system, if necessary by engineering it, where the main function of civil society organisation is the check and balance of each other to avoid routine domination by any of them (Greenwood 2011b). However the EU has also raised expectations linked to communitarian or republican traditions that European civil society can contribute to deliberation and empowerment of citizens (Armstrong 2002; Ruzza 2004, 177; Magnette 2006; Giorgi et al. 2006), of which the emergence of participatory devices is a testimony. Although these approaches should not be contradictory per se, expectations that civil society's participation can make the EU more

legitimate have been matched by negative empirical appreciations. First of all the EU's civil society consultation model presents some weaknesses (Curtin 2003) as it overemphasises the production of outputs (Armstrong 2002) and representativeness against organisations more active in the public sphere (Greenwood and Halpin 2007).

Secondly research has highlighted the weakness of European civil society and its distance with citizens. In this sense different empirical assessments point to the difficulty of civil society organisations to bring citizens closer to European institutions (Warleigh 2001; Mahoney 2007; Monaghan 2007; Maloney and van Deth 2008) in particular because of the distance between these organisations and their grassroots (Sudbery 2003; Kohler-Koch 2010a; Kohler-Koch 2010b) which results among others from professionalization (Halpin and McLaverty 2010, 59; Buth 2011). The thesis will evaluate this distance with members and whether it influences the role that civil society organisations can play in the European public sphere.

This section addresses first the institutionalisation of a system of civil society relations and then considers two heuristic models of how it can produce a contribution to the public sphere. One is a democratic functionalism model expecting a spill-over of deliberation from specialised to general publics the second being a model of participatory mobilisation in order to try to achieve an influence on policy making.

2.1. The institutionalisation of dialogue with civil society organisations in the EU

The EU institutions long tradition of openness towards social actors and interests has been related to the lack of specifically European constituencies and the limited staff and resources of the Commission (Greenwood 2011b). The most characteristic aspect of the civil society relations is its strong institutionalisation (Greenwood 2011b), although civil society organisations are able to hold both an institutional and protest regime (Ruzza 2004; Ruzza 2011).

One of the manifestations of the institutionalisation of this system of civil society relations that has attracted more attention is the creation of a system of structured relations (Smismans 2003) between the institutions, and in particular the Commission, and civil society organisations. The most noticeable aspect of this process to which this thesis will pay particular attention is the gradual attribution of input legitimacy objectives to these relations (Greenwood 2007a). In this sense, it has been pointed that these relations were not primarily oriented to increase the EU's input legitimacy but to contribute to better governance by improving the quality of governance (Kohler-Koch and Finke 2007; Saurugger 2007; Michel 2007; Monaghan 2007), and have increasingly acquired a participatory dimension (Greenwood 2011d). The role of civil society consultation as a source of legitimacy for the EU has been built incrementally (Armstrong 2002; Sloat 2003; del Río Villar 2004; Pérez Solórzano-Borragán 2007; Kohler-Koch and Finke 2007; Saurugger 2010). However by emphasising the "constructed aspect" of this process (Saurugger 2010) fails to point out a second noticeable aspect of the institutionalisation of civil dialogue to use the specialised jargon of the field (Fazi and Smith 2006): the role of civil society organisations themselves in the institutionalisation of their own role as part of the emergence of a participatory democracy model in the EU. Analysing this dimension is one of the core objectives of this thesis. Chapter 2 devotes particular attention to the ways in which civil society organisations and EU institutions have justified formalised contacts in order to verify whether those were aimed firstly at input or output legitimacy. This issue is of course recurrent in following chapters.

The institutionalisation of this system of relations has consisted in a mutually advantageous exchange of funding and access for civil society against a supply of expertise and policy support for European integration in particular in the social and citizenship domains (Sánchez-Salgado 2007a; Greenwood 2011b; Mahoney and Beckstrand 2011). This is very clearly exemplified by the European Social Policy Forum in 1996 where the Commission engaged with civil society organisations in the social domain and then supported and funded the creation of an umbrella organisation,

the Social Platform, which has since then supported further European integration in the policy domain. The creation of a specific statute for European civil society features prominently in this period (Will and Kendall 2009, 309–311), but is quickly shadowed by the institutions' recognition of the need to institutionalise the consultation of civil society organisations which is referred to in a protocol of the Amsterdam Treaty and a Communication from the Commission (European Commission 1997). Although the legal status of this support, in particular the financial one, has been challenged (Ruzza 2004, 47), the majority of European civil society has supported these moves as evidenced by civil society's 1998 "red card" campaign aimed at securing this source of income (Alhadeff and Wilson 2002).

The decisive moment in the attribution of input legitimacy purposes to this process, which is analysed in further detail in chapter 2, is clearly the fall of the Santer Commission at the turning of the century. This event was followed by a process of administrative reform within the Commission which culminates in the White Paper on Governance where the strong relations with civil society are claimed as an input legitimacy device (Michel 2007). The European Economic and Social Committee made an even stronger turn by putting forward explicit definitions of civil society and precise mechanisms for its consultation in order to introduce participatory democracy in the EU (Smismans 2003; Greenwood 2007a; Kohler-Koch and Quittkat 2011).

The White Paper on Governance and its subsequent rules for consultation (European Commission 2002c) aimed at improving the EU's input legitimacy by giving stakeholders and concerned organisations a bigger role in the policy making process and to structure the relations with civil society by norms about fairness and transparency in the consultation (Smismans 2003). The aim was to improve the opportunities of all relevant actors to have their say in order to achieve a balanced and broad policy debate and eventually to extend the debate beyond Brussels: "In this context, civil society organisations play an important role as facilitators of a broad policy dialogue" (European Commission 2002c, 5).

However this process goes hand in hand with the philosophy of the 'better regulation package' (European Commission 2002a; European Commission 2002b) which considers that the stakeholders' contribution to the policy-making process is their expertise which contributes to improving the quality of the policies, and thus remains in an output legitimacy logic. In addition to that the institutions have also recently considered dialogue with civil society as a way to enlarge the European public sphere and to engage in an interactive dialogue on EU policies with citizens (European Commission 2005; European Parliament 2008).

The European Convention was a decisive moment both for the institutionalisation of civil dialogue and for the turn of consultation mechanisms into input legitimacy devices. Although the idea that the institutionalisation of civil society relations can legitimise the EU has been explicitly formulated by the Commission (European Commission 2001; European Commission 2002c; European Commission 2005) and despite previous references to the inclusion of a legal basis for civil dialogue in the Treaties (European Commission 2000, 12), it is not until the Convention that an article on the consultation of civil society was included in the Treaty under the heading of "participatory democracy"[3]. The European Convention thus constitutes a very interesting occasion for analysing the emergence of the institutionalisation of civil dialogue as a way to democratise the European Union. Additionally its openness to civil society and the salience of the Constitution debate evidenced by the multiplication of referenda and debates among general publics is an opportunity to analyse whether civil society involvement can contribute to the interest of citizens at large.

2.2.   Democratic functionalism

The term democratic functionalism is borrowed from Eder and Trenz (Trenz and Eder 2004; Eder and Trenz 2007) who consider that debates

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[3] The content of this article is the same in article 11 of the consolidated version of the Treaty on European Union, although the words participatory democracy have disappeared, as a result of the symbolic de-constitutionalisation that was undertaken during the negotiations following the rejection of the TCE.

on the legitimacy of the EU in specialised fora such as the consultations on the White Paper on Governance and the Convention may become self-sustaining and contribute to the democratisation of the EU by spilling over to general debates. Here the term is stretched and applied more generally to consider how the presence of civil society in debates may extend to more general publics.

It is authors working on deliberation and deliberative democracy who have paid more attention to the presence of civil society organisations in specialised consultative fora. Some authors point out that by engaging in very intense information exchanges on specialised issues civil society organisations come to elaborate common answers with other groups (Joerges 2002; Chalmers 2003). Through this process organisations start to perceive each other as co-participants in a common project. In this sense civil society organisations' participation in policy making contributes to the emergence of a European public by reducing the distance and enhancing cooperation and mutual learning among civil society organisations.

Other authors, in particular on the light of the Convention, have pointed the importance of participation in policy exchanges as a form of self-determination in the sense that they contribute to shape the EU by participation in deliberative venues (Eriksen and Fossum 2000; Chalmers 2003; Magnette 2004; Fossum and Schlesinger 2007). Some authors have particularly pointed out that such participation may contribute to the emergence of a European civic identity by focusing on issues of democracy in the EU (Warleigh 2003). Counter intuitively, by pointing out the insufficient democratic credentials of the EU, civil society organisations contribute to democratise EU integration by putting the issue on the public agenda (Trenz and Eder 2004; Eder and Trenz 2007).

However different criticisms can be addressed to this literature. The first one is that it seems to identify interest on the EU with consensus about it, which does cannot accommodate the abovementioned turn towards EU politicisation (Hooghe and Marks 2009; Papadopoulos and Magnette 2010;

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De Wilde 2011). Secondly, it can be argued that most often than not debates in these spaces are on highly technical regulatory legislation which is unlikely to spark the interest of the "ordinary citizen". Finally, the most significant criticism is that it focuses on deliberation by elite actors without sufficiently focusing on how this deliberation spills over to general publics (Trenz and Eder 2004; Giorgi et al. 2006).

2.3.   A model of participatory mobilisation

The second model consists in a contribution to the emergence of a public sphere not by raising debates but by promoting their members and generally citizens' formal and informal political participation (Vázquez García 2010). In particular it can be asked to what extent the characterisation of civil society participation as participatory democracy can revert the legitimacy crisis and attract citizens' attention.

In doing this the key issue is to analyse whether and how organised civil society's privileged position in the public sphere, in touch with ordinary citizens and with institutions, allows it to connect these distant publics. Different aspects of European civil society organisations' activity may contribute to this linkage process (Monaghan 2007).

One possibility is via "outside lobbying". In this sense if organisations were to rely on members' mobilisation to try to achieve an impact on policymakers they could contribute to the diffusion of information about the EU. However empirical analysis finds that this is relatively rare among EU organisations (Monaghan 2007; Mahoney 2008a). However the European Citizens' Initiative (ECI), included within the participatory democracy article by the Convention, may revitalise this approach. That said this mechanism will require a non-negligible ability to mobilise members that more established organisations seem unlikely to have. It may thus be more attractive for outsider and more eurosceptic organisations, making them more prone to participate in EU politics (Bouza Garcia 2012).

A second way of citizens' mobilisation and participation could be achieved by ordinary citizens' participation in internal decision making within organisations participating in European deliberation. Although the contributions in (Steffek and Hahn 2010) suggest that there is no consensus about these internal democracy mechanisms, it is worth analysing the participatory model which has emerged in the EU in the last decade in terms of its mobilisation potential.

In this sense authors examining whether civil dialogue makes grassroots members interested find the same disconnection between European organisations and their members that has already been mentioned. The civil dialogue scheme does not seem capable to foster debate beyond well established organisations already interested in European policy-making. According to Kohler-Koch "Organised civil society, contributes little to the formation of a grass roots based European civil society; it is instrumental to 'better legislation' and in order to be efficient and effective it is becoming part of the EU elite system" (Kohler-Koch 2010b, 13). Additionally (Friedrich and Rodekamp 2011) point that even when organisations try to inform and mobilise their own members they find them disinterested.

It could be asked whereas increasing usage of digital fora as a complement to stakeholders' consultation (Michailidou 2010; Bozzini 2011; Quittkat 2011) could compensate for such tendency. That said it seems that these instruments suffer from the same problems of 'conventional' civil dialogue. Kohler-Koch reports that practices are very variable from one DG to another in particular regarding inclusion of the general public: "The market-related DGs have been hesitant to use the instrument of online-consultations and when they use it the consultation is mostly addressed to 'stakeholders' and not to the 'general public'. General Directorates with a broader reach such as employment and social affairs or are in charge of a newly established EU policy field such as culture or public health are eager to engage the wider public in their consultations and, accordingly, use online-consultations and open hearings and conferences extensively." (Kohler-Koch 2010b, 9). In addition Michailidou

finds that online consultation has been designed as an information and communication tool rather than a participatory one (Michailidou 2010), since it remains weakly interactive and provides unclear evidence of empowerment.

Associating civil society institutionalisation with participatory democracy has a risk that could be called participatory autopoeisis. This happens when by the mere inclusion of an existing practice in the Treaty is expected to transform a governance inspired tool into a participatory mechanism bringing the EU closer to the citizens of being included in the Treaty. Civil dialogue is a relevant instrument for building relations and trust between EU officials and civil society organisations, convey expertise and provide transparent access to the institutions at a relevant moment of the policy making process. However it does not seem to entail wider participation by grassroots citizens.

3. Alternatives to direct contact with citizens? On the specificities of a space of groups

The fragmentation of the public sphere into multiple publics (François and Neveu 1999; Schlesinger and Deirdre 2000, 209) is not necessarily a reformulation of Habermas' concept neither an effect of European integration since the author associates this fragmentation with the consequences of modernisation and mass political and cultural participation in the late XIXth century (Habermas 1989, 159 – 175). However in the case of the EU, the question of the contribution of civil society to democracy must accommodate two distinct aspects. The first one is the predominance of groups in the European public sphere in contrast to Habermas' classical definition's emphasis on the participation of all individuals. Surprisingly, there are relatively little theoretical reflections on the different types of public spheres that can result of civil society activism (see Monaghan (2007); Maloney and van Deth (2008) for notable exceptions). In this sense the content and effect of a public sphere organically promoted by civil society are likely to differ from those of a public sphere promoted and articulated by institutions and organisations (McLaverty 2002, 312). In this sense one of the objectives

of this thesis is to provide an empirical insight on the impact of European civil society activism on different sections of the European public sphere.

Another specificity of European civil society activism in the public sphere is the abovementioned distance with citizens and grassroots movements. It has recently been asked whether the activism of European civil society organisations can contribute to democratisation and even to the public space despite their lack of direct contact with citizens.

In this sense emphasis has been put on the role of civil society organisations in representing causes, members and even citizens in the broadest sense (Kohler-Koch 2010a; Ruzza 2011, 462–465). However the abovementioned distance with members has also an effect on civil society organisations' ability to represent them in the sense of formal authorisation (Pitkin 1972, 38–59). The EU has strongly encouraged the creation of leading European umbrella organisations which can easily claim a geographical representation (Greenwood and Halpin 2007: 201). This entrusts most European organisations as trustees for their members who have given them a formal authorisation to speak on their behalf at EU level, but does not provide evidence of their ability to act as delegates as few European civil society organisations can really rely on a mandate from their members before acting (Monaghan 2007, 190–192; Kohler-Koch 2010a; Friedrich and Rodekamp 2011), in particular in the short time constraints imposed by consultation deadlines (Fazi and Smith 2006; Ruzza 2011, 464). As it will be discussed in the following chapters representativeness this has been an important issue of contention between the social partners and citizen interest groups[4]. Business groups and trade unions, which have traditional internal consultation structures, have raised the stakes very high in particular via the EESC (Smismans 2003), up to the point of suggesting representativeness criteria based on their own internal structures (Michel 2007). See for instance UNICE's, the

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[4] This notion will be preferred here to that of NGOs, since social partners are non-governmental organizations "strictu senso". See (Ruzza 2004; Greenwood 2007a) for the explanation of this term. It is used in order to avoid the exclusion of social partners and in particular business interests all in acknowledging differences between organizations defending particular interests and those acting on behalf of visions of the general interest.

main business organisation at the EU level, stringent criteria in UNICE (2002, 2).

It can be discussed to what extent representativeness criteria can be associated to participatory mechanisms. It has been suggested that when they contribute to consultation processes organisations are claiming a voice but not a vote (Fazi and Smith 2006: 20), and that thus they are simply expressing their freedom of expression. However, the form in which civil dialogue is organised and takes place implies that a selection of organisations has to take place. Although the Commission has never created formal accreditation systems as they exist in the USA, the UN or the Council of Europe (Fazi and Smith 2006: 25-26) it has created a de facto system relying on "formalised set of procedures for exchanges with outside interests designed to address asymmetries of power" (Greenwood and Halpin 2007: 206), even though these subtle mechanisms have become more open in the decade spanning the CONNECS database and the reform of the Transparency Register (Greenwood 2011a, de Castro Asarta 2011). Since it will never be possible for every organisation to express their point of view in an open market of ideas, even online consultation operate on *de facto* access barriers (Quitkatt and Kotzian 2011), a criterion that contributions are representative of a wider constituency seems reasonable if participation is to reach beyond the consultation room. That said it cannot impose a single type of representativeness criteria and should take account of the differences between membership and cause organisations (Greenwood and Halpin 2007; Halpin and McLaverty 2010).

As a consequence it has been suggested that civil society organisations can play a different representative function in that their function is not to act as formally elected representatives nor as delegates, but rather that their function is to be active in the public space as representatives of causes and interests that would otherwise not be heard (Greenwood and Halpin 2007; Kohler-Koch 2010a; Halpin and McLaverty 2010). The alternative dimensions of representation, symbolic, descriptive and acting for, put forward by Pitkin (1972) in her classical typology have been used by several authors to suggest that even in the absence of a clear mandate

from members civil society organisations' activism is legitimate and fulfils an important democratic role in the EU. Castiglione and Warren (2006) have argued that it is frequent that in transnational contexts civil society actors promote causes without a formal authorisation from members, acting for a cause or constituency. That said, representation practices vary between different sectors, as Ruzza notes that environmentalists are more prone to claim to act for together with an authorisation from members whereas pro-minority groups tend to put forward descriptive representativeness (Ruzza 2011, 462–463).

Traditional representativeness criteria based on geographical spread or number of members often associated with civil society consultation mechanisms in the EU (Greenwood and Halpin 2007) are seen as irrelevant or even counterproductive when it comes to the role of civil society in the public sphere in that they may marginalise cause actors (Greenwood and Halpin 2007; Kohler-Koch 2010a; Halpin and McLaverty 2010). According to Buth one of the reasons of European civil society organisations' distance with their members, their strong professionalisation, provides them with stronger resources and incentives to rely on advancing causes in the public space (Buth 2011). Ruzza points out that deliberation has been suggested as well as an alternative to consultation with members (Ruzza 2011, 464).

In this sense it is not rare that several European organisations have adopted an attitude consisting in saying that their representativeness is more related to their expertise in a certain domain than to their relation with a constituency. In some cases European organisations have formulated these strong conceptions of their activity as representatives as that of a trustee who acts independently on behalf of an interest but without the need to consult it:

> "In general, however, interviewees repeatedly stressed that the high level of expertise and experience of EU policy processes held by key officers in Brussels means that they are accorded a large degree of independence and are 'more or less left to get on with the job'. 'EU work', stated one interviewee 'is largely seen as work for specialists'. Actively seeking to involve supporters in the formulation of policy was generally viewed by interviewees as time-

consuming and rather unrealistic, given the degree of knowledge necessary to make an effective contribution." (Sudbery 2003: 90).

The formulation of the debate in these terms suggests that the tensions can be understood along the traditional paradigms of the roles of delegates versus those of trustees and that of formal versus forms of social representativeness. However both dimensions have to be judged against empirical assessments of the role of civil society organisations in the European institutional system and in the public sphere. In this sense it can be suggested that the difficulties of European civil society to formally represent their members can act as a difficulty as well to play a role in the public sphere. In this sense the notion of representation of causes in the public sphere have been criticised as failing to satisfactorily associate citizens to policy making (Monaghan 2007, 181). Although it can be expected that in a neo-pluralistic setting such as the EU all the constituencies having a stake in the EU integration process will be mobilised to the result that all the relevant interests will be represented (Greenwood 2007b), it can as well be highlighted that different constituencies have been mobilised very differently at EU level as a result of different collective action problems and access barriers (Balme and Chabanet 2008). It can thus be asked to what extent the activism of organisations at the EU level without a contact with their own members is representative, even in an approximate way, of the concerns of the European citizens.

Furthermore the role of civil society organisations as trustees has certainly a positive outcome for the defence of the interest they represent, but precisely because of this independence from that interest and grassroots constituencies it can be challenged to what extent it contributes to making the public aware of their activity and thus foster their "social representativeness" (Buth 2011). In this sense some civil society organisations raise issues in specialised and strong publics without promoting them in general publics. As a consequence, whereas it undoubtedly has a democratic legitimacy potential, it remains as a manifestation of governance with and for the people (V. A. Schmidt 2009)

which does not however substantially reach ordinary citizens. Thus acknowledging the potential of alternative representation does not necessarily contradict that where possible organisations maintain a working relation with members ensuring that claims of representativeness are grounded on a solid social reality, be it a formal or informal representativeness. For instance the ability to raise one million signatures in Europe (ECI) could be considered as a relevant demonstration of the ability to act for a cause (Bouza Garcia 2010).

4. The European Convention's agenda on participatory democracy. Civil society and the public sphere.

The previous section has suggested that the European Convention was the culminating point of two major evolutions in the system of relations between the European institutions and civil society: the institutionalisation of consultation via a reference in a Treaty article and the conceptualisation of this mechanism as a form of participatory democracy. It has however already been highlighted that both tendencies were being addressed in different policy exchanges since the mid-90s. It is thus highly expectable that this topic was far from new for the Convention and hence it is advisable to address the role of civil society organisations in the agenda-setting process that lead to the consideration of this topic by European institutions and then by the Convention.

It has not been until recently that agenda setting processes have been systematically assessed in the EU, although civil society organisations have received little attention (Princen 2009). Regarding this, Greenwood introduces a distinction between extremely rare influence on policy initiation (see Greenwood (2011d) for rare examples about the European Women's Lobby, the European Round Table of industrialists or ALTER-EU) and concrete drafting once the decision to advance a policy has been taken. Agenda setting studies do critically analyse collective action and ideas and their diffusion (Kingdon 2003, 17). Thus despite the rare influence in terms of "arm-twisting" (Kingdon 2003, 17) the literature

points to the influence of civil society organisations[5] and expert groups in the longer term by introducing and promoting ideas in the agenda setting process (Haas 1992; Sabatier 1998; Zito 2001; Ruzza 2007; Engel 2007; Dreger 2008; Princen 2009). These authors use the notions of epistemic communities, policy networks or advocacy coalitions to point out the importance exchanges within given sets of organisations for the advancement of ideas in the policy agenda. These communities are constituted by agents active in the same domain who "read the same publications, go to the same conferences and meetings and in these ways develop shared understandings of policy problems and the available policy options to deal with them" (Princen 2009, 151–152). These and similar approaches will be used in order to analyse the way in which ideas of civil society consultation and participatory democracy made it to the Convention.

The available literature on the role and objectives of civil society during the European Convention (del Río Villar 2004; Kværk 2007; Lombardo 2007; Pérez Solórzano-Borragán 2007; Clerck-Sachsse 2011) presents two main weaknesses that this thesis would contribute to address: a lack of in-depth empirical analysis about concrete mechanisms of influence for civil society and a neglect of the way in which civil society contributed to link the Convention to the public sphere (notable exceptions on both registers are Will et al. (2005); Monaghan (2007); A. Cohen and Vauchez (2007).

Whereas there are a few analyses of the role of civil society in the Convention, they frequently pay more attention to its general role in the Convention, its inability to influence and the insufficiency of the access mechanisms than to the agenda setting process or to the analysis of influence on concrete decisions (Will et al. 2005; Pérez Solórzano-Borragán 2007; Kværk 2007; Lombardo 2007). In this sense it is frequent to attribute the article on participatory democracy to civil society activism (del Río Villar 2004, 282–283; 311; Will et al. 2005; Pérez Solórzano-

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[5] More usually labeled as interest groups or social actors in this literature

Borragán 2007; Lombardo 2007; Monaghan 2007; del Río Villar 2008; Clerck-Sachsse 2011), but most of the empirical analysis focuses on the ECI and does not address the paragraphs on civil dialogue, not to say provide a comprehensive account of the discussion.

In terms of agenda setting the analysis of the discussions on civil dialogue and participatory democracy from the mid-90s to the Convention is interesting for different reasons. Firstly it provides the opportunity to analyse the entrepreneurship, in Kingdon's classical sense (Kingdon 2003, 180), of civil society organisations and officials in introducing, framing and diffusing the issue in the different public spaces. It then provides opportunities to analyse whether collective action registers and framing varied according to variables such as salience, venue, number and kinds of actors (see Mahoney (2007) and Princen (2009), 155–156 for a discussion of the importance of these variables in EU agenda-setting). Finally it is an interesting case study as the Convention was generally perceived as a new phase of the construction of the European Union in which citizens would have a much bigger say both in the Treaty reform and in its ratification, providing for opportunities for the emergence of a wider public sphere (Habermas 2001; Magnette 2004; Castiglione 2007). It has been seen as an important opportunity for a real constitutionalisation of the EU (Closa Montero 2008a; Menéndez 2010). Analysing the role of civil society organisations in framing the issue in general publics is thus an important way to analyse precisely how it contributes to linking the different public spaces of the Union. In doing this it is useful to focus on countries where a referendum was held, and the thesis will do so for Spain and France (see a discussion of the methodology further on in this chapter).

Regarding the analysis of the role of the Convention in the public sphere, whereas national debates on the constitution have been discussed extensively (Sauger, Brouard, and Grossman 2007; Lehingue 2007; Mateo Gonzalez 2008; Font Fábregas and Rodríguez Ortiz 2007; Glencross and Trechsel 2011) mostly for studies on Spain and France), there are few analyses on the role of civil organisations in national debates (Seidendorf

2010; Dufour 2010) or on transnational mobilisation during the Convention (Radaelli and Lucarelli 2004; Trenz 2007; Cook 2008; Liebert 2011), leaving the question of whether the Convention contributed to link the EU and general publics depend exclusively on its impact on the public sphere (Maatsch 2007; Vetters, Jentges, and Trenz 2009) and of its official listening mechanisms (Cammaerts 2006; Monaghan 2007).

An interesting source of information are firsthand accounts of the Convention written by French and Spanish Convention themselves (Lamassoure 2004; Borrell Fontelles et al. 2003; Méndez de Vigo 2005) close observers such as officials (Milton and Keller-Noëllet 2005), civil society activists (Alhadeff and Wilson 2002) and journalists (Norman 2005).

In particular it will build on contributions on the national debates and referenda in Spain (Anduiza 2005; Font Fábregas and Rodríguez Ortiz 2007; Closa Montero 2008b; Mateo Gonzalez 2008), in France (Agrikoliansky 2007; Sauger, Brouard, and Grossman 2007; Lehingue 2007; Chopin 2008; Dufour 2010) or comparing different referenda (Radaelli and Lucarelli 2004; Seidendorf 2010; Glencross and Trechsel 2011) that tend to show the disconnection between the debate the EU level and the national one, and the role of some activist civil society organisations in framing these debates (Agrikoliansky 2007; Seidendorf 2010; Dufour 2010).

5. Analysing the effects of civil society activism and the European public spheres: agenda setting, frame creation and diffusion

Conceiving the European public sphere as a series of different public spaces with varying actors' configurations and focusing on the role of civil society as a segmented public between the institutions and European citizens makes it possible to use research frameworks on the interaction between groups and between them and institutions for understanding the functioning of the European public sphere. This will allow using empirical observations on the behaviour of European civil society organisations

during the Convention to try to explain how and under which conditions they contribute to link different publics.

In this sense, the thesis will build on well developed insights on the political sociology of the European political system and in particular regarding the role of civil society within it. Despite some caricature depictions in the media, resources are not enough for lobbies to promote or stop legislation (Kingdon 2003, 51–53; Baumgartner et al. 2009), much less in the EU (Mahoney 2008b). Instead research on civil society organisations in the EU suggests that their role is rather explained by their functional contribution to European integration in terms of input of expertise and legitimacy.

The long established relation between civil society and institutions has undoubtedly influenced the preference of European civil society organisations for an insider collective action register (Ruzza 2004; Mahoney 2007; Kriesi 2007; Mahoney 2008a; Balme and Chabanet 2008). In this sense, trust and reputation among policy makers and with other organisations is a very relevant resource for civil society influence which is achieved by long lasting involvement in the policy arena (Quittkat and Kotzian 2011; Greenwood 2011b).

In theoretical terms this suggests the appropriateness of a sociological institutionalism approach in order to try to understand how organisations build reputation and trust. In this sense, the debates between civil society organisations about civil dialogue suggest that a set of organisations were promoting a policy that would grant them advantages in the EU institutional system. The characteristics of the existence of different organisations and institutions promoting a policy for different reasons, secure access for organisations, legitimacy for the Commission, reacting to each others' proposals, along a well defined set of formal and informal "rules of the game" resonates with Pierre Bourdieu's idea of a social field (Bourdieu 1981; Bourdieu 1984). The notion of organisational field (DiMaggio and Powell 1991, 65–66; Scott 2008, 185–190), which has since been applied to EU politics and mobilisations (Stone Sweet,

Fligstein, and Sandholtz 2001; Ruzza 2007; Dufour 2010) may be useful to explain the patterns of relations between the participants of the field and with publics outside of it. Additionally neo-institutional theory may be particularly useful for this analysis given its recent focus on the influence of ideas and discourses in organisations (Scott 2008; V. Schmidt 2010).

An important aspect of the process of promotion of ideas by civil society organisations in the EU is framing (Ruzza 2004; Ruzza 2007; Bozzini 2010). Both advocacy coalition and frame analysis coincide in pointing out that organisations have a set of core values and demands which tend to vary only on the long term, whereas those are accompanied or framed by more accessory demands. In this sense framing is characteristically a process where these core ideas and values are presented differently in different circumstances and publics (Snow et al. 1986; Zald 1996).

As it has been said direct mobilisation of the public and supporters in media campaigns or mass demonstrations is definitely an exception in the collective action registers of organisations active in the EU (Imig and Tarrow 2001; Balme and Chabanet 2008; Della Porta 2007). On the contrary, it seems that the organisation of coalitions and involvement in networks promoting the inclusion of ideas and causes in the EU's agenda is a frequent activity of EU civil society organisations (Ruzza 2004; Mahoney 2007; Ruzza 2011; Greenwood 2011b) although it is rarely asked how these entrepreneurs contribute to amplify the frameworks which they promote beyond these segmented publics (Snow et al. 1986; Kingdon 2003; Muller 2005). This thesis benefits from the relatively high salience of the Convention and the Constitution for reconstructing this dimension for the case of the debate on participatory democracy in the European Union. Obviously if this question is rarely addressed in the context of the EU it is because of the abovementioned disconnection between the different publics of the EU. Thus, in relation with Mahoney's (2007) and Princen (2009) findings it is important to ask how the institutional setup of the policy venues influences the strategic choices of the actors and thus the degree to which these actors address the public.

6. Research objectives and hypotheses

In order to address several of the questions that have been identified above, the thesis asks the following research question: did European civil society organisations have an influence in raising the issue of participatory democracy during the European Convention and in this case did that foster the interest of Spanish and French civil society organisations for this debate?

On the grounds of the analysis of the literature on agenda setting and civil society activism and institutionalisation in the EU, two questions have to be asked about the role of civil society organisations in the Convention. Did the previous debates on civil society institutionalisation contribute to shape the agenda and foster civil society cooperation on the issue? What was the objective that organisations sought to achieve in this process? How did civil society organisations bring this issue to the Convention? The review of literature on the institutionalisation of civil dialogue suggests that it is necessary to analyse the consultations on civil dialogue (1997-2002) and the Convention as a sequence.

In relation to the first question the hypothesis is that the Convention's agenda on participatory democracy was influenced by the previous discussions on civil dialogue. As a result of these successive changes in venues and varying emphasis on different policy issues along these discussions an important variation in the framing of the issue and on the constellation of actors can be expected. In relation to framing it should be asked how arguments about democracy and citizenship evolved according to advocacy and coalition making strategies in the different moments. It has been pointed above that the institutions have used unstable justifications and strategic objectives for the institutionalisation of consultation such as the promotion of a European public sphere, civil dialogue or participatory democracy. In this sense it must be asked whether organisations had stable core demands and frames or whether these were adapted to the venue.

It can as well be expected that these previous consultations fostered the emergence of coalitions of actors advocating similar positions. For doing so the emergence of formal and informal coalitions and the rationale behind those will be analysed. Given that institutionalisation of civil dialogue is largely seen as reinforcing the position of civil society in the EU (Fazi and Smith 2006) and the strong profile that the Commission has taken in its promotion (Sánchez-Salgado 2007a), it is not expectable to find a strongly organised opposition to the principle, but rather a discussion on details, above all on representativeness requirements.

In relation to the second question on the ways of advocacy, there are reasons to expect that the main register along the process was participation in formal events and consultations by sending written statements and. This regular involvement is likely to create trust and grant organisations access to more informal consultations or at least give them a leadership role making their contributions more salient. It can however be expected that the change of venue from the Commission consultations to the Convention significantly changed ways of advocacy (Princen 2009). Whereas civil society organisations maintained this strategy during the Convention, it could be expected that they had to innovate on their register. In particular given the salience and the political expectations of the Convention it could be expected that organisations had a stronger recourse to outside lobbying and in general to more public mobilisation-based registers (Mahoney 2008a). In terms of ways of access to the Convention, it can be expected that the large number of participants made formal events relatively weaker in comparison to Commission consultations and that informal contacts mattered more. In this sense it is expected that the Commission was civil society organisations' main interlocutor on this topic during the Convention.

The second question to be addressed is whether the Convention created the conditions making civil society organisations prone to address the general public. Competitive pressures and claims have been identified as the main drivers or the politicisation of civil society claims making and of the recourse of civil society organisations to strategies of mobilisation

(Giorgi et al. 2006; Della Porta 2007). The large number of participants in the Convention could have constituted such a pressure. In this sense the two main questions are whether European organisations addressed the general public through their own members and supporters at the national level and whether the debate on participatory democracy fostered interest among Spanish and French organisations. For the same reasons that it was decided to focus on the organisations strongly involved in the agenda-setting process rather than on the perception of participatory democracy by a random sample of organisations it was considered that trying to link civil society activism in the Convention to the salience of a topic in the general media would probably be inconclusive. This is why this thesis will focus on the impact of national civil society organisations as intermediates for general publics. It should already be clear from the theoretical framework that civil society organisations belong to specialised publics and can thus not be considered as proxies or substitutes of general publics, since the fact that civil society engages with an issue does not mean that it is representative of the general publics concerns (see section 3 on this respect). However it is possible to analyse whether national organisations assumed European frames and whether they engaged in activism for diffusing these frames among general publics during the national debates. Eventually frame circulation from the Convention to the ratification debates by the intermediary of national organisations would constitute a precise example of how civil society contributes to link European specialised and general publics. It will thus analyse whether the activism on consultation and civil dialogue by European civil society organisations attracted the interest of Spanish and French organisations. It will consider whether they shared the framing of European organisations and whether they contributed to diffuse it among national publics. It will as well have to be asked if European organisations did themselves contribute to raise the issue among European publics along one of the two models outlined above.

In assessing the way in which this activism was diffused to general publics it will be important as well to consider which national organisations participated in the Convention. This could mean that the Convention

attracted new actors and thus contributed to enlarge debates on European issues in contrast with the importance of long-standing involvement and trust that is suggested by the literature (Balme and Chabanet 2008; Quittkat and Kotzian 2011). In this sense the hypotheses is that participatory democracy may not have been relevant for most national organisations, because the actual content of the debate consisted in the institutionalisation of access for European organisations. However the increased presence of national organisations, and in particular of potentially euro-sceptic groups, may have acted as a competitive pressure for European organisations to "go public" during the Convention (Della Porta 2007).

Finally, regarding the question of the legitimacy of European integration and the increasing politicisation of contestation, it will be asked whether the framing about participatory democracy in European and national debates contributed to the emergence of a politically contested discussion on European integration in the sense that participation would be linked to ways of promoting alternative political projects rather than to the institutional rationale of the need to achieve a large consultation. This seems unlikely in that the main content of the discussion was the institutionalisation of an elite public, which could hardly be reframed as a way to introduce alternatives in the EU and to allow participation by outsiders.

7. Hypotheses operationalisation, data review and methodology

These questions will be operationalised by focusing on different variables and their interrelation. Given its focus on a concrete subject of discussion and more precisely on how it was introduced and framed in the agenda the research will mainly follow a qualitative approach, although some of these data will be formalised quantitatively to provide a precise account of the evolution of framing and of the networking relations between the organisations considered.

One of the relevant features of the debate about participatory democracy in the Convention is that it can be traced back to a series of exchanges of

views on these topics between civil society organisations and European institutions. These exchanges constitute a number of discourses on civil society and participatory democracy in the EU. Given the wide use of the notion of discourse, it is important to make it explicit how it is understood in this work. The critical realist approach of Fairclough will be followed in the sense that discourse will not be taken as the whole or even only social activity as it is usually understood in constructivist approaches.

Although the proposal of participatory democracy as a way to revert the criticisms of the lack of democratic legitimacy is a social construction, as it is the idea of civil society consultation as a model of participatory democracy, this construction takes place in a social environment which is not totally flexible but constrained by resource availability (Fairclough 2005, 931). In this case the constraints are the possibilities to secure channels of access to the institutions. Organisations' ability to construct social reality is thus fundamentally mediated by their embeddedness in an institutional system.

In this sense discourses, in the plural as Fairclough emphasises, are understood here as particular ways of representing, talking about and understanding the world or aspects of the world (see (Jorgensen and Phillips 2002, 1; Fairclough 2003, 24) for very similar definitions). In this sense different discourses on participatory democracy will be identified and compared, with a particular focus on the emergence of shared discourses, similarities and differences and convergences and divergences between organisations' discourses.

Discourses are both means of advocacy and their manifestation. They will be understood in a strategic way, that is, as "frames acting as a way for social groups to advance their interests and projects" (Howarth 2000, 3). The aim of the thesis will be to understand how the evolution of the discourses in the context of the organisations' collective action. In this sense the evolution of the discourse will be linked to the different ways in which organisations are active in the social field, or to use Goffman's (2006) classical terminology, to understand what is going on and to act in the different scenarios where they are active. The aim is to understand

how the frames evolve and flow to different actors in relation to the objectives that these actors were trying to achieve.

In this sense, analysis of the activity of organised civil society during the Convention cannot be limited to the evolution of the way in which they framed their activity. Thus the thesis will analyse civil society's forms of collective action during the agenda-setting process, the Convention and its aftermath. The activities that will be considered are thus the participation in the formal consultation events, the submission of written documents to these exercises, the establishment of informal contacts with officials, relations with other groups and with their members and participation in formal and informal coalitions. Particular attention will be paid to activism in national debates, in particular by diffusing information about participatory democracy to the general public and to putting it in practice by articulating citizens' participation in the ratification debates in different forms going from organising debate evenings to issuing voting recommendations.

7.1. Research design: sample selection and time frame

The choice to analyse the agenda setting process preceding the Convention influences the time frame. The importance attributed to action in the public sphere, to framing and to collective action suggests the necessity to focus on public consultations, the need to understand informal contacts notwithstanding.

As it has been said the first public consultation on the role of organised civil society in fostering the EU's social dimension was the social forum organised in 1996, followed by a communication in 1997 which was open for stakeholders comments (European Commission 1997). The question of the role of civil society in the EU and its position in the institutional system is addressed by Commission communications in 2000, 2001 and 2002. Interestingly the Laeken declaration (European Council 2001) follows up this approach by referring to the need to make the EU more democratic and granting it an access to the Convention which would include in its final version in July 2003 an article on participatory democracy with an explicit

reference to civil society consultation. The time frame, extending from 1996 to 2003, is thus sufficient to observe the emergence, evolution and inclusion of the issue in the agenda, and represents a sufficiently large number of actors and institutions to have a comprehensive picture on the process. Additionally it was chosen to analyse the effect of these specialised fora among national publics. For obvious reasons the analysis had to be limited geographically. The choice was to analyse countries where ratification had proceeded via referendum, since this can be considered as the best example of a debate reaching every individual citizens on a salient issue. It was considered important as well to focus on debates having produced opposite results in order to consider different dynamics. The choice of Spain and France combined these requisites with the author's skills.

Given the relatively long time frame and the high number of organisations taking part in the consultation - 800 only for the Convention according to (Kværk 2007) - it is impossible to consider the entire population. In this sense it will be necessary to choose a limited number of civil society actors and analyse their contribution. However, given the choice to analyse a specific aspect of agenda setting (participatory democracy), doing this by studying a representative random sample of the entire population of organisations active in the Convention would be highly inconclusive, because for a large number of organisations in such sample the contribution to these contributions would not be necessarily on the aspects of the agenda that it is being considered. Instead, the thesis analyses the role of the most active organisations in the process. In this sense it has been decided to analyse only the role of organisations active during the Convention and in two of the other previous consultation processes. This arbitrary "boundary" avoids thus the bias that would be introduced by a selection by the author according to reputation or "snowballing". The result is a picture composed by some of the core organisations of Brussels civil society but with a fair representation of other groups such as business or regional interest organisations. The only exceptions that have been applied to the selection of European groups regards 3 organisations which failed to meet this threshold but that are

pointed out as particularly important in the process. Those are ETUC as a social partner, CSCG as the broadest umbrella organisation of citizens' interests and IRI, insistently pointed out as the main driver of the debate on the ECI (Lamassoure 2004; del Río Villar 2004; Clerck-Sachsse 2011). The result is a constituency of about 22 organisations, the list of which can be consulted in annex number 2.

A similar logic is followed for national organisations, in that the thesis focuses on Spanish and French organisations that were involved in the Convention's preparatory group on citizens and institutions where issues on the role of civil society organisations were addressed. Additionally, the Spanish and French members of the European organisations selected were contacted as a way to analyse the relations between EU groups and their members in the two countries of the focus of the study. Very few organisations reported on any sort of exchange and were included in this way. See annexes 3 and 4 for a list of 26 national organisations and the rationale of their inclusion in the study.

The result is a sample of 48 organisations that were involved in the Convention. The bias effects of this sample must be discussed in order to understand the conclusions that can and cannot be derived from its analysis. The first bias is that it cannot be claim to represent civil society activity during the Convention. It represents a group of organisations particularly active and undoubtedly having privileged links to institutions and officials. Neither is it representative of the access mechanisms, issue focus and framing of the civil society organisations which participated in the Convention and in the previous consultations. However it can provide a very detailed picture of what civil society organisations expected to achieve by repeated involvement in these consultations. It is thus the best way to analyse the influence of organisations in the agenda-setting process since all the actors that are likely to have been involved will be included and it is possible to analyse this in depth. Additionally it is the best procedure to analyse precisely the connection between civil society and the other publics, that is, the institutions and general public. To summarise, in terms of bias the preference is put on analysing how

organisations able to interact with institutions engage with the general public, even if the result will not be directly generalisable. This is because most of the expectations on the ability of civil society to mediate between EU institutions and citizens rest on active organisations and not on those involved occasionally.

7.2. Data

These questions suggest putting the research focus upon two broad categories of data, firstly organisations' demands, expectations and discourses and secondly their actions and activism in the different scenarios.

Since the aim of the frame is to communicate organisations' preferences to the institutions and other organisations, it is important to analyse how discourses and frames are built and evolve in these public documents. In order to do this, the written contributions submitted by every organisation for these consultations has been analysed in detail and coded in order to map the discourses which framed the discussion during this process. The data available are 206 position papers, that is 14 papers for the 2000 consultation, 17 for the 2001, 13 for the 2002 and 162 for the Convention, of which 79 correspond to EU groups, 44 to Spanish ones and 39 to French organisations. Additionally 112 official documents have been analysed in order to analyse their relation with civil society framing. This were the 4 communications by the Commission, 18 Commission staff reports on the works of the Convention, 9 documents from the Secretariat of the Convention, 18 reports on the hearings of organised civil society held at the EESC during the Convention, 61 amendments by members of the Convention to the article on participatory democracy and 2 reports from national Conventions.

Although these documents are usually publicly available, two problems were encountered when gathering documents. The documents for the 1997 consultation were not publicly available, but access was obtained to first hand reports on the condition not to reproduce them. More seriously, the documents submitted by civil society to the Convention were not

publicly available and the Commission, which was responsible for the administration of that website, was unable to produce them. This important shortcoming was partially overcome thanks to access to these data provided from other researchers and from the archive of some civil society organisations. The result is that papers from 16 out of 22 organisations were finally available, thus significantly reducing this difficulty. Interviews have also provided very complete data about 20 of the 22 organisations.

On a second topic, it was necessary to gain access to data about how the organisations promoted their points of view at the EU and national level, as well as what were the patterns of relation between them. This has been done by using both primary and secondary sources. Firstly, all available observations about participation in fora, coalitions or consultative groups available in consultation websites have been used. Additionally, it was decided to carry out in-depth semi-structured interviews with representatives of all the organisations and with officials active in the process in order to understand how each organisation participated in the process and what its relations with the national public were. These were conducted with a broad list of topics rather than a detailed and strict questionnaire in order to avoid missing information from the interviewees by imposing a closed list of questions. The list of themes always addressed the way in which organisations participated in the process, what they sought to achieve, in particular by asking explicitly what was the rationale for promoting (or eventually opposing) the inclusion of the participatory democracy principle in the Treaty and what were their relations with members in Spain and France. 51 interviews have been carried out, of which 13 correspond to officials and members of the Convention (including 2 Spanish national civil servants), 8 to French organisations, 11 to Spanish organisations and 19 to European organisations. The response rate was very high, with about 80% of the target organisations responding positively. These interviews were carried in English or French, to the choice of the interviewee, with European organisations and in Spanish and French with national organisations in order to allow interviewees to be more comfortable and maximise the

information obtained. All recorded interviews were fully transcribed and analysed in the language of origin.

Finally, a questionnaire asking interviewees about their contacts about participatory democracy (from exchange of opinions to common action) with the other organisations of the sample was circulated among them in order to complete the information about collective action that was being gathered from documents and interviews. The response rate for this source was lower than for interview demands but still acceptable (42%).

This combination of research methods raises the issue of possible contradictions between different sources as well as the eventual bias introduced in interviews as a result of the time lapse between the time frame of focus (1996 – 2005) and the field work (2009-2011). These issues are discussed at the end of this chapter.

7.3.   Analysis method

The method followed in this thesis consists in an in-depth analysis of both discourses and collective action which will then be cross-analysed to gain understanding of whether the question of participatory democracy in the EU reached the general public.

The discourses produced in the public documents have been analysed along some established practice in the field (Ruzza 2007; Princen 2009; Bozzini 2010) by coding the data into common categories that can then be compared. In order to analyse the individual discourses and the collective frames, as well as to avoid imposing the author's interpretive schemes since the first approach to the data, these have been coded in two different ways. Firstly, a descriptive coding approach where the data were coded inductively was followed, and the codes were organised chronologically. On a second phase a more analytical coding was produced. This reduced the number of codes by organising them in more general categories. These regroup positions on questions of detail of the consultation   process,   on   the   need   and   ways   to   institutionalise

consultation, the political rationale for this institutionalisation and eventually references to participatory democracy. Additionally, they include references to different aspects of what is European civil society, who belongs to it and how it contribute to European integration. Additionally, issues of relations with national organisations and citizens in general and other forms of direct citizens' participation emerged during the Convention. In order to analyse the emergence of the frame and compare the discourse, it was noted how many and which organisations were taking positions in each case and the aggregate evolution of attention to an issue and positions was analysed. In terms of the content, it is very noticeable that organisations tend to employ the same notions as institutions. These notions were analysed literally without modifying them; thus, for instance, in no case "civil dialogue" was analysed as "participatory democracy" if this aspect was not elaborated in the data. In this sense, aspects of more detailed discourse-centred analysis have been applied to key issues such as evolutions from civil society to citizens, and about conceptions of representativeness. See chapter 2 for the details about the coding method.

Collective action has been analysed with a special focus on access to institutions and to coalition behaviour and networking. In this sense, it is analysed how organisations promoted their views, what were the formal and informal ways of access. Interviews with officials are valuable sources in this respect. Finally, analysis of the relations between organisations has been done via network analysis, in particular by focusing on individual actor centralities, that is, the position of actors in the network as well as structural similarities in order to analyse the types of behaviour that similar actors adopted. Particular attention was paid to contacts between national and European organisations, to networks of communication and to the specific common action networking in contrast with simple exchanges of opinions. Furthermore, when analysing the choice of partners and of strategies of collective action the kind of actors which contributed to the eventual diffusion of discourses about participatory democracy was considered, that is, whether the organisations lobbying more actively were as well those contributing to the diffusion.

Additionally, these different approaches will have to be combined and cross-analysed. The correspondence between discourses on participatory democracy and patterns of coalition between organisations will be assessed in order to address the question of the influence of organisations in the diffusion of discourses. Secondly, the correspondence between discourses on participatory democracy and choices of advocacy strategies will be addressed. This will be done for each type of discourse, and will allow checking whether the attitudes of civil society towards participatory democracy correspond to a more intense usage of participatory strategies.

7.4. Epistemology

This research builds on a strongly emerging approach which seeks to use discourse analysis in order to understand organisational and institutional processes and characteristics (D. Grant, Hardy, and Putnam 2004; Fairclough 2005; Scott 2008; V. Schmidt 2010).

In this sense the aim of the research is to understand whether and how arguing publicly and discourse as a strategy of civil society links the different segments of the public sphere. In this sense although the strategies and goals of organisations are considered the emphasis is put on the effects of organisations activism. The primary aim is not to interpret whether groups were advancing their interests or their ideologies with their activism on participatory democracy (Ruzza 2011, 461), but rather to understand the effects of that activism. In particular, as it will be seen in chapter 2 ideological elements about participation in the discourse of civil society organisations strongly coincide with their own interests, since the notion of participation is strongly related to the involvement of organised groups.

It can be said that this project relies on a positivist rationale that considers it possible to discern, characterise and analyse an objective action by organisations. Public discourse is understood as a form of action of organisations, but not the only one. In this sense it is argued that not all the activities of organisations are shaped by discourses as some of

their interests are formed independently of the way in which discourse is formulated. On the contrary, discourse expresses ways to justify those interests. Chapter 2 offers strong evidence for this, since it shows clearly that organisations have a set of core objectives which remain stable while the manner in which the legitimacy of such objectives is presented evolves quite clearly. Frame analysis appears thus as the most useful analytical framework. This approach relies on "empirically derived data to identify patterns and regularities within the discursive interactions of various organizational actors" (D. Grant, Hardy, and Putnam 2004, 15) and thus finds itself in the positivist side of discursive approaches. These conceptions have been criticised as unable to uncover the power struggles related to these processes of convergence.

However this last criticism seems not to make much sense in the context of this research, as the aim is precisely to understand the power struggles and interests that are conveyed by organisations' discourse. Additionally it does take discourse seriously and not merely in a descriptive and rhetorical manner, as on the contrary emphasis is put on the role of public discourse and publicity in the transformation of the relations between organisations. In this sense, the bounded rationality context imposed on actors' strategies in terms of seeking selfish objectives is an important factor that affects individual organisations' preferred outcomes and strategies. In this sense the positivist approach to discourse does thus not necessarily imply a realist or rationalist analytical approach relying on mere interest calculation by the actors. Thus emphasis is put in achieving a reliable and replicable research framework by using inasmuch as possible a clear perspective on organisations' activism. It is argued that this does not hinder but rather enhances a better understanding of such power struggles. Furthermore, this approach does not diminish the importance of discourse as obviously organisations formulate and justify their strategies discursively. The thesis provides evidence that the way in which organisations frame their demands has unexpected effects in the results of their advocacy.

In relation to interviews, according to this positivist approach it is assumed "that the accounts provided by respondents are an accurate and honest reflection of their beliefs, activities and opinions" (Monaghan 2007, 46) rather than a contextual interaction between the interviewer and interviewee. When doing this, the obvious implication is that the information provided by the interviewee may not always be accurate. In addition to the possibility that the interviewee would not like to disclose their opinion and activities, this research faces the fact that a non-negligible time had elapsed between the moments addressed in the interviews (1996-2005) and the field work (2009-2011). The first risk was that interviewees could have difficulties in retrieving the processes, in particular those for whom the question of participatory democracy was not a primary question. The second and more subtle was that interviewees would retrospectively justify or reconstruct their positions, in order to adjust it to their current organisation's position on the issue.

In order to address these issues, a control mechanism has been established consisting in a triangulation of the data. In fact, two sorts of triangulations have been established: triangulation between primary and secondary sources and a triangulation between the information provided by different interviewees. When interview data or accounts from the actors are used, that is, in the context of subjective behaviour, the data were always analysed in the context of the general action, rather than merely in terms of the behaviour of a single actor. This allows for comparisons making it possible to interpret what organisations' were trying to achieve. Whenever possible this is compared to position papers as well. Whenever the aim is to analyse organisations' discourse, the data are not triangulated. In that case the aim is to analyse the evolution, and thus changes of opinions are analysed in relation to the time frame rather than as contradictions. Only in a few cases the discourse in interviews and in position papers is compared and contradictions highlighted (such as in the case of the complex notion of representativeness). It has generally appeared that the data were very reliable as there were very few contradictions between the different sources and the interviewees. Whenever contradictions appear those are highlighted and interpreted.

In compliance with professional practice and Robert Gordon University's ethical assessment requirements, interviews were recorded with the explicit agreement of interviewees, who agreed to being quoted without being identified. When the interviewee did not consent, notes were taken and only comments on general processes were used. All interview data have been anonymised to protect the interviewees' identity. Additionally, biographical data and similar have been omitted from the transcriptions for the same reasons. It turns out that none of these data are necessary for the presentation of the results. The rest of the data were either available in the public domain or obtained from legitimate sources such as archives and repositories of EU institutions, civil society organisations or other researchers.

8. Structure of the thesis

The thesis follows inasmuch as possible a chronological and an inductive approach analysing concrete data and situations to try to use them for the general discussion. Chapter 2 examines the creation of a frame on participatory democracy in exchanges between institutions and civil society before the Convention and relates this to the policy objectives of each actor. Chapter 3 analyses the role of civil society organisations in the Convention's debate on participatory democracy, paying particular attention to the agenda setting process and the relation of these discussions with the abovementioned frame. Chapter 4 addresses the objectives of organisations and institutions in this process in order to understand which collective action dynamics were in place and suggests that the process going from the mid-nineties to the Convention was that of the creation of an organisational field of specialists on civil society consultation. Chapter 5 analyses the contacts between European and national organisations in the Convention and the role that Spanish and French groups played in this venue. Chapter 6 analyses the position of national organisations on participatory democracy and whether and how European and national civil society organisations contributed to circulate this frame during the ratification debates in Spain (February 2005) and France (May 2005). Chapter 7 analyses the participation of these

organisations in the national ratification debates with particular attention to their role in framing debates and in articulating the participation of their members in the referenda. Chapter 8 addresses the questions raised in this chapter and answers them on the basis of the findings, producing a general reflection on the strong role of groups in the European public sphere and how to analyse the conditions in which different European publics relate to each other.

Chapter 2: The making of the EU's participatory democracy agenda, 1997-2003.

This chapter addresses the hypotheses raised about civil society in the consultations on civil society dialogue preceding the Convention. In particular it will ask how organisations participated and what they were trying to achieve in this process, whereas the next chapters will analyse how these issues were brought to the Convention and which cooperation relations were established among organisations.

Chapter 1 has raised some expectations in relation to this, the main one being that these consultations were decisive in setting the Convention's agenda on EU - civil society relations. In relation to this it is expected that the core demand of European civil society organisations consisted in institutionalising their role in the policy-making process rather than defining a participatory model for the EU (del Río Villar 2004). The rationale for this expectation is twofold. Firstly, the strong institutionalisation of the system of EU-civil society relations advantages citizens' interests (Fazi and Smith 2006) and is a way to balance private interest representation organisations (Greenwood 2011b). Secondly, it has already been highlighted that the EU's agenda on participatory democracy was fostered by elite institutional, political and academic actors promoting their own position in the institutional system in the EU (Saurugger 2010). Given the salience of civil society in this discourse, it can thus be expected that civil society organisations' contribution to the agenda setting was as well aimed at promoting their own role by using arguments about participation as a way to make them more legitimate.

It is also expected to find a significant variance in terms of involved actors and framing in the different consultations taken into account before the Convention (1997, 2000, 2001 and 2002). It must be borne in mind that consultations are reactive processes where organisations reply to the focus of the Commission on different policy issues. And this focus is volatile: although all the consultations include the question of which rules should be applied to organised civil society consultation, this is only the

central question in the 2002 and to a lesser extent of the 2000 consultation, whereas the 2001White Paper has a higher political profile and the 1997 consultation was firstly aimed to promote civil society in Europe in the context of enlargement.

This is why it must be asked whether a clear and stable demand by organisations emerges, or whether their contributions are reactive to the Commission's focus. This is particularly important as changing rationales have been used in order to justify the institutionalisation of consultation procedures. Some of these legitimatory frames are the European public sphere, civil dialogue or participatory democracy. Particular importance will thus be paid to the way in which the organisations' demands are justified and argued in this segmented public space. Although key aspects of the agenda setting process are undoubtedly informal, in the context of public consultations are organisations need to argue for their demands in terms that are acceptable for the rest of the actors (Naurin 2007, 20–24). It is thus important to analyse whether arguments about democracy and citizenship were used to frame the demands and whether those evolved according to advocacy and coalition making strategies in the different moments. It can be argued that the framing process contributed to frame existing civil society consultation mechanisms as elements of a model of participatory democracy in the EU (Kohler-Koch and Finke 2007).

The chapter proceeds by analysing what organisations demanded and how they spoke and argued publicly about participation and democracy. This is done via an in depth analysis of organisations' discourses which, as it was said in chapter 1, are understood here as ways of making sense of the social reality operating as frames which actors use to promote their interests and projects (Howarth 2000, 3). In this sense emphasis is put on the way in which the actors formulate their demands along the consultation process. Since it is expected that organisations have a key objective in this process, it is necessary to operate a distinction between core demands and beliefs, which are usually stable, and more strategic aspects and changing elements of the discourse (Snow et al. 1986; Sabatier and Jenkins-Smith 1993; Hula 1999). In this sense, frame

analysis is useful to analyse internal variations in the discourse along time, by pointing to stable and evolving elements and analysing the mechanisms and rationales of change.

An important distinction is thus operated between core aspects of the discourse or masterframes (Ruzza 2004, 150), and more variable frames and justifications. The most straightforward way to recognise core aspects in the discourse is to focus on the number of references and on the persistence of a code across time. The analysis thus focuses on these collective masterframes, that is, on identifying which demands and issues organisations discuss consistently across the process and how those are formulated and evolve. Rather than analysing individual framing processes, that is, which discursive mechanisms organisations use to present their demands in the most favourable way, the objective is to understand on which topics organisations focus collectively as a result of collective action. This chapter focuses on the analysis of 19 frames that are present albeit with different intensities across the 4 consultations. These categories have been grouped in the 3 following dimensions: conception of civil society, conceptions of participatory democracy in the EU and role of civil society organisations in the EU institutional architecture. These codes are not classifications established from a theoretical point of departure where the organisations' discourses are classified with varying scores, but are inductively created from the data. As the results are similar but not identical framings, the codes were refined and made more general, tending to be constructed as alternative positions, for instance for or against civil dialogue (see how these frames have been built from the empirical material in annex 7). Frame analysis has thus basically consisted in coding the relevant parts of European organisations into 76 frames (19 frames for each of the 4 consultations), creating as a result 1596 possible positions. The analysis of these positions in terms of which organisations issue the demands, in which moment and how often along the time frame provides an accurate description of the aims that the organisations were seeking to promote and how they were justifying them.

It is important as well to analyse how many, and which organisations share the notions, and how they evolve, converge and diverge. Associations of terms and values are examined as well, that is, whereas an element is presented and justified as coherent with another one (frame bridging), or whereas new interpretations and meanings are associated to existing frames (frame amplification). The NVIVO 9 software package has been used to create and analyse the codes which then been used to generate the collective frames. This allowed crossing the codes with variables such as the type of document (interviews vs public document), the type of interest represented, membership in coalitions, organisations' primary level of action (national or European) and the degree of involvement of each actor in the process (in terms of date of involvement and number of contributions).

As it was said in chapter 1, the methodological choice is an inductive approach to the discourses of the organisations as expressed mainly in their position papers, whereas interviews focused on understanding the rationale behind organisations' activism. The analysis proceeds by inductively coding the explicit formulations of the demands and justifications provided by the actors in the different consultations into categories common to several organisations and which are comparable along the time frame. The analytical method is thus fairly simple. The key aspect when deciding whether to code sections of the discourse is the preciseness of the reference, that is, how close the discourse is to the content already established in the coding. Otherwise a new code is created.

The emphasis on explicit formulations and common aspects implies obviously a trade off between making sense of a large number of data and the consideration of detailed nuances. In this sense the strategy is not to interpret what organisations were trying to achieve, but what they were saying in each context. In order to compensate for this, a more in-depth interpretive analysis has been carried out when notions were particularly complex and in the case of decisive frame transformations. The general

focus of contributions and the general objectives and characteristics of organisations, are considered in making these interpretations.

1. Framing participation from 1997 to the Convention

When civil society organisations speak about the participation of citizens and groups in EU policy making, they tend to speak about 3 main questions comprising a number of subtopics. Firstly, they put forward different conceptions of civil society, both in relation to the definition of the notion and towards its role in EU. Secondly, they discuss different mechanisms of participation in the EU and they provide different justificatory rationales, of which participatory democracy finally emerges successfully. Additionally, the organisations put forward different proposals regarding the position of civil society organisations in the EU's institutional framework. The analysis of the contributions to the debates which preceded the Convention show that the focus on each of these dimensions evolves along the time frame.

Figure 1 Evolution of the civil society organisations references[6]
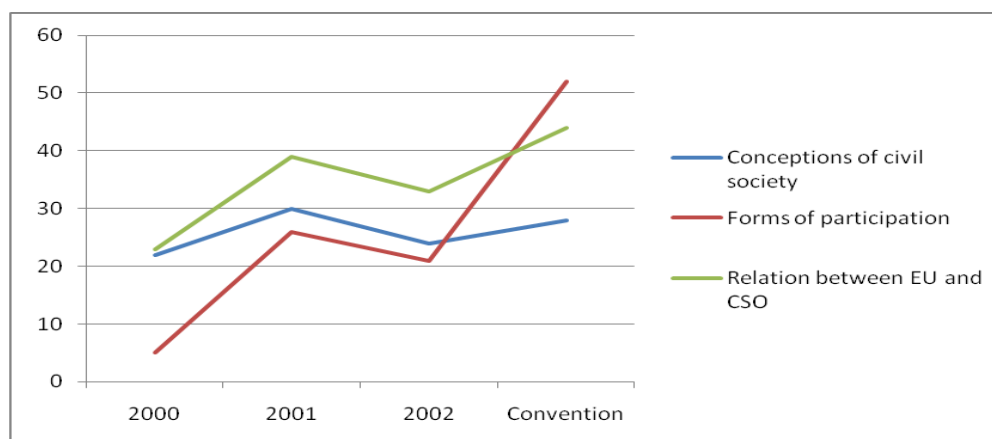
Figure 1 above shows a strong variation in the emphasis on the different frames, which suggests that civil society organisations were trying to achieve different things in different moments (Snow et al. 1986). However the in-depth analysis of their positions suggests that the core of their

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[6] Unlike the rest of the figures in this chapter, figure 1 does not represent the number of organizations referring to one code but to cumulated number of references to all the codes. It is based on the detailed coding of each consultation process rather than on the coding of the common aspects.

demands remains quite stable. This may be explained by the re-framing efforts of civil society organisations in each moment, as organisations try to formulate their demands in the way corresponding better to what they perceived as the expectations of the EU institutions. In order to evaluate this hypothesis, this section analyses the core of the discourse and demands of the organisations in each of the 3 dimensions and presents how these were adapted to each stage of the debate (see annex number 7 for the complete codebook and instances of the material coded).

2. Conception of civil society

Monaghan has summarised the main functions of European civil society organisations as their ability to communicate, represent and promote participation (Monaghan 2007). Frame analysis highlights that organisations are well aware of these capacities and that they put them forward quite clearly.

2.1. The role of civil society organisations in EU integration

References to the contribution of civil society organisations to making citizens aware of EU integration can be summarised in 2 major aspects which evolve along time. Figure 2 below indicates that at the beginning of the process organisations' main claim was that they can be a link between the EU institutions and citizens, whereas from 2001 the focus is more frequently put on their ability to give a voice to the citizens' concerns, values and rights' claims. This resonates strongly with the focus of the Commission's agenda on participation in the 2001 and 2002. However the idea that civil society links the EU and the public comes back strongly during the Convention, albeit by adding that it is civil society consultation which contributes to inform the public.

Figure 2: Organisations referring to the role of civil society organisations in EU integration
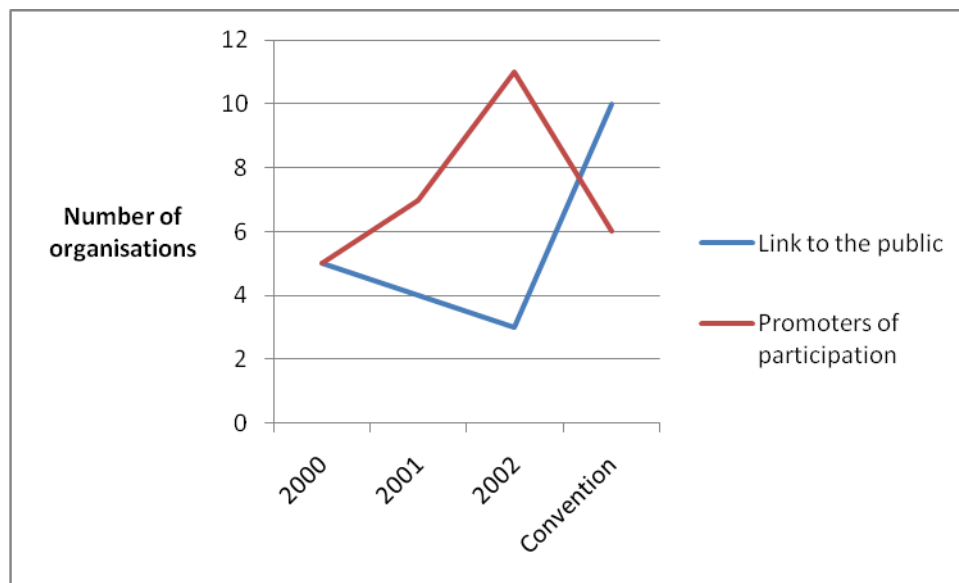
As the difference between these frames may appear subtle, it is worth highlighting some of their differences. Compare the frames as formulated in the 2000 position paper of the Commission. The paper raises expectations that CSO involvement can have two types of effects. One regards public opinion at large:

> "By encouraging national NGOs to work together to achieve common goals, the European NGO networks are making an important contribution to the formation of a "European public opinion" usually seen as a pre-requisite to the establishment of a true European political entity. At the same time this also contributes to promoting European integration in a practical way and often at grassroots level." (European Commission 2000)

The second type of effect has to do with the idea that participating in an association can itself be a way to contribute to shape EU integration:

> "The decision making process in the EU is first and foremost legitimised by the elected representatives of the European people. However, NGOs can make a contribution to in fostering a more participatory democracy both within the European Union and beyond.
> […]
> Belonging to an association provides an opportunity for citizens to participate actively in new ways other than or in addition to involvement in political parties or trade unions. (European Commission 2000)"

As to the manifestation of this difference in organisations' discourses, compare them in the two following statements by the Social Platform in its contribution to the 2002 consultation:

> "We regret that the role of European NGOs in stimulating debates among national NGOs and contributing to the emergence of a European thinking has not been highlighted. If consultation is to be effective and useful, then the need to fund spaces for discussions both at a national and European level should be acknowledged.
> […]
> We believe that in recognition of the reality of millions of people within the European Union experiencing poverty, exclusion and inequalities, particular recognition should be given to the expertise that emerges from that part of civil society which organises to represent the interest of those people and in which they participate. (Contribution of the Social Platform to the 2002 consultation on the minimal standards of consultation)"

Despite the strong bias towards EU umbrella groups in the agenda setting phase it is possible to see a relevant difference between those organisations and the rest in the way in which these claims are voiced. The figure below shows clearly that EU umbrella groups which voiced more strongly the participatory dimension whereas all the other organisations kept justifying the importance of civil society organisations in terms of their ability to engage the public.

Figure 3 Position on role of CSO by type of organisation (number of words coded)[7]

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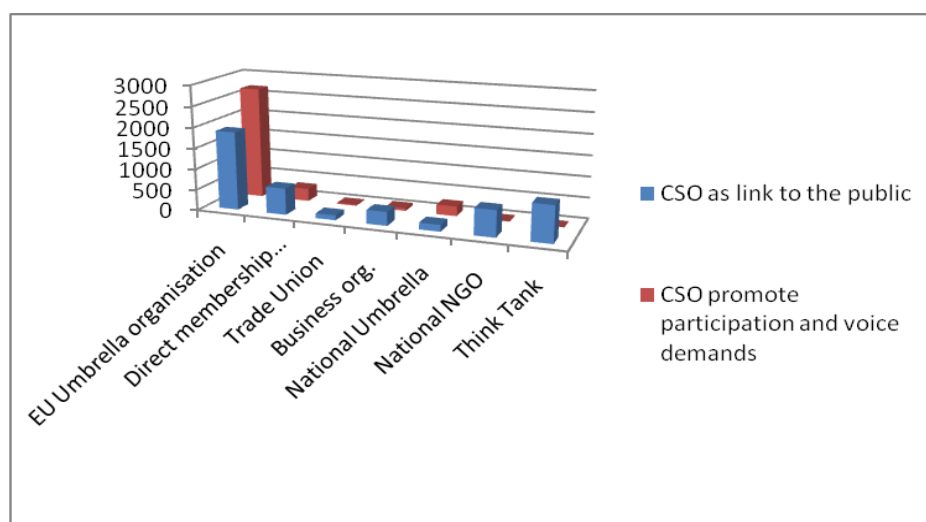
[7] In order to visualize the differences better this graph represents the number of words coded instead of the number of organizations referring to one f the aspects.

Obviously both dimensions are not opposed, but they certainly convey different types of expectations as to the contribution of civil society organisations to the legitimacy of the EU. This is why it is significant to find an evolution of the emphasis of organizations in each of these dimensions. These distinctions deserve some qualitative exploration, in that they suggest an evolution in the justificatory rationale provided by organisations for their own role.

The argument that organisations can play an important role in raising awareness about the EU policies among the public is often used to justify a closer relation between them and institutions. However, this argument is built in a very abstract way which tends to make a direct equivalence between the presence of civil society organisations in policy dialogue and debate between organisations from different countries and increased interest of public opinion for EU affairs:

> "As the Commission has itself acknowledged, 'European citizens have little sense of ownership over the structures that govern their lives' ('Shaping the new Europe', COM (2000) 154). NGOs help to **reduce the gap between the governing and the governed** by awareness raising with the public concerning the purpose, policies, and actions of the European Union." (Social Platform's contribution to the consultation on the White Paper on Governance).

These arguments have such a resonance with some of the arguments of the literature about civil society's ability to bring the EU closer to the citizens that were reviewed in the previous chapter (Armstrong 2002; Eder and Trenz 2004; Steffek and Nanz 2008) that it has been suggested that academic thinking had an influence in this agenda setting process (Saurugger 2010). Few organisations mention specific mechanisms such as the ability of organisations to provide information to their members (EFC) or their contribution to communication on EU affairs (Polish Office):

> "The role of civil society organisations as *facilitators* of information flow on EU policy should be encouraged. Foundations themselves have acted as information and dialogue facilitators to help address and devise effective responses to social, environmental, educational, scientific and economic challenges facing European citizens. (EFC Office contribution to the 2001 White Paper on Governance)"

"The Office made a translation of the White Paper into Polish available to Polish non-governmental organisations (NGOs) last summer. It also elaborated a summary and brief comments, especially regarding those sections that concern civil society or are relevant to the concerns of NGOs in Poland. Our interest in this topic is an extension of the work of Poland's NGOs to improve the manner in which its citizens live and are governed. (Polish Office contribution to the 2001 White Paper on Governance)"

In this sense, it is noticeable that organisations tend to introduce the claim that they can contribute to raising awareness among the public without further elaboration of the ways in which this can happen. Furthermore the fact that none of the organisations argued about their contribution to the public sphere in all the consultations suggests that this idea is not at the core of the organisations' self-conceptions. Interviews seem to suggest that what organisations mean by that is that they are bringing in a new perspective based on their expertise and members' concern rather than contributing to generalise the debate among their members or the media. It is even suggested that this is not the role of civil society. This approach seems to be linked to the issue of whether and how organisations represent their members when engaging in policy discussions (see next section).

The evolution of these two dimensions shows that the frames evolve according to the forum addressed and the Commission's civil society agenda. The idea that civil society organisations are able to communicate with the European public, which was not present in 1997, is formulated strongly on the wake of the insistence on communication weaknesses following the resignation of the Santer Commission (Bastin 2002; Georgakakis 2004) whereas the subsequent change of focus indicates that civil society organisations endorse the White Paper on Governance and the Laeken declaration participatory overtones. In this sense organisations seem to accept a stronger role in claiming to be vehicles for citizens' participation and contribute to the formation of the EU's general interest rather than merely being voices in a pluralistic setting. These roles have some distinctive features in terms of internal democracy requirements and which actors can fulfil them (Halpin and McLaverty 2010, 58–61), which are examined in the following section.

2.2. Characteristics of legitimate actors

The frame on the role of civil society in the European Union serves as well to introduce proposals on the characteristics that make actors legitimate to be consulted by EU institutions. This debate is characterised as well by an evolution along the time frame and a significant shift during the Convention. In the previous fora the debate focused on the definition of what is civil society and secondly which groups should be consulted. This is quite a heated and detailed debate where all the organisations put forward their own characteristics as those of a legitimate actor (Michel 2007).

Figure 4: Number of organisations referring to characteristics of legitimate actors
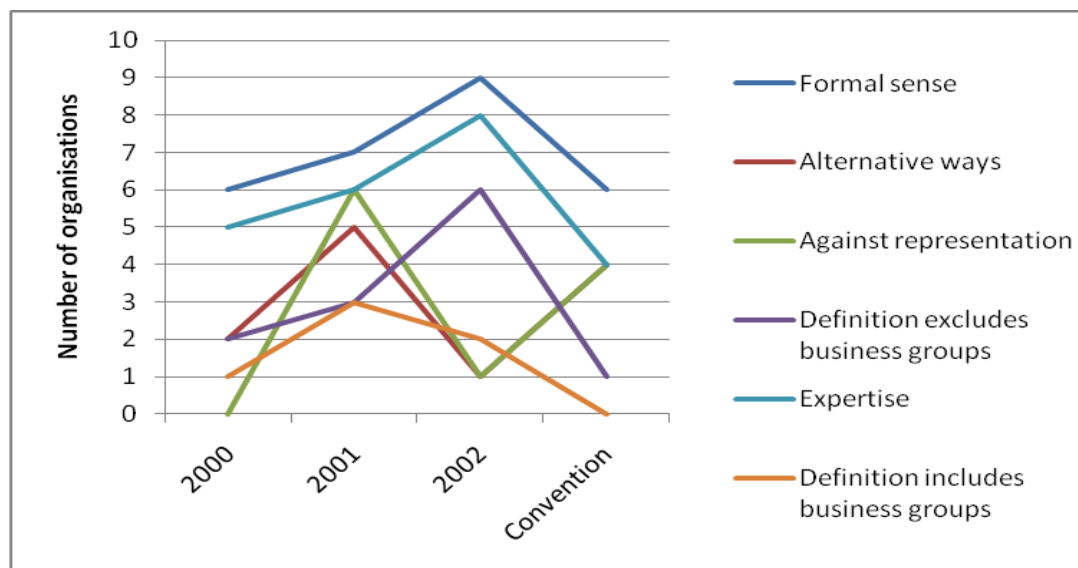
The figure above shows issues related to the definition of civil society disappear on the wake of the Convention whereas the main legitimacy factor of civil society organisations becomes their ability to represent their members or causes, although significant differences remain between different types of organisations. The following paragraphs analyse the evolution of each of these variables.

2.2.1. Expertise

This is one of the rare items where the conceptions of different organisations coincide. Both citizens organisations and business groups say that civil society organisations can contribute to the policy making process by providing specialised knowledge on a particular field. Furthermore, this is explicitly formulated by many organisations as a necessary criterion for participating in consultations and policy dialogues, being implicit for almost all the organisations. Interestingly, this is one of the topics where the reference is made once and again more often by the same organisation, as up to 5 organisations repeatedly formulated this point. Although there is a slight decline during the Convention, the turn towards participatory democracy does not challenge the consensus that civil society organisations contribute to the quality of European policy making thanks to their independent expertise. Interviews reveal that the notion of expertise is not only limited to technical knowledge but as well to grassroots experiences.

> "We know that we have a very precious expertise which is unique, and we, you know that there is all these associations in Brussels working with marginal, undocumented people." (interview 3 with a representative of the Social Platform).

The centrality of expertise suggests that there is not a complete turn towards an input-legitimacy oriented system but rather an adaptation of existing mechanisms to different purposes. Civil society organisations do not challenge the "dominant ethos of the institutionalised European project as it has developed historically: an ethos that rewards cost-benefit analysis, the professionalism of lobbyists, the quality of the information that these provide to policy-makers and an ability to address policy issues systematically and technically" (Ruzza 2004, 7).

2.2.2. Conceptions of representation

The idea that organisations represent their members remains stable during the process with a very strong peak in 2002 (see figure 4 above). However the ability of civil society organisations to represent their

members is a contentious issue. Questions of representation and representativeness convey alternative conceptions of the role of civil society organisations in a democracy and have important practical implications.

As the idea of the creation of civil dialogue is advanced, the Commission points out that, since the participants will have to be selected beforehand, a criterion for deciding who should be consulted would have to be elaborated. In this respect, it suggests that organisations participating in consultations should be representative. This is probably the most disputed topic in the first moments of the process and one on which the promoters of civil dialogue appear most divided. The reaction of a part of the core group of promoters is quite heated at the beginning: they argue that unlike the members of trade unions or political parties they stand for weak groups that cannot cast a mandate, and that in any case groups should be invited according to their capacities and skills rather than on their number of members. To put it on the words of ECAS: "There is little point in public authorities dancing with a representative partner who has nothing to say." (ECAS 2002, 3). On the other hand, social partners stand for the definition of such criteria, the best example being UNICE which proposes a series of principles tailored on its own structure (Michel 2007).

On the other hand the social partners (the business organisations Unice and UEAPME and the European Trade Union Confederation) actively insisted that civil society organisations participating in policy consultations must be representative of a constituency. The cleavage is quite interesting as it contains both an organisational and a strategic distinction.

Table 1 Organisations' position on representativeness

Constant agreement	Constant rejection	Shifts
1. ETUC 2. ELO 3. UEAPME 4. UNICE 5. Eurocommerce 6. Eurodiaconia – Caritas 7. EFC	1. Polish NGO office 2. PFCS 3. CONCORD 4. ECAS	1. CEDAG 2. Cittadaninza Attiva – ACN 3. CSCG 4. European Environment Bureau – EEB

8. COFACE		5. Social Platform

As table 1 above shows, ETUC, business organisations and 3 EU citizens' interests' umbrella organisations show constant support for this principle whereas 4 EU citizens' interests' umbrella organisations show constant disagreement. The distinction between a first group containing mostly membership organisations against a second one composed representatives of causes is substantial (Greenwood and Halpin 2007; Halpin and McLaverty 2010; Kohler-Koch 2010a). That said, it also seems that EU NGOs platform adopt a strategic stance on this topic as a number of them adopt opposite positions in different moments. In this sense there is an interesting evolution of the discourse of citizens' organisations where they evolve from claiming to represent minority views and particular causes to represent large numbers of citizens and broad causes. The best evidence for the difficulty of many NGOs to take a side is provided by the changes of position of the Social Platform, from its initial argument in favour of alternative criteria in 2000 to its openness to discuss this criterion in 2001 as it appears in the quotes below:

> "However, the Commission uses the term 'representativeness' with relation to NGOs on several occasions throughout the document, particularly in section 2.2. Whilst the Platform agrees that *geographical* representativeness is an important feature for European NGOs, it is not the role of NGOs to act as elected representatives, but to advance the interests of their constituencies. The term 'representativeness', when applied to NGOs, thus seems ambiguous because their "representativeness" is primarily qualitative: it is deep-rooted in the nature of the relationships established by NGOs on the ground. NGOs promote minority needs and opinion, giving the means of expression to some of the 'voiceless' within society, and even advancing the interests of those whom by reason of various handicaps (intellectual, cultural, or other forms of marginalisation and exclusion) need advocates to defend their interests and needs. The Platform therefore prefers to emphasise the need for transparency in the functioning of NGOs. A real transparency permits a knowledge of who is representing people, groups, actors and ideas. It should be the right of minority groups to be represented by the NGO of their choice." (Social Platform's contribution to the consultation on the 2000 paper).

> "We therefore propose that the Secretariat General of the

Commission should, together with European NGOs, examine the criteria applied in relation to NGOs in the framework of the structured civil dialogue, with regard to representativeness, transparency, accountability, and track-record." (Social Platform's contribution to the consultation on the 2001 paper).

Table 2 below shows that organisations' approach to representativeness is quite volatile as organisations adopted very different notions in different moments. In addition statements against representativeness by interviewees of the Social Platform, CSCG and PFCS suggest that the usage of the notion in the Convention was highly strategic and that the principle is not yet generally accepted as a criterion for evaluating contributions to consultations.

Table 2 Number of position papers making points on representation

	CEDAG	Cittadaninza Attiva - ACN	CSCG	European Environment Bureau - EEB	Social Platform
Alternative ways	2	2	1	0	3
Formal sense	1	1	2	3	6
No representation	3	3	1	1	2

The strategic dimension is thus important in this reframing process. Interestingly it is during the Convention when representation becomes more salient as only CEDAG and the regional organisations reject it and 3 organisations assume it for the first time.

It can be argued as well that the evolution towards a more generalised acceptance of representation is a sort of negotiation between different interests. In this sense, the Social Platform's turn towards acceptance of representativeness can be due to the strong insistence on this topic by the social partners. If the purpose of the discursive evolution was a way of making the demand more acceptable by approximating it to existing practices and demands by the social partners, it is a manifestation of institutional isomorphism. This suggests as well that the promotion of civil dialogue did not go unnoticed and that some attempts were done at

putting it within a more "traditional" frame. In this sense, the mention of "representative associations" in article 47, now art. 11 TUE, is probably the counterpart of the generalised acceptance of the recognition of civil society and the legal rank for its consultation.

This is also related with the high political salience of the Convention, which was underpinned by the eventuality of a referendum. Since the aim of the Convention was to bring citizens closer to the EU, the "force of numbers" becomes one of the most determinant strengths of organisations during the Convention, as expressed in these two quotes:

> "MILLIONS of Europeans represented by our organisations would appreciate it if the European Convention finds the missing articles and integrates them into Article 8 of the new European Constitution."[8]

> "This contribution represents the views and aspirations of millions of people in Europe and we call on each individual member of the Convention to listen to these voices as they begin to discuss their **priorities for the future of Europe."**[9]

That said, in these quotes organisations are not claiming to have received a mandate from their members authorising them to represent their constituency at EU level, as the social partners would demand, but simply to stand for the interests of citizens and convey causes at EU level. The idea that civil society brings the EU closer to the citizens by bringing causes and interests to the attention of EU institutions (Steffek and Nanz 2008) gains weight along the process. It thus appears that civil society organisations do not formally represent citizens or categories of the population, but that they are representative of their expectations (Kohler-Koch 2010a).

These quotes are thus interesting examples of how organisations claim to be representative without necessarily arguing to represent their members but rather some sort of social representativeness beyond their own organisations. This turn is interesting since it is related to the difficulty of linking participation and representation at EU level because most

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[8] Position paper submitted to the Convention's Forum by the EEB and 7 other environmental organizations, bold in the original.
[9] "(un)CONVENTIONAL EUROPE", position paper submitted to the Convention's Forum by the Social Platform

European organisations would have difficulties in providing evidence of regular involvement of their members in decision making (Friedrich and Rodekamp 2011). The tensions between participation and representation mandate versus independence, and different conceptions of the role of a representative, formalistic versus descriptive or symbolic notions, can be addressed with reference to the discussion of these dimensions by Hannah Pitkin (1972).

The notion that organisations have to be representative of and able to consult a European constituency conveys the idea that representation is the result of a formalised authorisation from members and is strongly linked with ideas that organisations have to be in touch with their members and actively consult them before responding to consultations, thus approximating the position of organisations to that of a delegate. On the other hand it is equally suggested that such an approach marginalises organisations that stand for causes or constituencies who cannot cast a mandate (Greenwood and Halpin 2007; Halpin and McLaverty 2010) because they are weak or are an idea or a cause. In this sense ideas of representation tend to imply that an organisation standing for nature or the rights of marginal people have to act as trustees, thus defining by themselves the interests of such a constituency. The preference of most European organisations for this conception of representation before the Convention is related to their insistence on the importance of expertise that was discussed above. Pitkin points out that "the more a theorist sees political issues as questions of knowledge, to which it is possible to find correct, objectively valid answers, the more inclined he will be to regard the representative as an expert and to find the opinion of the constituency irrelevant. If political issues are like scientific or even mathematical problems, it is foolish to try to solve them by counting noses in the constituency." (Pitkin 1972: 211).

Arguments that organisations contributing to participatory mechanisms have to be representative are founded on the fact that otherwise participation is limited to the persons who actually take part in the process on behalf an organisation without an actual linkage to members. In this

sense, accepting representativeness criteria can be a way to stress the ownership over the consultation process of EU groups, the only representative organisations in the geographical sense at EU level (Greenwood and Halpin 2007).

It seems that the evolution of the frame from the representation of particular constituencies to the representation of general causes and interests in a more politically salient environment contributed to the evolution of the organisations framing of the issue making them more prone to accept the idea that they represent their members in a formal sense.

2.2.3. *Economic vs. general interest groups and European vs. national organisations*

Before the Convention the most contentious topic within this variable, regarding both the number of references and in relation to the differences in opinions, concerned the question of whether organisations representing economic interests should be included in the definition of civil society, and thus involved in the civil society consultation mechanisms and given the same institutional recognition sought by citizens' organisations. It must be noted as well that the Commission's approach seems to leave several organisations unsatisfied, in that it seems to give precedence to NGOs and non economic interests without really excluding business groups or trade unions. Still today the Commission does not adhere to any definition when carrying out consultations[10]. Whereas it is true that some academics include economic life in the civil society sphere (Pérez Díaz 1994b), this can be related as well to a strategy of reframing interest representation as civil society for legitimisation purposes (Saurugger 2007).

Business organisations, UEAPME, Eurocommerce and Unice, repeatedly rejected the eventuality of their exclusion from consultations, which should gather all relevant stakeholders. In this sense, as it will be said later on, they insist on the relevance of expertise as the main characteristic of a legitimate partner of EU institutions. On the other hand,

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[10] http://ec.europa.eu/civil_society/apgen_en.htm#5, consulted on 16/01/2011

almost all citizens' interests' organisations[11] insist that the working definition of civil society to be used when deciding who should be consulted should be limited to groups promoting a cause or general interest, or being part of the third sector. Interestingly, although the number of references is very high, here again there are few organisations referring systematically to this topic. These contending definitions were almost always followed by proposals of alternative criteria and characteristics that should be met by organisations.

However in the moment of the Convention the attention shifts and there is virtually no references to this topic. When one considers the change of venue that the Convention meant this is less surprising than implied on the first account by the importance of this topic to organisations. This topic is at the core of the debates between the organisations and the Commission since the focus of these consultations consisted in how to organise the existing practice (Greenwood 2007a, 44; Pérez Solórzano-Borragán 2007). However, the Convention was a more political forum and thus not suited for a detailed debate on the notion of European civil society but rather for a discussion on the broad contribution of civil society to European integration. In this sense, the organisations left the debate on the definition and the characteristics of legitimate partners on "stand by" to concentrate on the principles and recognition.

The question of the role that national organisations are to play is a detailed one but it provides interesting data for analysing the organisations' discourse and objectives. At the beginning of the period under consideration, the group of organisations involved for a longer time in the promotion of civil dialogue are either not concerned about this (CEDAG, CONCORD) or opposed to it (Social Platform and COFACE), with the only exception of the EFC. This may appear as an attempt from Brussels based groups at centralising the dialogue. However, their position seems to change, and after 2002 all these organisations have supported the principle that local and national organisations should have their say in

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[11] Up to 9 different organisations in different consultations

EU level consultations, whereas there are only 2 sceptical references coming from business organisations.

This suggests, as it was the case as well about citizens' direct participation, that framing has an effect on the strategy of organisations because of the bridging and amplification effect. In this sense the usage of the frame on participatory democracy to promote the institutionalisation of civil society consultation has as a consequence that it becomes difficult for organisations to reject issues which are strongly linked with this frame, such as the idea of inclusiveness (Smith 2009; Parés 2009). That said, the evolution registered is even more relevant, since organisations argue in favour of inclusiveness rather than abstaining from opposing to it. This is probably a manifestation of a certain degree of control by national organisations, or at least of the awareness by European organisations that strategically they still need to be able to act as access doors to their members to EU institutions.

3. Conception and role of participatory democracy in EU

This section analyses how civil society organisations have justified the need to be involved in the policy-making process and how the notion of participatory democracy came to the fore. It must be noted that in most contributions this term is not explicit until a late stage of the agenda setting process, in particular until the White Paper on Governance (European Commission 2001), despite the usage of "participatory democracy" by the Commission in the 2000 discussion paper. Thus, this section approaches the conception of participatory democracy by analysing firstly the justifications that organisations provide for consultation of civil society organisations and secondly the emergence of a more general frame on participation and participatory democracy.

3.1. *Political justification of civil society consultation*
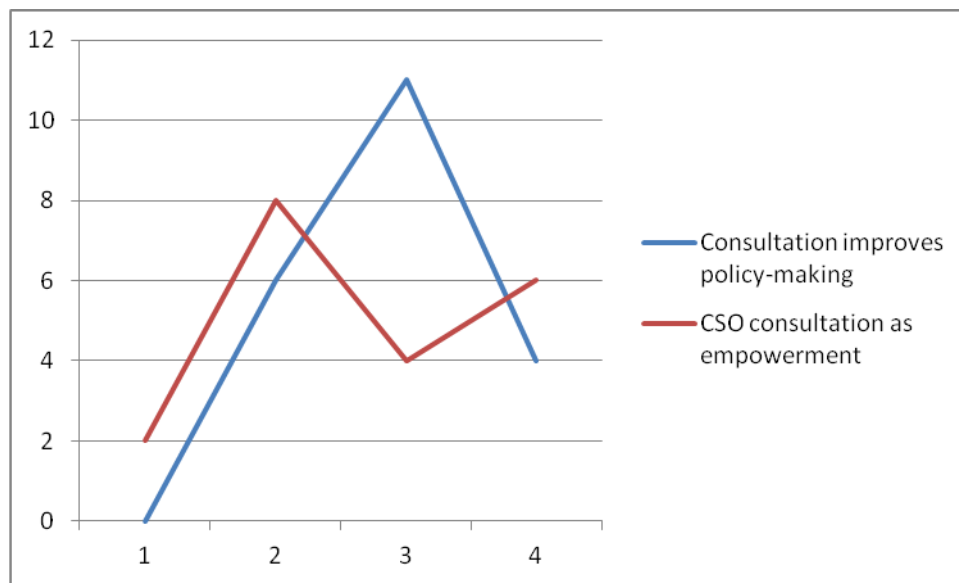
Figure 5 above shows that organisations have provided alternative justifications for their own participation in EU policy making via consultation. In conceptual terms these are clearly distinct proposals. The idea that participation improves policy-making corresponds to an output legitimacy approach, whereas the consideration that participation directly makes the EU more legitimate corresponds to an input legitimacy rationale, to use Scharpf's (1999) typology. It suggests as well that justifications in terms of input legitimacy were also made independently of the participatory democracy frame. Finally, the graph shows clearly the ductility of the frame: organisations adapt their arguments to the venue and the institution (Princen 2009) in that the White Paper on governance and the Convention are more oriented towards input legitimacy (Monaghan 2007, 27–28) whereas the 2002 consultation is essentially on how to use external contributions to improve policy-making.

Civil society arguments that they help European institutions to improve policy making suggest that they provide the Commission with grassroots experience of the policy field and a measure of expertise which is not always available for EU civil servants (Greenwood 2011b). This topic is strongly correlated to arguments that a degree of expertise is one of the legitimacy thresholds to be met by any organisation. This argument is

shared by all the business organisations, but it is made as well by citizens' groups which are active in policy implementation or technical fields. In this sense, it is not participation *per se* which makes the EU more legitimate, but the quality of the input that civil society organisations make to the policy making process. The evolution of this topic, peaking in the 2002 consultation on minimal rules of consultation and then decreasing on the wake of the Convention suggests that there is a general politicisation of the frame evolving towards a justification of civil society involvement in a participatory perspective.

On the other hand, the majority of organisations consider that the consultation of civil society organisations makes the EU more legitimate, as it helps it to be in touch with citizens' concerns. This topic has large support as it is uttered by up to 8 organisations in the 2001 consultation on governance with no group against it (see CSO consultation as empowerment in annexes 7 and 8). That said this strong emergence in 2001 and the Convention is certainly linked to the political nature of these debates, whereas the frequency of this topic falls in the previous and following consultation. As additional evidence for the importance of the Commission's influence on the discourse of the organisations, it appears that still in 2000 a group such as the Social Platform did not refer to the contribution of civil society consultation to the legitimacy of the EU. A majority of organisations, including business groups such as Eurocommerce or UNICE consider that their participation in consultation has a political nature as well and may contribute to making the EU more legitimate, although this position is clearly influenced by the venue where it is formulated.

However the most relevant feature regarding the content of this variable is that even during the Convention organisations tended to formulate the expectation that their involvement would directly make the EU more legitimate without necessarily framing it as participatory democracy. This has two significant implications. The first one is that the participatory democracy frame was not unanimous among civil society, although as it will be seen immediately it became the most frequent justification during

the Convention. But it also implies that the elaboration of the notion of participatory democracy is clear form of frame bridging (Snow et al. 1986). By arguing that their involvement could contribute to bring the EU closer to the citizens, organisations created the context where their participation could be characterised as a democratic mechanism.

3.2. Conceptions of participation

The previous section has shown that along the entire process organisations have sought to provide a political justification for their participation in the policy-making process via consultation. The evolution of the demands on civil dialogue, one of the most recurrent notions in the agenda of citizens' organisations, is quite telling about the way in which organisations reframed their demands as participatory democracy devices. Although the demands to create a specific procedure for dialogue with civil society remain stable (see next section), figure 6 below shows a clear evolution in the justification rationale. References to the original notion of "civil dialogue" decline and civil society consultation emerges as a form of participation at the same time as there is a consolidation of the participatory democracy frame and a strong emergence of proposals focusing on direct participation by citizens rather than organisations. In this sense, the collective construction of the notion of participatory democracy which started before the Convention (Saurugger 2010) is clearly influential in the reframing of the demands of the organisations. This section examines in detail how the process of bridging civil society participation and democracy occurred.

Figure 6 Rationales of civil society participation
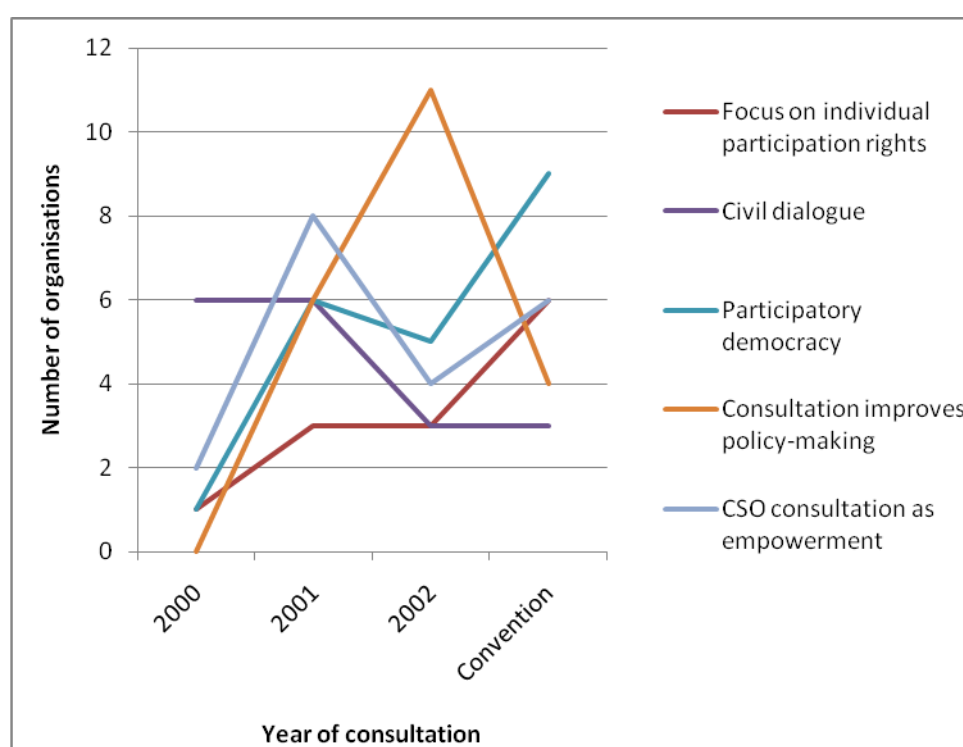
3.2.1. Civil dialogue

The notion of civil dialogue is on the agenda since the first discussions in 1996 and 1997 on how to build a stronger relation between civil society organisations and EU institutions, yet it is enormously ambiguous (Fazi and Smith 2006). On the one hand, in the most limited interpretation it may just mean any dialogue between civil society and the EU institutions. On the other, the most ambitious version considers it as a form of formalised dialogue (similar to the social dialogue) on political and horizontal issues, and not just on the thematic questions addressed in dialogue with particular DGs. This distinction is clear as well for the officials, as it appears in this quote of an official of the EESC:

> "You have the so-called horizontal civil dialogue and the sector-specific civil dialogue sector, that's two different issues." (interview 20 with a representative of the EESC).

Although the organisations do not always make their claims explicit, the content of their demands implies that they propose the creation of a

stable framework for direct dialogue between organisations and the Commission, thus going beyond "ad hoc" consultation.

> "European NGOs welcome Romano Prodi's recognition of the value of civil society to Europe. However although it is unquestioned that we are an important part of the economy and have found ways of making our voices heard, we would argue that it would be more correct to say that we participate in the organisation of society, rather than being involved of the running of society. We believe that the development of good government necessitates the full participation of its citizens at all stages, and the establishment of a structured dialogue between organised civil society and the different levels of government. Such a structured civil dialogue should not detract from the importance of the political dialogue, nor from the necessity of taking action to strengthen political structures and institutions."[12]

Despite its ambiguous content, civil dialogue seems to encompass all the demands by citizen interests' groups for a secure access to institutions and it is thus at the core of their demands.

> "The importance of **formalising the dialogue between civil society and the EU** institutions by including an article guaranteeing the legal basis for such a *"Civil dialogue"* in the next Treaty of the European Union, through a Council Regulation or some other appropriate legal instrument. It is likely and appropriate that the dialogue will take different forms from sector to sector, but the general principle should be estabished as a formal requirement in policy areas." [13]

The documental analysis provides good evidence about the aim of organisations in promoting this topic. After 2002 a number of organisations insist that consultation is not just a formal exercise to be carried out for improving the legitimacy of the EU (Fazi and Smith 2006, 48–49) but must provide them with opportunities to significantly influence the policy making process. It implies that organisations perceived consultation as a politically important stage for the Commission, in that this institution would tend to consult civil society in order to obtain legitimacy from such relation but try as well to deny political influence to

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[12] "Democracy, governance and European NGOs", Contribution of the Social Platform to the 2001 White Paper on Governance, March 2001, page 5
[13] CLONG (antecessor of CONCORD) contribution to the consultation "Commission and Non Governmental Organisations: Building a stronger partnership", April 2000: 2

organisations. They thus call the Commission to consult before taking any definitive decision which appears as an explicit recognition that organisations are above all seeking political influence.

Civil dialogue is thus a recurrent demand by the organisations that have been involved for a longer time in the debate and one that, unlike other questions, creates a degree of disagreement among the organisations. In this sense, it is present in all the papers of the Social Platform, the European Foundation Centre and CEDAG from 1997 to the Convention. Additionally, it is supported by 9 organisations at different moments, and rejected by 4 business organisations, in particular on the grounds that the uncertain representativity of NGOs makes them unable to claim a status such as the social partners'. This position is close to that of EU institutions that have insisted on the importance of representativeness criteria, as expressed in this quote:

> "If you want to influence the course of European development or of European integration generally, that's what horizontal civil dialogue is about […] and if you want to do so as an organisation this organisation must have some legitimacy for being able to influence the course they want to give to European integration. And that's very different of the Social Platform approach which is 'let every organisation do as they want' ". (Interview 20 with a representative of the EESC).

This suggests that institutions see the need to agree with the claim of institutionalising civil dialogue, but that it must be done according to more traditional procedures. This brings civil society organisations to accept representativeness as part of this process of building consensus on civil dialogue.

Whereas the core of the demand remains rather stable and is shared by a number of organisations, it is worth noting an evolution in the way in which it is formulated. In a first stage (1996-2000) the Social Platform, the main actor in this demand, formulates it as a way to improve social policies, without linking it to the EU's legitimacy. It is only in 2001, when the Commission expresses a need to reinforce its legitimacy, when civil society consultation appears in the civil society organisations' discourse as a way to give the citizens a bigger say in EU policies, as it appears in

figure 6 above with the strong increase in the number of references to civil dialogue as a way to bring citizens closer to the EU. The Convention appears as a further step in this reframing process, since the references to the need of a structured dialogue remain at the core, but this is no longer called "civil dialogue", but it is formulated as a mechanism of participatory democracy.

3.2.2. Civil society consultation as participatory democracy

Figure 6 above shows clearly that despite the reference to participatory democracy in the Commission's 2000 paper (European Commission 2000, 4), organisations do not really start using this notion until late in the process. General references during the Convention to the need of a bigger role for citizens (table 3 below) are very interesting in that they suggest that whereas the need of more participation by citizens was clearly in the agenda on the wake of the Laeken declaration, the notion of participatory democracy is clearly a specific frame more present among specialised organisations. In this sense it appears that references to a bigger role for citizens without explicitly mentioning of participatory democracy are much more frequent among national than European organisations.

Table 3 Differentiated references to participation and to participatory democracy

	European	National
Bigger role for citizens - general references to participation	15	11
Participatory democracy	28	4

Beyond the usage of the notion of participatory democracy, it is more relevant that organisations reframe their demand to be consulted as a form of citizens' empowerment. This quote from CEDAG's paper to the Convention is a good example of this evolution:

> "One element of this participation is civil dialogue between European institutions and the organisations of civil society since citizens express themselves through the organisations in which they are active." (CEDAG 2003, 1)

This evolution is coherent with that reported in the previous section on the evolution towards an increased insistence on the importance of civil society organisations as promoters of participation rather than as promoters of debates. It thus appears that civil society organisations adapted different aspects of their discourse to the emergent frame on participatory democracy as a response to the EU legitimacy deficit that the EU institutions elaborated at the turning point of the century (Saurugger 2010).

Although several civil society organisations mention that civil society consultation is a way to bring the citizens' close to the EU (figure 6), most of them only elaborate on the idea that this mechanism is a form of participatory democracy after 2001. This may be caused by two reasons. Firstly, since participatory democracy is an emergent topic civil society organisations need some time to include it in their discourse. In this sense the evolution towards participatory democracy is more profound than it seems in that civil dialogue focuses on the *participation* of civil society's Brussels' offices whereas considering this as a mechanism of participation by citizens would imply that civil society organisations have themselves a participatory structure and represent their members, which is difficult considering organisations' initial reluctance to consider themselves as representatives of their members and empirical assessments of their relations with members (Sudbery 2003; Friedrich and Rodekamp 2011). The difficulty of the Social Platform to assume participatory democracy, which does not appear in its papers until April 2002, is very telling of the difficulty of bridging the frames of civil society participation and the need of a stronger participation by citizens:

> "Now we are reviewing that, because we wonder how that comes with participatory democracy, but I think that's a different idea, participatory democracy with civil dialogue, I don't know, we have to define it. So we still have to adopt our position in our general assembly this year, and I think we still continue to use civil dialogue, because we see civil dialogue, we love participatory democracy a lot, and if you see in the Convention it's participatory democracy, in the sense of opening up a kind of participatory processes were you bring all stakeholders together, it's not civil dialogue, it's more participatory democracy, I don't know, maybe we are… Do you know the distinction between participatory

democracy and civil dialogue?" (Interview number 3 with a representative of the Social Platform)

This quote, as well as interview number 27 (CEDAG), confirms that the difficulty in assuming the enlargement of the frame is related to the fact that civil society organisations consider that they have a bigger say in civil dialogue than participatory democracy, which is open to more actors and includes different procedures such as the ECI.

The second reason why the frame of participatory democracy was particularly used during the White Paper on Governance and the Convention is certainly the higher political salience of these venues (Monaghan 2007; Princen 2009, on the importance of this variable in the EU). In this sense, there is a clear evolution from a series of discussions dominated by an administrative reform frame (Michel 2007) to more politicised venues. It is clear that participatory democracy as a policy proposal is coherent with the problem identification of the previous consultations and the Laeken declaration and it was pushed as well by institutional actors. In this sense the opportunities for frame bridging in terms of ideological closeness were clearly present, and the Convention was a window of opportunity for raising civil dialogue's profile as it would be enshrined into a Treaty article.

3.2.3. Citizens' participation rights

Finally, it is very interesting to point out that there is a small but significant increase in the references to forms of direct participation by citizens rather than through civil society organisations. Whereas before the Convention only three groups (ECAS, European Foundation Centre and European Environment Bureau) argue in favour of the recognition of participatory mechanisms such as initiative rights or a right to receive information as a right of European citizens and not a prerogative of organisations, this kind of demands became more frequent among organisations actively promoting "civil dialogue" during the Convention.

> "In its paper, ECAS advocated a "right to be heard based on citizenship, of which all NGO's, as organizations of citizens would take advantage."[14]

This is a clear amplification of the frame (Snow et al. 1986, 469), in that the usage of the frame of participatory democracy offered opportunities to introduce a series of ideas traditionally associated with it. However, it is noticeable that the only individual direct participation right recognised by the Convention, the European Citizens' Initiative, was the result of the campaign of the Initiative and Referendum Institute – Europe and Mehr Demokratie (del Río Villar 2004; Lamassoure 2004; Clerck-Sachsse 2011), two organisations which had not previously taken part in the agenda setting process.

Overall, the emergence of the participatory democracy frame is very significant, in that despite the stability of the demands (see next section) the justificatory frame evolves from a focus on the legitimacy of civil society and its ability to contribute to better policy making via the notion of civil dialogue to a focus on participatory democracy which concentrates on the importance of bringing the EU closer to citizens where organisations are an interface with citizens. In this sense it is clearly a process of frame bridging (Snow et al. 1986, 469) where the previously bureaucratic oriented tools (Kohler-Koch and Finke 2007) are identified with mechanisms of democracy and participation. This evolution is the result of the politicisation of the venues and serves to bypass the rejection by some business organisations. In addition, it facilitates the expression of demands focusing on direct participation by citizens. Ruzza argues that frame-bridging can arise as a result of " low intensity modifications and re-definitions of policy discourses in which cross-fertilisation occurs between political institutions (and this is typically the case of consensus formation)" or as responses to crises (Ruzza 2004, 151). In this case it is clearly the result of a consensus construction process where the demands from organisations are adopted by the political system as a response to a different objective than its original one.

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[14] ECAS (2002) comments on the paper "Towards a reinforced culture of consultation and dialogue – proposal for general principles and minimum standards for consultation of interested parties by the Commisson", p. 1

4. Position of civil society organisations in the EU institutional architecture

The topics regrouped in this variable express civil society organisations claims for a bigger role in the EU's institutional architecture. This demand has been expressed by the organisations involved in consultations since the mid-90s and has been quite persistent in all the subsequent consultations. The section presents firstly these demands and the ways in which they have been formulated and secondly it looks at some relevant details about the ways in which these groups envisage the way in which their participation in the EU should be organised.

Figure 7: Position of civil society organisations in the EU institutional architecture
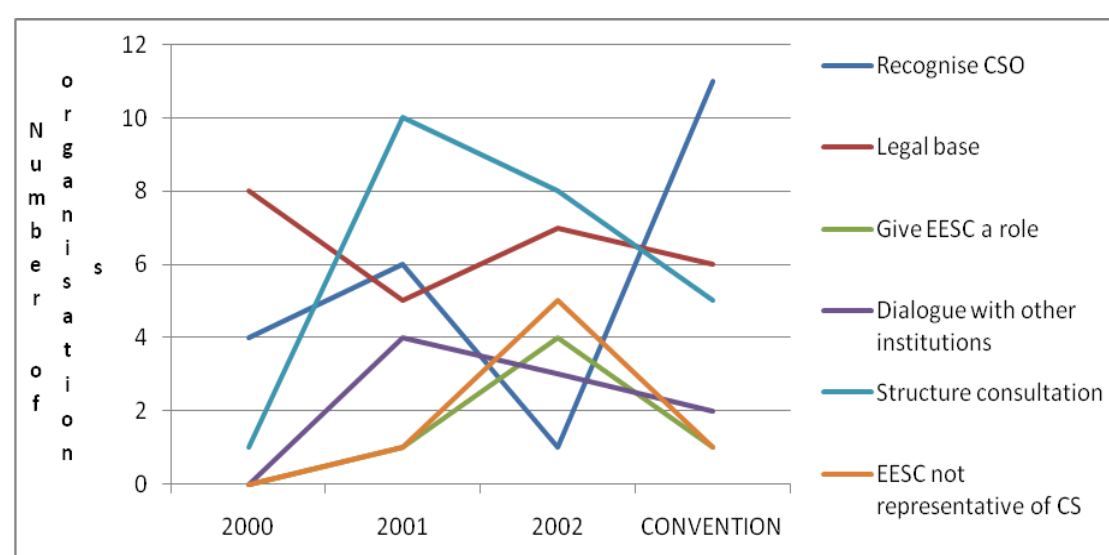
4.1. Main demands: recognition and legal rank for consultation

The call to be recognised at the EU level is the oldest demand. In its original form it is strongly linked to the projects of the last Delors Commission for strengthening the third or voluntary sector at European level (Will and Kendall 2009). It is formulated as particularistic demands in the responses to the 1997 communication by the Commission in that each kind of organisation hopes to obtain the recognition of its specificity. Although the focus becomes slightly more general in 2001, the particularistic claims remain strong in the Convention. For instance, CEDAG demanded recognition of the economic importance of the third

sector whereas the EFC would have liked to see a specific recognition of the peculiarities of foundations. The move of the political initiative for Commission – civil society relations from DG Enterprise to the General Secretariat after 1997 as well as the decay of the proposal of a European association statute (Will and Kendall 2009) suggests that the initial approach by the Commission in this field was a failure.

Despite this, claims for civil society recognition became more frequent in 2001, acquire a new significance as they are no longer limited to the status of European association but seek to secure a consultation role in the process. The strong decline of this topic in the 2002 consultation can be linked to the technical nature of that consultation, which was not about the principle of consultation but about who should be consulted in concrete terms. However the topic re-emerges very strongly during the Convention, and in the discourse of citizens' organisations it is clearly linked to the legal status of consultation, that is, claims for recognition are demands to be recognised as consultation partners. The high number of demands during the Convention (virtually all organisations) means that all the organisations used the new venue as an opportunity to raise their profile and to obtain a privileged status. Interviews show that there is a clear competition among sectors and individual organisations for a specific recognition, which suggests the strategic importance of this agenda setting process (see chapter 3).

The specificity of citizens' groups consisted in linking their demand to acquire a role in the policy making process to the legal status for consultation, which is the second demand at the core of their discourse. This demand has been supported by the Commission since 2000 (European Commission 2000), although it did not succeed in including it in the Nice ICG in 2001. This suggests that the claims by civil society for a strengthened and legally binding consultation meet the Commission's intention to derive input legitimacy from its relations with civil society organisations (Monaghan 2007, 27–28).   This is important for the organisations at least for two reasons. Firstly, it would make civil dialogue mandatory, and thus ensure civil society organisations a way of access to

EU affairs without depending on the Commission's goodwill. Secondly, it recognises the legitimacy of one of the main elements of these organisations' collective action repertoire, that is, direct access to decision makers (Kohler-Koch 2007; Mahoney 2007; Balme and Chabanet 2008), but at the same time distinguishing it from conventional lobbying as a sort of "structured relation" (Smismans 2004) entrusted with a higher degree of legitimacy. The following quote summarises the whole range of expectations on the ECI:

> "19. A legal basis makes consultation mechanisms more predictable. Predictability and accountability of policy procedures are important principles.
> 20. A legal status safeguards the process against organisational changes of personnel in the Commission.
> 21. The Commission's proposal can then be extended to cover the Council and Parliament in the further development of consultation mechanisms in European policy-making.
> 22. This can then also put pressure on national and regional authorities to develop their own consultation mechanisms with civil society."[15]

This recurrent demand by citizens' organisations was very strongly promoted by the Social Platform and later on by the CSCG, an alliance set up by the largest citizens' interest umbrella organisations in the wake of the Convention which expressed some of the core demands of the organisations. In the context of the Convention this demand is clearly formulated as the need of a legal base for civil society consultation in the Treaty. On the other hand business organisations and ETUC have been sceptical on the creation of an article on consultation in the Treaty. This quote from Eurocommerce's contribution to the consultation on the 2000 paper is the most straightforward formulation:

> "*EUROCOMMERCE* sees no need to adopt the American system of accreditation and wonders how a legal basis in the Treaty could concretely contribute to improve the way these consultation forums operate" (Eurocommerce 2000, 3).

However the endorsement of this demand by the Commission and its expression under the irresistible frame of participatory democracy

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[15] Caritas – Eurodiaconia Joint position on the "Consultation Document: Towards a reinforced culture of consultation and dialogue", p. 4

contributed to diminish the expressions of outright rejection and carried the social partners to put their efforts at influencing the details on the development of this principle (see chapter 4). The role of the EESC is for instance one of the stakes of the discussions among these two emerging coalitions.

4.2. The role of the Economic and Social Committee

The role of the Committee in the EU's dialogue with civil society is among the most controversial issues in the process. The Committee has sought to raise its profile in the wake of the debate on governance by trying to become the key venue for participation in the EU (Smismans 2003). During this period it offered its "good offices" to the Commission and civil society organisations in order to provide expertise and even to be the institution where civil dialogue would take place. The Committee's success in organising a regular contact between the Convention and civil society (Monaghan 2007, 100) exemplifies this strategy.

However, the citizens' interests' organisations which promoted civil dialogue in the first years of the process rejected proposals to institutionalise dialogue in the EESC. This confirms that for these organisations civil dialogue is essentially a way of access to decision-makers that would be weakened if it was to be limited to participation in a mere "talking shop" as the EESC is often perceived by these organisations. Another argument is that in any event the Committee is not representative of civil society since it is nominated by member states and composed essentially of representatives of trade unions and employers. The following quote summarises how citizens' interests' organisations perceived the EESC and the strategy to have it as the seat of civil dialogue:

> "The Economic and Social Committee does not represent civil society and we oppose attributing such a role to it. Whether ECOSOC continues to have value for the social partners (employers and trade unions) is a matter for them to address. For our part, we prefer to devote our energies to attempting to inform and influence the decisionmaking institutions rather than to engage with a government-appointed, consensus-based advisory

body."[16]

On the other hand representatives of local and regional governments and business organisations which expressed the need to subordinate participatory democracy to representative democracy proposed to use the EESC as the forum for civil dialogue.

> "The Economic and Social Committee is the place for civil dialogue. When discussing its role and status, it is essential to avoid any confusion between civil dialogue and social dialogue, which is an autonomous process between the social partners and takes place outside the Economic and Social Committee."[17]

There is thus a clear cleavage between citizens' interest groups and the other organisations. In this sense the caricature of the EESC as a useless forum is a typical belief amplification process consisting in constructing a stereotypical opponent in order to strengthen the coherence of the alternative frame (Snow et al. 1986, 470).

Inasmuch as they reject the idea of instituting the EESC as the "house of civil society", the organisations that promoted civil dialogue insisted in creating additional consultation mechanisms with other EU institutions, in particular the Council and the Parliament which are pointed out as the most inaccessible institutions (figure 7 above).

> "CEDAG particularly wishes to see a strengthening of the dialogue between civil society and the European Parliament, this being the body that represents the citizens of Europe, through more systematic consultations, particularly by means of intergroups." (CEDAG 2003: 2)

This appears as further evidence supporting that by promoting participatory ideas, civil society organisations are seeking to multiply and institutionalise their access points to the EU decision making bodies. Thus organisations' alternative strategies for recognition were also evident in their proposals on how civil society consultation should take place.

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[16] Initial Contribution to the Convention on the Future of Europe By Birdlife International, Climate Action Network Europe, European Environmental Bureau, Friends of Nature International, European Federation for Transport and Environment, Friends of the Earth Europe, Greenpeace and WWF, p. 4
[17] Convention on the Future of Europe, UNICE comments, 17-06-2002, page 7

5. Evolution of the frame

Regarding the conception of civil society and its contribution to European integration there is a clear evolution from an initial discourse in which organisations put forward a particularistic claim where civil society stands for marginal interests or causes and whose main contribution to the policy making process is their expertise towards a conception of civil society as promoters of general concerns and values of citizens and representatives of millions of people across Europe (del Río Villar 2004, 281; 283). That said the chapter has shown that the discourse and practices of organisations remain highly influenced by the importance of expertise, which is the dominant ethos in the close contacts between EU institutions and external interests (Ruzza 2004; Balme and Chabanet 2008). This is clearly one of the legacies of the origins of the existing mechanisms as ways of improving the policy-making rather than as ways to promote participation.

The importance of the frame setting process could be challenged with insights on the organisational questions of European civil society organisations, in particular by pointing the importance of turnover in organisations' members of staff. It is quite well known that one of the effects of the strong expertise required by European civil society organisations is that their qualified personnel usually takes on better remunerated opportunities after a few years, or actually consider work in civil society organisations as an opportunity for a further career in Brussels (Baisnée 2007; Greenwood 2011c). In this sense it could be argued that it is difficult to see a clear continuity in organisations' frame and discourses' evolution could be related to internal organisational change. However, and although this may be true, this chapter has shown that evolutions in organisations' demands and framing tend to happen collectively, that is, that framing processes tended to be aligned. Furthermore interviews have shown that turnover in the Convention did not substantially affect mid to senior positions, and that these moves tended to happen among organisations in the same coalition, which may contribute to the circulation of the frame rather than to its instability.

Regarding the second variable on notions of participation it appears that the usage of the notion of participatory democracy to qualify their own proposals, in particular civil dialogue, is strongly influenced by the Commission's position in this respect. Hence the organisations include the contribution to the EU's legitimacy as an additional virtue of their core position on civil society consultation, whose previous justification was its contribution to a more social union and better policy-making, thus a contribution to the EU's output legitimacy (Scharpf 1999).

It has appeared very strongly that when organisations refer to participatory democracy they mean to a very large extent civil dialogue. It has been highlighted that this was a way of bridging the institutions problem identification (democracy) with a policy proposal by civil society and their allies in the institutions (civil society consultation). In this sense the most notable discursive evolution is the formulation of civil dialogue, to a large extent an existing mechanism (Pérez Solórzano-Borragán 2007) as a form of a new model of participatory democracy. The impreciseness of the notion as to the focus of such dialogue (Fazi and Smith 2006) contributes to its generalisation (Ruzza 2004, 57–58 on the contribution of ambiguity to the generalisation of frames ; Milton and Keller-Noëllet 2005, 48–49 as an example of how this happened in the usage of the word Constitution by the Convention). However, presenting civil society consultation as a way of citizens' participation can be problematic from a normative perspective. It can be considered as a form of indirect participation, inasmuch as organisations represent their members. However, if these organisations consider that they are just contributing their expertise, it appears that civil dialogue is an extremely elitist conception of participatory democracy, where only the Brussels based specialists do actually participate (Kohler-Koch 2010b). Interestingly this is precisely the way in which the frame evolved, as organisations integrated claims of representing their members and citizens in general into their discourse despite their original rejection.

Thus by promoting participatory democracy organisations were putting forward a demand to give civil society organisations a more important

role in the EU, distinct from that of the social partners and other lobby groups and with a horizontal and political nature. On the other hand even if proposals for citizens' direct participation rights were not totally absent of these organisations' proposals, IRI, the organisation that managed to convince convention members to include the citizens' initiative in the Treaty (del Río Villar 2004; Lamassoure 2004; IRI 2004) had not been involved at all in the agenda setting process.

As for the third variable, the organisations associated with the Social Platform and the CSCG shared to a large extent a discourse on the way in which the institutional profile of civil society organisations had to be promoted. The most distinctive features of this discourse are the inclusion of a legal base making it mandatory for the EU institutions to consult civil society organisations. Such dialogue should take place early in the policy making cycle and consist of meetings with decision making officials. As a consequence, these organisations strongly reject the possibility to hold this dialogue at the Economic and Social Committee. Additionally, and after some hesitation, they consider that such dialogue should be open to national organisations.

It is noticeable that almost all the organisations agreed on the need to structure the relations between the institutions and civil society organisations and used this as a chance to promote their own profile. Although the central demand of institutionalising civil society consultation is not unanimously shared and even meets some opposition, it was easily taken on board by the Commission and the Convention itself. However it is necessary to analyse how this frame was put on Convention's agenda, as it cannot be simply expected that the "time of the idea had come" (Kingdon 2003), in particular because of the change of venue. It can be expected that this is the result of the coincidence of the advocacy of civil society organisations with the new discourse of the Commission, where transparency and governance are the new keywords.

However, the opposition to civil dialogue can build on one of the critical aspects of the civil society organisations discourse on which the organisations appear unable to come to a compromise: the

representativeness of organisations involved in civil dialogue. Although it has not been thoroughly discussed here, this may be one of the reasons why the article on consultation (11 TUE) does not grant these organisations the privileged role that they were seeking as it engages EU institutions to consult "representative associations and civil society", thus possibly allowing for the existence of diverse forms of consultation (see chapters 3 and 4).

The chapter has shown that citizens' interests' organisations were active in promoting and institutionalising their own influence or to protect it from the "attacks" from the social partners and especially business organisations. This is clearly evidenced by the structure of the organisations' discourse: whereas there is a clear evolution towards the participatory democracy frame in relation to the conception of civil society and of the political justification of consultation, it is strongly coherent and subject to little changes in relation to the third variable, that is, the ways in which the role of civil society organisations should be institutionalised.

In relation to the expectations on the ductility of the strategies, the qualitative analysis shows that this is true for the discursive strategies: organisations are successful in adapting the frame of their discourses without substantially modifying their demands in relation to their role in the EU. However organisations' influence strategies are remarkably stable along the time frame considered. In this sense, with very few exceptions, it appears that organisations preferred insider strategies, consisting basically in the participation in structured consultation processes and lobbying the officials, with the relevant exception of the red card campaign in 1998 (Alhadeff and Wilson 2002). The next chapter examines whether the Convention provided an opportunity to use a different repertoire of action.

The findings that organisations' adapt their frames to the Commission's one albeit emphasising demands for access are very similar to those of (Ruzza 2007, 56) for three different advocacy coalitions. This does not mean that these results are generalisable *per se* but it suggests as well that that they are not a sample effect. It thus appears that these debates

reproduce a common practice in the field of Commission – civil society relations, that is, organisations perceive that possibilities for access and influence come with meeting institutions' expectations rather than confronting them.

Chapter 3 The role of civil society in the debate about participatory democracy in the European Convention

Since article 47 on participatory democracy was essentially a way of raising the profile of an existing mechanism (Pérez Solórzano-Borragán 2007, 281), it has been suggested that it was little more than a way of making the Convention more popular (Lombardo 2007). Furthermore, it has been suggested that civil society had little say in this process since the EU's focus on participatory democracy is the result of the "continued activism of an elite forum of political, administrative and academic actors" (Saurugger 2010, 471).

On the other hand the previous chapter has highlighted that participatory democracy was used in the consultations that preceded the Convention to frame the self-interested demands by civil society organisations. It thus can be asked if this process influenced the Convention's debate on participatory democracy. This chapter analyses how civil society organisations formulated their claims on participatory democracy to the Convention and how these were received and debated in order to understand the agenda-setting process.

Firstly it analyses which demands on participation are acknowledged by interviewees and compares them to those already identified in the previous sections. The expectation is that they voiced the demand to recognise civil society consultation as a form of participatory democracy.

Secondly, it uses interview data and official documents to analyse how organisations introduced their demands to the Convention. It is expected that organisations were active in putting this demand to the Convention by using the formal contact opportunities (Monaghan 2007, 68–75) and informal contacts. It is expected as well that the Commission was active in formulating the demand because it had included it in its agenda. The question of whether organisations used external lobbying tactics by mobilising their supporters is explored in chapter 5 when contacts with their members and other national organisations are considered.

Thirdly, sections 5 and 6 examine how the Convention received these demands and how they were discussed by their members. The last section discusses the agenda setting process and what organisations were trying to achieve along the entire agenda setting process.

1. Content of the demands of civil society organisations

Whereas the previous chapter has focused on the more discursive aspects of the way in which the demands were framed, the aim of this section is to understand how civil society organisations formulated their demands on participatory democracy during the Convention. It is important to analyse the eventual mechanisms of linkage between the previous debates and the Convention, and in particular the frame of participatory democracy, for at least two reasons. Firstly unlike the previous fora, the Convention was not limited to issues of participation, but organisations could express demands on the substance of their main domain of activism i.e. environment or social questions. It thus must be asked whether they expressed the same demands on participation or whether they prioritised different issues. Secondly, this would allow understanding how the issue moved from the status of a demand by outside interests to a matter in the Convention's agenda, since it cannot be assumed that because the issue had been raised previously this was a sufficient condition for being included in the institutional agenda (Kingdon 2003; Princen 2009).

As it happened in relation to the previous venues the main demands are the creation of a legal basis for civil society consultation which was framed as a participatory democracy mechanism. The usage of this frame favoured the emergence of new demands for direct citizens' participation which were expressed more intensely during the Convention.

1.1. Institutionalisation of consultation

Interviews with civil society organisations confirm that the inclusion of an article on civil society consultation in the Treaty was a key issue for them. Table 4 below presents all the references made by interviewees to the expression of a demand by civil society for the institutionalisation of civil

dialogue. According to the table, almost all citizens' interest groups acknowledged that demands on the institutionalisation of consultation were at the core of their demands on participatory democracy. Against this perception, only one interviewee (Polish Office) thought that civil society organisations were not concerned about participatory democracy issues.

Table 4 Interviewees acknowledging a common demand by civil society organisations on consultation

Name	References
Interview 03 - Soc. Pla.	1
Interview 09 - Soc. Pla.	2
Interview 10 – EFC	1
Interview 11 – COFACE	2
Interview 18 – CSCG	2
Interview 21 - CONCORD	2
Interview 23 – ECAS	1
Interview 26 - Forum of Civil Society	1
Interview 27 – CEDAG	1
Interview 31 – ETUC	1
Interview 36 - EEB	1

However, the analysis of the position papers submitted to the Convention (table 5 below) reveals that the number of organisations demanding the inclusion of an article on civil society consultation in the Treaty is smaller than suggested by interviews (table above). It is the same number as in the 2000 consultation (5 organisations) and smaller than in the 2001 consultation (7 organisations).

Table 5 Demands on structured consultation and legal rank in position paper

Name	References
European Foundation Centre	2
CEDAG	2
Social Platform	3
CSCG	1
Caritas - Eurodiaconia	2
Permanent Forum of Civil Society	3

The significant number of interviewees pointing out common action on the recognition of civil dialogue tends to deny any possible retrospective explanation by individual actors. The importance of this demand is

confirmed as well by official reports on civil society consultation during the Convention (see section 5). Furthermore, the position papers of organisations that supported this demand in the previous process such as COFACE and CEV could not be retrieved.

The difference between interviews and position papers does thus not necessarily reveal a contradiction between the different sources. This difference has rather to be interpreted in terms of the different roles played within a coalition, where the most salient members and those involved for a longer time are more central in voicing this demand. In this sense it is very noticeable that all the organisations in the table above have been involved since the first moments of the agenda setting process or are basically coalitions. Furthermore almost all citizens' organisations made references to participatory demands, although maybe not necessarily to civil dialogue. The involvement of the CSCG may have encouraged some of its members such as the EEB and CONCORD to acquire a smaller role in the central demand of consultation institutionalisation.

On a more detailed note, there are some interesting evolutions in the ways in which the demand to recognise consultation took place. In this sense some demands are no longer limited to asking a Treaty article but formulate additional legal demands. The most relevant try is EFC's and the Social Platform's demand to include civil society organisations right to be consulted in the Charter of fundamental rights whereas the Permanent Forum would like consultation to be recognised as one of the values of the Union (del Río Villar 2004, 285–286). This could be a way to grant consultation a super-constitutional status as a single reference in the Treaty may not be sufficient to enforce it in court: "The European Court of Justice should in the future determine to what extent the inobservance of these procedural practices could be challenged by civil society organisations as an infringement of the principles of participatory democracy." (Cuesta López 2010, 135)

Additionally, references to recognition of civil society other than in terms of consultation were very frequent in contrast with the relatively small

number of demands on civil dialogue. Table 6 below shows that 11 out of the 16 available position papers demanded a sort of recognition as relevant partners of the EU. These demands are not exclusive of citizens' organisations and the content is extremely telling about the importance of the process for the organisations. This issue is examined in greater detail in the next chapter.

Table 6 Position papers demanding recognition of civil society

Name	References
Eurocities – CEMR - CPMR[18]	3
European Foundation Centre	4
CEDAG	2
Caritas - Eurodiaconia	1
CSCG	1
Permanent Forum of Civil Society	1
Social Platform	2
Active Citizenship Network	3
UNICE	2

1.2.   Citizens' participation rights

In addition the Convention saw clearly a blossom of demands of forms of participation focusing on individual rights rather than on organisations' involvement, the most evident of which is certainly the European Citizens' Initiative. Position papers show different demands for a greater focus on the participation of individual citizens, be it by demanding that citizens and civil society organisations be granted access to the European Court of Justice (EEB and Permanent Forum of Civil Society), the creation of a right to access information (EEB, EFC, ECAS and Permanent Forum of Civil Society) or that the Constitution be ratified via referenda (ATTAC Europe, ACN, ETUC and Permanent Forum of Civil Society). Regarding the last aspect, whereas ATTAC motivation is quite clear, obtain opportunities to block the implementation of the Constitution, ETUC's or the Permanent Forum is interesting, since they assume the risk of failure in order to bring the text closer to public opinions. These 2 organisations consider that the

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[18] All the position papers submitted to the Convention by these regional organisations were written in common.

referendum should be at the EU level, whereas ATTAC considers that it must take place in as many national public spaces as possible.

Different demands of this nature were put forward in papers by EEB, the PFCS, ECAS, EFC, ACN, ATTAC Europe and ETUC. IRI is not in this group because its' position papers are not available. The comparison of this list with that of table 5 on civil society dialogue above is very suggestive, as it suggests that among the organisations demanding the recognition of consultation more actively, only two (the PFCS and EFC) did also demand direct participation mechanisms. Significantly none of these organisations belong to the Social Platform or the CSCG. This suggests that there is clearly a subdivision within the citizens' interest organisations'. Firstly, a core consisting in organisations involved for a longer time focused almost exclusively on advancing civil society consultation as form of participatory democracy. On the margins, a number of organisations amplify demands on participatory beyond the institutionalisation of civil society, albeit supporting this core demand.

It is thus less surprising that interviews point out that the ECI is the result of an entirely differentiated mobilisation as most of the civil society organisations that demanded consultation to be recognised affirm that they were not involved at all in activism for the ECI.

> "One example of the openness of the process was the citizens' initiative. It was not our idea, but we were very happy that it was included" (interview 3 with a representative of the Social Platform)

The literature has credited IRI with this achievement (Lamassoure 2004; del Río Villar 2004, 331–333; Clerck-Sachsse 2011), pointing out a lobbying campaign that turned the tide after a "a last minute fight" (interview 4 with Mr Lamassoure, interview 5 with a member of the Secretariat, personal communication number 7 and interview 37 with Mr Hänsch).

However, an interview with a representative of IRI, challenges accounts about the ECI as a boldly innovative idea promoted by a bunch of outsiders. The interviewee reports that the organisation convinced Italian

and Austrian ministers who proposed the idea to the Amsterdam intergovernmental conference back in 1996. Furthermore the interviewee reports running an informal working group with Convention members on issues of direct democracy during the entire Convention. This suggests that although the principle was accepted only lately, it had undergone an agenda setting process comparable to the one on civil society consultation, which suggests that this was far from being an action run by outsiders (Clerck-Sachsse 2011).

Furthermore, the single attribution of the ECI to IRI is not unanimous among interviewees since ECAS and especially the Permanent Forum of Civil Society claim to be behind the Convention's proposal. The PFCS position papers support the interviewee's claim. Furthermore, as it was said above, the idea had already been tabled by Spanish socialist conventioneers. On a different approach, CEDAG asked that civil society organisations, rather than a group of individual citizens, be granted a right to demand the Commission to launch initiatives. This demand, which is telling about citizen's organisations' difficulty to mobilise citizens (Warleigh 2001; Sudbery 2003), confirms that the core organisations like CEDAG, sought to use the emerging frame on participatory democracy to obtain different ways of access to the EU. It is a further confirmation about the different focus of organisations advocating for citizen's direct involvement and those working for a stronger role for organisations.

1.3. Civil society claims for influence

Several of the organisations having demanded the inclusion of civil society consultation in the Treaty are convinced about their influence in the recognition of this principle. This is noticeable since interviewees do not easily claim success. It rather seems that participatory democracy is one of the rare aspects that they mention as a victory for civil society. In this sense up to 6 interviewees mentioned that finally not much was achieved in substantial terms by comparison with other treaties negotiated by traditional IGCs. In particular, little progress was seen in the social domain and 5 interviewees mentioned a defensive attitude by

environmental organisations which saw risks of de-communitarisation of the policy.

Regarding the process of inclusion in the Treaty it seems that differences in arguments and interests notwithstanding, citizens' organisations made an almost unanimous claim for participatory democracy that was easily included in the agenda:

> "There was a one day hearing, where you had people coming from NGOs and from different actors at European level to talk to Valery Giscard d'Estaing and all that. What happened that day is that we had some coordination beforehand and everyone asked things on the content and asked for civil dialogue to be recognised. And it was amazing, because they came the one after the other saying: "We want civil dialogue, we want civil dialogue, we want civil dialogue to be in the Treaty", the Presidium started thinking, "OK we have to do something because they seem to be asking all the same." And I think that's where they started looking at it." (Interview number 3, Social Platform).

Although there is no definitive evidence about the author and the rationale behind article 47 it is most noticeable that civil society influence is largely recognised by up to 5 officials and members of the Convention, who admit that the article on participatory democracy was a way to respond to civil society demands:

> "Luis Bouza García: I was wondering if this idea came directly from the Presidium, members of the Convention or perhaps directly from hearings with civil society?
>
> Jean-Luc Dehaene: It's hard to say, the technical formulation was certainly made by the Secretariat, but let it be clear that this element of democratic participation, citizens' participation, to be accurate, was widely supported by civil society, this is clear." (Interview 1 with Jean-Luc Dehaene)

At the same time almost all these interviewees point out that this was a low-profile debate for the Convention.

It thus seems that the role of civil society was stronger in building the participatory democracy frame than in influencing concrete decisions about the content or the specific wording of aspects of the text. The main reason is the uncertainty about the limits of civil society organisations

influence reported by the interviewees (see table 7 below). The Convention was a new venue which included a significant number of new personnel, in particular national MPs, and with a number of very high stakes, as the "prize" for lobbying efforts could be influence in a new Treaty. Interviewees provided several examples about this uncertainty: "we did not know how much we could ask for" (interviewee number 3) "we didn't dare to ask for it" (interviewee number 3) "Everybody who is involved hopes and tries and sees itself as, as, as an important part," (interviewee number 12) "it's difficult to see if we had a clear impact or not." (interview number 15), and more significantly, about the relation between the pressure by civil society organisations and the inclusion of the article in the text:

> "I think different stories have actually emerged, I mean, it was clearly pushed by the Social Platform, by the Contact Group, by other NGOs as well who thought that NGOs had to be recognised, I think that, you know, if you look to the Laeken declaration which stressed the need to have an inclusive and engaging process, it would have been difficult for the Convention to come up with something that didn't include any way of taking that forward. It was the result just of the way in which the Convention was set up. I think in terms of whether there'd be or not an article on civil dialogue, it's very difficult to say because it came back to the way in which the Praesidium and Giscard worked, which was not the most transparent… So several stories have emerged but I don't think it is possible to claim credit for a particular group for having added that to the text." (Interview number 9 with a representative of the Social Platform)

Table 7 Uncertainty about the effectiveness of advocacy

Name	References
Interview 03 - Soc. Pla.	2
Interview 09 - Soc. Pla.	1
Interview 12 - IRI	2
Interview 15 - ELO	2
Interview 18 - CSCG	6
Interview 18 - Poli. Off.	1
Interview 22 - Forum of Civil Society	2

2. Access via support by the Commission, national governments and members of the Convention

The most obvious way in which the issue of participation could have made it to the Convention's agenda is by being promoted by some of the members of the Convention as some of them represented institutions which had already been active in the agenda-setting process such as the Commission and the EESC.

However, interviews provide strong evidence against the hypothesis that the Commission acted as a levy for civil society in the Convention as none of the interviewees acknowledged support from this institution and five of them actually mentioned that the Commission was not their main interlocutor in this discussion. In particular the discourse of the two Commission interviewees (13 and 14) presents great distances with that of civil society:

> "Luis Bouza García: Contributions asked the Convention that civil dialogue be included in the Treaty.
>
> Interviewee: Yes, but it wasn't. [...] What the [Social] Platform would like is a social dialogue in the civil society field. [...]This is not in the Treaty; this civil dialogue is not there. [...] What is there is a different thing; it is an article saying that there are consultation mechanisms, dialogue mechanisms, but not a civil dialogue in the sense of the social dialogue." (interview 14 with a member of the Commission's secretariat)

This distance was perceived as well by civil society organisations: "I remember we had contacts but difficult contacts" (interview number 11 with a representative of COFACE). This is confirmed by the Commission's staff working documents which devote almost no attention to the issue of participatory democracy (not a single reference to these words) and in general to the mechanisms of consultation of civil society apart from noting that the "basic principles in the chapter on democratic life" correspond to the Commission's expectations (Secretariat General European Commission 2003). These documents point out that the citizens' initiative is an innovation introduced in the last meeting of the Convention and that it was generally welcomed by the members. However as one of

the main items in the Commission's agenda was to safeguard its monopoly of legislative initiative it may not be surprising that the ECI was not particularly welcome by the Commission (interviews 5 and 13).

Although it seems to be far from the norm, it is very noticeable that without a question on this topic being raised 5 interviewees brought the example of Irish social NGOs influence via the Irish representative in the Convention. Although this was mainly related to aspects of equality in part III, it resonated with the question of civil society participation in that as it was mentioned in the discussion of the amendments in the previous chapter the Irish member Proinsias De Rossa made the only amendment suggesting that civil society organisations should be brought closer to the status of social partners:

> "Strengthen the commitment to dialogue and give civil society organisations similar respect to that guaranteed to the Social Partners in the treaty." (Amendment to Art. 46 by Mr. Proinsias De Rossa).

This would not be noticeable if it was not because it was seen as a strategy to upload Irish social dialogue model to the EU:

> "This idea comes from the Irish tradition where in their social dialogue they have a few NGOs inside and some people said "this must also be important at the European level" (interview 31 with a representative of ETUC)

In this sense a few national and European officials consider that there were a few attempts to introduce national interests as civil society demands.

> "This was a way of justifying some contents that were not really demanded by civil society. [...] It should be analysed how national interests were introduced as supposedly civil society interests." (interview 34 with a representative of the Spanish government).

This seems to suggest that lobbying through the capitals may have been an option for some organisations, although by definition this was limited to sectors where demands by civil society organisations and national governments coincided. This does not seem to have been the case for Spanish or French governments as interviews with two Spanish civil

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servants (interviews 34 and 39)[19] reveal scepticism on national civil society's ability to participate in European affairs.

Finally, as it will appear, several members of the Convention were supportive of civil society demands (IRI 2004). However, in their accounts participatory democracy is frequently equated with the ECI (Borrell Fontelles et al. 2003; Lamassoure 2004; Méndez de Vigo 2005), and there are few references to civil dialogue, which suggests that they were not the first articulators of the demand.

3. Involvement in formal hearings and contacts with Convention members

In accordance with its Laeken mandate, the Convention articulated several ways of access for civil society, going from national Conventions to an online forum and hearings with civil society organisations, both regularly in the EESC and the working groups and a plenary session held on 24-25 June 2002 (del Río Villar 2004; Cammaerts 2006; Monaghan 2007, for detailed analyses of these mechanisms).

In the absence of support by the Commission, interviewees report involvement in hearings and direct contact with specific members of the Convention as the two more straightforward ways of access to the Convention. This together with the fact that a large and influential part of the Convention was composed of well-known European personnel such as MEPs compensated for the novelty of the Convention (Monaghan 2007). However the presence of elected politicians as an empowerment factor for civil society organisations seems to be divisive for interviewees, including members of the Convention themselves. Whereas some consider that the electoral mandate of the members of the Convention made them sensitive to civil society demands, others argue that it is precisely these personnel who are more distrustful of civil society organisations and participatory democracy as a possible competitor for legitimacy. Interviews with officials and MEPs seem to clarify this point: although the Convention did

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[19] An advisor to the Spanish government during the Convention (interview 34) and a member of the Secretariat of the Catalan Convention (interview 39).

not dispel distrust about civil society's legitimacy among MEPs, they perceived that this institutional setting would make it costly to ignore civil society demands. In this case, institutionalisation of consultation was much easier to accommodate to the Laeken frame than demands on substance. Additionally, there seems to have been an expectation that civil society would correspond by contributing to the ratification of the Treaty (see chapter 5).

The evaluation of access mechanisms and influence factors adds to the impression that the Convention was rather usual business for the organisations (Monaghan 2007; Pérez Solórzano-Borragán 2007). It appears that the plenary hearing in June was a rather formal event which civil society organisations used to strongly frame their unity. That said, calling it a formal event does not diminish its importance (del Río Villar 2004, 295) as it contributed to put civil society consultation on the Convention's agenda. In terms of influence the interviewees tend to consider the EESC hearings and the working groups as the most effective fora, as 16 interviewees mentioned them as one of the most frequent ways of access to the Convention. It is interesting that these mechanisms were used by both EU and national NGOs, but that neither the social partners nor regional organisations pointed this as an access mechanism, since these organisations had more institutionalised access as social partners or via the EESC. The importance of these mechanisms is confirmed by the fact that the 5 organisations reporting that these hearings were just a formality (IRI, ELO, ACN, Polish Office and PFCS) are clearly at the periphery of the process analysed in the two previous chapters. A similar thing can be said of the Forum website where civil society organisations submitted their contributions. It seems to have been clear to all the organisations that this was a formality that did not grant any influence (Cammaerts 2006, 241–242) and yet all the organisations invested resources in contributing to it. An interview with a member of the secretariat acknowledges the need of action and presence for civil society contribution to be considered:

> "Interviewee: […] it would be dishonest on my part to tell you that during drafting and re-drafting the articles, we were looking at the

Forum. But, hum, there were some probably more organised, I don't know, associations or NGOs, hum, which were much more active than just putting things on the, on the website." (interview number 5).

It seems that civil society organisations perceived that participation in these formal events such as the Forum website or the hearings was not a way of influence but rather a way to be perceived as relevant actors. This is important because it contributes to build alliances and reputation in terms of lasting involvement, expertise and trust with decision makers, which are the ways in which interviewees explain their success or lack of in the Convention (see table 8 below about the importance of alliances). 11 organisations, 9 of which are citizen groups, report direct contacts with members of the Convention. These were motivated by the same dynamic of continued involvement and trust building rather than by the defence of a specific point or amendment. Access via direct contact with the members has been more frequent for the organisations in this study than when a broader sample of groups is considered (Monaghan 2007, 152–158). The participation in formal events as a way to ensure other ways of access does not differ from a broader pattern of consultation processes (Quittkat and Kotzian 2011) which has been seen in chapter 2, where involvement in formal fora seems to be a way to build trust, obtain informal access and in general increase the organisations' visibility.

The presence of civil society consultation in the hearings has been discussed previously. By contrast this topic was not really addressed at the hearings in the European Economic and Social Committee. Although the EESC claims to be the appropriate forum for civil dialogue and the institutional representative of civil society in the EU, the minutes of the hearings with civil society organisations during the Convention do not mention any discussion on civil dialogue and do not point any particular action exercised in this context to influence the Convention's agenda about it. Although the EESC has refused to disclose the list of organisations that attended these meetings interviews suggest that these hearings were attended by most of the EU organisations of this study without however making their main demand in this venue.

The EESC is the institution having advocated earlier for a turn to civil society and participatory democracy (Smismans 2003). Its documents always associate references to civil society to the role of the EESC in representing it at the EU level. An interview with an EESC official (number 20) confirms that this institution intended to use these hearings as a way to frame its role as the most adequate venue for civil dialogue (see as well (Monaghan 2007, 72). In this sense a strong role of civil society in the EESC hearing would have probably provided this institution with increased ground to claim a role in civil society consultation. Since most civil society organisations rejected such role for the EESC because of fears that it would amount to little more than a 'talking shop' (see chapter 2) they seem to have declined the possibility of using the Committee hearings as an access door on this topic to the Convention.

4. Alliances and frame convergence

It was already mentioned in chapter 2 that citizens' groups made a significant effort to frame their demands on consultation as a unanimous demand by civil society to the Convention. Interviewees consider that this strategy contributed to setting the Convention's agenda on the issue. When asked about the conditions for being influential in the Convention, organisations point to the importance of alliances, as suggested by table 8 below. Networking and membership of coalitions appear as the more important factors of influence both in position papers and interviews, followed by expertise and reputation in EU matters. All these factors seem to contribute to increasing the attention that actors can receive.

As it had already been suggested in chapter 2, demands about the institutionalisation of consultation are strongly articulated by members of the CSCG and the Social Platform. Table 9 below shows that 74% of references to the need of a legal base for civil society dialogue come from members of these organisations, with a very significant salience of the Social Platform. At the level of individual organisations, the Social Platform, CEDAG, COFACE, CONCORD and Eurodiaconia – Caritas stand out. The EFC stands out as the only organisations intensely making this point without being a member of this coalition.

Table 8 Organisations reporting the importance of alliances to achieve influence in the Convention

Name
Interview 03 - Soc. Pla.
Interview 09 - Soc. Pla.
Interview 11 - COFACE
Interview 15 - ELO
Interview 16 - ACN
Interview 18 - CSCG
Interview 19 - Poli. Off.
Interview 21 - CONCORD
Interview 23 - Forum of Civil Society
Interview 23 - ECAS
Interview 26 - Forum of Civil Society
Interview 35 - Eurocities

Table 9 Alliance membership of organisations demanding a legal base for consultation

	No coalition	CSCG	Social Platform	ERC	Regional organisations
Number of references per organisation	EFC (8), PFCS (4), ECAS (2), LDH (3), UEAPME (1),	SOCIAL PLATFORM (23), CONCORD (6), CSCG (4), ETUC (2), EEB (3)	CEDAG (9), COFACE (7), EURODIACONIA-CARITAS (5), CEV (1)	ACN (1)	CPRM (2)
Number of references	18	38	22	1	2
Percentage of total (81 references)	22,2%	46,9%	27,1%	1,3%	2,5%

The strong correspondence between demands and membership in a coalition confirms the importance of alliances in the agenda setting process for collective action. The quote below of CEV's position paper for the 2000 consultation process confirms the importance of the agenda setting process for exchanges of opinion contributing to the circulation of collective demands:

"Like CEDAG and the European Foundation Centre we believe that

the NGO sector should be recognised as a social partner alongside employers and trade unions. […] We recommend that the Commission take an approach that builds upon the Amsterdam Treaty, and that it comes out in support of a Treaty Amendment." (CEV Response to the discussion paper 'European Commission and Non-Governmental Organisations: Building A Stronger Partnership', April 2000, p. 3)

Analysing the broader context is useful as well to understand the importance of coalitions. From 1997 to 2002, the context of the discussions is similar, that is, a consultation based on a communication or discussion paper by the Commission. That said the tendency is to a significant increase in the number of contributions for each consultation. Whereas only 5 European organisations were involved in the 1997 discussion (Social Platform, EFC, CEDAG, CEV and CMAF), the Commission received several dozens of contributions for the consultation on the White Paper on Governance. The table below shows the general increase in the number of contributions.

Table 10 Number of civil society organisations contributing to each consultation process[20]

	1997	2000	2001	2002	Convention
Total	5	37	225	65	528

The organisations promoting civil dialogue, whose contributions are the oldest ones, reacted to this tendency by trying to foster their cooperation. The clearest evidence is the creation of the Civil Society Contact Group (CSCG) ahead of the Convention. However interviews suggest that alliances were more important for frame convergence than for collective action on the wake of the Convention. Interviews tend to point out different roles for the coalitions discussed so far. They suggest that alliances did not substitute their members in voicing their demands in the Convention as 11 interviewees[21] reported having established direct relations with members of the Convention independently of their coalitions.

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[20] The Commission documents for its consultations, (Kværk 2007, 161) for the Convention. Obviously the Convention position papers are not only on participatory democracy.
[21] Social Platform, COFACE, ACN, IRI, ELO, CSCG, Polish Office, PFCS, ECAS, CEDAG and Eurocities

The CSCG was an important actor in framing the unity of civil society behind demands on consultation. On the other hand and contrary to the wishes of some Convention members wanting to "simplify" the civil society spectrum, it was never recognised as the formal voice of civil society in the Convention (del Río Villar 2004, 287–288). This relates, among other things, to its shallowness as an alliance given the strong differences among its members. For instance, the organisation could not have been a strong voice in concrete proposals on civil dialogue due to the divergences among some of its members having different views on this topic such as the Social Platform, ETUC or the EEB. Although ETUC played a minor role in this organisation its own perception of such role is extremely telling:

> "We are not totally against this idea of having less distance between the citizen and Europe and his job [the colleague participating in the CSCG meetings] was to make sure that there were no proposals coming out that were totally counterproductive" (interview 31 with a representative of ETUC).

The difficulty of the CSCG to act as a strong coalition is clearly acknowledged by a representative of the organisation:

> "It was difficult enough if you think at the time, it was four sectors. Now our members are European NGOs, who then have members and that, and that. Now, to reach common positions and to have a common mission statement, you need to get there. You are very likely to be entering into a Christmas tree, where a million things were put in and there is no line to perceive any more. It took a lot of effort to put together an arrangement that people could accept, you know, we are not going to have 10 development statements, we are going to have one." (interview 18 with a representative of the CSCG)

Internal divisions may explain as well that according to the CSCG interviewee the main role of the organisation was not advocating particular horizontal causes such as participatory democracy, although that was an important issue, but providing support for the key issues of each of its sectors. In this sense the interviewee was much keener to acknowledge CSCG support for the Social Platform's call for a horizontal anti-discrimination clause than for participatory democracy.

Interviews suggest that the Social Platform played a more direct role in brokering the coalition and in promoting its' members activism on this topic. They suggest as well that the Permanent Forum of Civil Society, which describes itself as "a think tank" on European citizenship and brought together different European and national actors during the Convention, may have been important in creating the general participatory democracy frame as it brought together advocates of civil dialogue and those of more direct democratic tools.

A question related to the role of alliances is that of staff turnover. As it was said in chapter 2, it is not infrequent that European civil society organisations see their personnel move to other positions related to the EU, although it did not visibly affect organisational framing. In this sense 7 of the interviewees moved from their organisation during the thesis time frame, of which 6 belonged to European organisations. An interesting finding, although it is difficult to present precise data without endangering respondents' anonymity, is that turnover did not necessarily affect organisations' coalition roles as several of the changes occurred among organisations of civil society and more importantly, between organisations of the same alliance. In particular some interviewees held multiple positions across the organisations, which, far from hindering their coalition activity, may have promoted it.

The functioning of these coalitions is examined in the next chapter. However the previous section and these findings suggest that coalitions were not decisive in terms of their weight in expressing demands, but rather because of their contribution to creating a strong frame and facilitating collective action.

In contrast with the importance of formal and informal opportunities for exchange with Convention members and participation in coalitions, there are almost no references to recourse to outside lobbying. Although the discourse was adapted to the dominant frames in each moment, the structure and the style of the papers submitted to the Convention undergo little transformation. In general those remain short and direct; somehow contrary to the expectation that the papers would become more

argumentative and more contentious as the number of participants and the divergence among their positions increased, the papers remain affirmative and fail to address a larger public. For instance IRI organised the European Referendum Campaign with 100 member organisations across Europe but the interviewee (number 12) dismissed the importance of this approach and highlighted the importance of insider approaches targeting decision makers (Lamassoure 2004).

5. The debate about participatory democracy in the Convention

After having analysed the way in which organisations used the Convention's access opportunities to try to influence the Convention, this section analyses official documents' references to participatory democracy with particular reference to the role of civil society organisations in putting this topic on the agenda.

Civil society organisations wanting to interact regularly with the Convention were divided in 8 sectors of different interests. These sectors organised 8 meetings chaired by members of the Praesidium that prepared the plenary session hearing of civil of June 2002. It is interesting that about half of the organisations included in this research (10) were designated to speak on their behalf in the plenary hearing by the 361 organisations that participated in the working groups across all the sectors. Despite the high turnout in the preparatory meetings there is no reporting about quarrels for representation in the plenary hearing, and the Praesidium paper suggests that this was done by consensus:

> "The Chairman asked the attending organisations to inform him of the way in which they would be using their speaking time. Following brief consultations, the following arrangements were adopted" (Secretariat of the European Convention 2002b, 22).

A member of the Convention secretariat confirmed his amazement at this fact:

> "And then amazingly, I think amazingly it worked! I mean, they managed to decide amongst themselves and I think it worked reasonably successfully." (interview 6).

Out of the 37 civil society organisations that took the floor in the plenary session 10 are among the organisations considered in this thesis. This

means that half of the most active organisations in the previous debates took the floor during the Convention. This suggests that the question of civil society participation was high among the issues that civil society organisations wanted to include in the Constitution, given the salience of organisations advocating for this topic in this large meeting. It appears that this issue was an important horizontal topic for organisations from different sectors as it was discussed in 5 of the 8 sectoral hearings. Among the organisations represented in the main hearing of civil society, 27% had been actively involved in the previous discussions related to participatory democracy. This suggests as well that it was a relative minority of organisations with a good reputation who took the lead in advocacy for this topic.

Before the plenary hearing the Convention's Secretariat prepared a digest of the position papers sent by civil society to the online forum which acknowledges the demand for a legal base for civil society consultation (Secretariat of the European Convention 2002a). This acknowledgement shows that this demand was shared by a noticeable number of civil society organisations as well as a positive attitude of the Praesidium towards this question, probably linked to the Laeken declaration concern with democracy. Although it has not been possible to identify an individual decision to include participatory democracy in the Treaty it was supported by members the Praesidium as 3 of them (Hänsch, Dehaene and Amato who will later be the contact person for the ERC campaign) devoted particular attention to this topic in their reports on the hearings (Monaghan 2007, 74). An interview with Mr Hänsch confirmed the fact that the Praesidium took up the issue immediately after the hearing (interview 37).

This may explain that participatory democracy was put early in the Convention's agenda. The Secretariat presented a series of articles on the democratic life of the Union on April 2nd 2003 (Secretariat of the European Convention 2003), which included an article on participatory democracy (article 34). The Secretariat links this proposal to the ongoing debate on how to bring the EU closer to the citizens in a clear example of a

conscious agenda-setting effort to link problem identification and policy proposals:

> "The question of how to increase the democratic legitimacy and transparency of the institutions was an essential element of the Laeken Declaration. From the beginning of the Convention's proceedings, it was evident that citizens had high expectations as regards transparency in the Union's legislative process, and wanted the Union to be closer to its citizens, partly through dialogue between institutions and citizens on the Union's activities, through associations and civil society" (Secretariat of the European Convention 2003, 2).

The justification for article 34 in particular insists that this provides a legal base for current practice (Pérez Solórzano-Borragán 2007), which suggests that preceding agenda setting work was relevant in this decision.

> "Draft Article 34 sets out the main elements of participatory democracy, and is intended to provide a framework and content for the dialogue which is largely already in place between the institutions and civil society" (Secretariat of the European Convention 2003, 2).

This proposal by the Secretariat saw little change in the subsequent months. Since some amendments asked the article to be more concrete, the general recognition of dialogue was supplemented by a particular reference to "broad consultations with concerned parties" in the revision of the article presented on May 26th 2003 (European Convention 2003:b). These changes were debated in a plenary session on June 5[th]2003, where, according to the summary by the Secretariat there were few comments except some calls for the recognition of the European citizens' initiative (European Convention 2003: c: 3) which was not yet in the proposal. This provides interesting information on the Convention's debate on the European Citizens' Initiative. On the one hand it was on the agenda of some members since early in the Convention (unnumbered amendment by Spanish socialists Borrell, Carnero and López Garrido). On the other hand it appears that this mechanism was not seriously considered until the late moments (Lamassoure 2004), suggesting the importance of civil society activism for tipping the balance of internal discussions.

6. Internal debate: analysis of the amendments

The analysis of the amendments confirms that despite the Convention's acceptance of participatory democracy the topic attracted the attention of many Convention members who sent 61 amendments on the first draft. That said this is very far from a heated debate as it is a very small number in comparison with the thousands amendments received by the first 16 articles of the Constitution (1187 according to (Méndez de Vigo 2005, 272). Figure 8 below summarises the subjects raised by the Convention members and suggests that the discussion on the participatory democracy article (art 34 in the first draft, art. 46 in the second draft and 47 in the text approved by the IGC) gathered less unanimity on its details than on the principle.

Figure 8 Topics of amendments on participatory democracy[22]
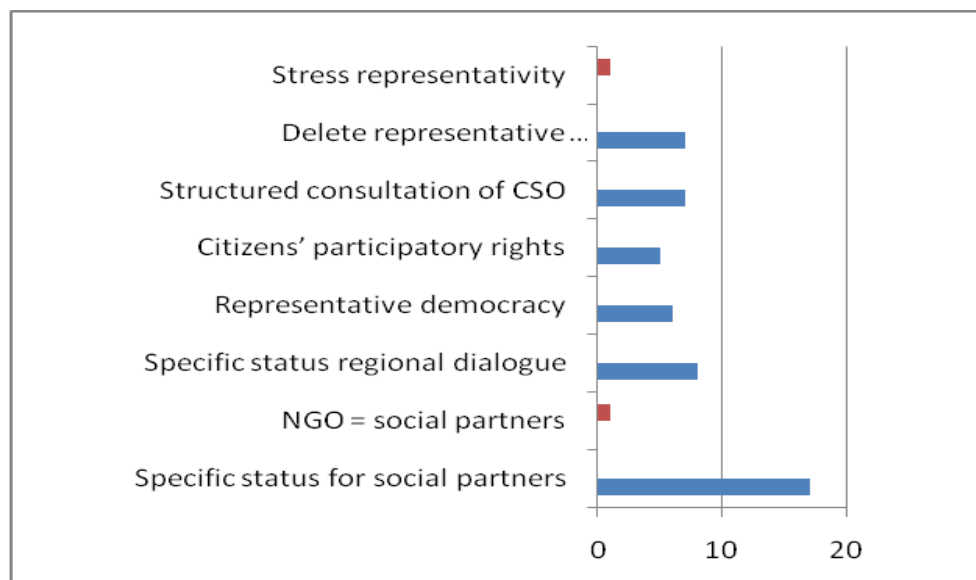
This is confirmed by the analysis of the content. Most of the amendments are reformulations of the wording of the article by the Secretariat, rather than radically different conceptions of participation. The only challenge to the concept of participatory democracy is linked to the fact that the first draft referred only to participatory democracy in the section on the democratic life of the EU without mentioning representative democracy. Thus 6 amendments pointed out the need of a distinct article on representative democracy, which was included in the following draft. The

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[22] The red bars stress amendments diverging from the majority line.

rest of the amendments reflect the abovementioned strategies of different sections of civil society to obtain specific recognition.

The first draft did not include a specific recognition of social partners, which caused a strong reaction for the creation of a differentiated forum, which would be done in the next draft. It is worth mentioning that the EESC itself and in particular the representatives of the social partners within it (Jacobs for UNICE and Gabaglio for ETUC) made calls to make a clear-cut distinction between civil and social dialogue. There was only one call to bring civil society organisations closer to social partners' status, made by an Irish member of the Convention (de Rossa).

A number of Convention members argued that if civil society was to be recognised, regional and local authorities or their representative organisations should obtain distinct recognition too. There were 8 amendments on this point, with particular insistence from the representatives of the British and Spanish government.

The question of how consultation should be organised and in particular of who should be consulted attracted the attention of a number of members. 7 amendments emphasise the need to consult organised civil society and to proceed to structured consultations. In this respect, it seems that the aim was to recognise institutionalised actors rather than to allow for the emergence of new forms of consultation different from those already known. The fact that the notion of civil dialogue was only used by the representatives of the EESC and by Dominique de Villepin (representative of the French Government) confirms the decay of this frame in favour of participatory democracy that the previous chapter has suggested.

The most significant of these attempts to change the wording of the article are the amendments suggesting the deletion of "representative associations" from the reference to civil society in the article. The inclusion of these words despite a majority of contrary amendments (7 against and only one for) is additional evidence that this formulation is

intentional. It rather seems to confirm that the reference to representativeness is a concession to social partners' demands.

Finally a number of amendments address the question of participation beyond organisations, that is, directly by citizens. This is quite informative about the ways in which ideas were formulated in the context of the Convention. As soon as the notion of participatory democracy was included in the draft, a number of Convention members submitted different and autonomous amendments on different forms of direct democracy, the most significant being different forms of citizens initiative and of citizens' referendum, as well as the right to receive information. In particular, the language of some amendments appears to be influenced by the language of organisations such as ACN and the Permanent Forum. These amendments are presented by individual members (Bonde, Einem, Voggenhube) or a small group of members (such as the Spanish socialists Borrell, Carnero and López Garrido), although, they had very little impact and did not foster further action. However on the last session of the Convention the successful lobbying by IRI discussed above gave rise to an amendment on the citizens' initiative that was proposed by Jürgen Meyer and signed by virtually all the members of the Convention. It appears thus that activism in gathering the support of relevant actors or a high number of members was decisive in the promotion of new ideas.

7. Understanding the agenda setting process

The White Paper on Governance and the Laeken declaration convening the European Convention are two politically salient initiatives decisively shaping the EU's discourse on the need to come closer to civil society to make the EU more legitimate (Monaghan 2007) which together with the fact that the Convention was mandated with a revision of the Treaties makes it a privileged occasion for the realisation of the demand to provide civil society organisations with a legal basis for action. That said the convergence of the agendas is not a sufficient condition to include a Treaty article on this topic.

The empirical data confirm the importance of the preceding consultations. A majority of interviewees from civil society acknowledge that the discussion on participation in the Convention was not new but was influenced by the policy dialogues between civil society organisations and the European Commission (see table 11 below). This is acknowledged as well by a number of officials and members of the Convention. In particular interviewees have confirmed the importance of each of the consultations between 1997 and 2002 in the agenda setting process, with a strong insistence on the 2001 White Paper on Governance and included the first Social Policy Forum (1996) and to a lesser extent the First Convention on the Charter of Fundamental Rights (1999-2000). The interviews show the importance of the "red card" mobilisation about the 1998 NGO funding crisis as an important moment for the emergence of a transversal identity for the sector which realised the fragility of its position and access mechanism (Ruzza 2004, 47).

Table 11 Convention's discussion on participatory democracy was influenced by previous discussions

Name	References
Interview 03 - Soc. Platform	1
Interview 09 - Soc. Platform	1
Interview 10 - EFC	3
Interview 11 - COFACE	6
Interview 17 - UNICE	3
Interview 21 - CONCORD	1
Interview 26 - Forum of Civil Society	1
Interview 27 - CEDAG	1
Interview 29 - Eurocommerce	1
Interview 35 - Eurocities	1
Interview 36 - EEB	1

Secondly it is important to insist on the fact that this process is not linear, that is, it is not because participatory democracy had been discussed before the Convention that it was ready to be included in the Treaty. In understanding this process, it is useful to refer to Kingdon's classical 3 streams of problem recognition, policy proposals and policy windows (or political opportunities) as distinct phases of the agenda setting (Kingdon 2003, 86–89). It is important as well to understand that these streams

are not necessarily linear either, as it is suggested by the garbage can model.

The change of venue operated by the Convention is an important moment in the convergence of these streams. It has been highlighted that EU institutions had already recognised very clearly the problem of democratic deficit, and a potential solution, stronger participation, right at the change of the millennium, in particular between the fall of the Santer Commission and the end of 2001 (Georgakakis 2004). This recognition was operated simultaneously by the Commission in the White Paper and the Council in the Laeken declaration. The EU institutions have thus a very prominent role in setting the general agenda. However, it has been shown that civil society organisations played a much more important role than it is generally acknowledged in elaborating concrete policy proposals on participation. The key aspect of these proposals is the formulation of civil society participation as citizens' participation and as a way to make the EU more democratic. These proposals operate as frames for proposals on how to practically operate the answer to the problem: a legal recognition of civil society's right to participate.

That does not mean that these proposals were accepted beforehand. To the diverse interests in the institutional field, evidenced by the EESC attempt to raise its profile, and within civil society, with the social partners sceptical on dialogue, it is important to add that civil society's demands were difficult to introduce in ordinary policy making. In this context the best example is that of the inability of the Commission to include an article on civil dialogue during the Nice Intergovernmental Conference. Furthermore, even when issues of detail were at stake, such as in 2002, the Commission had a very narrow control of the options and decisions. In this sense the incertitude of the Convention was an important change in that the Commission no longer had such a close control. In this sense, the Convention bridged the streams, in that it offered a political opportunity to add civil society's demands to a concrete problem, the Laeken mandate.

Chapter 4 The emergence of an organisational field of participatory democracy

The previous chapter has confirmed that the agenda setting process was important in the formulation of a policy proposal on how to articulate participation as an answer to democratic legitimacy concerns. In particular the Laeken declaration concern with democracy was an important opportunity window. However none of this guaranteed the inclusion of civil society consultation in the Treaty. The best confirmation is provided by the surprisingly low profile of the Commission in this debate, despite its role in raising the issue previously. It has thus appeared that coordinated action by civil society organisations aiming directly at Convention members was important for the achievement of civil society goals.

Once the importance of collective action is highlighted, it is important to understand more precisely the motivations of organisations to take action. The central question is why organisations advocated for a series of principles which were already enforced in practice (Secretariat of the European Convention 2003, 2; Pérez Solórzano-Borragán 2007, 281)? As it was argued in the first chapter it is necessary to analyse the group dynamics in order to understand what organisations were trying to achieve by introducing this demand.

In order to do so this chapter analyses in greater detail the exchanges between organisations on the particular issue of participatory democracy. These exchanges are not only important for understanding the role of coalitions in the Convention, but are decisive for understanding the flows of information and common actions for the promotion of participatory democracy during the Convention, and thus whether and how the participatory democracy frame was diffused. The analysis builds on triangulated data obtained from documents, interviews and questionnaires (see the questionnaire in annex 9 annex 10 for a detailed presentation of the evidence obtained from each kind of source).

1. Analysing the field of organisations active in the debate on civil society institutionalisation

Figure 9 below represents the entire relations between the organisations considered in this work, both those active at the EU and at the national level.

Figure 9 Network primary organisations[23]
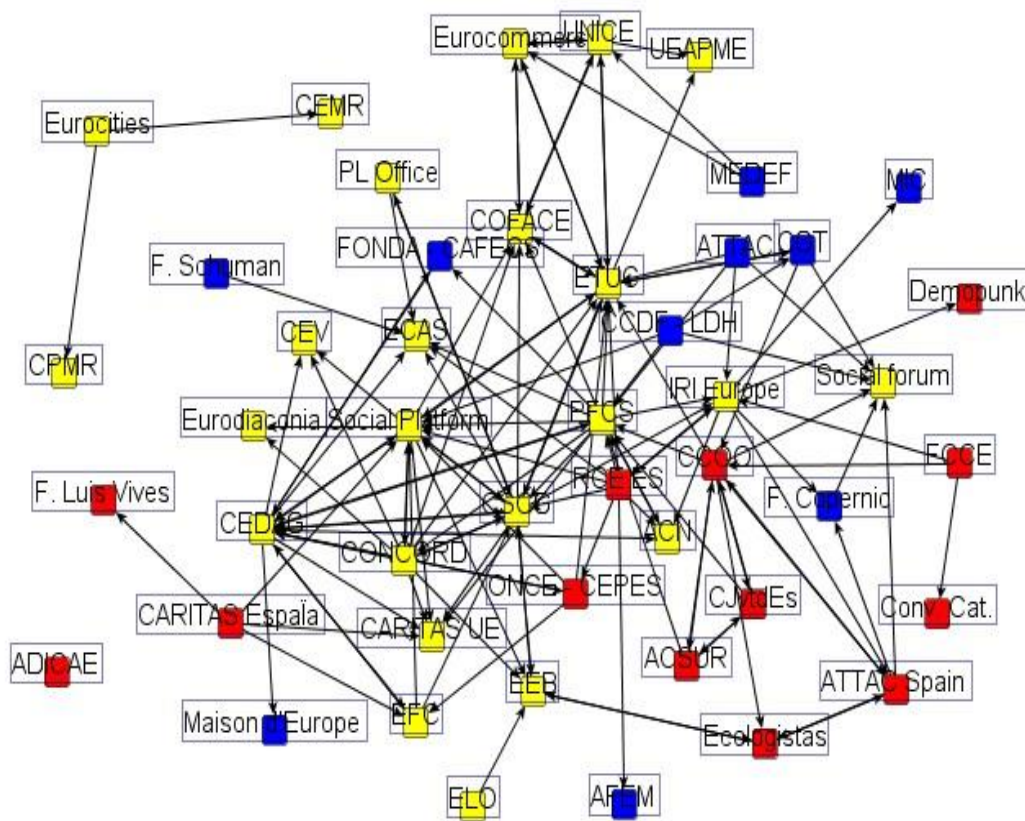
From the first approach the graph provides a number of relevant observations. Firstly the almost complete connection of the network, that is, that there is only sub-component consisting of regional organisations suggests that despite the big diversity of organisations in terms of level of action (EU, Spain, France) and focus (business groups, trade unions, social organisations, environmental ones, regional interests etc) the organisations involved in the discussion on participatory democracy were regularly in touch because of their interest for the same topic. The

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[23] EU organisations represented in yellow, Spanish ones in red, French ones in blue

existence of this shared interest and a system of regular relations suggest that the exchanges between these organisations on the subject of civil society participation can be characterised as an organisational field in the sense that "in the aggregate, [they] constitute a recognized area of institutional life [...]. The process of institutional definition or "structuration" consists of four parts: an extension of interaction of organizations in the field; the emergence of sharply defined interorganizational structures of domination and patterns of coalition; an increase in the information load with which organizations in the field must contend; and the development of a mutual awareness among participants" (DiMaggio and Powell 1991, 65). This chapter analyses the emergence of such a field.

The graph above confirms the existence of regular exchanges and mutual awareness between members of the field, and significantly that those were established despite the strong diversity of interests and goals. Section 2 below analyses the objectives and motivations of organisations in order to understand what was at stake in these exchanges.

The graph reveals very significant differences, which suggest "sharply defined interorganizational structures of domination and patterns of coalition" in terms of patterns of cooperation and competition which are analysed in detail in section 3. The most significant of those are highlighted now.

The graph suggests the existence of a core of EU level organisations in the centre of the graph intensely communicating with each other and a periphery comprising national organisations and less directly involved EU organisations, essentially business and regional organisations. It is noticeable that the latter are either disconnected from the rest of the network (regional organisations or just connected by one or two organisations (business organisations). This suggests that they were at the margins of this organisational field, without necessarily being outsiders in the Convention. Organisations such as Spain's RCE and ONCE or France's Fonda-CARFECS are the few exceptions of national organisations at the core of the network.

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The graph reveals as well that some central organisations played a key role in connecting the network's core and periphery. Observation suggests such roles for the PFCS, ETUC, EEB, CEDAG, IRI and Eurocities. This preliminary observation is very relevant because among these "brokers" of communication between different actors in the field only CEDAG was at the core of the coalition formulating the demand on the institutionalisation of consultation.

Section 4 deals with the flows of information and communication, and reflects on their significance for the extension of the frame on participatory democracy beyond its original promoters. The last section discusses the findings in relation to the literature on collective action in the EU.

2. Civil dialogue institutionalisation: what was at stake

So far it has appeared that the policy debates between 1997 and the Convention contributed to the emergence of an agenda of civil society participation strongly shaped by a small number of civil society organisations and the European Commission and challenged by social partners and to some extent by the EESC. It has appeared that citizens' organisations sought to obtain a legal recognition of their access to EU institutions. This demand by civil society does not seem exceptional in the context of EU and civil society relations as "the degree of institutionalisation of interest groups in the EU political system is what makes it unique" (Greenwood 2011b, 206). However it has been highlighted that the objective was not the creation of access opportunities but rather their institutionalisation. As this relevant distinction is rarely highlighted, it is important to make sense of its significance.

2.1.   The strategy of citizens' organisations

The analysis of recognition demands reveals that those are strongly aimed at raising the profile of citizens' organisations and in particular of social NGOs. This is formulated by an interviewee from COFACE as a way to reverse the historical discrimination by institutions and social partners

against social NGOs and the Social Platform, CSCG and CONCORD interviewees coincide that institutionalisation is a benefit for weak players whose contribution to policymaking could be contested by more influential organisations. Furthermore, opponents of this mechanism such as Eurocommerce and ETUC interviewees confirm that social NGOs meant civil dialogue as a way to raise their profile. The Social Platform requests the recognition of the autonomy of civil society with the same formula used for social partners, as well as the usage of the notion of organised civil society rather than the finally accepted text of "representative associations and civil society". In this sense some interviewees perceive institutionalisation as the emergence of an obligation to listen for European institutions. Below is an unusually strong claim as to the benefits expected from institutionalisation:

> "Since the beginning was the idea that by more meetings with the Parliament, by more meetings with the Commission, by more meetings with the Council, get us on an equal footing with the European institutions" (interview 3, with a representative of the Social Platform).

It is interesting to find two distinct accounts on the emergence and consolidation of a structured field of civil society and interaction with the Commission. The first account (table 12 below) puts the focus on the Commission's activism in structuring the civil society field by encouraging and funding the creation of sectoral platforms (Sánchez-Salgado 2007a; Greenwood 2011b):

> "They [the Commission] hate talking to 50 organisations and they do provide funding to structure" interview 10 with a representative of EFC)

Table 12 Interviewees acknowledging the Commission's activism

Name	References
Interview 03 - Soc. Pla.	2
Interview 09 - Soc. Pla.	1
Interview 10 - EFC	1
Interview 11 - COFACE	2
Interview 16 - ACN	2
Interview 27 - CEDAG	1

The contribution of the institutionalisation of consultation to reducing civil society's disruption potential is probably as important as the motivation of simplifying the field. Although it is frequently argued that EU organisations have a very strong preference for insider registers (Mahoney 2007; Balme and Chabanet 2008), it is also true that these organisations remain able to use protest in some circumstances (Ruzza 2011). In this sense the abovementioned red card mobilisation may have been a further example of the benefits that EU institutions would derive from cooperating rather than colliding with organisations (Alhadeff and Wilson 2002). This is acknowledged by an interviewee from Eurocommerce. Despite this organisation's disagreement with a specific legal status for civil dialogue, and with the very notion of "civil dialogue", the interviewee agrees that this mechanism has had several advantages in trade policy:

> "I cannot advertise the civil society dialogue enough, because often and we've seen it in Seattle in 1999 at the WTO conference, you allow me maybe a play on words but in 1999 in Seattle what we have seen was, in French, "la loi de la rue" [the law of the street]. Now civil society discussions and civil society dialogue take place in the "Rue de la Loi" [Law Street, the main street of Brussels' European district].
> LBG: [laugh]
> Interviewee: That's a big change to which civil society dialogue had contributed." (interview 29 with a representative of Eurocommerce)

This is related as well to a frequent expectation on institutionalisation by citizens' groups: securing access to all the institutions of the EU rather than only to the Commission. The organisations' claims point to two different problems. The first one is the Parliament's reluctance to recognise civil society organisations (EFC, Permanent Forum) and the great difficulty to lobby the Council if it is not done through the capitals. Secondly claims that practices vary enormously across Commission services are probably the most relevant element. This confirms that the expectations of most civil society organisations, at least those linked to the Social Platform would be to create a horizontal dialogue with Commissioners in addition to day to day consultations with Commission services.

The second account is the argument that civil society organisations took themselves the initiative of creating these platforms to push forward consultation with the Commission (Social Platform, COFACE, CONCORD and EFC interviews). This account is linked to criticisms of the way in which the Commission organises consultation. In this sense the Social Platform, the EFC and COFACE interviewees argued that the Commission has always been reluctant to institutionalise dialogue in order not to be tied to specific partners and to avoid weakening the social dialogue. However it is clear that both accounts are not necessarily contradictory. In this sense both sides were interested in structuring the field, as the Commission could expect some legitimacy returns and European citizens' platforms used this move to try to secure access to the Commission and to outmanoeuvre their competitors.

> "So we began to fix the Civil Society Contact Group, […] and we began to push people who said they were civil society but didn't have the credentials, so we said: "I am so and so, I work for this organisation, I'm part of this alliance, which is itself part of this alliance, and I'm mandated to speak on behalf of these organisations". So the other guy would go on to say "I am very important, I have been around Brussels for a hundred years". "Who are you"?" (Interview 21 with a representative of CONCORD).

Compared to these accounts, the role of civil dialogue in bringing the EU closer to citizens appears both relatively weaker and much more contested by organisations in the field. The two interviewees from the Social Platform, together with those from COFACE and ETUC acknowledge that the Commission has turned towards civil society organisations in search for increased legitimacy. In the opposite position the interviewee from ETUC considers this as a wrong strategy as he fears that civil dialogue may weaken an already fragile representative EU democracy. Furthermore, the EFC representative argued that legitimacy concerns were only attached to civil dialogue debates at the time of the Convention and that before this it was never the primary aim to be achieved (Kohler-Koch and Finke 2007). In this sense EFC and CONCORD interviewees argued that expertise seeking is very much the Commission's primary concern. It thus appears clearly that the main driver of the institutionalisation of civil dialogue on the side of civil society

organisations was the creation of a recognised and transversal access mechanism to EU institutions (del Río Villar 2004, 282–283).

2.2.   Differentiation strategies

As it was said in chapters 2 and 3, virtually all organisations and not only citizens' groups were trying to be recognised as relevant partners of the EU. Until the Convention there is a shared demand on the need to structure consultations and all the organisations use available windows of opportunity to make it. This made very different sectors interested in the consultations preceding the Convention and to some extent foster cooperation between different organisations. However, as the stake of the Convention was a Treaty change and no longer raising the issue in the agenda, organisations followed very clearly differentiation strategies. Not only did they seek recognition for civil society in general but tried as well to secure access to institutions for them and the constituency that they represent. In addition to citizens' organisations at least 3 sectors (regional organisations, churches and the social partners) were following different paths in order to obtain specific recognition by the Convention. There were as well significant attempts at obtaining specific recognition by particular subsectors such as foundations, "third sector" or groups experiencing poverty.

Obviously this does not imply that the differentiation that took place finally, article 47 on "associations and civil society", article 48 on "social dialogue" and article 52 on dialogue with "churches and philosophical organisations", and the role of the Committee of the Regions in checking subsidiarity, are the result of differentiation strategies on the part of these actors. There are obvious structural differences between the four sectors which are underlined by interviewees: social dialogue has existed at EU level for 20 years; local and regional authorities are not civil society and could hardly be involved in the same sort of mechanisms. That said, the uncertainty linked to the novelty of the Convention and the fact that the issue at stake was a Treaty change, may have made it plausible at some point to reconsider some of these existing practices. In this sense, interviewees from social NGOs (Social Platform, EFC, ACN and CEDAG)

admit that they would like civil dialogue be inspired in social dialogue or to participate themselves in social dialogue (del Río Villar 2004, 277), which is a taboo for social partners. The measure of activism of the latter to prevent this (see next subsection) suggests that at some point this may not have been a foolish possibility.

Local and regional authorities associations established a strong alliance in order to obtain legal basis for their EU level cooperation. This should be clearly distinguished from partnerships with civil society (Sloat 2003), as the 2001 governance strategy entailed some risks of confusion as well as some recognition of the importance of the local level in any EU participatory model:

> "Eurocities as much as other organisations, organisations with which Eurocities collaborated, wanted that formal recognition of the local or regional authorities and their representatives at different levels as a different sector than civil society." (Interview 35 with a representative of Eurocities).

Churches, with the support of their social action NGOs, were seeking to obtain a specific recognition of their dialogue with EU institutions (Airiau 2007; Leustean 2007). This seems to have been perceived as a sort of "internal treason" by social NGOs since church-related NGOs have been strongly involved in demands by Social NGOs (interview 18 with a representative of CSCG).

Interestingly, there were attempts of subsectoral differentiation within citizens' interests' groups. The decay of civil dialogue in favour of the participatory democracy frame has been explained as a consequence of the politicisation of the agenda-setting process. However it appears that this frame was not equally interesting for all citizens' organisations. The fact that actors involved in consultations with DG trade and DG environment (CONCORD and EEB), where the standards of consultation are much more developed than in DG Social Affairs, did not make demands on civil dialogue during the Convention is related to concerns that the recognition of a horizontal standard applying to all DGs and EU institutions could downgrade the standards where they were already high (interviews with EEB, Eurocommerce and CONCORD representatives).

Furthermore EFC, ACN and CEDAG, in a nutshell organisations representing the "third sector" or social economy, asked the Union to recognise the freedom of association (or foundation) on the Charter of rights which recalls the mid 90s discussion on the European association statute (Will and Kendall 2009) and its linkage with economic activity (interview 22 with a representative of the PFCS). On the other hand the Social Platform interviewee claims the specificity for social NGOs as they stand for the weakest groups of society, otherwise unheard:

> "And also because we come from a sector where we are coming from citizens' initiative and where it is hard to be heard. [...] You know, they [member organisations] have access to something that other people, no other expert have, but they are not recognised for that and they are not invited to meet". (Interview 3 with a representative of the Social Platform)

The differentiation strategy of social partners is particularly interesting because it does not build on citizens' organisations one but is rather a reaction against it.

2.3.   The emergence of contestation

A relevant dimension of the process of agenda setting is the emergence, albeit slow and fragmented, of some opposition to the institutionalisation of civil society consultation. It was highlighted that in the agenda-setting process the most significant opposition came from the social partners. This is matched by their activism against civil dialogue and for a distinct recognition.

It is interesting that the interviewee of ETUC reduces the demand to include civil society consultation in the text to "a few NGOs who are not so happy about the social dialogue article in the Treaty and they wanted to have a counterweight" (interview 31). In relation to this, social partners were trying to secure a different recognition than civil society consultation, as they already had in the social dialogue scheme. The positions of UNICE and ETUC coincide that their role should be distinguished:

> "The draft constitutional Treaty contains an article 34 which sets out the general principle of participatory democracy. A clause to the effect that '[...] The EU promotes and support social dialogue between the Social Partners (Management and Labour), respecting their autonomy' should be added." (Gabaglio, Jacobs, and Cravinho 2003)

The frame of this demand goes beyond a particularistic claim as the point is that the role of social partners is particularly important because they are able to participate in policy making as "co-regulators" and that their representativeness allows them to take decisions for their constituents.

However ETUC perceived a much stronger threat from social NGOs than UNICE did in that its role as the EU's main social counterpart could be challenged if other non-business organisations acquired a stronger role.

> "NGOs would like to come into social dialogue, but business and we, we have experience what happens in the factories, in the offices, and the NGOs are not really inside this business. So we cooperate wherever necessary, let's say on green jobs, or climate change, where they have a lot of experience, on human rights, fundamental rights because there as well they have a lot of experience, but it is already very difficult to get to an agreement with business, and the more people there are in this dialogue, the more difficult it is." (Interview 31 with a representative of ETUC)

As it has been suggested by the framing of the amendment quoted above, the social partners did not try to object to such a powerful framing as participatory democracy. As it was said in chapter 2, they were more active in influencing the details of the discussion on participatory democracy, in particular on the question of representativeness. On this point they could exploit the internal differences of citizens' organisations on issues of accreditation, representativeness and European status (Ruzza 2004, 46). Although obviously these issues were necessarily marginal in such a broad setting as the Convention, interviews suggest that the wording of the article in relation to "representative associations" may not be the result of a bad translation (interview number 4 with Alain Lamassoure) or of clumsy wording (Greenwood 2007b, 336) but linked to the demands of some civil society actors. In this sense, the interviewee from UNICE claims influence in the wording of the article:

> "Well, we strongly emphasized that we wanted the words representative associations, OK? […] It is us who called for a real emphasis on representativeness. It was not really a problem because everyone was pretty much on the same line" (Interview 17 with a representative of UNICE)

This is coherent as well with the strong position of UNICE for representativeness during the previous consultations, where it even suggested its' own internal setting as an example of how European representativeness should be measured (Michel 2007). UNICE tried to use its position within the EESC in order to promote its view on representativeness in civil dialogue. Although unsuccessful, this may have contributed to the abovementioned rejection by citizens' groups of any role for the EESC in civil dialogue.

3. Collective action: coalitions and interorganisational structures

These qualitative findings on the role of alliances as facilitators of collective action and frame convergence of chapter 3 can be explored further by a quantitative analysis of two dimensions of the network. The first one is individual actor centralities, that is, the place of each actor in the network in terms of its number of ties to the rest. The second dimension is a study of individual actors' structural similarities, that is, the roles played by different actors seemed to have played and the hierarchical composition of the network. These analyses have been respectively carried out with the Visone and Ucinet software packages.

Closeness and betweenness have been used as the main measures of individual actor centrality. Both measures point out how central an actor is in terms of contacts with the rest of the network, although closeness measures how close an actor is to the rest and betweenness calculates how many paths between pairs of actors come across one actor. That is, closeness measures the direct contact between one actor and the rest whereas betweenness measures the ability to broker contact between actors. Table 13 below summarises the findings for the 10 most central actors in each measure. See annex number 5 for the complete measurements. This is illustrated in the graph below (figure 10) representing actors which are close in the same areas of the graph, and

scaling nodes according to their centrality from the centre to the periphery of the graph.

Table 13 Centrality measures

Organisation	closeness	Organisation	betweenness
PFCS	0.56	PFCS	0.20
CSCG	0.52	ETUC	0.15
Social Platform	0.51	IRI Europe	0.14
ETUC	0.50	Social Platform	0.12
RCE ES	0.49	CSCG	0.11
CONCORD	0.47	CEDAG	0.09
CEDAG	0.45	RCE ES	0.08
COFACE	0.44	Eurocities	0.09
IRI Europe	0.43	CCOO	0.07
CCOO	0.43	EEB	0.05

The analysis shows some relevant differences between both centrality measures. Some of these divergences are telling about the structure of the network and alliances. Analysis of closeness centrality shows that despite finding that the PFCS and the CSCG had a minor role in the frame setting process; they had an important role in linking other organisations, since they were the organisations having more ties to other actors. Surprisingly ETUC appears as a central actor of the network despite its rather distant attitude towards participatory democracy and civil society involvement. The results appear particularly surprising when betweenness is considered as not only ETUC and the PFCS score higher than the CSCG or the Social Platform, but so does IRI Europe, which was not only far from the core organisations advocating consultation but had not participated in the collective agenda-setting process.

Given that the betweenness centrality measure increases for nodes connecting actors that would otherwise be isolated, the most plausible explanation is that the PFCS, IRI and ETUC had more ties to the more isolated organisations, that is, national ones, than the other actors. Figure 13 in next chapter confirms that the PFCS, ETUC and IRI are the preferred partners of national organisations which confirms the abovementioned hypothesis that these organisations' betweenness centrality indicated a brokering role with national organisations.

Figure 10 Primary organisations betweenness centralization[24]
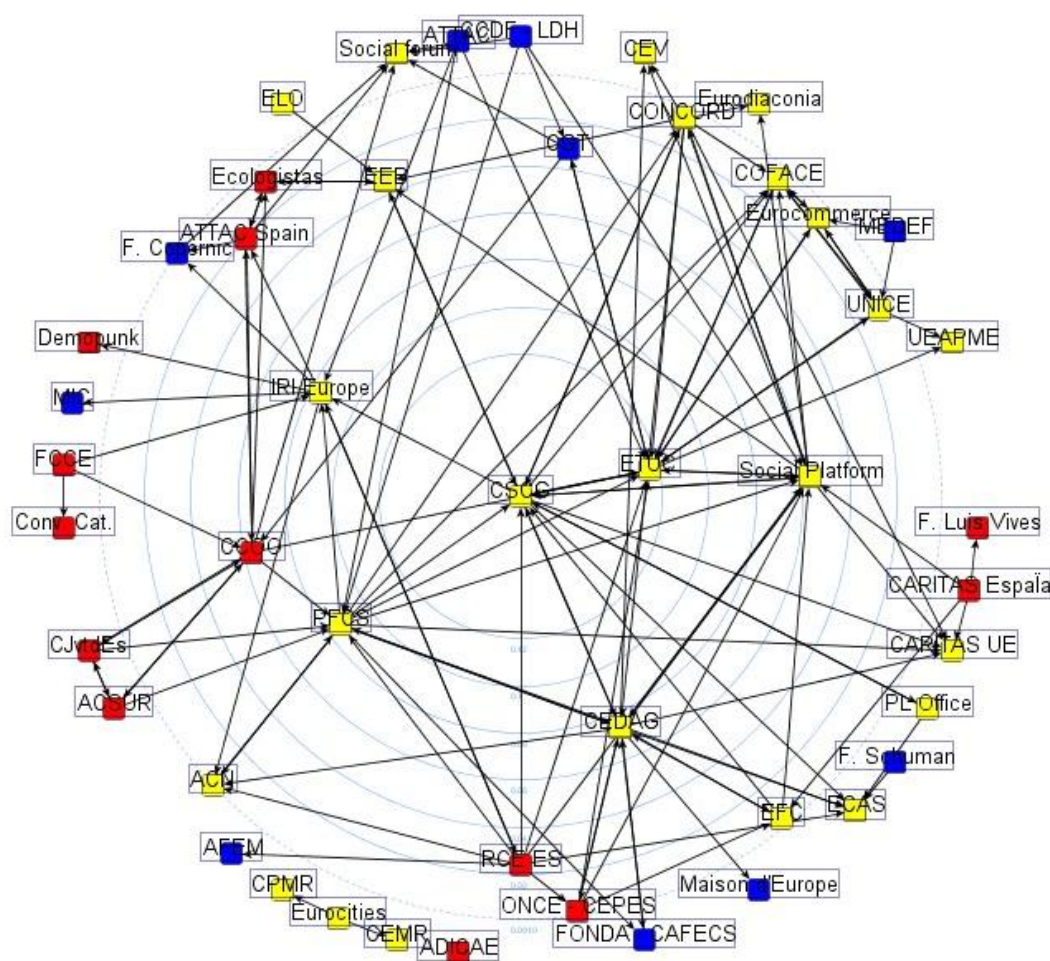
The strong presence at the centre of figure 10 above of citizens' organisations framing civil society consultation as participatory democracy suggests a clear core periphery division. This was analysed by studying individual actor structural similarities with the Ucinet core / periphery tool that groups together organisations having stronger ties. The result is a clear bipartite division putting COFACE, CEDAG, CSCG, RCE, the Social Platform, PFCS, ETUC and CONCORD at the core[25]. The density of these organisations' contacts is very high as almost 60% of all the possible relations among them are achieved. These organisations have weak ties to the rest of the network, and the contacts among the rest of organizations are almost negligible.

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[24] Organisations' position indicates centrality, node size indicates degree

[25] The software output in the form of a spatial representation is too large to reproduce it here.

Table 14 Core-periphery density matrix

	Core	Periphery
Core	0.597	0.116
Periphery	0.069	0.028

The core or the network is thus constituted by advocates of civil society consultation (see table 9 in the previous chapter). This provides a very strong confirmation that these organisations constitute a coalition exchanging information and acting together on this topic. The presence of a Spanish organisation like RCE in this group may be surprising and is discussed in further detail in the following chapter, although it seems that this organisation could behave as a European actor thanks to its expertise. The most noticeable aspect is the strong role of the PFCS and ETUC in the coalition despite their distant attitude to civil dialogue and more indirectly the presence of the CSCG, since the qualitative data suggested that the organisation's role was undermined by internal differences.

As this core – periphery division was expected a structural equivalence analysis of European organisations has been carried out to understand more precisely the similarities and differences in the roles of the actors. The dendrogram below (figure 11) clusters together actors with similar patterns of relations to other actors, rather than those networking intensely among themselves as in the previous analysis. This means that the ties towards other actors of organisations grouped together tend to be very similar. This figure suggests that organisations of the same size and type and those sharing similar visions of participatory democracy have a similar pattern of relations. In this sense organisations advocating a stronger dimension for individual citizens' participation and direct democracy are grouped together (except the PFCS), whereas social partners and regional organisations have similar patterns of relations. The rest of the organisations are regrouped according to their relevance in the coalition, as it seems that alliance organisations (PFCS, CSCG and the Social Platform) have greater similarities among them in terms of their patterns of relations than with their own members. This suggests that the members of the CSCG and its members, in particular CONCORD and the Social Platform, as well as several members of the Social Platform and

EEB tended to network intensely with the same organisations, which means that European organisations tended to network more intensely with organisations with which they had hierarchical relations.

Figure 11 EU organisations correlation clustering
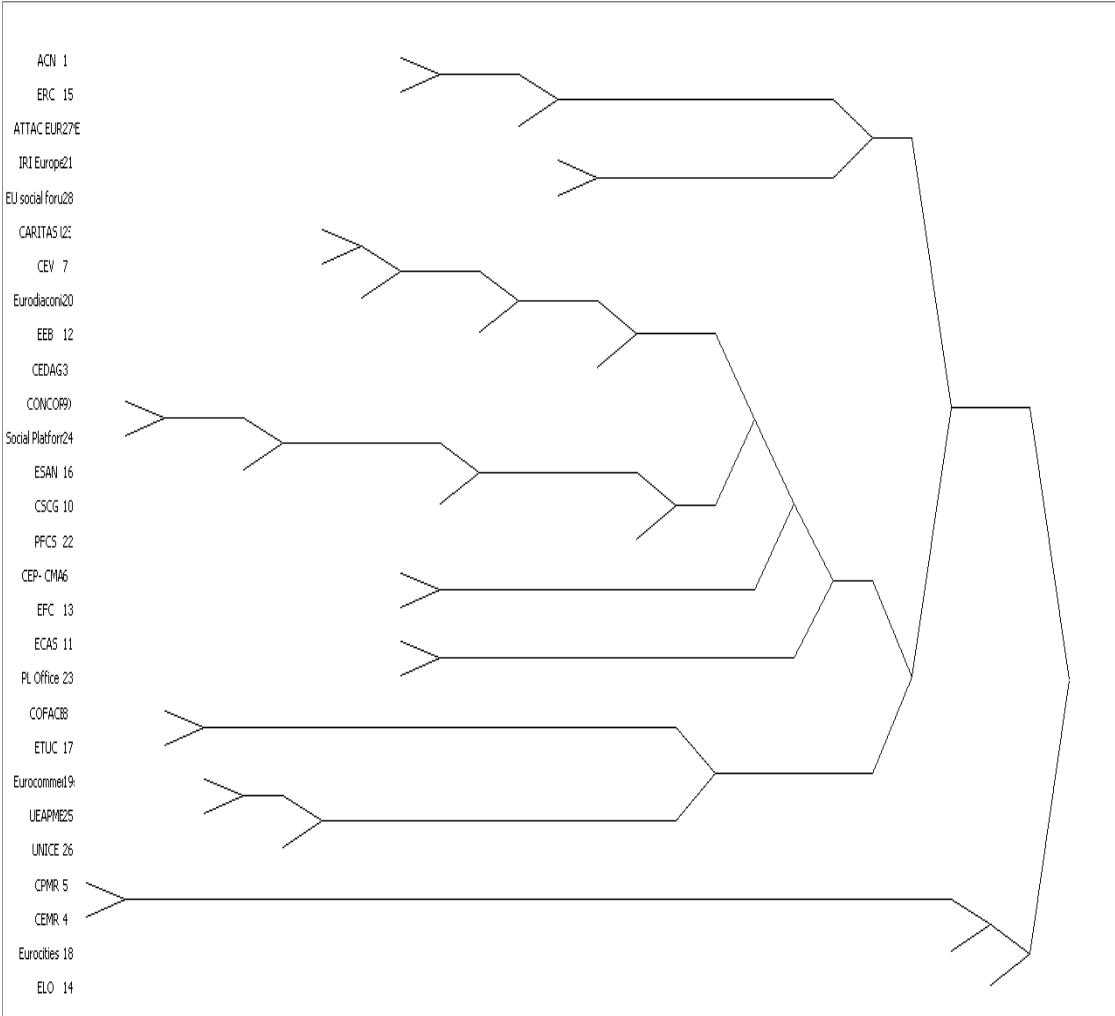
So far, the measures focused on mere contacts and exchanges of points of view between organisations. When the dimension of collective action of organisations carrying out common actions is considered, a division appears between organisations acting as information or opinion relays (see next section) and organisations acting together towards the Convention.

Figure 12 below is very telling, as it shows a central group of EU organisations interacting among themselves beyond exchanges of points of view. It confirms the importance of the Social Platform, in the sense that the most intense flows happen between this organisation and its

members, whereas other coalitions such as the CSCG and the PFCS acquire a minor role. It shows as well that only a few organisations such as ETUC, IRI and CEDAG established common actions with national organisations.

A second relevant dimension of the graph is that it confirms that organisations with similar perceptions of participatory democracy were acting together. In this sense it appears that the Social Platform led the common action on civil dialogue whereas organisations promoting direct democracy such as ACN, PFCS, IRI or ATTAC were acting together as well.

The finding of a coincidence between common positions towards participatory democracy and collective action is relevant because it confirms that the convergence of views on participatory democracy was accompanied by common action. This suggests both that views convergence was itself a manifestation of collective action and that promoting participation was one of the key elements behind organisations' collective action.

This analysis thus confirms the interviewees' claims about the importance of coalitions. The importance in the network of organisations such as the CSCG and the PFCS that did not appear to have had much individual influence suggests that the importance of coalitions did not lay in the designation of an organisation to act on behalf of the members. Coalitions were important for the circulation of information and bridging national organisations, such as the PFCS and ETUC did, and for favouring common action by the members of the coalition, as the CSCG but especially the Social Platform. In this sense, the network data confirm that these two organisations and their members were frequently communicating and acting together. The role of coalitions seems to have been providing information, access opportunities and coordination for their members. If the agenda setting process contributed to building a common demand among a substantive number of organisations, their expression of this demand almost unanimously to the Convention was favoured by the existence of these coalitions.

Figure 12 Common action network[26]
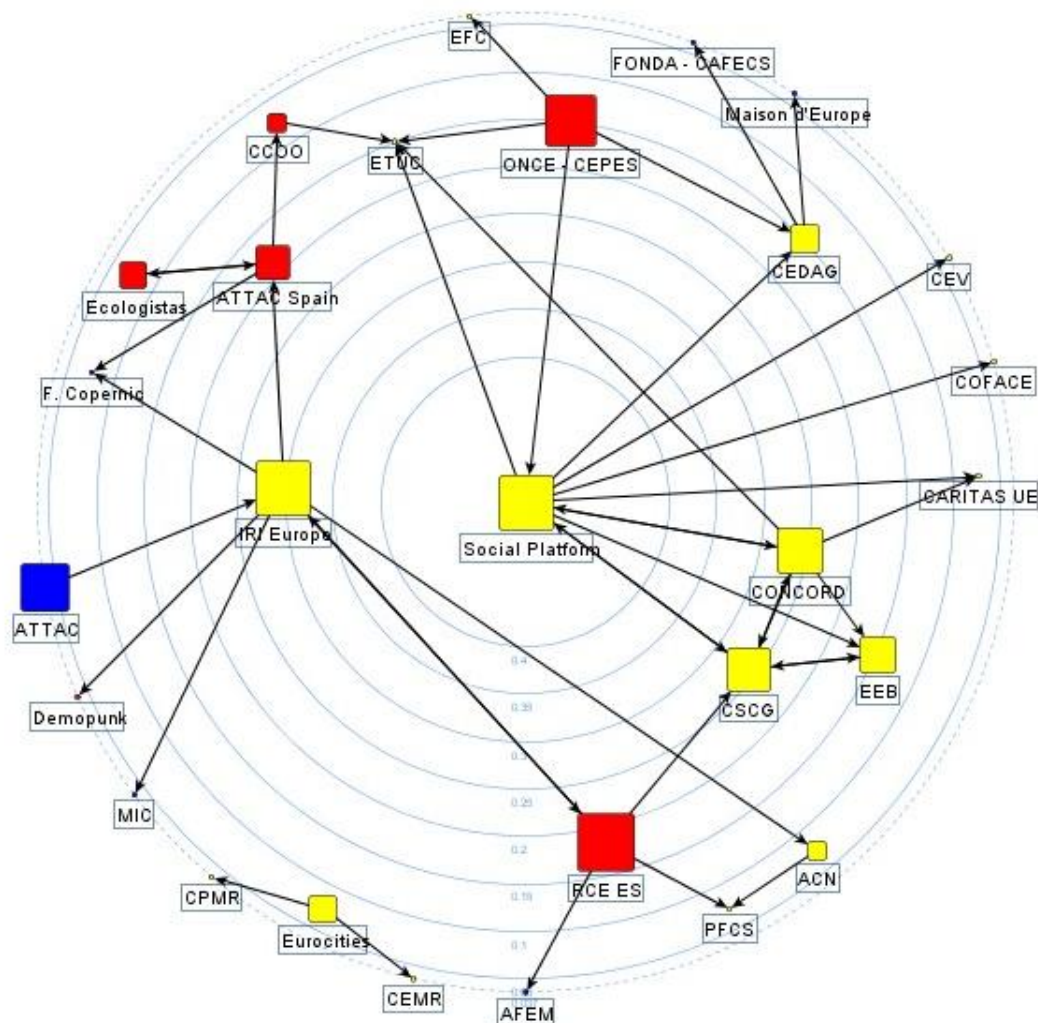
4. European coalitions and communication

This section addresses two questions. Although it should now be clear that the civil society field is characterised by a very strong exchange of information among its participants, it is useful to know if there were different patterns of communication between organisations. Secondly, it discusses which role alliances played in the diffusion of the frame beyond specialised publics.

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[26] The position in the graph represents degree and node area represents' closeness centrality

4.1. Leadership and communication

The results about the important role played by ETUC, the PFCS and to a minor extent the CSCG are surprising considering their relatively modest role in the coalition demanding the institutionalisation of civil dialogue. The importance of this role could be better tested by carrying out a prestige measurement. This measurement is not limited to the number of contacts of each actor but analyses the direction of the ties, that is, whether organisations are more often starting the contacts or rather receiving them. The most prestigious actors are those which receive more ties, they are sought by the others, whereas those sending more ties are more active in establishing contacts and diffusing information. This introduces a very relevant distinction between actors showing a very strong activism towards other actors and those being considered relevant and thus targeted by the other members of the network.

This is done here by comparing the number of indegrees and outdegrees, that is, the number of contacts received and sent by each organisation. Table 15 below summarises the findings for the 10 actors receiving and sending more ties. See annex number 6 for the complete measurements.

Table 15 In and out degrees

id	indegree (std)	id	outdegree (std)
ETUC	0.26	PFCS	0.26
Social Platform	0.22	CEDAG	0.24
CSCG	0.2	CONCORD	0.2
PFCS	0.18	CSCG	0.2
CEDAG	0.16	RCE ES	0.2
COFACE	0.16	Social Platform	0.2
CARITAS UE	0.14	CCOO	0.14
ECAS	0.12	ETUC	0.14
Social forum	0.12	IRI Europe	0.12
CCOO	0.1	ATTAC Spain	0.1

These results nuance the centrality measures as they reorder the pre-eminence of the actors of the network. In this sense, the indegree column in table 15 above shows that the actors which advocated civil society consultation such as the Social platform, COFACE, Caritas, are among those more often sought as partners. This tends to confirm the

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importance of the Social Platform and the CSCG as the focal point of the coalition, and provide further evidence for the surprising role of ETUC.

There are as well relevant differences between actors' receiving and sending more ties. In the case of actors like the PFCS and CEDAG it seems that their role in the network was more that of an activist in brokering contacts and sending information than that of a leader. In this sense their salient role in sending contacts (outdegree column above) is not matched by the number of times that they were sought as partners (indegree column). Furthermore a very active organisation such as the small Spanish RCE (outdegree column) had very few of their contacts reciprocated (it is not among the 10 most contacted organisations in the indegree column). These results mean that despite the activism of some organisations most of the members of the network tended to target mainly a few well-known actors and coalitions, in particular those advocating civil dialogue. This explains as well the surprising role of ETUC. Even if it was not really supportive of civil dialogue, its mere importance in EU civil society and its presence in the CSCG make it a focal actor for any organisation active on the field of civil society dialogue. Evidence of ETUC's ability to be active in different publics and bridge institutional and contestatory discourses is well exemplified by the following quote from the General Secretary's intervention in the European Social Forum:

> I would like first to thank the Mayor of Paris for his support in arranging this tremendous Trade Union Forum, as the opening event for the European Social Forum in Paris this week. As a left-over of the '68 generation, I remember the old slogan: 'sous le pavé, la plage'. [...] We need more of this kind of thinking, which brings public administration, at whatever level, closer to our citizens. [...] The principles agreed by the Convention go very much in the direction pointed-to by the European trade union Movement. It did not go all the way to meet our objectives. We have particular concerns about the need for new tools for economic governance and we would have liked more majority voting on social policy. But as trade union negotiators, we know a workable deal when we see one. We judge that it would be a disaster if the principles that have been agreed were now brought back into question. They do not consecrate competition, but rather introduce the social market economy. They provide a legal base for positive action on our public services. Those are features that distinguish Europe from the model that some, like the International

Monetary Fund, would wish to impose on us." (John Monks' address to the European Trade Union Forum, Paris, 11 november 2003)

4.2.   Alliances and frame diffusion

The analysis of communication flows extends the strong core periphery division to the communication between organisations. It thus appears that the leaders of the network, the most prestigious actors that had advocated more strongly for the recognition of civil dialogue, were not very active in establishing relations with other actors. On the other hand, centrality analysis and prestige measures have somehow unexpectedly highlighted the activism of actors relatively distant from this core such as IRI, PFCS or ETUC. This has been explained by the stronger communication efforts and the stronger links between these organisations and national groups, which gave them the most significant role in bridging different parts of network. The implication is that the organisations communicating more actively (those attempting more contacts, outdegree column) were not those that had more actively contributed to create the participatory democracy frame.

The coalition of core organisations was thus influential at bringing the topic to the Convention, but does not seem to have tried to extend the frame beyond this venue. This resonates with Mahoney's findings that, unlike the USA, the main rationale behind coalitions at EU level is not to anticipate public opinion pressures to political elites (Mahoney 2007, 368; Hula 1999, 49) but to efficiently pool resources at the EU level, since the EU's weak democratic structure hinders the ability of civil society to articulate a strong political pressure (Mahoney 2007, 377). This is a significant difference with the expectations of social movement literature on frame circulation. The lack of activism of its promoters beyond specialised circles suggests that contrary to the typical expectations of social movement theory (Snow et al. 1986, 472; Muller 2008, 58–61) there were no conscious frame extension strategies.

In this sense the only claims that one of the reasons for organising a coalition was to contribute to the diffusion of the Constitution in order to promote debate at grassroots level are referred to the CSCG and more

particularly to its act4europe campaign. As it was highlighted, this organisation was relatively active in networking (outdegree 0,2).

Organisations promoting the ECI (IRI, PFCS) and alternative views of the EU (ATTAC, Social Forum) were relatively more active in communicating in comparison with their relatively weak role in the debate. The IRI and PFCS were weak at creating lasting links with other groups and ATTAC and the Social Forum were almost not involved in the Convention (Agrikoliansky 2007). In this sense their involvement in debates seemed to be reduced to individual participation in a few events rather than a campaign with national organisations:

> "During the two referenda campaigns, in France and in Holland, hum, several people from our association went to participate in the debates in France, myself I went to Lille at least twice and once to Paris, and the debate was so feeble…" (Interview 22, with a member of the PFCS).

5. A field of specialised debate on participatory democracy

Section 2 has shown that the organisations involved in the debates on participatory democracy before and during the Convention did not simply send their opinions to the EU institutions, but established competition and cooperation relations with them and with other organisations. This means that these consultations contributed to create a field of specialists on civil society consultation populated by organisations promoting different points of view.

It has appeared that the Convention was sensitive to civil society organisations' demands to include the principle of consultation in the Treaty, as a result of the expression of a common demand and the need to comply with the Laeken mandate on the democratisation of the EU (del Río Villar 2004, 322). The strategy of civil society organisations implied using the participation opportunities provided by the Convention for formal and informal contacts rather than delegating advocacy on this topic to the Commission. Organisations consider that the main reason explaining their success was their involvement and reputation and

especially the fact that organisations produced a unanimous demand on the topic.

Although the characterisation of the coalition promoting participatory democracy is not the primary aim of this work it is important to conceptualise it in order to try to produce generalisable conclusions. In some aspects the creation along a few years of a common frame of ideas on participatory democracy shared by a constituency of civil society organisations and the institutions resonates with the advocacy coalition framework (Sabatier and Jenkins-Smith 1993), which has been successfully adapted in the EU context (Sabatier 1998; Ruzza 2007; Engel 2007; Dreger 2008).

However there are different aspects where the case presented so far differs from the model. Firstly the changes that have been found in the organisations' discourses are difficult to attribute to a learning exercise between different organisations and seem to be directly related to an instrumental framing aimed at better fitting the expectations of other partners and EU institutions. In this sense the fact that the enlargement of the frame to include other mechanisms of participatory democracy such as the ECI was operated by actors outside the main coalition such as IRI suggests that the coalition failed to integrate these sorts of concomitant demands. In the case of an advocacy coalition it could be expected that these sorts of demands would have easily been integrated as policy or secondary beliefs by the coalition (Sabatier 1998, 103–104).

Secondly and probably more substantially, there is no evidence that civil society and institutional actors come together under a common coalition for advancing the demand. Although Saurugger attributes a relevant role to the Commission Secretariat General in this achievement (Saurugger 2010, 480), the evidence gathered here (interviews 13 and 14 with officials of the Commission's secretariat general and internal staff working documents) is that this institution was not particularly active in promoting civil society consultation during the Convention.

It has rather been found that the actors were interested in the progress of the advocacy for different reasons. In this sense it is clear that the Commission was interested in framing its exchanges with civil society organisations as a form of participatory democracy and that it was this institution that introduced this issue in the agenda (European Commission 2000; European Commission 2001), which organisations only assumed after 2001. Network analysis has confirmed the existence of 4 different coalitions: the social partners, regional organisations the promoters of civil society consultation and those of direct participation. In no moment all the actors in the discussion, and even the members of a coalition, were pursuing exactly the same goals. For instance within the citizens' interests coalition each actor sought the recognition of its own role besides common advocacy. Furthermore it is difficult to see a movement advocacy coalition (Ruzza 2004) in that the participants are very diverse, with a combination of actors more or less prone to contestation and with a very weak connection to broader social movements as a coalition, despite the obvious linkages of some of its members.

This suggests that rather than concentrating on the importance of a network coordinating all the relevant actors it is better to identify a field as a stable and recognizable set of relations where actors deploy autonomous and competing strategies (Bourdieu 1981; Bourdieu 1984; DiMaggio and Powell 1991; Stone Sweet, Fligstein, and Sandholtz 2001). The agenda setting process that culminated in the Convention was a process where some of the most salient actors of each of the civil society areas came to discuss together and with the EU institutions the rules that should apply generally to the relations with non-state actors. The actors become aware of each other's strategies to obtain or block each others' ways of access. As it has been shown, the field is structured by the frequent presence of actors particularly active in the topic and the development of coalitions and oppositions between them. Institutional theory posits that organisations active in the same field experience institutional isomorphism in the form of the emergence of an organisational ideal type (DiMaggio 1991), common frames and similar forms of collective action (Scott 2008, 185–190). Although this has not

yet been the case for organisations active on participatory democracy, after all participants in this field are rooted in a specifically differentiated EU field, the stake of the field was the definition of common norms on organisations' access to EU institutions. The fact that the Convention was an open door to Treaty change made it a decisive venue in this organisational field, although the uncertainty over the fate of the Constitution, the changing objectives of the institutions about participation and the need to develop the secondary norms emanating from the Treaty imply that the field is still today immerged in a structuration process (Greenwood 2011a; de Castro Asarta 2011; Bouza Garcia 2012).

Chapter 5 A failing meeting point: patterns of relations between European and national organisations in the Convention

One of the central questions raised by this thesis is whether the Convention contributed to making national civil society interested in participatory democracy in the EU, which could then contribute to raising awareness in the European public space (see following chapter). Analysing the participation of national civil society organisations in the Convention and their relations with the promoters of participatory democracy is thus a necessary step.

Furthermore, it is an important contribution to the study of the role of civil society in the Convention, which has been so far almost neglected under qualifications that the Convention was "Brussels talking to Brussels" (Milton and Keller-Noëllet 2005, 43) and highlighting "business as usual" in the predominance of European over national organisations (Shaw, Hoffman, and Bausili 2003; Lombardo 2007; Monaghan 2007). On the basis of these findings and in general of literature on the relations between the EU and civil society (Ruzza 2007; Sánchez-Salgado 2007a; Greenwood 2011b, 66) the participation of civil society in the Convention can be expected to have been quite hierarchical in that national organisations tend not to have some of the specific European resources necessary for influence in this sort of process (Will et al. 2005, 23; Sánchez-Salgado 2007b), such as offices in Brussels, knowledge and a lack of involvement in the previous venues and trust of European political personnel which has a preference for specifically European organisations. This quote of a Spanish organisation shows that national actors are aware of these access barriers:

> "They [EU institutions] only address 5 issues, and they always call upon the same people and that's all. And you must see what they subsidise. What do they subsidise? The European Movement, the [European Women's] Lobby is subsidised for women affairs, and what else? Because it was a real fight for organisations other than the Lobby to get in because it's open, but you have to meet such requirements that no one is able to. First of all you have to be

formally constituted in Brussels, and then all the rest..." (interview 24 with a representative of RCE).

This resource imbalance could make national organisations' participation ineffective in comparison with those of European organisations, and as a result it can be anticipated that the main strategy of successful national organisations may have been to rely on their European umbrella organisation rather than direct access.

This chapter analyses whether the Convention was a meeting point for national and European civil society and thus possibly favoured contact between specialised and general publics. In order to do so it analyses firstly which Spanish and French civil society organisations participated in the Convention and how they did it. Secondly it analyses their evaluation of the Convention, that is, to what extent they consider that it was useful and their participation relevant. Thirdly it analyses their contacts with European organisations and finally it discusses which dynamics in terms of collective action influenced that national organisations could play a role in the Convention.

1. Ways of access of national organisations to the Convention

The Brussels based Polish NGO office was the only national organisation strongly involved in the consultations preceding the Convention (see annex number 2). This contrasts with the interest of national actors on the Convention on the future of Europe, which amounted to 59,06% of the contributions to the online Forum, which is a slight increase from 51,8% of the contributions to the first Convention (Kværk 2007, 161). This means that the change of venue and stake, which implied a possible Treaty change in contrast with the more subtle stakes of the previous consultations, and probably the higher political salience of the debate which aimed to take the EU to a new constitutional step (Habermas 2001) made the Convention an attractive event for national organisations. The following quote, if somehow overstated, exemplifies the way in which civil society participation was associated to a deepening of European integration at the time of the Convention: "The flags of Federalism,

Constitution and governance were raised in the first instance by organisations representing civil society" (del Río Villar 2004, 280).

Although the Convention had multiple access venues the Forum has been described as being "little more than a website" (Monaghan 2007, 77), and it has already been said that the Praesidium and the Secretariat did not actually consider these contributions in the drafting (interview 5), despite the digests produced by the Secretariat (Secretariat of the European Convention 2002a). In this sense, national civil society organisations' obvious interest for the Convention does not directly imply a strong involvement in the Convention. It is thus important to analyse the presence of national organisations in the other more relevant fora that have been identified as the ways of influence for civil society in the Convention. In this sense the Forum was actually more than a website as it was a filter for organisations' participation in the working groups which prepared the plenary hearing (del Río Villar 2004, 299).

The evidence is that among the participants in the plenary session hearing only 5 organisations were not European organisations: the Robert Schuman Foundation, the Network of Women Citizens of Europe (Red de Ciudadanas Europeas), Institute for Economic Analysis and Informatics, Hungary – ECOSTAT, Polish NGO Office in Brussels and the Association of Women of Southern Europe (AFEM), all of which except the Hungarian organisation have a distinct European flavour. It thus seems that the Convention reproduced the EU institutions preference to consult European organisations:

> "I think that there was a statement by Dehaene to separate input at the European level and input at the national level. And as a result of that I think that he got input from the organisations in Brussels, but they didn't bring their national members into the process. " (interview 23 with a representative of ECAS)

This seems to endorse criticisms on the hearing of civil society organisations of 24-25 June 2002 as yet another occasion of "Brussels talking to Brussels" (Milton and Keller-Noëllet 2005). Furthermore, one of the ways in which the Convention intended to obtain input from the national field, the organisation of national

debates by members of the Convention and governments, seems to have worked very irregularly (Monaghan 2007, 74–75). This is admitted by Jean Luc Dehaene, the vicepresident of the Convention in charge of civil society relations.

> "Throughout the Convention we encouraged member states and national civil society structures to organize a debate at the national level also and there are a number of countries that did, France and Spain among others, but most of them didn't and as a result the dialogue with civil society had no impact on those working on the field." (interview 1 with Mr. Jean-Luc Dehaene).

An analysis of the governments' reports on the national debate in Spain and France diminishes even Dehaene's cautious approach, since in both countries the dialogue seems to have focused on strongly institutionalised organisations prone to be interested by the EU, such as Universities, salient think tanks and foundations (León, Mateo Díaz, and Meseguer 2004, 69), with a very weak involvement of third sector actors (Will et al. 2005). When these cases are considered the most salient exception is the Catalan Convention (León, Mateo Díaz, and Meseguer 2004, 68), which met formally for 11 months at the same time of the Convention and consulted widely the different sectors of Catalan civil society (Convención Catalana 2003, 46–54), although having been presented to the Convention's Praesidium after the end of the Convention's hearing phase in February 2003 when the diplomatic stakes were high (Lamassoure 2004; Méndez de Vigo 2005), it may have arrived too late to be able to provide input to the Convention's debate.

Whereas the immediate conclusion would be that despite their interest evidenced by their strong involvement in the Forum national civil society organisations were not really present in the Convention, there is evidence suggesting that national organisations were not as marginal as the literature and these data suggest. In this sense, the working groups which prepared the plenary hearing show quite a different picture. Although it is not possible to obtain a full picture since the official documents do not disclose the list of organisations having participated in these meetings (Secretariat of the European

Convention 2002b), the list of participants in the contact group on citizens' and institutions, obtained from an interviewee, shows a significant presence of national organisations, among which a large number of the Spanish and French organisations that were interviewed (see annexes 3 and 4). Although less salient than the June hearing, these formal fora constituted one of the ways of access most appreciated by European organisations, including those that did not participate in the plenary session hearing. Additionally some organisations could access the Convention via some of the other formal mechanisms such as the EESC or the Youth Convention. This makes it worth exploring the ways in which Spanish and French organisations used this mechanism to approach the Convention.

The Spanish organisations directly represented in the working group were the RCE, ONCE-CEPES, FCCE, the CJE, and ACSUR. All these organisations report having participated previously in consultations on a particular EU policy. These organisations claim expertise in an EU field and the ability to mobilise elite contacts, in particular Spanish members of the Convention, which could compensate for the lack of specific European resources in comparison to European organisations. In this sense, the relation with Spanish members of the Convention is quoted by several of these interviewees. The role of Íñigo Méndez de Vigo (MEP) is particularly prominent:

> "I remember... what's his name? Íñigo, Íñigo Méndez de Vigo, in many meetings, he supported us in many meetings on disability [...] Well Íñigo helped us a lot, [...] and truly the man took our issues very seriously, especially on disability, and defended them tooth and nail, hum? I mean it, and very well defended by the way." (interview 25 with a representative of ONCE-CEPES).

Other members of the Convention such as Carlos Carnero (interview 30) claimed to have had strong relations with Spanish organisations. It is worth insisting on the role of Méndez de Vigo as he was a representative of the European Parliament rather than the Spanish one, which suggests that organisations working with him (RCE, ONCE-CEPES, FCCE and CCOO) were rather well informed about EU politics. The ability to contact

European political personnel emerges strongly in the interview quoted above, as the interviewee considers that the relation with different Spanish MEPs not related to the Convention was important for the promotion of participatory democracy.

The expected recourse to their EU-level umbrella groups does thus not appear as the primary way of access. Among Spanish organisations this was the way of access of CCOO, Adicae and Caritas which followed the Convention via ETUC, BEUC and Caritas Europe respectively. It is noticeable that those are much larger organisations than those participating directly (except ONCE-CEPES). Additionally as it was said above the secretariat of the Catalan Convention was formally received by the Praesidium as part of the different efforts to foster national conventions.

Additionally, considering the organisations which appear not directly or indirectly involved in the Convention, ATTAC Spain, the Fundación Luis Vives, Demopunk and Ecologistas en Acción, provides interesting accounts about the relations between positions on European matters and participation. Although all these actors had contacts with EU level organisations (ATTAC Europe, EFC, IRI and EEB respectively) the evidence suggests that this was not aimed at participation but rather at obtaining information. Furthermore, not all these organisations shared the positions of their EU counterparts, in particular for EEB and Ecologistas en Acción.

All things considered the picture of Spanish civil society involvement is more complex than suggested by (León, Mateo Díaz, and Meseguer 2004, 75): "The groups that have been involved in the Convention debate are mostly groups that belong to a wider European network."

The picture among French organisations is fairly similar as all the organisations except the Union du Grand Commerce du Centre-Ville and the MIC reported having followed the Convention in different ways going from liaising with their EU level umbrella organisations for large organisations such as CGT and MEDEF, sending written contribution and amendments (Fondation Copernic) to direct participation in the hearings

for the Fondation Robert Schuman, Maison de l'Europe, LDH, AFEM and ATTAC.

Regarding the ways of access and of action in the Convention, this too appears similar to Spanish organisations as previous involvement in EU affairs and reputation was an important factor. A slight difference is that French organisations pay more importance to the 1st Convention on Fundamental rights than to consultations with the Commission as a relevant precedent for the Convention. As for Spanish organisations, the ability to mobilise elite contacts is an important factor, although in this case organisations do not explicitly refer to the members of the Convention but to different particularly strategic connections in the EU such as the EESC for CGT or the Commission for the Union du Grand Commerce du Centre-Ville. This seems to belong to rather well established organisations (CGT, MEDEF and FCCV as "social partners") whereas AFEM and Fondation Robert Schuman report such contacts for special events such as conferences, seminars etc. In this sense the ability to liaise with political personnel seems to be slightly less relevant than for Spanish organisations.

The tendency of some organisations to be directly involved in comparison to those delegating to the EU umbrella group appears to be very strongly related to the type of sector and the degree of internal consultation. Similarly organisations not having members to consult such as the Fondation Robert Schuman or the Maison de l'Europe claim a stronger role in the Convention.

The picture of civil society involvement in the working groups which prepared the plenary hearing of civil society suggests that the role of these actors in the Convention was not as limited as it is suggested by accounts that access to the Convention was reserved to European organisations (Shaw, Hoffman, and Bausili 2003; León, Mateo Díaz, and Meseguer 2004; Milton and Keller-Noëllet 2005). Attention is now turned to the way in which this non-negligible presence in the Convention was perceived by the different kinds of actors and which sorts of relations were established between them.

2. Evaluation of national organisations' role in the Convention

When EU level organisations are asked about their perception of the role of national organisations, it appears that those are quite cleaved. On the one hand 4 interviewees from organisations seeking to empower citizens (ACN, ECAS, PFCS and CEDAG) expressed grief over a small and insufficient participation by national organisations. This evaluation from EU level groups was rather expectable not only on the grounds of previous analyses on the insufficient role of national groups but also because their own role is built on the difficulty of national organisations to take part in European affairs because of the lack of specific resources by national organisations. In this sense the interviewee from ELO perceives that the participation of national organisations suffers from a lack of real understanding of the EU:

> "You also have organisations which were not based in Brussels representing different issues […] and there is a clear need for civil society from the, from, from the professional people at national level, a specific demand. [...] They want to be actors of their own right, even if they don't clearly understand because it is a bit too sophisticated" (interview 15, ELO)

This quote does not only suggest that European organisations saw national organisations as relatively unable to participate, but also shows a measure of distrust that these groups might acquire a higher profile.

On the other hand, some of the groups at the core of the "civil dialogue coalition" (Social Platform, COFACE, CSCG and CONCORD) saw national groups, and particularly their own members, influencing concrete decisions in the Convention, although acknowledging that this is a rare phenomenon. The role of Irish organisations' lobbying through national government was in particular mentioned by 5 interviewees:

> "The most painful is to get a few people from a key NGOs from a few countries who would pick this issue up and say 'I will use this information to lobby my national government, to sort of push the local actors to be involved'. You know, somebody in Ireland from a particular NGO: 'I understand the national level, I understand the European level, it interests me, give me the information and I will arrange meetings with the Irish minister or push the Irish Taoiseach

to talk about this issue.' " (interview 9 with a representative of the Social Platform).

Table 16 below shows that overall national organisations are considered able and willing to participate in EU affairs, although it does not necessarily reflect actual participation in the Convention. It appears that most EU organisations point out both national organisations' interest and inability to participate, in general the argument being that national organisations would like to participate more but that it is still difficult for them, although clearly positive references outnumber sceptical ones. The enthusiasm of Spanish organisations with this topic is noticeable.

Table 16 References to the interest of national actors to participate in the EU

Number of references	EU level orgs	Spanish orgs	French orgs
National public and orgs not interested or able to participate in the EU	21	0	21
National publics and orgs wish to participate in EU	46	31	24

The analysis of the role of national organisations in the Convention shows that these actors were not marginalised by the fact of being national organisations. Several Spanish organisations (ACSUR, Catalan Convention, CJE, RCE, FCCE and CCOO) consider that the Convention was a modest but real participation opportunity for civil society and most of them are satisfied with the Convention, in particular with the recognition of participatory democracy and civil society (see chapter 6). The quote below captures this shared understanding:

> "It's true that it was not as much as we would have liked it be, civil society's involvement was unequal in different territories, but I think it was an opportunity to start up a new dynamic and even though this breach has not been as large as we expected, it's now open and when we have met in later occasions we realise that this was a moment of change. Things changed, not so much as we would have liked, but today it is clear that member states, which have always been the engines of European integration, know that in certain areas they can no longer do and decide alone and on their own." (interview 38 with a representative of the FCCE).

Furthermore, almost all the Spanish organisations shared the enthusiasm sparked by the first months of the debate on the future of Europe. Interviewees said that the Convention was perceived by civil society as a "Porto Alegre like moment"[27] (interview 34 with an advisor of the Spanish government) or "Europe's Estates-General" (interview 44 with a member of the Consejo de la Juventud), in that the moment and the method allowed for a complete rethinking of the EU project. This goes together with frequent federal arguments on the possibilities to turn the EU into a political system resting on citizens' wishes which clearly resonate with the Laeken declaration and with the expectations that the Constitution would mean a new step in European citizens' ownership of European integration (Habermas 2001). In this sense, Spanish organisations involved in the Convention seemed to take the Constitutional discourse seriously (Piana 2004). On the other hand interviews with two Spanish civil servants (34 and 39) and organisations campaigning for the rejection of the constitution are sceptical about the possibility of building a more democratic EU on the grounds of civil society participation.

On the other hand French organisations did not perceive themselves as relevant actors. Qualitative analysis of the position papers and interviews suggests that French civil society organisations perceived themselves as relatively marginal actors in comparison to the attitude of their Spanish peers. Despite the clear presence of some French organisations in the hearings (Maison de l'Europe, LDH, Fondation Copernic, Fondation Robert Schuman) interviewees do not claim a particularly relevant role and rather saw themselves as privileged observers. Although they were fully aware of the content of the Constitution and the Convention debates, French organisations concentrated in influencing national debates rather than EU level ones, as it was explicitly formulated by the LDH interviewee:

> "Some people criticised us as being less present in the second Convention. Because what we saw immediately was that we had to do field work and to convey to people what was inside of the Treaty." (interview 48 with a representative of LDH)

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[27] In relation to the Brazilian city that held the first meetings of the alter-globalisation World Social Forum.

This quote resonates strongly with Dehaene's one at the beginning of this chapter saying that organisations intervening in the Convention were not in touch with their members. It tends to suggest that there was a trade off between involvement or at least strong and potentially influential involvement in the Convention and the contact with grassroots members of the organisations and citizens.

This reflects a more general feeling that: "in the NGO community, there is much ambivalence about whether to participate in policy making or to take on the role of a 'critical conscience', possibly threatening protest and using other social movement tactics" (Ruzza 2007, 65). In this sense it seems implicit in several interviews that organisations perceived a strong involvement in the Convention as a way of making it more legitimate, which most French organisations would abstain from doing considering that they did not appreciate real participation opportunities.

This perception by French organisations is clearly linked to an overall negative evaluation of the Convention (see table 17 below). Organisations point out that there were no real issues for civil society (MEDEF) and that the content of EU policies, and in particular economic policies (Part III) was not discussed at all (LDH, Maison de l'Europe, Fondation Copernic and AFEM for social policies) despite the role of civil society in the creation of a Social Europe working group (Will et al. 2005; del Río Villar 2004, 330; 337–338). Furthermore, most of the French organisations did not appreciate any significant constitutional dimension of the process implying a qualitative transformation of the EU into a more citizen-centred polity. In particular organisations like ATTAC, the Fondation Copernic, the LDH and the Maison de l'Europe consider that the Convention did not sufficiently represent the demands of European citizens for more democracy, being too dominated by heads of state. The only overtly positive readings of the Convention process come from the LDH and the Fondation Schuman by acknowledging that it did address the debate on the EU's democratic deficit.

Table 17 Evaluation of the Convention by French organisations

	No change of economic policies	insufficient social policies	Domination by member states	Convention addressed the democracy issue
AFEM	X	X		
CGT	X	X		
LDH	X			X
MEDEF			X	
Mouvement pour l'initiative citoyenne			X	
Fondation Copernic	X	X	X	
Fondation Robert Schuman				X

3. Relations between European and national organisations

Beyond the ability to influence the Convention, it is important to analyse whether and how the Convention contributed to establish relations between national and European organisations which could in turn contribute to the generalisation of the participatory democracy frame.

In this sense, a number of interviewees acknowledge that Brussels-based organisations and national ones are quite distant and have weak ties. The finding of a distance between European organisations and their national members is a stable assessment of these relations (Armstrong 2002; Sudbery 2003; Mahoney 2007; Kohler-Koch 2010b) although (Friedrich and Rodekamp 2011) have concluded that EU associations are now more proactive in working to bridge this distance. In the light of the Convention's discourse on the use of civil society as way to bring the EU closer to citizens it may seem paradoxical that EU umbrella organisations refer more strongly to this distance whereas a weak majority of national organisations tend to point out that they have strong relations with European organisations. However, this resonates with organisations' justificatory rationales, in that the lack of interest of members justifies the need of a strong role for EU organisations. On the other hand some

national organisations tend to point out their links with European organisations as a way to justify their Europeaness and thus their right to be involved and heard in EU policy-making.

Table 18 Relations between European and national organisations

	European organisations	Spanish organisations	French organisations
Distance between EU and national orgs	9	4	3
Strong links EU and national orgs	0	6	4

Figure (9) in the previous chapter shows that the network is only crowded in its the centre where EU organisations are located and its' periphery, composed mainly of non-citizens' interest groups and national organisations. When the density of ties linking European organisations and the entire network (table 19 below) are compared, this distinction is relevant in that the density of the full network is significantly lower than the density of the network containing only EU level organisations (0,19), which may be considered relatively high (Knoke and Yang 2008, 87). This confirms strongly that EU level organisations tended to network much more intensely among themselves than with national organisations, and that the contacts between national organisations were not as intense as those between EU level ones.

Table 19 Network density

	Density	No. of Ties	Avg Degree
Full network	0.0631	161	3.1569
EU level network	0.1905	144	5.1429

The figure below (13) represents the networking of national actors, that is, the relations between them and between national and European organisations. For the sake of clarity relations among EU level organisations have been omitted. Spanish organisations are represented in red, French organisations in blue, EU level organisations in yellow. The size of the square represents organisations' degree (see annexes for the

centrality and prestige measures). This is analysed herein for Spanish and French organisations.

Figure 13 Networking national organisations[28]
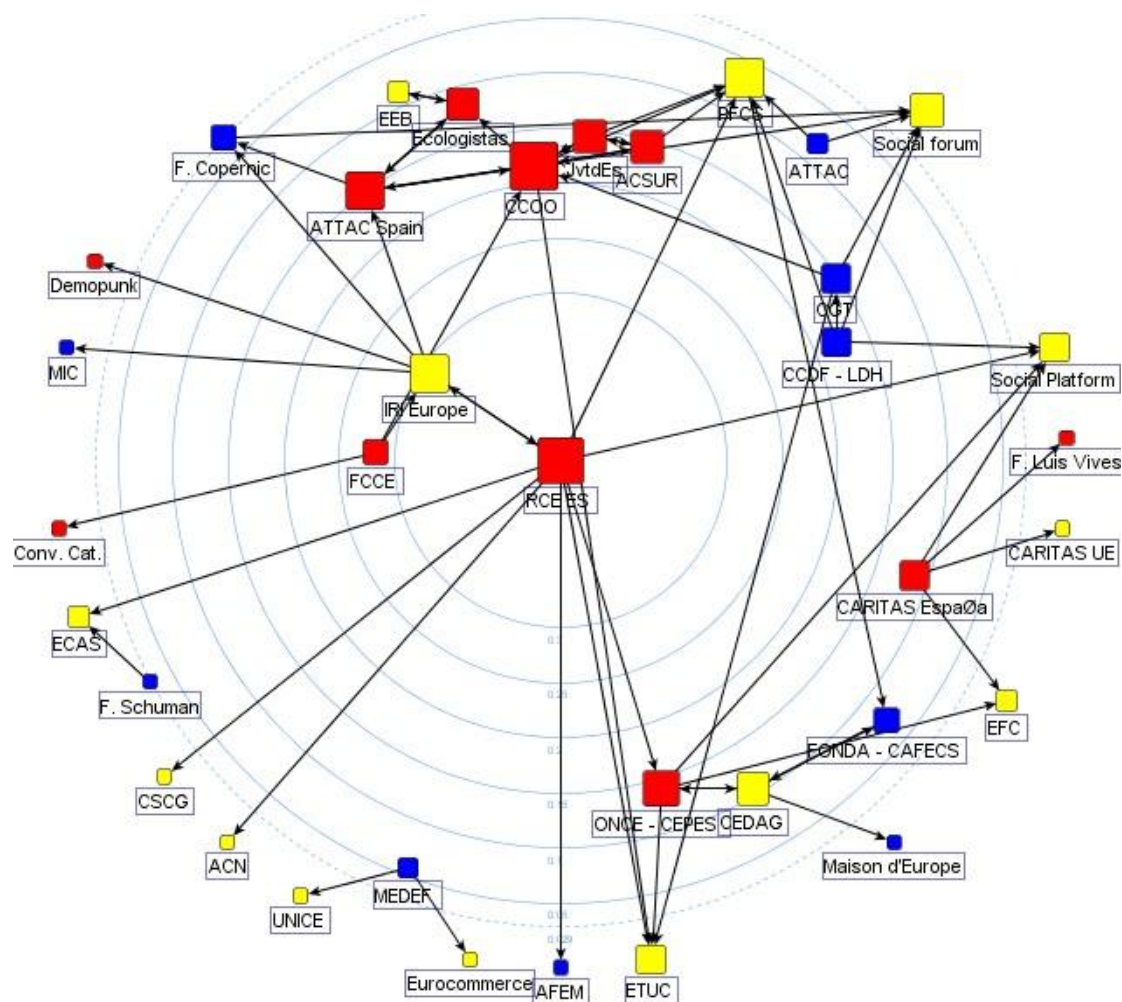
When the relations with EU institutions and organisations are considered it appears that being active primarily at the national level did not make Spanish groups outsiders in the Convention. Not only did they have direct access to the Convention but some of them networked quite strongly with EU groups and at the national level.

The choice of European partners by Spanish organisations is strongly cleaved as three organisations (RCE, ONCE-CEPES and Caritas) were in touch with the leader of the European coalition promoting the recognition of civil society consultation, the Social Platform, whereas ATTAC, CCOO,

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[28] Node size represents degree and the layout represents closeness centrality.

CJE, FCCE and ACSUR were rather in touch with the PFCS, IRI Europe or ETUC which promoted other forms of participation. In terms of involvement in the EU network, it is most noticeable that ONCE-CEPES and RCE have a pattern of relations comparable to European organisations as they only networked with European organisations. Given that these organisations have no tie to other national groups, except their mutual relation, the fact that they are among the most central actors indicates their strong encroachment within the alliance advocating civil society consultation, as it was suggested in the previous chapter.

Figure 13 above confirms that French organisations were rather inactive in establishing partnership with other organisations. These data show that FONDA-CAFECS presents a pattern of relations broadly comparable to Spain's ONCE-CEPES or RCE, in that they tended to network only with EU organisations having been influential in the creation of the participatory democracy frame, although not with the core actor. The most central actor among French organisations is the LDH-CCDF which shows more balanced relations than FONDA-CAFECS. The case of CGT is interesting since its activism is not related to direct influence in the Convention as they did not participate directly but to its aftermath. All the other French actors show much lower centralities and tend to be connected only to one or two actors. This is undoubtedly linked to a lower degree of response to the networking questionnaire.

The graph above suggests that the contacts between national and EU organisations are weak and that those are relatively diffuse, as no EU actor seems to have had a particularly central role. In this sense it is also noticeable that the European actors which were more targeted by national organisations are not at the core of the EU coalition promoting civil dialogue. It rather seems that the PFCS, ETUC and IRI Europe have the higher indegrees as well as higher closeness centrality (represented by centrality in the graph)[29]. The European Social Forum, which irrelevant for European organisations, emerges as a relevant contact for both Spanish

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[29] Betweenness measures are not used in this analysis as they are artificially increased for some actors by the effect of not including ties between EU level organisations.

and French groups. This suggests its importance as a venue for national organisations seeking alternatives to representation via Brussels umbrella groups. Most of the interviewees from the French and Spanish organisations that took part in this forum did not highlight it as an important forum. This may be related to the fact that participation in the Social Forum was not managed by interviewees who participated in the Convention, but this very possibility would tend to confirm that this venue was rather oriented towards the coordination of contestation to the Treaty (Feron 2006; Agrikoliansky 2007; Della Porta 2007) than to articulating an interaction with the Convention.

A very relevant effect of national organisations' involvement is that it introduced a new set of actors in the field of participation, unleashing a degree of competition between European organisations and the newcomers, as it was suggested above by the quote of an interviewee from ELO. Interviews suggest that Spanish organisations perceived themselves as fully qualified and influential actors. In this sense some of them tended to network with Brussels organisations and at the same time to see them as potential competitors for attention and resources, in that EU umbrella groups are entrenched in the EU system and may sometimes block the access to other groups. In particular, some groups point out that funding by EU institutions influences the positions of the groups receiving these subsidies. The fact that this view is much more diffuse among French organisations seems to be related to their lower profile: they did not perceive competition in the sense that they did not really seek to achieve influence.

Table 20 Competition for attention and resources

Name	References
Catalan convention paper	1
Interview 24 - RCE	3
Interview 42 - EAPN	1
Interview 25 - CEPES	1
Interview 8 - ATTAC	1
Ecologistas en acción paper	1
LDH paper	3

The following quote is the probably the strongest expression of this distrust between national and European organisations:

> "If I join a platform they are never going to ask for my opinion! […] I think that these umbrella organisations are the best way to be inefficient. That's why we created the RCE. In opposition to these umbrella organisations, which are inefficient, they are not participatory democracy. […] When we launched the organisation the Lobby took it terribly bad, although after that they have realised that we have quoted them, when we think it's worth, and otherwise let them use their own website, and their huge subsidy! Because these people are really well paid and they have 90 staff don't they? […] I mean, participatory democracy should start by all these NGOs which have nothing to do with participatory democracy." (interview 24 with a representative of RCE)

4. Inclusiveness and exclusiveness in the Convention

This chapter has shown that the cleavage between European and national organisations in terms of access to the Convention was not as decisive as it has been suggested so far by the literature (Shaw, Hoffman, and Bausili 2003; León, Mateo Díaz, and Meseguer 2004; Milton and Keller-Noëllet 2005; Monaghan 2007; Lombardo 2007; Cook 2008). Whereas European organisations were the actors involved more strongly, the Convention was relatively open to national organisations. In this sense even organisations which consider themselves rather deprived of European resources such as Spain's RCE could be heard in the plenary session and network with other European organisations. In this sense the Convention seems to have significantly reduced the cost of participation in EU affairs for national organisations.

The EU's preference for European organisations notwithstanding it seems that it is not organisations' primary action level *per se* which explains their degree of involvement in the Convention. This chapter suggests that rather than a distinction between European insiders and national outsiders (W. Grant 2000, 20–35), attitudes towards European integration and the Convention as well as differences in ways of action are a more important factor. In this sense an organisation like ATTAC is considered unable to influence EU decision making, not because of its lack of interest or a national rooting but because of its approach to EU debates:

> "What do you want of this constitution? 'Well, we want to change how it works.' Well, to engage in this process you need to say more than that. You've got to say 'We suggest that you put an article that addresses this and that. We suggest a clause that could have this effect'. They found it very difficult to engage at that level, and because they didn't do that they went back to the French and the Dutch and they said "this is useless". I'm not too critical of it because I think it is very difficult to have the organisation needed to engage in a constructive dialogue" (interview 9, Social Platform)

Further evidence about the importance of attitudes towards European integration is provided by the differences between Spanish and French organisations. Although differences in their ways of access are very small, it appears that their evaluation of these access opportunities is very different, with Spanish organisations being generally satisfied with their role, whereas French organisations tended to see no real participation opportunities. Furthermore it appears as well that the organisations that played a more direct role in the Convention had strong EU resources, embeddedness in EU participatory structures or had less intense internal control by members. A quote from an interview with a representative of the LDH has suggested that French organisations perceived a trade off between strong involvement in the Convention and their ability to be in touch with their members. This is discussed thoroughly in the next chapter, but it seems that the attitude towards participation in the EU is linked to the political opportunity structure that organisations have at European level compared to national scenarios and to their attitude to the question of democracy in the EU (Liebert 2011, 109–111).

The analysis of national organisations' participation suggests very strongly that organisations' challenging the Convention's agenda and the Constitution or more broadly European integration did not participate in the Convention, although they played an important role in mobilising the public against it during national referenda (Agrikoliansky 2007; Dufour 2010; Seidendorf 2010). It thus appears that the organisations that did not participate in the Convention (ATTAC Spain and France, Fundación Luis Vives, Demopunk, Fondation Copernic, Mouvement pour l'Initiative Citoyenne and Ecologistas en Acción) took part, except the rather passive Fundación Luis Vives, in campaigns and movements against the

ratification of the Treaty. The participation of ATTAC in the hearings does not disqualify but rather confirm this approach, in that this organisation's interviewee did not agree with ATTAC's attitude and rather tended to see himself as a member of a larger European network.

The question is thus what is the causal relation between non-participation and rejection of the Constitution? An important expectation of the logic sustained by the White Paper on Governance and its aftermaths such as plan D (European Commission 2005) is that participation entails support, since often rejection of European policies is equated with a lack of knowledge (Bee 2010, 97). However, the attitude of the abovementioned organisations is clearly instrumental in that it is the rejection of the constitutional project which discouraged them from participating and eventually legitimating it indirectly. This appears in the interview with ATTAC Spain suggesting that many members of the organisations were unhappy that EU affairs were focusing too much the attention of the organisation and especially in the Fondation Copernic which sent amendments to the Convention precisely to prove that there were no real participation opportunities and that participation was perceived as a device for legitimating the Convention.

> "At the beginning they [those supporting the Treaty] tried to tell us "after all you could have had your say" and so on. But we had taken a precaution: we had sent in a lot of amendments. Obviously on key questions. Such as excluding public services from competition rules, things like that. [Laughing] And obviously none of them was adopted." (interview 49 with a representative of Fondation Copernic)

The chapter has shown as well that the Convention did not actually constitute a meeting point for national and EU level networks, which in some cases tended to see each other as competitors for attention and resources. It appears that a majority of national organisations had their own channels of access to the Convention and did not depend on European organisations to introduce them. In this sense it seems that the decision to participate and the ways of access were autonomously taken by national civil society organisations.

It has been found that organisations at the core of the demand for civil society's participation tend to acknowledge the participation of their members, whereas most of the national organisations tended to be in touch with organisations outside the coalition promoting civil dialogue. This adds to the finding that the European organisations that communicated most actively were not those most involved in the Convention's discussions on participation (chapter 4, section 4). It thus can be expected that the Convention did not contribute to convey the frame on participatory democracy, at least as it was elaborated by EU groups. The circulation of this frame and its appropriation by national civil society organisations is discussed in the following chapter.

Chapter 6 Civil society and frame circulation at national level

This chapter will analyse whether and how civil society organisations contributed to "download" the participatory democracy frame from the Convention to the general public debates in Spain and France. (Monaghan 2007) refers to three mechanisms by which organised civil society links the EU with citizens, participation, representation and communication. If the question is adapted to the fragmented European public sphere, frame circulation can be operationalised as the main linkage mechanism between specialised and general publics.

However the previous chapter has highlighted that contacts between national and European organisations were limited and dominated by organisations that did not share the frame on participatory democracy. In this sense it can be expected that the lack of contacts meant little information diffusion and common action, significantly reducing the opportunities for frame circulation.

It can thus be expected that if civil society contributed to download information on participatory democracy to the general publics this must have been the result of European organisations' activism at national level or autonomous involvement by national organisations.

In order to explore this, the chapter analyses firstly the involvement of European organisations in national debates and their contribution to awareness-rising in relation to participatory democracy. Then the next two following will analyse to what extent Spanish and French organisations where interested in participatory democracy and whether their position on this topic coincided with that of European organisations. Chapter 7 will analyse the role of these organisations in the general debates.

1. European organisations and frame diffusion at national level

Frame circulation is not only an important variable of this study, but according to European civil society interviewees it was one of the objectives that the Convention sought when it included article 47 in the Constitution. Some interviewees (see table 21 below) thus acknowledge that civil society's achievements were linked to a political calculation expecting these organisations to act as proxies for European publics and contribute to diffuse and support the Convention's work:

> "They were happy to see that some expert groups were interested in their work because media did not get interested in this." (interview 3 with a representative of the Social Platform).

Table 21 References to civil society organisations as proxies for European publics.

Name
Interview 03 - Soc. Pla.
Interview 09 - Soc. Pla.
Interview 10 - EFC
Interview 12 - ACN
Interview 18 - CSCG
Interview 23 - ECAS
Interview 26 - Forum of Civil Society
Interview 36 - EEB

In this sense some interviewees (EFC, IRI, Permanent Forum) explicitly say that one of the reasons why the Convention accepted article 47 was to make the Treaty more attractive to public opinion. The Convention would thus have seen civil society participation and participatory democracy as a way to address the ratification referenda. Whereas the opinions of the members of the Convention and officials that were interviewed do not coincide on whether it addressed public opinion in general, all these interviewees consider that article 47 was a way to respond to democratic deficit criticisms. On this question, the interviewees from CONCORD and EEB explicitly say that the Convention expected active involvement by civil society organisations in the ratification process in return for its influence in the process.

"[Speaking about large transnational NGOs such as OXFAM]. And then we have the, you know, the CONCORDs and the Social Platforms, […] The Convention was where their credibility was smashed. It was smashed because they could not deliver, they made a lot of noise by saying: "Our members are not happy, our members would want this", and they got a lot of what they asked for. And then when the politicians would come and say: "And now your members will be happy and they will be supportive" "Oh! There's no way we can contact them". So anti poverty networks said no, CONCORD said, "well, no", Women's Lobby said "no, we can't do it" (interview 21 with a representative of CONCORD)

"Andrew Duff, Andrew Duff[30], from the UK, we had invited him and two others, at the annual assembly of the EEB. He was really angry with us. Because he felt that all the NGOs, all civil society organisations should actively campaign for it [the Constitution]. And we told him, "look, our role here is to inform everybody and it's at the national level where they have to make up their minds, because there's so many reasons for people in a country to make up their mind that we don't know about and that only national organisations can respond to", of course. It's really up to them. And we are divided, we have groups that are saying "it doesn't go far enough", and some groups like our Swedish member, they look at environment, development and nature, they don't look at the social agenda and at the other international agendas. But for Ecologistas en Accion [Spain], the fact that this Treaty would bring a European army closer is a very important reason for them to say "no, no". […] And how can we tell them not to take that into account?" (interview 36 with a representative of EEB).

The quotes suggest that this strategy was not endorsed by the organisations. The interviewee from CSCG was particularly critical of it and said that he never tried to give the impression that the organisations would diffuse the text, which raises new doubts about the impact of CSCG's act4Europe campaign.

"Being a promoter of the EU as such, that's not our role. It's not our responsibility, maybe we should have looked to social justice. Did this Convention make any effort to make the life of the people in the EU any better? […] I think that for environmental NGOs, whether there was a Convention, I mean, a constitution or not a constitution, did it actually matter?" (interview 18 with a representative of CSCG).

Furthermore these quotes suggest that the main reason for the organisation's rejection to contribute to diffuse information and eventually

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[30] British Liberal-Democrat MEP, member of the Convention, well known by his federal positions.

promote the Constitution is their weak relations with their members. In this sense 4 civil society interviewees endorsed the EEB's statement that associating EU level groups does not grant consensus from national members (Ruzza 2011, 461). Officials and members of the Convention share this impression with a critical note:

> "But we must be realistic and therefore rather low profile in the way we define relations with civil society, because we may give the impression that we associate all citizens, and that's a utopia that we will never achieve." (interview 1 with Jean-Luc Dehaene)

> "This illustrates one of the large gaps of European civil society which is the insufficient link that they establish with their members at the national level, in particular on what I call horizontal questions. After all what was in the Treaty? What we will do with the European project and what direction and what path it will take. So it was purely an horizontal civil dialogue, that is, outside the traditional scope of civil society organisations from a sector point of view, it was about social questions, not about the environment, there was no trade, no development, no matter what, or culture, on which, I would say, European structures can rarely take a step without consulting their members. However for national organisations, because there is also a part of responsibility of national organisations, you know, these issues, 'the meaning of the European project, we're paid to sell I mean, to lobby on issues of family, culture, education and so on, but we're not paid to discuss the meaning of the European project, we leave that to our European structures.' " (Interview 20 with an official of the EESC).

The difficulty to deal with horizontal institutional subjects is widely acknowledged by European civil society organisations. In this sense quite a large number of interviewees point out civil society organisations' difficulties in getting involved beyond their own field of competence into what interviewee from the EESC quoted above calls horizontal debates and in particular political or ideological issues. The following quote is representative of an approach shared by very diverse organisations (see table 22 below).

> "We prefer to think of ourselves like constructive activists not engaging on discussions on the big concepts like socialism or liberalism. We prefer to think like this, this and this is useful for our members." (interview 3 with a representative of the Social Platform)

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Table 22 Interviewees mentioning the difficulty of EU organisations to engage in political debates.

Name	References
Interview 03 - Social Platform	2
Interview 09 – Social Platform	1
Interview 11 - COFACE	2
Interview 12 - IRI	1
Interview 15 - ELO	1
Interview 18 - CSCG	3
Interview 19 - Poli. Off.	1
Interview 21 - CONCORD	3
Interview 26 - PFCS	1
Interview 29 - Eurocommerce	3
Interview 35 - Eurocities	2
Interview 36 - EEB	5

The only exception to this is the PFCS which wished to contribute a more horizontal approach. This may have been one of the decisive factors why many CSO felt that they were not concerned by the national ratification debates.

This suggests that organisations played a modest role in national debates, which is confirmed when the question is asked to interviewees. Interviewees from European organisations did not pretend to be able to generate wide public debates and acknowledge that they are not citizens' main information source. In this sense most interviewees tried to participate in national debates (for instance the interviewee from EEB participated in the 2003 Social Forum in Paris and PFCS and CEDAG in French debates) but most of the times rather on a personal capacity and in very small events.

Furthermore and more importantly, interviews reveal as well that organisations played a minor role in the diffusion of the debate towards national organisations because they found it extremely difficult to make their own members interested. In this sense some interviewees confirm the opinion of the EESC official quoted above by saying that their national members were expecting a debate about the substance of EU policies, whereas the Convention focused almost exclusively on institutional and procedural matters (see table 23 below). (Pérez Solórzano-Borragán

2007, 280) has argued that this is one of the reasons for the disconnection between European and national organisations. Additionally interviewees tended to say that the Convention chose to focus on these topics, which were not the result of the Laeken mandate. This perception that the Convention tended to ignore most of the substance demands of civil society may partly explain why members of civil society organisations considered the Convention an issue of indirect concern for them despite its high political profile.

Table 23 National organisations expected a debate on concrete issues

Name	References
Interview 09 - Soc. Pla.	1
Interview 10 - EFC	1
Interview 19 - Poli. Off.	2
Interview 21 - CONCORD	1
Interview 29 - Eurocommerce	1
Interview 36 - EEB	1

This applies in particular to participatory democracy, in that this topic is considered too distant and abstract to make national organisations interested (see table 24 below).

Table 24 Grassroots members and organisations not interested in participatory democracy

Name	References
Interview 10 - EFC	1
Interview 17 - UNICE	1
Interview 19 - Poli. Off.	2
Interview 22 - Forum of Civil Society	1
Interview 26 - Forum of Civil Society	4
Interview 27 - CEDAG	2
Interview 31 - ETUC	1
Interview 35 - Eurocities	2
Interview 36 - EEB	2

The only interviewees who argued that members of their networks very much appreciated these new instruments and were ready to use them are the first interviewee from the Social Platform (number 3), COFACE and ACN. It remains that ¾ of the interviewees did not perceive any interest for the issue among their national members. It is however noticeable that

the organisations outlining the disinterest of their members were not those at the core of the coalition. In this sense Monaghan points out the interest that the members of the Social Platform expressed for this topic in a seminar in 2005 (Monaghan 2007, 130, footnote 21). This suggests that the members of the organisations at the core of the civil dialogue demand were more sensible to this frame.

This result requires reinterpreting the finding that European organisations tend to see national organisations as potential actors in the EU field (see table 16 in chapter 5). A breakdown of the references in that table provides two explanations. As far as European organisations are concerned most of the references to the role of national organisations in the EU are included in position papers, in particular those sent to the Convention, which suggests that the aim was to avoid the exclusion of national organisations. Regarding the references in interviews, it is interesting that the references to participation by national organisations and publics is not exclusive of a lack of interest by their own members since they most often refer to the ability of national organisations to participate in debates on the EU. Credit goes most often to organisations which rejected the Treaty. The following quotes are representative of these remarks:

> "I think it was disappointing but… I think they [ATTAC] played a role, a really useful role, as they kind of urged a responsible process, they tried really to hold people to account." (interview 9 with a representative of the Social Platform).

> "I've been, I've been myself at the social plat… the social forum. You know this big thing that was started in Porto Alegre and is now everywhere in the world? I was in Paris, there was once one in Paris and it was huge! It was [emphasis] huuuge really, I was impressed about the size. […] Many environmental organisations have been outside… a bit outside of this debate. Apart from Spain where the most active and largest member organisation was part of the anti-EU platform, Ecologistas en Acción." (interview 36 with a representative of the EEB)

However, when it comes to evaluating the national referenda, it appears that European organisations do not appreciate a significant European dimension in these debates, in spite of the judgement that they provided

an opportunity for civil society participation. In this sense it appears that almost all the interviewees considered that national debates were dominated by national politics or in one way or another disconnected from the Convention (see table 25 below), although 3 interviewees saw the French debate as a significant exception and considered that the French public became substantially interested in the text.

Table 25 National debates dominated by national politics

Name	References
Interview 03 – Social Platform	1
Interview 09 - Social Platform	2
Interview 12 - IRI	1
Interview 19 - Poli. Off.	1
Interview 22 - Forum of Civil Society	1
Interview 23 - ECAS	1
Interview 26 - Forum of Civil Society	1
Interview 27 - CEDAG	1
Interview 29 - Eurocommerce	1
Interview 31 - ETUC	1
Interview 35 - Eurocities	1
Interview 36 - EEB	3

Several interviewees explain that a lot of the disconnection has to do with lack of involvement by national publics. The most relevant comments are that one of the reasons of the failure, or at least of civil society organisations difficulty to follow these debates was due to member states disinterest in associating them and more generally in promoting debates on the EU. Some interviewees in a sense expected a replication of the Convention at the national level. Although this was done in Spain and France, it has been mentioned that civil society involvement was generally weak (chapter 5).

Interviews with European organisations have offered an additional perspective on diffusion somehow confirmed by Spanish organisations (see chapter 7). Three interviewees (Social Platform, ACN, Polish Office) considered that consultation of civil society is stronger in the EU than in most national systems. In this sense 3 more interviewees (Polish Office, CONCORD and CEDAG) argued that article 47 should have interested national organisations as it may contribute to diffuse practices of

consultation and citizens' initiatives in countries where they do not exist. Nevertheless these interviewees did not see the realisation of their expectation as they, except for CONCORD, tend to consider that national organisations were not interested in participatory democracy (see table 24 above).

2. National organisations and the participatory democracy frame

This section will discuss the positions of national organisations in relation to the participatory democracy frame. As the two graphs below demonstrate, it appears very clearly that Spanish organisations engaged strongly with this frame, whereas most French organisations ignored it.

Figure 14 References to dimensions of participation, number of national organisations
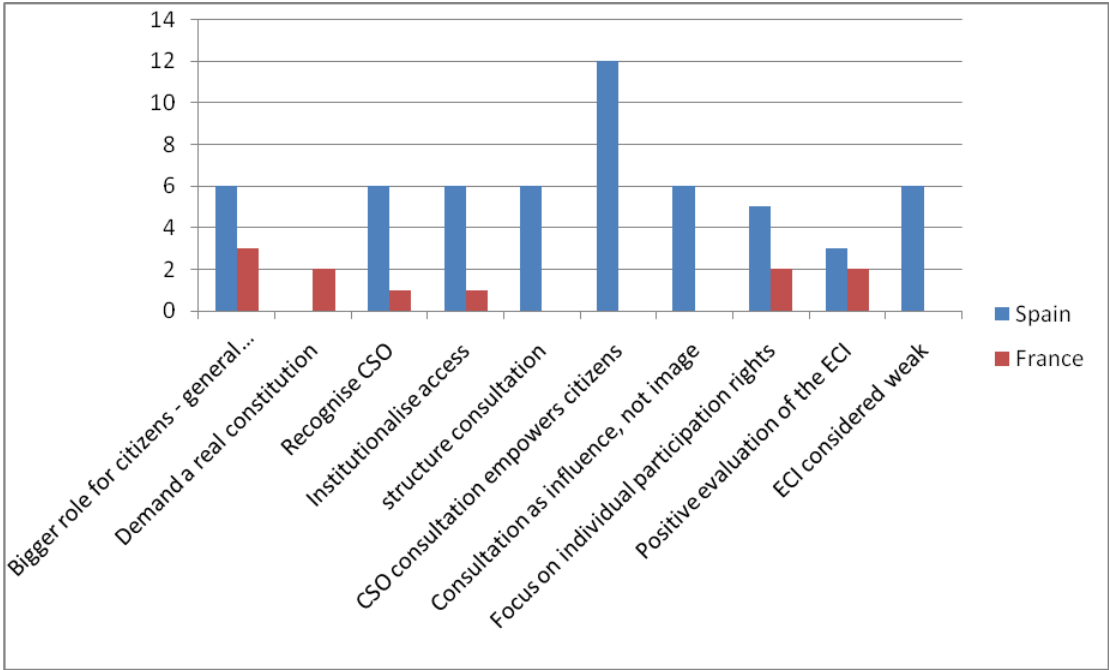
Figure 15 References to dimensions of participation, number of words by national organisations
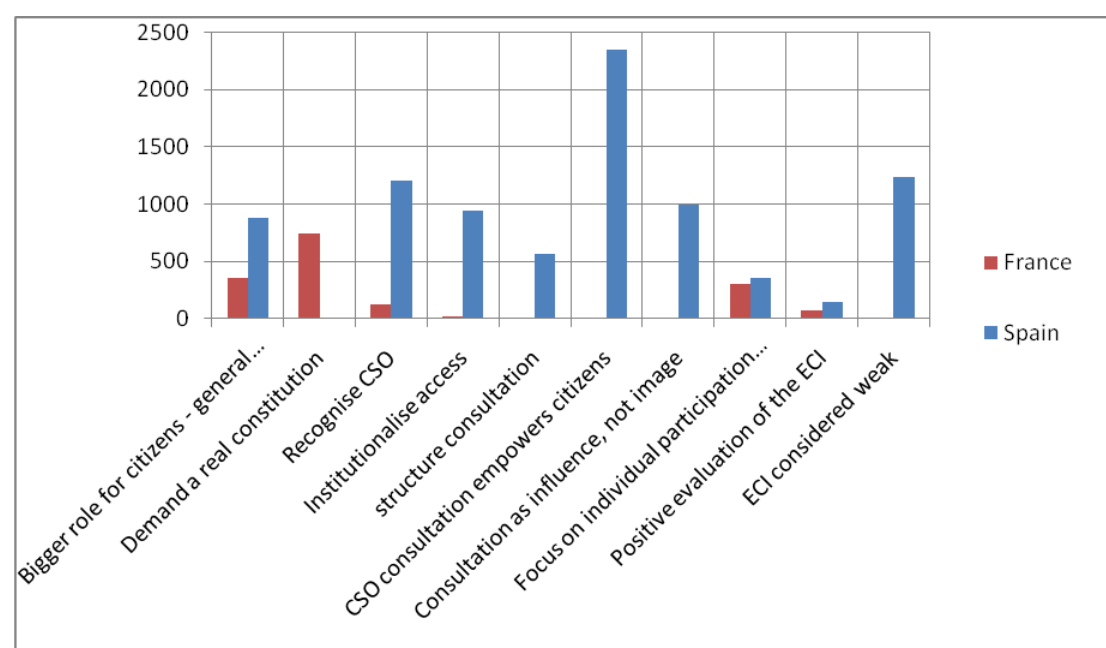
2.1. Spanish organisations: strong involvement with participatory democracy in the EU, but no European debate

Figures 14 and 15 above suggest that virtually all the Spanish organisations were interested in subjects of participation and democracy. In this sense almost all the interviews and papers consider the Convention process as an opportunity for citizens empowerment, because of the importance of the democracy frame in the Laeken declaration and the Convention and because the text would be ratified via popular votes in several member states (see the "CSO consultation empowers citizens" bars in the figures above). Additionally, up to 6 organisations argue that they contributed to putting the issue of civil society participation on the Convention's agenda:

> "So we went to all the formal events on these topics. We went everywhere we thought we had to. That's the plain truth. We weren't sure if it would be useful or not, but we had to defend our points of view and proposals. We were more advanced than we thought, and we got a bit more or something more than what was already in place." (interview 25 with a representative of ONCE-CEPES).

In this sense it seems now less surprising that Spanish organisations shared unanimously the idea that national organisations are interested and able to participate in European affairs (see table 16 in chapter 5). This section shows that most of the Spanish organisations were not only in favour of more participatory democracy in the EU but shared to a large extent the European organisations' frame putting civil society consultation at its centre.

Figures above (14 and 15) show the main similarities with the European frame. Spanish organisations share the central reference to participation by organisations as a way to empower citizens and the need to recognise civil society and to structure more clearly the consultation of civil society in order to secure civil society's access to EU institutions. Although the notion of civil dialogue is only explicitly used by ONCE – CEPES, the organisation with the strongest EU network, up to 6 organisations call for the recognition of civil society and 4 of them even recall the demand for a European association statute that was a key issue for EU level organisations in the late nineties. The following quote from ACSUR's position paper suggests how close the frame of most Spanish organisations was to the European one:

> "Organised civil society's participation is indispensable to ensure the success of the European Union. The mechanisms needed for consultation, coordination and political dialogue and a stronger co-management of community policies must be set up. Every man and woman must be able to make proposals and to be listened to in all the areas of the Union's competence. For this the necessary consultative committees must be articulated. The European Union must ensure the availability of means for the creation and consolidation of European civil society networks, recognising civil society as a permanent partner. The statute of European association must be incorporated into the new treaty." (ACSUR las Segovias, 4)

Similarities with the European frame extend to the justificatory rationales provided by Spanish organisations. The argument is that civil society contributes to raise awareness on the EU among citizens, in particular via the European Citizens' Initiative (table 26 below). It is noticeable that this refers to a justification that declined on the wake of the Convention in

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favour of notions of citizens' participation and empowerment (see chapter 2). This suggests that frame diffusion is not a mere reproduction of the discourse of European organisations but adapted to the national context.

Table 26 Participation as a way to promote awareness on the EU

Name	References
Paper ACSUR las Segovias	1
Interview 25 - CEPES	3
Interview 32 -ADICAE	2
Interview 38 - FCCE	1
Paper Grupo de contacto de la sociedad civil española	1

However there are some differences in the demands that tend to suggest that Spanish organisations did not simply replicate the demands of European organisations. The most significant difference is that Spanish organisations make a very strong claim for recognition, but only CEPES makes an explicit call for this recognition and for the inclusion of participatory democracy in the new Treaty. Additionally there are some nuances in relation with the EU level frame. In this sense their discourse associates participatory democracy in the EU with more opportunities for ordinary citizens and national organisations to access the EU agenda. This suggests that Spanish organisations extended and transformed the frame (Snow et al. 1986, 472–476) for their own purpose and based on their own experience.

> "So the European Union was being built by patching existing structures, from Brussels downwards, and we citizens had nothing to say, so really, our feeling was that the Convention was not about enlargement or Treaty simplification but about democracy, and that us in the bottom wanted to start understanding what European integration was all about." (interview 44 with a member of the CJE).

These claims for a bigger role for civil society, and in particular for national organisations, are related to a strong dissatisfaction with existing consultation mechanisms (see table 27 below).

Table 27 Existing consultation is not participatory democracy

Name	References
CJE position paper	1
Interview 24 - RCE	3
Interview 32 - ADICAE	2
Interview 41 - CCOO	2
Interview 42 summary - EAPN	3
Ecologistas en acción paper	1

The first criticism is that these dialogues are not participatory democracy but rather managerial processes because of the weak role that civil society plays in them and the distance with ordinary citizens.

> This famous debate about governance in Europe, you know. "Yeah, we grant you access, we let everyone speak and say what they like, but you need one million signatures". I mean, I think it's more of a formality along famous governance, which I think is rather a managerial conception of power rather than a matter of real democracy. We pretend to meet you to consult you but in fact we've already taken the real decision, haven't we? (interview 32 with a member of ADICAE).

The second criticism goes to the big role played by lobbies which is perceived in a strong contrast with to the weakness of citizens' interests.

Consequently Spanish organisations insist more than their European counter parts that participation cannot be a mere formality but must imply real decision making influence:

> "We want to get organised, but we want to get organised to participate and be real stakeholders in the debate, we want to contribute to policy-design. Why? It's not a matter of putting ourselves in the centre stage, no, no, it's because we consider that what we represent must be incorporated into the concepts of the European constitution. […] Citizens' participation is the important thing. What for? To be influential!" (Interview 40 with a representative of Caritas Spain).

It is clear that Spanish organisations were promoting a more robust approach than European organisations.

> "We thought that what was approved was really minimalistic. Because we already have the citizens' initiative in Spain, and we Spaniards saw that as something basic. And then structured

dialogue with civil society... yes, but at which level? We wanted the whole cake, obviously." (Interview 44 with a representative of CJE).

In this sense it seems that they were rather inspired by binding national models such as citizens' initiative referenda:

> "we suggest, for instance, that European scale referenda be established for topics of particular importance and salience. [...] Of course the result of these referenda should be binding for European institutions. We suggest as well the regulation of popular legislative initiatives." (Convención Catalana 2003, 28)

It appears that despite their strong endorsement of the demands on participatory democracy, national organisations somehow remain as a sort of "utopian outsiders", which (Ruzza 2011) sees as one of the functions of social movements in the EU.

These organisations' interest in participatory democracy contrasts strongly with perceptions that politicians were disinterested or even distrusted this issue (ONCE-CEPES and FCCE). In this sense the main resistance was not perceived from the social partners or business groups but from national governments and political parties.

This suggests that networking is not decisive for discourse convergence. In this sense Spanish organisations formulated very similar demands on participatory democracy to those of the core coalition on civil dialogue despite their weak relations. This suggests that Spanish organisations adopted the EU frame on their own rather than as a response to contacts with EU level organisations. This tends to confirm the interpretation of the emergence of an organisational field of participation. In this sense, organisations seeking to play a role as European actors, such as Spanish ones perceiving themselves as fully qualified actors (see previous chapter), were pushed to integrate this common frame as an entry requirement, whereas organisations such as French ones tended to ignore it.

2.2. Distance towards the EU participatory democracy frame among French organisations

In contrast with the strong resonance of the participatory democracy frame among Spanish organisations, French civil society organisations were almost not involved with it (see figures 14 and 15 above). This contrasts with the sobering opinions about democracy in the EU that they share with Spanish organisations and the role that these organisations attribute to the EU's democratic deficit in the negative outcome of the referendum in France. It seems that French organisations were as demanding about democracy as their Spanish peers but that they did not really expect that the Convention to change the situation.

Those organisations generally favourable to the EU like LDH and Maison de l'Europe pointed out that the Commission is not sufficiently supportive of organisations pleading for more democracy in the EU.

> "They ask us our opinion but they don't take it into account. It would be better not to consult NGOs and associations then! Every 5 minutes they ask us to tell them what's the right way to communicate with citizens and so on, but they don't take it into account." (interview 50 with a representative of the Maison de l'Europe)

The fact that French organisations were not involved in this frame creation process is all the more significant because it is not due to ignorance or isolation. Up to five interviews reveal that French organisations did not share this framework or did not try to diffuse it at national level despite their awareness that a debate on participatory democracy had been going on for some time in the EU.

> "Yes, there was a real process of unanimity construction of civil society around this topic, because the NGO platform, the Social Platform which was created at this time is somehow the result of this debate" (Interview 48 with a representative of the LDH).

The only positive references about the article on participatory democracy regard the ECI, although most of the organisations specifically interested in democracy in the EU do not expect it to empower the citizens.

It appears that up to 5 organisations were not satisfied with the democratic changes introduced by the Constitution (table 5). This obviously does not mean that they did not see any progress, but it means that the EU was still perceived as insufficiently democratic, in contrast with the constitutional moment perceived by Spanish organisations.

> "There are several reasons to say NO despite a democratic evolution which is evident, but how insufficient." (ATTAC's second paper submitted to the Forum, 15/06/2003).

Table 28: French organisations pointing out insufficient progress in democracy

Organisations	Number of references	Nodes - reasons
Fondation Robert Schuman	1	transparency and technocracy
CGT	3	generally undemocratic, national parliaments too weak, policy drift from voters' preferences
LDH	4	Weak representativeness of Council, softness of participatory democracy mechanisms, lack of public opinion
Fondation Copernic	2	Impossible for civil society to influence the EU, policy drift from voters preferences
Maison de l'Europe	1	Commission does not listen to civil society

Several reasons can be suggested to explain this. The most obvious is that interviews suggest that participatory democracy is somehow alien to French political culture. Distrust of civil society participation is particularly striking when heard from Alain Lamassoure, who according to his own account (Lamassoure 2004) played a decisive role in the inclusion of a Treaty article on participatory democracy:

> "NGOs are problem on which we will have to have a true reflection and a real debate at the EU level [...]. They were born spontaneously, they fulfil an extremely important role, but they have become so numerous, and they are so important in the media that questions of democratic character have to be asked, because these NGOs are not representative. [...] nobody knows exactly who controls them, who funds them, what they express, we cannot measure their impact in the population [...] And so the NGOs do not want democratic procedures to be used quickly. They prefer fuzzy procedures in which, having easier access to media, they impress

leaders and policymakers, rather than have problems addressed directly by all citizens by secret ballot after a truly large democratic debate." (interview number 4 with Mr Lamassoure).

The reference to the pressure that NGOs put on leaders through the media rather than via votes and numbers of members is clearly linked to a formal conception of democracy which seems difficult to reconcile with a participatory approach relying on pluralism in the public sphere. Furthermore some organisations consider that building a European democracy is difficult because it poses fundamental problems about sovereignty and challenges established political cultures.

"They tell you that you can [participate] but if you have no real venue for debate... and then who decides? Who decides? That's very important because we did not want a nationalistic comeback, but we have to put the "who decides" question at the centre of the project. Is it experts, is it popular sovereignty?" (Interview 49 with a representative of the Copernic Foundation)

That said although this conception was more strongly voiced by French interviewees, it could hardly be explained by issues of political culture, as participatory culture is very weak in Spain as well (Vázquez García 2010, 199). In this sense there is no significant difference with Spanish organisations in references to representative democracy and the need to reform the institutional system. That said the issue of democracy and legitimacy problems in the EU is more salient among general publics in France (Chopin 2008, 135–200) than in Spain.

Instead it is suggested that this can rather be explained by the different ways in which Spanish and French civil society organisations related to the Convention and to the national debates. It was already said in chapter 5 that French organisations had a rather passive attitude in the Convention, which now seems related to their perception that questions of democracy were not really addressed. In this sense it is interesting to note that some French organisations rejected the process because it was not a real constitutional process elaborated by mandated citizens' representatives.

"[Proponents of European integration] say there's not enough political Europe! Okay, but how you do it? How you do it? The only thing they can do is give more power, a little more power, to things which are simply not political bodies. The European central bank, another bit of stuff ... You know, I'm ready for a real European political power. On matters of EU competence, with a reinforced subsidiarity, but I am for a European political power. But how do we go from the current state to a real European political power? Well, either by force or we ask people if they agree! Otherwise it won't work!" (interview number 49 with a representative of the Copernic Foundation)

Table 16 above (chapter 5, section 2) suggested that French organisations were much more sceptical than Spanish ones about civil society's willingness to be involved in European politics. In this sense French interviews reveal a conception of democracy strongly identified with national choices and in particular by the importance of the social dimension of public policies.

"An enlarged and open Europe, based on the democratic expression of every people's economic and social choices" (CGT 2005)

Liebert makes a similar finding in her survey about national organisations position on the constitution: "nearly all CSOs that share national ideas of democracy also contested the TCE" (Liebert 2011, 109). Consequently organisations identified with the left cannot share a frame about more democracy in the EU as long as the they see that the EU promotes liberal policies threatening elements of the social dimension (i.e. public services and labour law) supported by their members and the French voters. In this sense the perception of the EU's liberal preferences are thus framed as an antidemocratic tendency:

"At this time some people said "this Europe does not meet the aspirations of the people", which is true, which is still true. Especially on the social dimension, we can't say that the social dimension, even in the Constitutional Treaty and in the new treaty the social dimension has not really changed since." (interview 47 with a representative of the CGT)

This perception is related as well to the strong involvement of these organisations in the national debates and awareness raising that is discussed in the following section.

3. Analysing the content of the debates

Some analyses of the French referendum have confirmed suggestions that referenda and in particular on topics such as the EU produce second order effects where citizens do not really reply to the question addressed (Smith 2009, 127–132). In France the referendum was used to express internal dissatisfactions against the unpopular Chirac government, which wished to use supposedly popular European affairs to improve its popularity (Sauger, Brouard, and Grossman 2007). The circulation of a copy of the Treaty to every household in France was one of the efforts to improve the salience of this text. This seems to support findings that the main motivation for national political elites to call referenda was to improve their position in the national field rather than to deepen the legitimacy of the EU via debate (Mateo Gonzalez 2008; Crum and Hollander 2011). Furthermore internal socio-political cleavages were decisive in the final result of the vote (Lehingue 2007).

The Spanish referendum was dominated as well by electors' party sympathies and strongly elite driven (León, Mateo Díaz, and Meseguer 2004; Closa Montero 2004; Font Fábregas and Rodríguez Ortiz 2007, 116; 122–123), and unlike in France the campaign seemed to have little effect in the result of the vote (Font Fábregas and Rodríguez Ortiz 2007, 105; Lehingue 2007, 139).

However, the recent comparative paper by Glencross and Trechsel (2011) rejoins some qualitative studies pointing out that frames and perceptions of European integration mattered in the final result (Maatsch 2007; Dufour 2010; Seidendorf 2010). In order to be able to understand whether civil society contributed to the construction of the frames and cues used by citizens in deciding their vote (Font Fábregas and Rodríguez Ortiz 2007) it is important to analyse how Spanish and French organisations perceived the content of this debate.

3.1.   Perception of the Spanish national debate

The results of the Spanish referendum on the Constitution (77% in favour of the Constitution with an abstention rate over 50%) suggest that EU topics in Spain are fairly consensual but do not mobilise public opinion or electors (Closa Montero 2004, 322; 326). However, Spanish publics were not particularly misinformed about the Treaty, as opinion polls show that Spaniards were well above the European average in terms of awareness of the European Convention (León, Mateo Díaz, and Meseguer 2004, 71). The weak participation is generally deplored by the organisations studied in this thesis and a majority of them consider that the referendum on the Constitution was not really on EU issues.

A majority of organisations share the idea that the EU's democratic deficit is linked to a lack of information and understanding of the EU by its citizens. Consequently they ask the EU to be more active in communicating Europe and consider that they can contribute to this task if the EU was to grant them a more salient role (see previous section).

Figure 16 Number of organisations referring to the EU´s disconnection with the public
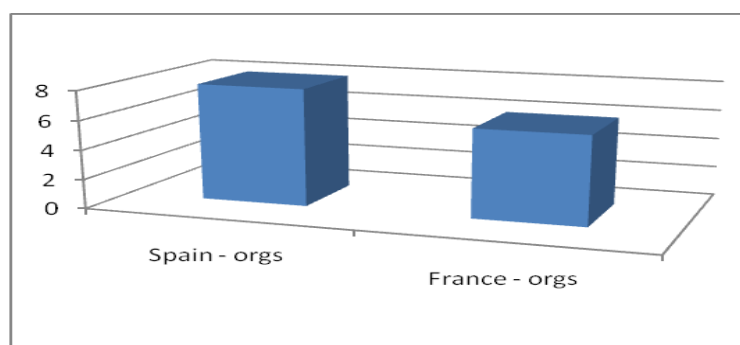
The organisations or at least the members of the organisations managing European affairs here are not part of the general publics' but elite organisations aiming at directly influence EU and Spanish politics. Nevertheless, or precisely because of this, these organisations are sensitive to the lack of a European public space and public opinion. In particular some of them argue that this is negative for the interests that

they represent, in that public opinion cannot control the activity of the EU and this grants elites increased autonomy.

It is thus paradoxical that when asked about the reasons for this lack of interest organisations tend to reproduce the Spanish political elites consensus that EU topics are the domain of specialists, too technical and too distant from citizens concerns (Closa Montero 2004, 328). In this sense these organisations' favourable attitude towards EU political integration does not challenge the Spanish traditionally consensual approach to EU integration (Closa Montero 2004; León, Mateo Díaz, and Meseguer 2004). Their approach thus seems consist to in complementing the traditional elite consensus by a general public's consensus via far reaching information campaigns (see next chapter). As an example ACSUR argues that "you cannot share what you do not understand" (ACSUR las Segovias, 2). None of these organisations associate the high abstention rate to the lack of real debate caused by consensual approaches.

Table 29 EU affairs are technical and complicated

Name	References
ACSUR las Segovias paper	1
Interview 38 - FCCE	3
Interview 39 - Convención catalana	2
Interview 44 - CJE	2
Manifiesto grupo contacto sociedad civil española paper	1

3.2.   A Europeanised debate in France

In contrast with Spain, most of the French organisations consider that the debate, despite obvious national political influences, focused on the EU. That said most of the organisations agree that, despite the "exegesis strategy" of focusing on details of the Treaty that was developed by several no campaigners (see next chapter), the debates focused on the EU in general rather than on concrete aspects of the Treaty. This implies that citizens used the referendum on the Constitution to express concerns about different European issues such as enlargement, values and economic policies (Maatsch 2007; Seidendorf 2010). This is in agreement

with Glencross and Tresschel's (2011) comparative and quantitative analysis finding that voters' attitudes towards the EU are a stronger predictor of their ballot than their position on internal politics.

French organisations' position papers and interviews reveal a strong disconnection between the debate in the Convention and the national one in that the Convention and the Constitution tried to foster innovations (CFSP, voting system adapted to enlargement, more democracy, fundamental rights) whereas the general public debate focused on the past of the EU and its current functioning. Ironically interviewees consider that the only aspect on the future of the EU that was addressed in this debate was the accession of Turkey to the EU (Goulard 2004; Maatsch 2007; Tekin 2008).

The question of democratic deficit, which was relatively important though far from decisive (Chopin 2008), contributed to frame the EU as generally distant from ordinary citizens and their preferences. This may have contributed to focusing the debate on the constitution's Part III[31] and in general EU economic policies, by pointing out that those were absolutely out of people's control. The first point to be mentioned is that several organisations consider that Part III should have not been included in the text.

> "We wrote somewhere that the formulation [of article 3 on EU objectives] was rather positive. But once you dug into the Constitution's third part, you only found free and undistorted competition. It was very narrow and to be applied to public services and overruled anything else, all the values in a sense." (interview 47 with a representative of CGT).

The fact that part III had not really been debated by the Convention caused organisations to be even more critical of the Convention and the constitution (see previous chapter). Secondly, organisations point out that the debate on the TCE was totally influenced by the adoption of the Bolkenstein directive on services liberalisation and the Commission's

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[31] Part III included most the community acquis and provided the general orientation and decision making procedures for EU policies. Both domains have a strong economic content as a result of the EU's functionalist and teleological approach.

liberal attitude. In this sense, it was easy to argue that the TCE and the EU in general were contributing to erode social rights in France (CGT, Fondation Copernic, ATTAC).

> So the debate started in November, and it was not about the Treaty but about the impact of the services directive in France. It was like "we have to stop the services directive so we have to say no". (Interview 28 with a representative of MEDEF).

This confirms that EU topics are not so distant for national publics, since a topic which was under discussion in Brussels was used to portray the policies of the EU as liberal and to suggest that this was the model that the TCE was promoting.

> "In France Europe is not a minor social subject, you know that? It is even... I don't know if you remember that, but there was the debate on the Bolkenstein directive, and that was really a major questioning... It was a way to introduce competition between workers and service-providers." (interview 47 with a representative of CGT).

In a sense, the arguments of the promoters of the "yes" somehow reinforced these arguments, since they insisted that Part III was mostly currently enforced acquis (Fondation Schuman, Maison de l'Europe, LDH). This somehow reinforced the critical focus of the opponents of the Treaty on the EU policies since those, the promoters of the yes somehow implied, would not be changed by the Constitution.

> "So the tragedy, and I insist, the tragedy was to collate this third part, which raised stakes and reduced support for the project. We had lots of questions and there was as usual a problem of communication. [...] For instance, the [EU institutions] Paris office sent us a leaflet without any reference to Part III. Why? We don't know, they may have thought "it's too complicated, citizens won't understand anything". So finally citizens said "what's this whole mess about? Why are there different versions?" So when they received the text it was of course impossible to read when you don't have 10 years of university training, which I don't myself have." (interview 50 with a representative of Maison de l'Europe)

Otherwise, the fact that the Treaty included Part II on fundamental rights was generally perceived as a positive point, although the CGT and the

LDH tended to say that it had been watered down and was subject to the EU's liberal policies.

On a detail note, it is interesting to point out that the only organisation which refers to one of the elements of the Convention's justificatory frames, the need to simplify the EU's basic law to make it more readable and understandable by citizens, was the business organisation MEDEF.

4. Discussion: civil society and the relations between different publics

This chapter has suggested that European civil society organisations did not significantly contribute to the diffusion of the participatory democracy frame to member organisations or the general publics. They were not significantly involved in the national debates either by participating directly or by promoting the Constitution towards their own members. This is linked to the two main factors. The first one is that the Convention was not an exception to the well documented distance between European umbrella organisations and their members (Warleigh 2001; Sudbery 2003; Mahoney 2007; Kohler-Koch 2010b). In this sense, and as Monaghan (2007) has pointed out in relation to the notion of representation by civil society in the Convention, European organisations could not fully act for their members and made it clear that their positions on the text would not necessarily be shared by their members. Furthermore it seems that in relation to participatory democracy the "downward facing" communication was even weaker than it is suggested by Monaghan, since members seemed to be simply not interested in this topic.

Secondly, in addition to the difficulty of communicating with and anticipating their members' positions, organisations could not compensate for this by participating directly in the general publics debates on the constitution. This seems to be in line with previous research pointing out the parsimony of these organisations in relation to public opinion, which is often attributed to a lack of resources or to preferences for insider collective action registers (Balme and Chabanet 2008). This chapter's

findings suggest that in the case of the ratification debates the main reason for their non involvement has to do with their relative difficulty to address horizontal issues, and in particular of their rejection to engage in political and ideological debates. Although interviewees often claim that civil society organisations are not political parties, the distinction between the state and civil society does not necessarily configure it as a depoliticised field (J. Cohen and Arato 1992; Vázquez García 2010). The debate on the politicisation of the EU (Hooghe and Marks 2009; Papadopoulos and Magnette 2010; De Wilde 2011) points that politicisation is often the result of activism among others of civil society, such as nationally based organisations, of which the Convention was an example (see chapter 7). The emergence of a more politicised European public sphere would put off European organisations.

Finally, European civil society organisations tend to adhere to the idea that the national debate was strongly disconnected from the debate in the EU and substantially influenced by national politics. In this sense they did not believe that there was a substantial national debate, which implies that they did not perceive any significant role for civil society in putting these debates in a European frame. This contradicts strongly with recent studies which see civil society activism as an important factor in the framing of European debates (Dufour 2010; Seidendorf 2010). It shows a very great difference with the appreciation of French organisations.

In this sense the chapter has shown as well two very different perceptions of the debates by national organisations. Spanish organisations shared the EU's frame about the contribution of civil society to the democratisation of the EU, but did not appreciate any significant European dimension in the national debate. On the other hand French organisations were very distant from the Constitution's discourse on democracy since they did not appreciate real opportunities for citizens' participation in particular in matters related to the EU's economic model, although they perceived a real ownership of European issues by citizens' in the national debate.

This suggests that Spanish and French organisations had very different roles in the public sphere. Spanish organisations behaved as European

specialised publics but did not see a real diffusion of the Constitution, whereas French organisations took their distances with the Convention but saw a strong empowerment of national publics. In this sense it is essential to ask how these perceptions related to their own roles during the debates, with particular attention to the question of their activism and contacts with general publics. This is done in the next chapter.

Chapter 7: Civil society and the framing of the debate. Opportunities for entrepreneurs

It is common to suggest a positive correlation between associative density or individual participation in voluntary organisations and a stronger citizens' socio-political participation (Balme and Chabanet 2008, 69; Vázquez García 2010), although the causal link of this relation is discussed (Van Der Meer and Van Ingen 2009). However the structure of the public space and the financial dependence on the EU institutions (Sánchez-Salgado 2007a) do not guarantee that the participation of European civil society organisations automatically leads to a stronger participation by citizens (Sudbery 2003; Mahoney 2008a; Kohler-Koch 2010b). This chapter explores the role of civil society organisations in the ratification debates in Spain and France (February and May 2005) and analyses whether national organisations, in principle closer to the citizens, contributed to making the public aware of the debate on participatory democracy in the EU.

This is precisely the focus of this chapter, that is, whether and how organisations contributed to diffuse the frame about participatory democracy in the national debate. It is important to consider that this does not only mean diffusing and communicating the European frame but to analyse its adaptation to the national context and the way in which organisations promoted citizens' participation in the national debate. In this sense it is important to recall here Monaghan's analysis of the three roles civil society can play in promoting participation, representation and communication (Monaghan 2007).

1. The role of Spanish and French civil society in national debates on the European Constitution

Although relatively little is known about the role of civil society in framing these national debates, the role of Spanish and French civil society appears to be strongly differentiated. Whereas it has been pointed out that French civil society was important in mobilising public opinion against the Treaty (Dufour 2010; Seidendorf 2010), Spanish organisations are

generally credited with a modest role in this debate (León, Mateo Díaz, and Meseguer 2004). A traditional explanation for Spanish organisations' weak involvement with European affairs is a general weakness (Vázquez García 2010) which makes it impossible to devote resources to European affairs (Will et al. 2005, 23; Sánchez-Salgado 2007b). However it is not clear to what extent this differs with the French case, where French anti-globalisation organisations seem to have played a critical role (Feron 2006; Agrikoliansky 2007; Dufour 2010). In this sense it is worth pointing out that referenda are exceptional mobilisation opportunities. It is thus important to focus on more specific factors to explain the way in which civil society seized or did not seize opportunities of mobilisation in the wake of the referendum and whether Spanish organisations' role was as modest as it is generally thought of.

The political opportunity structure does not seem to be a fundamental difference between the two countries. Both countries' referenda have been considered as a way for national governments to use European affairs to reinforce themselves (Mateo Gonzalez 2008, 134–137; Sauger, Brouard, and Grossman 2007). *A priori* the political landscape was very similar as the main parties leaned towards the yes side and the no side being supported by minoritarian organisations although it must be borne in mind that the French Socialist Party had a large dissenting current. The biggest difference can be found in the domestic political cycle, to the extent that in 2005 Spain had a newly elected government after years of strong critical mobilisation of civil society during the last Aznar government (Font Fábregas and Rodríguez Ortiz 2007; Mateo Gonzalez 2008) while in France President Chirac was re-elected in 2002 in bizarre political circumstances[32] and had an unpopular government (Sauger, Brouard, and Grossman 2007).

Moreover, although when the decision to call for a referendum was taken there were no significant differences in public opinion towards the EU between both countries, some differences in the political culture may have

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[32] Reelected with 82% of the votes against the extreme right Front National candidate Jean-Marie le Pen.

had an influence. In this sense it is clear that French political culture can be characterised by a more sustained distrust towards European integration (rejection of the EDC in the 50s, Gaullism and the empty chair crisis in the 60s, almost rejection of the Maastricht treaty in the 90s) than the Spanish one. A strong sensitivity towards the EU's democratic deficit among French public opinion is a notable feature of this issue (Chopin 2008, 136).

One of the effects of the extended usage of quantitative methodologies is that most of the available studies on Spanish and French debates about the European Constitution tend to pay little attention to the mechanisms by which these organisations act as mediators between the EU and the general public (Anduiza 2005; Lehingue 2007; Sauger, Brouard, and Grossman 2007; Mateo Gonzalez 2008). However Font Fábregas and Rodríguez Ortiz (2007) and Glencross and Trechsel (2011) have suggested that social and political actors' mobilisation should be analysed to understand evidences that attitudes towards the EU and the text were more decisive than national politics in the result of the vote. In this sense authors analysing national actors' mobilisation from a qualitative perspective (Maatsch 2007; Closa Montero 2008b; Seidendorf 2010; Dufour 2010) tend to point out to the importance of mobilisation in the construction of European frames in these referenda. The following sections try to explain why French civil society contributed strongly to challenge the political elites' consensus on the EU (Agrikoliansky 2007; Seidendorf 2010; Dufour 2010) whereas Spanish organisations tended to share and reproduce it.

2. Civil society organisations' communication in the context of the national debates

Since in the previous chapter it has appeared that European organisations had a very modest role in the national debates, this section will focus on the activism of national organisations.

2.1. Attempts to raise awareness: Spain

Almost all the Spanish organisations declared that they had in a way or another engaged in campaigns on the constitution. The table below (30) shows that all of them organised public oriented events in the form of seminars or conferences as well as press and internet campaigns.

Table 30 Actions of Spanish organisations during the ratification debates[33]

Name	Assemblies, fora and debates with other groups	Demonstrations and contentious action	Internal deliberation	Internet	Press campaign - manifestos	Seminars	Signature
ADICAE			X			X	
ATTAC	X	X		X		X	
Caritas Spain					X		
CCOO	X		X				
CJE	X		X	X	X	X	
Conv. Cat.			X	X		X	
FCCE			X		X	X	
ONCE-CEPES						X	x
RCE				X		X	
Ecologistas en Acción		X				X	

This contrasts strongly with the difficulty of EU organisations to use outside lobbying (Monaghan 2007, 254; Mahoney 2008a). Notwithstanding Spanish organisations characterisation as specialised publics (see chapter 6), they are much more prone to engage the general publics' through contacts with the press, political parties and the ability to mobilise their members than European groups. In this sense they do not necessarily see a contradiction between their specialism and their possible impact on the public sphere:

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[33] Organisations not declaring any type of action are not included

> "It now looks as if parity democracy had been invented by Zapatero! Empty-talk socialists have never understood the importance of "gender quality"[34]. Look, it's not an issue of having more women, it is about the policy changes when a woman is in charge, right? So are we elitist? Well good, but we're there every day and if being there every day providing information is elitism..." (interview 24 with a representative of RCE)

Interestingly, the same organisations that considered that the EU is still very much the domain of specialists (see table 29 in chapter 6) put a big emphasis on the need for civil society to contribute to a "pedagogy" on European affairs and in particular on citizens' participation rights (see table 31 below). In this sense, it appears that Spanish civil society organisations engaged in a sort of vertical Europeanisation campaign. The following two quotes illustrate the way in which organisations tried to convey the message that the EU was no longer the domain of member states and specialists but that citizens ought to have a role:

> "Well, [laughing] the truth is that this campaign was a little risky. As we wanted to mobilize young people we hired a consultant to create a funny campaign. The center of the campaign was a can of energy drink called "Referendum Plus". So the idea was that of an apathetic young person, 'I couldn't care less, but when I drink "Referendum Plus" I want to participate, to vote, to change the society where I live and I want to be a participative citizen'. And it was a very successful campaign, we got it on TV, we had 900 young people handing out cans of drink, with a pamphlet on the Constitution across many Spanish cities. And the truth is it was a very interesting initiative, because it was from the point of view of young people, let's laugh at this too" (interview 44 with a representative of CJE)

> "Here we also saw the need to involve local administrations, in particular to launch a pedagogy at the local level explaining that Europe is not only money, no need to give it up either, but it is also a space to exchange ideas, to exchange people exchange mobility, see what they do, you copy what others do. I believe that this is important for people to see that Europe has an added value, not only in how many Euros." (interview 38 with a representative of the FCCE)

These two quotes provide a strong suggestion that the aim of several of the Spanish organisations was to convey a message similar to that of the

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[34] RCE uses the concept of gender quality to describe the qualitative changes in policy making when women get to positions of political responsibility.

Convention, that is, that the Constitution and the referendum were opportunities for citizens' participation in European affairs. These quotes suggest that for the organisations in table 31below participation was an end in itself, that is, communication should put emphasis on the importance of citizens' participation. This resonates very strongly with the Commission's Plan D rhetoric (European Commission 2005; Monaghan 2007; Bee 2010).

Table 31 Information and advocacy as political roles

Name	References
Ecologistas en acción papers	2
Interview 24 - RCE	8
Interview 38 - FCCE	5
Interview 39 - Catalan Convention	2
Interview 44 - CJE	6
Spanish Civil Society Contact Group Manifesto paper	2

A possible answer to the contradiction between the technicality of European affairs and the will to inform citizens to promote their participation is provided by organisations who say that their public activities focused on issues of rights and interests of their constituency.

> "We focused on Europeans' fundamental rights, I think that the vote had to be on two issues. One was the inclusion of the fundamental rights of the Europeans. We had two days here at the association where we explained what the European Constitution was and what it had in relation to the rights of consumers. And the second was about their [consumers'] participation. From two perspectives, the role of consumer groups in organised civil society and in more general terms of participation in decision making." (interview 32 with a representative of ADICAE)

Among more salient actions for the general public, organisations preferred press campaigns and internet networking, although probably this tool was not as influential in Spain in 2004-2005 as it may be today. Three rather left-oriented organisations participated in the European social forum and large assemblies, whereas demonstrations (even atypical and contentious ones) were used by organisations campaigning for the no. Finally a very large organisation such as ONCE engaged in a signature collection campaign during the Convention debate, although indirectly related to the constitution as it focused on specific rights questions.

However this did not seem to have had any significant influence on the content of the debates or in the result of the referendum as interviewees somehow contrast the intensity of their interest and involvement with their modest influence on public opinion. The opinion below on the modest role of Spanish organisations is shared by 4 interviewees, whereas only Ecologistas en Acción claimed to have influenced the result.

> "Look, there is a tradition here to say that civil society in general is well aware of European issues. I do not know. Hum... but on the day of the referendum in Catalonia I think participation was below the Spanish average. Why did this happen? A lack of interest? I do not know. A lack of knowledge?" (interview 39 with a representative of the Catalan Convention)

In this sense it seems that Spanish organisations engaged in diffusion of the text, but that this was mainly done internally through discussion with their own members and little contact with the political debate. These sort of vertical campaigns are one model of how civil society could contribute to the emergence of a European public sphere. A possible alternative would be a contribution to the politicisation of the EU which is discussed in the following section.

2.2.   Civil society contribution to Europeanising debates in France

Next to their influential involvement in the yes and no debate (Dufour 2010) which is discussed in the next section, French civil society organisations played an important role in forms of activity that are political but not necessarily aimed at influencing the result of the vote, but rather to raise issues on the EU in the public space.

Table 32 below suggests that alike their Spanish peers, French organisations engaged in what they call "public instruction", that is, activities aimed at improving the citizens' knowledge on the Treaty. Virtually all the organisations organised public oriented events such as seminars and press campaigns. It is remarkable that given the high saliency that several interviewees attributed to internet in the negative result, very few French organisations declared having used this as a way of campaigning.

Name	Assemblies, fora and debates with other groups	Demonstrations and contentious action	Internal deliberation	Internet	Press campaign - manifestos	Seminars
MEDEF						X
Fondation Robert Schuman	X				X	X
CGT	X		X			X
LDH	X		X			X
Fondation Copernic	X				X	X
ATTAC	X					
Maison de l'Europe	X					X
Mouvement Initiative Citoyenne					X	

French civil society organisations were involved, to different extents, in raising the interest of French citizens for the Treaty. A key difference between the French and the Spanish referenda, apart from the result, is the larger participation and the focus of the debate on EU affairs in France. Organisations insist on the role which they played in this achievement. In this sense the fact that the Treaty was read by ordinary citizens emerges as a key topic in interviews (Fondation Copernic, Fondation Robert Schuman, LDH, ATTAC). It is worth recalling the interviewees' amazement at this:

> "[...] I remember those meetings where I myself was amazed because people came with their Treaties. [...] And they had highlighted them in red and green!" (interview 49 with a representative of Fondation Copernic)

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[35] Organisations not declaring any type of action are not included

"Something absolutely fantastic, unbelievable, happened. [pause]. People started talking about the treaties." (interview 48 with a representative of LDH)

 "[...] the Treaty was actually read [...] and was given conflicting interpretations since the early days" (interview 45 with a representative of Fondation Robert Schuman)

For the organisations that called for a no vote this was a decisive and absolutely unexpected achievement that can only be explained by the role played by civil society organisations (Dufour 2010). The Fondation Copernic is the organisation making this claim more clearly, arguing that the biggest strength of the promoters of the no vote is their epistemic superiority and their ability to dismantle their opponents' arguments by doing the exegesis of the text, which was acknowledged by some of the promoters of the yes.

"I am convinced that it was possible to win, that the yes side could win on the condition of explaining very precisely to the public what was actually in the treaty. But the yes side was not able to do that because it was not sufficiently mobilised. Because most people had worked insufficiently on the text and they could not explain it." (Interview 45 with a representative of the Fondation Robert Schuman)

Although this vision probably exaggerates the importance of the discussion on the text, some of the other organisations point out that the debate was very much focused on the details of the text and that this process of detailed discussion was clearly going on during the debate.

The fundamental difference with Spanish organisations is the stronger participation of French organisations in assemblies, fora and debates with other groups. To some extent this is the result of French anti-globalisation activism which contributed strongly to the European Social Forum held in Paris in 2003 (Feron 2006; Della Porta 2007; Agrikoliansky 2007). However, the most relevant aspect is that French organisations had a higher tendency to have recourse to debate than to internal deliberation or seminar style communication (see table 32 above). In this sense French organisations seem to have focused more strongly on the promotion of the discussion of the text than in the promotion of

participation. In this sense public instruction is not a form of pedagogy as for Spanish organisations but rather a way of doing politics in the sense that there was a relevant degree of confrontation among organisations with different visions of Europe and the purposes of participation. In this sense the political role of civil society is not only the diffusion of information as the Spanish organisations seemed to do but contributing to frame the national debate on the EU.

> "At the Foundation we discussed the question, and we decided to take a stand on this debate on the grounds that it was a political and not just a partisan debate. That is to say that our corporate purpose, as an organisation of public interest, is to promote discussion. We considered that advocating, assisting and producing arguments for a positive vote were among our missions. [...] We decided not to simply inform but to discuss, and we assumed that we had to [emphasizing] convince because the yes vote was not, that it was not a foregone conclusion. It's easy to say today but I can assure you that's what we thought then." (interview 45 with a representative of the Fondation Schuman)

Interviewees and documents are very explicit that there was a degree of competition among organisations for imposing the terms of the debate. Although it is not this thesis' aim to assess the eventual influence in the electoral process and result, it confirms Dufour's findings (2010) in that some of these organisations had an important role in setting the frames of the debate well before the election. In this sense the Fondation Copernic claims to be the first one in following and analysing the Convention and constitution systematically. A similar thing was done by the Fondation Robert Schuman, although the interviewee considered it a failure because of their inability to address politics or to consider seriously the possibility that the Treaty would be rejected. The importance of ATTAC and the Fondation Copernic in setting the terms of the debate and influencing other organisations is acknowledged by several other organisations like the Fondation Robert Schuman, Maison de l'Europe and the CGT, as well as strongly claimed by the Fondation Copernic interviewee and more reluctantly by ATTAC's.

> "Regardless of content, something where, beyond all the reasons we have discussed, where supporters of the yes were beaten is that very soon, it was the supporters of the no who imposed the terms

of the debate. And the supporters of the yes were constantly in the need of responding, they were on a defensive stance." (Interview 45 with a representative of the Fondation Schuman)

It thus seems that French organisations contributed to elaborate a frame at the national level where the debate about the EU acquired a clearer political dimension than the political parties'. Whereas large political parties agreed on the need to ratify the Constitution to simplify decision making in an enlarged EU and to allow it acquire a more coherent foreign policy, civil society contributed to re-politicise the debate by focusing on socio-economic issues and on the political model of the EU (see chapter 6 on the content of the debate). Their promotion of debates on these issues that political parties and promoters of the yes had avoided had certainly an effect on the final vote (Dufour 2010).

3. Civil society as a promoter of citizens participation

It has been suggested that Spanish and French organisations had a different approach to their role in communicating about the Constitution in that Spanish organisations focused on the diffusion of the idea that the Constitution was an opportunity for stronger citizens' participation whereas French organisations focused on a stronger citizens' appropriation of the EU and the text by debating it. This is related to differences in each country's organisations stance in politics and their differing abilities to foster and frame citizens' participation, including their own members which are analysed in this section.

3.1.   Spain: civil society apolitical stance

The weakness and thin participatory structure of most organisations (Vázquez García 2010) together with the low saliency and consensual nature of EU affairs in the Spanish public space (Closa Montero 1999; Closa Montero 2004; Ruiz Jimenez and Egea de Haro 2011) probably inhibited organisations from playing a more salient role in the debate (León, Mateo Díaz, and Meseguer 2004; Will et al. 2005).

To start with the weaknesses, the two civil servants interviewed (interviews 34 and 39) challenge civil society organisations' internal deliberation and argue that in general decisions related to the EU are made by a small number of experienced members of the staff. Whereas this may obviously be related to civil servants distance from civil society and to a measure of distrust towards participatory democracy, this is strongly confirmed by the acknowledgement by 6 interviewees that their organisations' interest on participation in the EU is very much the result of their own individual internal activism for the organisation to consider EU affairs. Chapter 5 suggested a sort of trade off between involvement in the Convention and in the national debate. In this sense the difficulty or lack of will to make members participate in EU-related decisions fostered a preference by organisations to be active in the Convention. Since most Spanish organisations were satisfied with the result of the Convention and the ratification of the Constitution seemed granted, they had few incentives to mobilise their own members on this point.

Secondly, it appears that Spanish organisations were not able to address the national debate from a political perspective. It is clear that most of the organisations that tried to do a campaign on the Constitution avoided any possible politicisation. In this sense it is noticeable that few of the organisations favourable to the Treaty did actually call for a favourable vote (CCOO and RCE), although a positive approach is clear in several campaigns, for instance in the case of the CJE. This is particularly clear in the case of Catalan organisations, which were quite active but careful to avoid politics, since the political debate on the ratification of the text was particularly sensitive in the Catalan party-system. It is noticeable that the FCCE which regrouped about 200 Catalan civil society organisations claimed that it gathered unanimity among members who may then have adopted different positions in the referendum. This is quite illustrative of a general tendency of Spanish civil society whose actions sought to communicate and provide information rather than to take sides. In such an approach coming together in broad platforms and activities is a way to replace the deepness of collaboration by breadth. This may explain the much higher tendency of Spanish organisations to network with each

other than it was the case of French organisations (see figure 13 in chapter 5). Additionally reports by five organisations of their strong dependence on national or EU institutions approval and support for conducting public campaigns can contribute to explain this rather neutral approach. In this sense the almost comical superficiality of the above mentioned "Referendum Plus" energy drink campaign by the CJE can only be explained by this organisation's dependence on public funds. This favoured that their campaign could benefit from significant resources (900 leaflets distributors) but had a very shallow political message.

It could be argued as several interviewees did that it is necessary to adopt a Gramscian distinction between civil and political society (J. Cohen and Arato 1992) and that it cannot be expected that civil society organisations behave like political parties in taking sharp "yes" and "no" stances. In this sense, a few moves towards a "simplification" of EU issues via a political rather than a neutral approach to the text can be reported. In this sense they prove that the non partisan nature of civil society organisations does not necessarily mean being neutral to political values and sensitivities. In the Spanish context the most noticeable approach of this kind was the Spanish civil society contact group regrouping among others ACSUR, CJE, and CCOO which produced a manifesto articulating a progressive view of the EU. Despite being a broad addendum of their main concerns (gender issues, labour and fiscal law convergence, participatory democracy, public services) the manifesto is quite far from being consensual and argues for the need of a stronger politicisation of the EU. That said this coalition seems to have been quite irrelevant in the debate since it was only pointed out by one of the four interviewees, although it shows that organisations with similar positions tended to cooperate intensely. The analysis of the network confirms this by indicating that ACSUR, CJE and CCOO had a unique pattern of relations between each other (a clique).

A second form of political activism by civil society organisations was the attempt to download the new participatory democracy frame to the Spanish context in particular regarding civil dialogue at the national level (Catalan Convention, the Contact Group of Spanish civil society, Caritas

and EAPN) confirming the hopes of some European organisations about the extension of the European model of structured dialogue with civil society to the national context (see chapter 6 section 1). Although this approach may not be very relevant in terms of dissemination of debates about the EU in the public space, it may have contributed to structuring better the relationship between the authorities and Spanish civil society through the reform of institutionalised dialogue taking place in the National Council of social action NGOs. Although no mention to a causal relationship between the two events was made, some interviewees note that the debate on the European Constitution contributed to a better coordination of civil society organisations in Spain (EAPN Spain, Caritas).

Finally, the most relevant example of the politicization of civil society activism was the emergence of a coalition for the "no". This coalition, far from massive, was articulated by Ecologists in Action, the more active actor among the organisations not involved in the Convention. The arguments of the coalition - which considered that the Constitution turned the EU into a military superpower willing to apply the American doctrine on "preemptive strikes" - and the membership of various anti-war organisations suggests that this coalition built on the social movement against the Iraq war in 2002-2003, in the same way that the French no coalition had links to protests in the late 90s (Dufour 2010, p.432). The other important member of this coalition despite not having played a role as strong as in France was ATTAC which contributed to organise demonstrations and protest activities (table 30) and spread the movement through contacts with other organisations (figure 13, chapter 5). The arguments of ATTAC and Ecologistas an Acción suggest a strong replication of the French no campaign, both because of the content and the similarity with the "exegesis strategy". The explanation for this mobilization draws on a typical logic of social movements in that the unanimity of major social and political forces left a void space that could be filled by relatively weak organisations. The organisations themselves acknowledge that their movement must be understood in the broader context of movements for an alternative globalization.

Although the movement did not turn the tide against the Treaty, the referendum contributed to organisation of critical movements about the EU in Spain. This is a minor victory claimed by the organisers of this now campaign:

> "The percentage of negative votes for the treaty evolved from 5% at the beginning of the campaign to 17% at the end. We consider that the campaigns of criticism of the current European Union in which Ecologists in Action has been active are decisive for this increase in percentage of negative votes" (Ecologistas en Acción 2005).

3.2. France: alternative ways of politics

The contrast between Spain and France is particularly strong when it comes to the ability of civil society organisations to foster their members' participation, both in internal debates and in the public sphere.

It is very important to point out that for some organisations there is a clear evolution towards scepticism on the Treaty which is the result of internal debate and participation in different fora of debate, in particular the Paris Social Forum. The CGT is not the only case of an organisation which had an internal debate on the Constitution (LDH and MEDEF had internal discussions about whether taking sides), but is certainly the most significant one. The interviewee pointed out that the organisation has traditionally been extremely reluctant towards European integration. Although positions have evolved slightly, this has left a rather anti-EU attitude in its members. The debate on the EU constitution was seized by the direction of the CGT as an opportunity to be involved in EU affairs and change this culture. Whereas the direction would have liked to follow the process without formally demanding a yes or no vote, the internal debate showed that grassroots members were strongly opposed to the Treaty and forced the organisation to launch a campaign against it. This suggests quite a strong distance between organisations and members on EU topics. This may be a substantive distance, or rather reflect the difficulty to relate organisations' activity in the EU with their grassroots members.

Orgs. and data	Number of references	Nodes - reasons
MEDEF	1	Difficult to get members interested by EU matters
CGT – (intw 48 and position papers)	1	Difficult to get members interested by EU matters
LDH	3	Brussels organisations are distant, dependent on EU funding and fragile
Fondation Copernic	1	Difficult to get Trade Union members interested by EU matters

Additionally organisations point out to the lack of resources (Union du Grand Commerce de Centre-Ville, LDH) and of citizens' interest for EU topics as other key difficulties to address EU affairs (Fondation Copernic, CGT and Maison de l'Europe).

In this sense French organisations consider it natural to play a role during the national debate, which they tend to link to the way in which they conceive themselves. In this sense, some organisations consider their mission to bring citizens closer to the EU (Fondation Robert Schuman and Maison de l'Europe), others consider that the topic does necessarily influence their own domain of activity (AFEM, LDH, CGT and MEDEF) whereas others consider that it is via national debate that they can contribute to shaping the EU (ATTAC, Fondation Copernic). This will have a major influence on the role they will play in the debate. In this sense organisations who consider their role to get citizens interested in the EU will launch a campaign for the yes, those who see the EU as an important question for their own primary role will try to stay away from the debate whereas the last ones will call for the "No" in order for citizens to be heard. In this sense it is clear that although not all the organisations took yes /no position, civil society organisations decisively contributed to the politicisation of the debate via different ways of doing politics like exerting

influence on other organisations, by contributing to construct arguments and in particular by raising awareness on the EU.

It is clear that organisations' decision to be involved in the debate is clearly linked to their own self-conception. In this sense the two business organisations who define themselves as interest representatives did not take part in any campaign during the referendum, although the MEDEF contributed to raising awareness by providing regular information to companies on the Treaty. The organisations whose field of activity is affected by EU integration tried to avoid partisan campaigns and in particular calling for a vote in the referendum, but they contributed to raising awareness in particular by mobilising their own organisations. As it was said above, these decisions were not always easy, since internal pressures existed for organisations to take sides. The organisations that took sides for or against have EU integration as one of their main concerns be it because they promote it as a cause or because they are in favour of a different course for European integration and globalisation.

Table 34: Civil society in the YES / NO debate

Name	References	Coverage
Fondation Copernic	11	Civil society can participate in politics, call citizens to vote (NO), Influence on other organisations, construction of a no coalition
Fondation Robert Schuman	6	Civil society can participate in political choices, call citizens to vote (YES),
LDH	1	Internal debates contributed to contestation
CGT	2	construction of a no coalition, taking sides, call citizens to vote (NO),
MEDEF	3	No interest in politics
CCCV	1	No interest in politics

One of the ways in which organisations did contribute to the politicisation of the debate is by influencing different organisations. It is the Fondation Copernic which claims more clearly an influence on different organisations, and particularly on trade unions. Interestingly, this corresponds with the impression of the interviewee from the CGT, who considers that political parties and other organisations had a bigger influence on TU militants than the direction of the organisation.

Interestingly, the only organisation that seems comfortable with its links with political parties is the Fondation Copernic. Although French organisations had an important political role, they reject traditional politics, and tend to criticise NGOs being very close to political parties (Maison de l'Europe and significantly CGT, traditionally linked to the French Communist Party). Another important finding is that there was very little official coordination between different civil society sectors, in particular those that usually consult each other (Trade Unions and Business Organisations).

Data about the organisations collective action (see for instance figure 13 in chapter 5) confirm that the 2003 Paris Social Forum was an important meeting point for activists and for debate between groups promoting alternative views on the EU (Akrigoliansky 2007).

Table 35 Participation in new international networks

Orgs. and data	Number of references	Nodes - reasons
ATTAC	2	Joint campaign with other European ATTACs, Participation in 2003 Paris social Forum
CGT – (intw 48 and position papers)	4	Contacts with national organisations, new international networks, Participation in 2003 Paris social Forum
LDH	2	Contacts with national organisations, Participation in 2003 Paris social Forum
Fondation Copernic	3	Member of ERC, new European networks , Participation in 2003 Paris social Forum
MIC	1	Member of ERC

Although far from being massive, some interviewees noticed that the European Convention confirmed the emergence of new actors in the EU civil society field, in that it was becoming more competitive because of the participation of new actors (Maison de l'Europe, LDH):

> "Just then comes a time, with the charter of fundamental rights, a time when we will be in these networks and at the same time other civil society organisations will come into the background so to speak. Including national organisations." (Interview 48 with a representative of the LDH)

The main forms of such activism consisted in being in touch with European coalitions such as the European Referendum Campaign (ERC) launched by IRI Europe or the Social Fora and to liaise directly with European peers like other trade Unions or other relevant alternative European groups like ATTAC. That said, the Fondation Copernic and MIC tend to acknowledge the shallowness of the cooperation in the ERC.

4. Civil society and frame diffusion at national level

Chapter 6 showed that French organisations saw the national public space as the natural context of their action, whereas Spanish organisations were more strongly involved in EU venues and networks. In this chapter this chapter has shown that similar awareness raising campaigns by Spanish and civil society organisations had very different results. Spanish organisations acknowledge that they had very little influence on the general public whereas French organisations tend to claim a stronger effect in particular by successfully framing the Treaty within the EU economically liberal policies (Dufour 2010) although civil society involvement does not in itself explain the different focus of debate in both countries.

Whereas unexpected in the aftermath to the Convention (Radaelli and Lucarelli 2004, 9), these results are to a large extent aligned with studies indicating the importance of considering activism (Hooghe and Marks 2009), including civil society's (Agrikoliansky 2007; Seidendorf 2010; Dufour 2010), when seeking to explain public space dynamics in national debates on the European Union. It also confirms the importance of organisations, in the case of this chapter French ones in particular but not only, in the development of a political vision of the European Union challenging the national political elites' vision (Dufour 2010). In this sense, it seems especially important to consider the politicisation of the

political frames of reference to understand the emergence of European issues in the national context (Hooghe and Marks 2009).

When it comes to influence, it appears that Spanish organisations tended to reproduce political elites' conception of the EU as a technical domain where citizens' had to acquire a bigger role by providing them sufficient information to share EU consensuses allowing them to participate. In this sense, Spanish organisations share an almost reverential fear of politics, which invited them to play a minor role in the campaign. On the other hand French organisations seemed much more eager to challenge political elites' consensus both by promoting debate on different topics and providing an alternative political framing for the referendum and by directly intervening in the political debate against or for the Constitution. This does not challenge previous findings on the weakness of Spanish civil society in the national debate in contrast with the strong participation by French organisations, although it clearly shows that these differences are not due to un-involvement (León, Mateo Díaz, and Meseguer 2004; Will et al. 2005), but to the choice of the forms of participation in these debates.

The Convention's potential for mediation between the EU and national civil society (Monaghan 2007) was hampered by the dichotomy between the ability to influence European decision making and difficulties of being in touch with members and supporters regarding their participation in European discussions. The fact that the strongest promotion of participation in debates on the EU was not achieved by Spanish organisations which shared most strongly the EU's participatory democracy frame but rather by distant French organisations is another form of disconnection between the Convention and national debates. Whereas Spanish organisations focused on the significance of the constitutional moment for citizens and civil society's role, French organisations focused their attention on the opportunity to discuss the EU as such, including its economic "acquis".

This finding is very significant as it does not challenge the utility of civil society participation for the emergence of a public sphere. In this sense the disconnection between participatory democracy and the referenda

confirms the significance of the missing gap between specialised and general publics (Eriksen 2007). Yet, this chapter suggests that civil society organisations were vectors of citizens' participation and in this sense contributed both to the diffusion of political frames for debating the EU among general publics and to the diffusion of the importance of citizens' involvement. In this sense it appears that a frame on citizens' participation emerged at the national level, although not necessarily as a result of the diffusion of the EU frame but rather the autonomous extension and re-appropriation of this frame by national organisations. However this would have probably not happened without the importance of this question in the Convention, which is to a large extent due to European organisations. It thus seems that frame circulation can happen without a direct contact in a similar way in which the promoters of the ECI could benefit from the Convention's reframing of civil society consultation as participatory democracy (see chapter 3). In this sense the circulation of the idea of the importance of participation among different European publics seems to be related to the existence of venues allowing the expression of these publics, rather than to very close contacts between different publics.

Chapter 8: Civil society and the European public sphere

This chapter summarises the thesis findings in order to address the questions raised in chapter 1 and to elaborate on the question of how different European publics communicate.

1. Replicability and generalisation

The findings of the thesis have to be handled carefully when it comes to generalising them because of the way in which the sample of observation was created. In this sense a researcher choosing a random sample or studying all the contributions of civil society organisations (for instance via quantitative text analysis techniques) would likely find a much weaker focus on issues of participation regulation and delimitation.

In this sense the thesis cannot conclude that its findings are extensive to all civil society organisations. However, it can soundly assess the practices of those organisations that were more strongly involved in the debates and can thus come to a general conclusion about what the specialised actors that intervened on the debate on participatory democracy between 1997 and 2003 were trying to achieve, and what was their impact on Spanish and French organisations and indirectly in these countries' ratification debates.

Thus the main elements of the analysis can be generalised to contribute to a better understanding of the rationales behind civil society institutionalisation strategies, the dynamics and obstacles in the communication between civil society activism in different spaces of the public sphere and to the political effect of these dynamics.

2. The institutionalisation of civil society consultation

Overall, the findings of this thesis do not challenge two important considerations about the register of collective action of European civil society organisations. Firstly, they confirm these organisations' general

difficulty to communicate with and make members participate (Warleigh 2001; Armstrong 2002; Sudbery 2003; Mahoney 2008a; Kohler-Koch 2010a). Secondly it has found that regular involvement, reputation, participation in coalitions and trust with policy makers are the most relevant factors for influencing agenda setting (Quittkat and Kotzian 2011; Greenwood 2011b) and favour organisations using insider registers over those more prone to mobilise citizens (Balme and Chabanet 2008; Liebert 2011). Despite confirming well known tendencies these findings are relevant because the Convention was a relatively unusual setting, as it was a new and salient venue. This, together with stronger competition resulting from pan-European civil society mobilisation (Kværk 2007), could have provided the conditions for a stronger recourse by civil society organisations to public opinion mobilisation (Della Porta 2007). The prevalence of insider registers as the most relevant influence strategy is an important parameter when assessing the activism of civil society organisations in the European public sphere.

That said three findings that differ or add to the literature on EU civil society and the Convention have been made. Firstly, the thesis confirms the importance of venue change (Princen 2009) by pointing out the ductility of the frame used by organisations in terms of its adaptation to what they perceived could be more acceptable for institutions in each situation. This shows a remarkable degree of flexibility by organisations to adapt their demands and ways of advocacy to different settings. Secondly, civil society organisations were able to navigate between competitive pressures by different social institutional actors, such as those exerted by the social partners, the EESC and different services or DGs of the Commission, as political opportunity structures for achieving the institutionalisation of civil dialogue. The third relevant finding is that despite the stability of the collective action register, the Convention was not an exclusive field for European organisations (Shaw, Hoffman, and Bausili 2003; León, Mateo Díaz, and Meseguer 2004) but rather for organisations able to mobilise valuable resources at the EU level.

2.1.   Agenda setting and European politics

As expected by the first hypothesis raised in chapter 1 the analysis of the agenda setting process has found that the introduction of an article on participatory democracy in the European constitution is directly related to the activism of civil society in the consultations on civil dialogue ahead of the Convention.

The strongest evidence of this connection is that the Convention satisfied the core demand of these organisations throughout this process: a legal recognition of civil society's role in the EU policy-making system. The connection between the Convention's recognition and the previous agenda setting is clear because of the continuity of the frame, civil society consultation as participatory democracy and of the key actors in that almost a third of the organisations that took the floor in the Convention's civil society plenary hearing had been strongly involved in the agenda setting process.

This is relatively surprising as the hypothesis in relation to the changing venues was that this would favour the diversity of actors and of frames. It has however appeared that this was only true for the 2002 consultation, as the proximity of the minimal rules for consultation to the better regulation package favoured a stronger presence of business organisations and a degree of reframing of participation for output legitimacy (chapter 2). However, the remarkable aspect is that the core organisations and demands remain stable and that it is the way in which those are framed which vary. Furthermore, there is a general consolidation of the participatory democracy frame along the process. In this sense, the most strongly emerging frame is that of citizens' participation and participatory democracy. The frame clearly seeks to turn mechanisms of consultation from an emphasis on expertise and to some extent communication to the idea that those are opportunities for citizens' participation and part of a participatory democracy model.

Most significantly, this is a collective frame in the sense that it is not merely the result of organisations' reaction to their perception of

institutions' expectation but rather an element of a collective action strategy. As it was expected, organisations advocating similar positions tended to form coalitions and act together. In this sense it has been found that there is a very strong correlation between discursive references to civil society participation as a form of participatory democracy and membership of the Social Platform and the CSCG. Furthermore, all the organisations at the core of the network of groups active on civil dialogue shared this emerging frame. It is thus quite clear that civil society organisations perceived that the Commission intended to use existing mechanisms in order to reinforce input legitimacy and that they turned this into an opportunity structure to obtain its recognition. This collided with the interests of other actors of the policy-making process. The evolution of the frame and the convergence of different organisations around it tend to suggest as well that the frame formation and convergence is strongly related to the formation of an organisational field of civil society participation.

2.2.   The political opportunity structure for civil dialogue institutionalisation

The thesis has provided strong evidence that just like the institutional actors that promoted participatory democracy(Saurugger 2010), civil society organisations were doing this in order to promote their own collective, legal recognition of their right to be consulted, and sector or organisation specific goals in terms of recognition. Hence the new discourse of the EU on participatory democracy can be explained as a manifestation of the emergence of an organisational field of civil society participation, that is, a virtual space of exchange constituted by relevant actors, fora and formal and informal rules where the conditions for civil society consultation and participation are thereby discussed and decided. The constitution of such fields is always dependent on the existence of an issue. In this case it clearly is that of the creation of a horizontal rule about which organisations had to be consulted.

As Ruzza suggests "the crisis of legitimacy of the EU system of governance can be viewed as a political opportunity for movements"

(Ruzza 2004, 41). In this sense civil society organisations have been able to use the institutional agenda and needs to legitimate their own demands. Some civil society demands that could be associated within a participatory democracy model were the definition of common, transparent and objective rules of access in contrast to the more or less ad hoc selection of partners that tends to occur in some DGs as well as the creation of a horizontal and higher profile consultation (Fazi and Smith 2006; Kohler-Koch 2010b).

The whole discussion about the definition of civil society, the characteristics of legitimate actors or issues of representativeness could legitimate the characteristics of some actors and exclude others. The organisations participating more actively in these consultations were thus defining the rules that were going to be applied to all the other sectors, but it is within this field's discussion, rather than in the specific sectors, that these common rules could be modified. This explains why organisations from distinct sectors participated actively in these discussions and that contrary to the expectations there were some clear resistances to this agenda.

It is thus clear that the recognition of civil society participation, far from a commonly accepted democratic progress had the potential to create winners and losers. With this insight in mind it is less surprising that organisations promoting the institutionalisation of civil dialogue did not try to justify it simply in terms of efficiency such as the predictability of outcomes for organisations (Ruzza 2004, 45) but rather tried to articulate it as an irresistible cause (Greenwood 2007b, 344). According to Bourdieu any field is characterised by its *habitus*, that is, a set of interiorised social practices and dispositions that inform the range of possible actions by its participants (Bourdieu 1984, 133–136). In this sense it is clear that the constitution of the field had some visible effects on the ways of action of the organisations in terms of windows of opportunity, acceptable ways of advocacy and collective action. In the wake of the EU's legitimacy crisis, of the discourse of the Commission and of the Laeken declaration, it would have been impossible for organisations to oppose frontally any proposal

framed as a form of participatory democracy and to be taken seriously within this field any more. Instead these organisations used democratic arguments to weaken it by arguing that participatory democracy should not endanger the EU's fragile representative democracy. Similarly, they argued that for the sake of democratic accountability sound representativeness criteria should be associated to the article.

In addition to the opposition of social partners, the promoters of civil dialogue had to face distinct attitudes from institutional actors such as the Parliament's scepticism on participatory democracy, the attempt by the EESC to use it to raise its own profile or the lack of support (if not the reluctance) of the Commission to support civil society demands during the Convention. And yet organisations experienced article 47 as a victory, which shows that the agenda was not totally set by European institutions and that organisations had a relevant margin of manoeuvre. The very presence of these fragmented interests could have acted as an opportunity structure, as organisations could to some extent engage in some "venue shopping". Furthermore it may have increased the importance of organisation, coordination and activism as ways to avoid compliance with the institution's colliding expectations.

However, it appears as well that "playing by the rules of the game" (or abiding by the habitus of the field) by being providers of expertise, demands and legitimacy was the most efficient approach, and that recourse to protest, such as during the 1998 "red card campaign" (Chapter 3), was a rare "ultima ratio". As it was said above, the Convention did not produce a change in the ways of collective action of organisations as organisations did not employ outside lobbying (Mahoney 2008a), let alone protest. On the contrary, it has been suggested that the main reaction of the oldest contributors to the debate to the increased number of participants (and thus of competition in the Convention) was to foster cooperation between them via the CSCG.

2.3. The rules of the civil society game: collective action before and during the Convention

The evidence is that the main mechanism of influence for civil society organisations during the entire process was participation and involvement in successive debates and policy consultations on policy options. The Convention did not significantly change the organisations' strategy as they did not employ outside lobbying (Mahoney 2008a), let alone protest. The main ways of advocacy are basically exchanges with the institutions, via involvement in formal consultations with the institutions and other organisations including the submission of written contributions. Neither officials nor civil society organisations consider any of these particular access mechanisms as the key of success. Unsurprisingly the ability of these mechanisms to associate civil society to the Convention has been evaluated negatively by the literature on this matter (Monaghan 2007; Pérez Solórzano-Borragán 2007; Lombardo 2007). Yet it is precisely the weakness of each of the individual mechanisms which explains the importance of frequent involvement for the attainment of an insider status: other than by the salience of some interests, it is precisely because several of these access doors are open to anyone that the key factor lies in building the conditions for one's contribution to stand out.

Perhaps the best evidence on the importance of this continued participation in the field is provided by the contribution by organisations that were not involved in the discussions ahead of the Convention such as IRI Europe and the Spanish organisations. To the account that the ECI was the result of a last minute fight by outsiders (Lamassoure 2004), the thesis has opposed evidence that the promoters of the ECI were not new to EU affairs since they had lobbied the EU on the issue since 1996 and had close working relations with members of the Convention since its early phases. This was much more relevant in including the ECI in the Treaty than the weak pan-European grassroots European Referendum campaign (IRI 2004).

Similarly, national organisations were not outsiders because of their national rooting. In this sense they were relatively well represented in the

Convention, although it has been found that success in the case of the discussion on participatory democracy was not dependent on their ability to mobilise members but on their capacity to play by the rules of the Convention. In this sense there seems to be a clear relation between sharing the Convention's frame on participation and considering themselves as relevant actors, as evidenced by the different patterns between Spanish and French organisations.

It is important to emphasise that it is not involvement in itself which makes a difference in terms of influence, but rather the role of each organisation in the emerging field of pan-European civil society. For instance, ELO or RCE had only a minor role despite their strong involvement and concern with the topic. It is those organisations able to mobilise specifically European resources and that can fulfil a relevant role in the field in each moment that can achieve more influence. The institutional system and agenda setting dynamics favoured an insider collective action regime (Balme and Chabanet 2008). This "rule of the game" has an important effect on the functioning of the EU as a public sphere in that the ability to be in touch with, and mobilise, members is not as rewarded, if at all, as the ability to play a role useful for the institutions in different venues.

3. Understanding the European public sphere as a space of groups

The analysis reveals that the debates on participatory democracy were decisively dominated by elites until the Convention. Civil society appears as a relevant link with general publics in the aftermath of the Convention during national debates. However the mechanisms behind these contacts must be carefully analysed because the mediation was not produced by the same actors that elaborated the discourse. Although civil society organisations were not the only relevant actor in these debates (Saurugger 2010), the thesis has argued that the behaviour of the institutions and officials can also be understood by emphasising medium to long term collective action dynamics. This section uses the Convention's debate on participatory democracy to discuss the effect of

the predominance of these group dynamics in the EU's specialised publics for the European public sphere.

The findings on the role of the organisations in the European public sphere have to be evaluated carefully because of their contradictory nature. As other studies (Sudbery 2003; Mahoney 2007; Kohler-Koch 2010b), it has been found that organisations did not need to mobilise their members to achieve influence and that they had little contact with them throughout the process (chapter 5). That said, in agreement with most of the previously mentioned research, it appears that this distance with their members and the public is the result of the EU's institutional setting rather than a substantial matter of lack of interest for European affairs.

This seems to be in contradiction with the second finding that under some circumstances civil society organisations' activism can contribute to raise debates on the EU among European general publics. Most interestingly, it appears that this can take place even without a strong link with their grassroots: in some circumstances, typical of a public space dominated by groups, frames, ideas and debates can become independent of their authors and circulate among different publics. In this sense it has appeared that national civil society organisations circulated and adapted frames about participation and democracy in the EU even when they did not entirely share the discourse of EU institutions and civil society.

In this sense the hypothesis that participatory democracy may not have been relevant for national organisations because of its linkage with the institutionalisation of access for European organisations is disproven to a large extent. Even those organisations that did not share the content of the frame (mostly French ones) were perfectly aware of its construction. Furthermore, in the national debate these organisations circulated, with different degrees of success, ideas about the need of citizens' and civil society involvement in the EU. More importantly, they framed national debates, in particular the French one, as opportunities to exercise participation.

In this sense, despite the weak role of the promoters of the participatory democracy frame in the national debates, it has appeared that national organisations, even those less eager to participate in EU venues, framed their activism in terms of the importance of citizens' participation of the debate on the future of the EU. This is particularly clear when it comes to organisations contesting the Treaty on the grounds of "another Europe" since they clearly argue that is precisely because the weakness of EU level participation opportunities that citizens have to seize the national referenda as a way to reshape the EU that they want.

3.1. Coalitions and diffusion: Some organisations are more able to communicate than others

When the question of how does a public sphere where groups play a relevant role functions it is decisive to ask which groups play such a role. In this context the thesis has found very different communication attitudes and skills among the organisations it has considered. The coalition that promoted civil dialogue was quite hierarchical and there are at least two different roles among the core organisations: some groups specialised in relations with the institutions whereas others had a much stronger networking and downward facing profile. The organisations which had been involved more intensely in the civil dialogue debate communicated mainly among themselves and with the EU institutions. These organisations did not have a very strong communication profile. On the other hand, it was the organisations for which civil dialogue was not a core aspect which were communicating more intensely. Organisations such as CSCG, PFCS and ETUC networked intensely with core and outsider organisations, although they were not at the core of the frame creation process.

The existence of these two roles is very explicit in the case of the CSCG, which was decisive in promoting the unity of the citizens' interest sector during the Convention and tried to bring civil society activities closer to the citizens via the act4europe campaign. Although it was less successful in the second task, it is relevant that it was assumed as a specific task of

the coalition organisation. This explains better the role the PFCS. This organisation's discourse is relatively far from the core group on civil dialogue as it puts emphasis on individual citizenship rights, but it presents as well very close relations with members of the coalition. Besides effects of long term involvement which increase opportunities for exchange and trust between organisations, it seems that the PFCS set itself the role of enlarging the coalition and the frame.

The analysis provides no evidence of a planned construction of these roles, in particular because general diffusion was not an end in itself. Consequently it can be argued that a spontaneous division of tasks was operated within the coalition with some members specialising in lobbying the institutions and others in networking with other organisations and with the public. These roles were assumed by organisations according to their own ethos and preferred ways of advocacy, the result being that each organisation can contribute differently to the coalition.

The implication of this division of tasks is that the frame on civil dialogue was not circulated by its stronger promoters. Although this did not mean that the frame did not circulate, it may explain its transformation national organisations which claimed a role of their own or by used it to frame their role in the national debates as a form of citizens' participation.

3.2. Collective action and the public sphere: conditions of civil society mobilisation

It has already been said that the Convention did not provide civil society organisations with a motivation to mobilise and address the general public or their own members and supporters. This can be attributed to two key aspects of the functioning of the Convention. Firstly its path dependence of "ordinary" EU level discussions in terms of key personnel, agendas and internal functioning. As far as civil society relations are concerned it tended to reproduce traditional consultation mechanisms albeit in a more crowded setting (Pérez Solórzano-Borragán 2007; Monaghan 2007). Secondly, the nationalisation of the general public's debates on the Constitution made it much more difficult to articulate pan-European

campaigns on it since "in the EU multi-level setting, important structural transformations (such as EU constitution- making) do not translate into uniform politicization as long as political opportunities remain bounded to the nation state." (Vetters, Jentges, and Trenz 2009, 426). In a nutshell, the Convention's aftermath did not provide civil society organisations with a similarly favourable political opportunity structure and hence organisations had little incentives to mobilise their own members and thus contribute actively to articulate a pan-European general publics debate.

Furthermore, the nationalisation of the ratification debates did not contribute to bring national and EU organisations closer as both assumed that general public debates would be decided on national grounds and with national political clues and that there was thus no margin for the EU level organisations to intervene. Furthermore, it has appeared that it is not only the nationalisation but also the politicisation of the debate which made European organisations less prone to intervene. In this sense they consider that their own members were not interested in issues beyond their own sectoral concerns and matters of funding.

The attitude of EU level organisations contrasts strongly with the finding that national organisations were present in the Convention and that some of them, mostly Spanish organisations, assumed the frame as something they could put in practice. The contradiction is even stronger in relation to the interest of French civil society for the Constitution (Agrikoliansky 2007; Dufour 2010). It is on the question of national organisations and ordinary citizens' interest for EU politics where the perceptions of national and European organisations diverge more intensely. It is thus necessary to ask which conditions make organisations active in each sphere interested or not in European debates. This thesis provides evidence that political opportunity structures and resources have to be carefully considered before concluding that national organisations are not interested (Friedrich and Rodekamp 2011).

Chapters 5, 6 and 7 suggest that beyond a common ethos to keep members and citizens aware of their action (expressed as a duty to

engage in pedagogy or public instruction), French and Spanish organisations chose very different approaches to these debates. In general Spanish civil society organisations played or at least considered that they played a strong role in the European Convention both via their participation in discussions on participatory democracy and in terms of involvement in European networks. In comparison they played a much smaller role in the national debate. On the other hand French organisations followed the Convention closely however without trying to actively influence it but were very active in the national debate and it has been argued that they had an influence on the result (Dufour 2010).

Therefore it is necessary to consider firstly what the reason for this strong difference is and secondly whether there is a relationship between the roles organisations played in each context. Building on social movement literature (Tarrow 2004) the structure of political opportunities and resources mobilisation are briefly considered to try to explain this.

The cleavage in choices of involvement at EU and national level cannot be explained by the difference between the structure of political capital and the overall resources of the organisations of each country. The group of organisations from each country seems quite comparable (for both countries it contains representative trade unions, feminist, anti-globalization organisations and organisations representing the third sector in general). French organisations include two employers' organisations, two "think tanks" and a human rights association (not represented in Spain) while the Spanish organisations include three social welfare organisations, a consumer and international cooperation organisation) not represented in France. However, as think tanks, human rights organisations, consumer and international solidarity are characterised by a strong political profile in comparison to interest or leisure organisations (Vázquez García 2010) they therefore can be grouped under a common profile. It thus seems that the difference between the remaining organisations, French employers' organisations and social welfare organisations in Spain, cannot by itself explain the difference. Therefore the difference should not lay in the overall availability of resources but in

how the structure of opportunities described above influenced the decisions of the organisations to mobilise them in one context or the other.

From the European point of view, all organisations studied lie outside the usual system of relations between the European institutions and civil society. No significant differences in terms of availability of European resources can be reported (participation in European networks, availability of technical expertise or specifically European contacts). Yet stronger disposition to mobilise these resources at the EU level has been observed among Spanish organisations than French ones. It therefore seems that the attitude towards the Convention and to the discourse on participatory democracy can contribute to explain involvement at the EU level.

On the other hand the dependence of civil society organisations on public institutions is a major difference between Spain and France. This is either related to a delegated role in public policy implementation (welfare in the case of ONCE and Caritas) or because they have been created as an initiative of public authorities to encourage debates such as the CJE, the Catalan Convention or FCCE. The case of the two Catalan organisations would confirm that the independence of Catalan civil society's from the state in contrast with the dependence of most Spanish civil society is a myth (Casals Meseguer 2010, 231–232). It seems unlikely that these organisations may have been able to challenge the prevailing consensus even in a more pluralist setting as "the lack of salience and a non-conflictual policy style strengthens the autonomy of [a] small circle of actors" (Closa Montero 2004, 326). This was almost impossible in the context of the almost explicit support to the yes side of the official campaigns. On the other hand, the weakness of internal participation regarding the involvement of the organisations in EU matters largely means that it was almost impossible to see the emergence of contestation within organisations. In addition, the importance of social welfare organisations or charities in the Spanish case also implies fewer opportunities for internal deliberation. These factors seem to have "frozen" the Spanish civil society ability's to build an alternative

perspective on European integration and fostered a weak participation at national level (Radaelli and Lucarelli 2004, 9).

On the other hand it has been noted that the strong internal contestation contributed to the activation of French civil society organisations, whereas the weak participatory nature of Spanish groups favoured that these organisations focused on the EU level. The strong politicisation of French civil society, or rather its permeability to political activism, was not a weakness in the context of the referendum but may have fostered the engagement of political activists disagreeing with their parties' orientation (Dufour 2010).

Regarding the first question asked at the beginning of this section the political opportunity structure seems more decisive for explaining the attitudes of organisations towards the referendum than traditional resource-focused explanations (Will et al. 2005; Sánchez-Salgado 2007b). In this sense in approximate equality of European resources the weak autonomy of Spanish organisations in the national context explains these organisations preference to try to influence decisions in the Convention. On the other hand French organisations being suspicious of the Convention and having a greater capacity for autonomous political discourse and greater permeability to politics in the national context seem to have presented the national context as the best suited for influencing European decisions.

This explanation is reinforced when the answer to the second question on the relationship between national and European participation is considered. Participation in the Convention is fundamental to understand why Spanish organisations had little incentive to conduct a campaign about a text that they had contributed to produce, in particular as their political weakness would have granted them little influence. However the dissatisfaction of French organisations with the participatory framework that resulted from the Convention together with their greater capacity for mobilization at the national level reduced the cost of developing a national campaign as a way of influence.

The attitude in relation with participatory democracy in the EU (Liebert 2011, 112) and towards national politics, or more precisely the ability to participate in national politics as a way to influence the European Union, are the variables that best explain the preference of organisations for participating in the Convention or in the ratification debates. Thus, although of course both scenarios are not incompatible, it seems clear that an organisation meeting its goals at the EU level has little reason to invest resources in a national campaign, while an organisation dissatisfied with the result in the EU may, under certain circumstances, have a motivation to challenge it at the national level.

The main variables that have been identified to explain the difference between the preferred levels of involvement of the organisations of each country are the attitude towards politics and the degree of involvement in discussions at European level. This result calls for a dynamic approach taking into account the structural and conjunctural factors influencing the organisations decision to invest resources in on or another context rather than a static one focusing on resources and political capital (Sánchez-Salgado 2007b).

This evidence thus supports the argument that there is a close relationship between organisations' eagerness to participate in events at EU level and their likelihood to engage in protest activities (Liebert 2011). In both countries the organisations that contested the Treaty were opposed or indifferent to the participatory democracy frame. Similarly it is found as well that those organisations more eager to assume the frame were supportive of the Constitution (Liebert 2011), although it has appeared that this did not mean that they engaged in active campaigns for the text in the national debates.

3.3.   *Models of civil society action in the public sphere*

The questions of why the promoters of the frame were less mobilised during the referenda and how ideas circulated among different publics even despite weak contacts are directly related to the question of how civil society links general publics and European specialised and strong publics

(Eriksen 2007). In this sense it is useful to briefly discuss the two models on the role of civil society organisations raised in the first chapter.

Two modes of diffusion of the frame on participatory democracy can be distinguished. The first one is through strong involvement in the Convention. Some national organisations incorporated the frame created at the EU level considering it an opportunity for raising their own profile. Many of these organisations, most of the Spanish ones or groups such as Maisons de l'Europe or the LDH in France, engaged in national debates on the constitution. However their role was not as salient as that of organisations arguing against the Treaty because of several dynamics. Beyond their own weakness and the fact that they stood by the side of the "political establishment" thus limiting their window of opportunity, two reasons have emerged as constraints for these organisations to mobilise all their resources. The first one is that to a large extent they were satisfied with the Constitution, thus making their involvement in the ratification debate less decisive. Secondly, they tended to have difficulties with the articulation of political arguments on the Constitution, as they preferred registers focusing on pedagogy or civic education. The frame was thus diffused from European specialised publics to national specialised publics. In the medium to longer term it may have the effect of encouraging national organisations to participate more actively in EU level discussions (Bouza Garcia 2012), but this would contribute to an enlargement of the specialised publics rather than to a greater role of general publics.

This suggests together with the lack of activism of European organisations in diffusing the frame that the participatory mobilisation model does not respond to these dynamics. Contrary to most examples of social movements' activism (Ruzza 2004, 31–33), the fragmentation of the European public sphere allows civil society organisations to promote ideas in specialised publics without extending them to broader publics' via mobilisation. On the other hand, it has been confirmed that civil society organisations can produce a significant contribution to the public sphere even in the absence of contacts with their own members or the public

(Kohler-Koch 2010a; Buth 2011). In this sense it seems that the participatory democracy frame acquired a life of its own because it was assumed by the Convention and floated in official explanations of the decisions to put the Treaty to referendum.

A second mechanism of circulation of the frame has been identified. It consists in the diffusion of the frame among participants in the debate, even among those not directly involved in the discussion and despite the weakness of contacts between some of these organisations. In this sense it is clear that all the participants in national debates argued for the need of citizens' involvement for a more democratic EU. Arguably this is weakly connected to the original frame and can be conceptualised as a frame transformation (Snow et al. 1986) operated in the national debate. However, there is a clear connection when the broader process is considered. Civil society organisations contributed to create the idea that existing dialogues can contribute to the legitimacy of the EU (Kohler-Koch and Finke 2007), which the Commission endorses and promotes in the White Paper on Governance (European Commission 2001). The Laeken declaration was prepared in the same context as the 2001 paper on governance on the wake of the rejection of the Nice Treaty in Ireland (Landrin 2007). It is thus not surprising to find very similar ideas on how to democratise the EU to those of the White Paper on governance. The Laeken declaration focuses on civil society participation as a way to bring the EU closer to the citizens. This discourse will float during the whole Convention and given its democratic content will make governments assume that it will be easily ratified in referenda (Sauger, Brouard, and Grossman 2007; Mateo Gonzalez 2008). However this democratic argument provided a key window of opportunity to opponents of the Treaty to turn the much praised citizen's participation against the Constitution.

However finding that the frame circulated without contacts between civil society organisations and general publics does not mean that specialised actors' discussions on democracy have a strong potential to spill over to the general public (Trenz and Eder 2004). This is so because this finding is

undoubtedly related to a specific mobilisation context. Firstly, the endorsement by the Convention of the frame on participatory democracy was a decisive mechanism for its circulation. It gave actors of the general publics, and in particular national organisations, a greater access to the frame. The fact that these different actors shared the Convention as a public space facilitated the circulation of the frame and related ideas even in spite of weak contacts between the actors. The Convention and its' official discourse were thus the interface replacing more intense direct contacts. Secondly, the importance of the referenda for the circulation of the frame must be pointed out. It can be suggested that the ideological coherence between notions of participatory democracy and referendum gave national civil society organisations an increased justification to participate in political debates, even though this bridging occurred very differently in France and Spain (see chapters 6 and 7).

In terms of the models of civil society activism in the public space that were introduced in chapter 1, the answer lays, perhaps unsurprisingly, in between. On the one hand there are clear signs that civil society organisations can contribute to the public space thanks to their active involvement in narrow decision making venues and that the ideas that they promote in these venues have the potential of contributing to the emergence of a public sphere. On the other hand however it is difficult to argue that this followed a deliberative path. There is evidence that the circulation of the frame and the adaptation of organisations' arguments is related to the specific interests of different groups of actors in an emerging organisational field rather than to the force of the best argument in a rational discussion. Furthermore, the specific mobilisation conditions provided by the Convention and national referenda are particularly favourable for frame circulation, but can difficultly be translated to the day-to-day functioning of the EU. These conditions are probably comparable to the way in which ideas circulate between different publics in the context of policy crises (Wessels 2010).

4. Participatory democracy, EU politics and legitimacy

The hypothesis formulated in chapter 1 was that the debate on participatory democracy was unlikely to contribute to a politically contested discussion on European integration because it was promoted firstly by an elite public. It was expected that this left little margin for the participation of outsiders. Additionally it rested on suggestions that EU decision making provides civil society with subtle mechanisms to influence the agenda which make them unable to contest afterwards the decisions of EU institutions.

And yet it has been shown that this hypothesis had very different results in both countries, confirming again the above quote of Vetters et al. about the effects of nationally bound political opportunities on the politicisation of the EU.

4.1.   Different attitudes to politics

The thesis has highlighted the different attitudes to politics of Spanish and French civil society organisations, and the close relation between this variable and organisations' ability to have an impact on national publics. In this sense it has appeared that Spanish organisations strong dependence on public support resulted in a strong avoidance of political discussions. Although this did not prevent them from trying to diffuse the content of the constitution, and in particular the frame on participatory democracy, the need to avoid the politicisation had a relevant effect. With the exception of the weak anti-globalisation movement, Spanish organisations could not seize the void left by political unanimity as an opportunity window for constructing an alternative message. Hence their contribution was to a large extent limited to specialised events aiming at clarifying the treaty for their members.

On the contrary, French organisations contributed to the strong politicisation of the French debate. It is important to highlight the political strategy of organisations promoting the rejection of the Treaty. The parties promoting the Treaty sought to de-politicise it by pointing out that a rejection of the Treaty would amount to a rejection of European

integration (Sauger, Brouard, and Grossman 2007; Chopin 2008). In this sense, civil society organisations were key in articulating a frame generally favourable to EU integration, but nonetheless critical of the Treaty. Furthermore, they did take sharp positions on the yes / no axis, being even able to influence the position of political parties. This was also the result of internal activism by members since the leadership of some organisations tried to avoid participating in the debate, most notably in the case of the CGT. This is very relevant because it provides a very clear example of civil society's mobilisation in the context of the participatory democracy frame.

The thesis thus contributes indirectly to the debate on the politicisation of the EU by pointing to the "normalisation" of criticisms of the EU (Hooghe and Marks 2009). It points out that civil society organisations contribute to the creation of political frames where EU integration is no longer a technical matter that has to be explained (European Commission 2005) but rather a political field whose policies have to be discussed and justified with political arguments (Liebert 2011, 119). Additionally, it points out that rejection of the EU does not necessarily mean not knowing it. In this sense it is clear that organisations were contributing to a larger knowledge of the EU by citizens.

4.2.   Importance of political relevance and institutional obstacles to politicisation

The implication of the thesis' findings is that referenda were much more relevant for raising citizens' attention and fostering debate than the opportunities for civil society contribution provided by the Convention. This finding, together with frequent quotes in interviews and assessments that civil society organisations equate participation with influence, is important for assessing the ability of participation to legitimate the EU. Although this is not the main aim of the thesis, it turns out that if EU level organisations are comfortable with long term involvement in decision making venues, it is by participating in salient and more politically relevant occasions that national civil society organisations seem able to make a contribution to the emergence of a public sphere.

Finally, it is relevant as well to consider the "democratic paradox" of the debate on participatory democracy. In this sense it has appeared that organisations could achieve influence without mobilising their members or the public. It could be argued that such model is coherent with the pluralistic setting of EU civil society relations, since it seeks not to advantage membership over cause organisations and focus on the importance of organisations' ability to construct causes in the public sphere. However this clearly rewards organisations long-term involvement in elite settings without requiring any demonstration that they actually contribute to enlarge debates. More decisively, there are no mechanisms rewarding the ability to mobilise members, although this might change with the implementation of the ECI (Bouza Garcia 2012).

The circulation of the participatory democracy frame beyond the Convention despite the weak contact between the promoters of such frame and the general public cannot be considered as a general model. The Convention and ratification debates provided an opportunity for circulation, but it has been highlighted that this was strongly favoured by the concurrence in a shared public space of organisations that normally do not communicate in the public sphere and the political opportunities provided by the ratification debate.

Conclusion

This thesis provides evidence that the involvement of civil society organisations in a number of European consultation venues between 1997 and 2003 was decisive for the formulation of an article on participatory democracy in the European constitution (art. 47). It had an indirect, yet non negligible, role in fostering activism by national civil society organisations during the Convention and the debates on the ratification of the Treaty in Spain and France. These developments can be summarised following Snow et al. (1986) classical typology as processes of frame bridging, frame amplification, frame extension and frame transformation.

The analysis of the position papers and interviews with members of the Convention, officials and civil society organisations' representatives provides strong evidence that the citizens' interests' organisations which participated in the agenda setting process that preceded the Convention sought to institutionalise their role in the EU's policy-making process. This strategy met opposition by already institutionalised organisations, in particular the social partners and divergent attitudes from different sectors of the EU institutions. In this sense the attempt of the EESC to turn itself into the house of civil dialogue or the lead of different DGs and services of the Commission in shaping the civil society consultation agenda is paradigmatic of an inter and intra-institutional struggle over the rules of civil society consultation (Saurugger 2010). Furthermore, notwithstanding the close cooperation between citizens' interests groups, there were clear attempts among organisations to obtain recognition for their sectors and even for their own specific traits besides the broader recognition of civil society.

Because of these competition dynamics within a set of recurrent exchanges and contacts among a given set of participants which were strongly connected despite their diversity, this process has been characterised as the emergence of an organisational field of European civil society participation, where organisations and institutions had frequent

competition and collaboration relations aiming at defining the rules for third parties participation and consultation.

The rationale for civil society activism is clearly their self-interested promotion of institutionalised access to EU institutions. However as suggested by discursive institutionalism literature (V. Schmidt 2010), this institutional configuration comes with a series of justificatory frames which were decisive in achieving the inclusion of an article on civil society consultation in the Treaty. Its success is linked to the ability of organisations to use the EU's legitimacy debate at the turn of the century as a political opportunity structure. The Commission sought to use existing structured relations with civil society as a way to obtain input legitimacy, and the Convention was mandated to provide for ways of bringing the EU closer to citizens. This offered two sorts of influence opportunities: an official discourse that provided opportunities for frame bridging and a venue for debating treaty reform that provided direct access opportunities for organisations to advocate their cause.

The analysis of the debates has shown that the framing of the demands by civil society evolved along time in response to the expectations of the Commission and then of the Convention. The evolution of the frame seeks to adapt an existing system of civil society relations oriented towards the production of output legitimacy (Kohler-Koch and Finke 2007) – which argues that civil society contributes to the quality of policy making and eventually to the EU's communication – to a more input legitimacy oriented system which frames the consultation of civil society as an interface for citizens' participation. The most significant evidence of this frame bridging between civil society institutionalisation demands and EU institutions legitimacy quest is the explicit elaboration of civil society organisations' consultation as a form of participatory democracy. The initiative of formulating civil society consultation as an answer to the recognised problem of democratic legitimacy came from the EU institutions in the 2000 and 2001 consultations by the Commission and the Laeken declaration. Despite the difficulty of some organisations to assume the new frame, it has been shown that citizens' organisations

used this frame to formulate a precise policy proposal, civil dialogue, as the remedy to the problem. This was done without substantially modifying their demands of access. Furthermore it clearly had two effects: it attracted the attention of the Convention because of its coherence with the Laeken declaration and it dissolved the opposition of the social partners because of its irresistible nature. However the change of venue and the evolution of the frame are not neutral to the content of the demands (Princen 2009). The frame bridging strategy significantly contributed to amplify the frame which was stretched by newcomers and the Convention as to include additional participatory mechanisms such as the European Citizens Initiative.

Regarding the ways of access to the Convention, interviewees put great emphasis on the importance of the formal access mechanisms such as hearings and working groups. In particular they suggested that it was through these mechanisms and contacts with specific members of the Convention that they expressed their demands. However most interviews confirm assessments in the literature that these were weak access mechanisms. In terms of collective action it has appeared that organisations advocating for the institutionalisation of civil society consultation created a coalition in order to articulate a strong common voice in these formal fora. In contrast to the modest role that the qualitative analysis attributed to coalition organisations (such as the PFCS, the CSCG and ETUC) because of their difficulty in producing cohesive arguments and advocacy out of the differences of their members they appear to have played a relevant role in the network. These coalitions fostered information diffusion and common action.

The importance of coalitions is shown by the existence of a clear centre – periphery cleavage within the organisational field, where those citizens' interests' organisations active for a longer time in the debate tended to network much more intensely among themselves than economic or regional interests organisations.

The agenda setting work and the advocacy of this coalition contributed to bring this topic to the Convention. Surprisingly the Commission was far less supportive of these demands than it had been during the agenda setting process. However organisations managed to include the issue in the agenda via alternative channels. The political salience of the Convention facilitated the frame amplification process as civil society organisations could formulate their demand as a response to the Laeken mandate on bringing the EU closer to citizens.

These findings must be discussed against what is known about civil society relations with European institutions, since some are clearly divergent with well known tendencies. In particular, it is atypical to find that the Commission was relatively unsupportive or at least not engaged with the participatory democracy agenda during the Convention, since the role of this institution as the norm entrepreneur behind the procedural norms on civil society consultation is a consistent assessment in the literature (Smismans 2003, Kohler-Koch and Finke 2007, Saurugger 2010). However these assessments are limited to the analysis of the Commission civil society relations, where the Commission is in control of the agenda, access opportunities, rule setting and financial resources (Sánchez-Salgado 2007). However the effect of the change of venue is important since organisations were confronted with new rules of the game allowing them to play an independent role from the Commission. It thus appears that the Commission's domination is the normal rule of the game but that the change of venue provided a very relevant opportunity to organisations. Furthermore it has been shown that contrary to assessments pointing out the difficulty of alliances among European organisations because of their strong specialisation and the lack of accountability of policy-makers (Mahoney 2007), networking and collective action by the main members of civil society networks in Brussels was a decisive factor. Although obviously this is related to the novelty of the Convention's venue, it has also been found that the basis of this alliance is to be found in cooperation since 1997, which shows that civil society organisations have a strong networking potential even in ordinary

settings, even though this is more salient in extraordinary processes such as the Convention.

That said the process did not break with established practices and routines. In this sense it has clearly appeared that far from being a radical novelty, the Convention's discussion on participatory democracy was strongly framed by the previous discussions on procedures for civil society consultation. In particular it has also appeared that despite the change of venue, the agenda setting process rewarded "constructive activists" in the words of an interviewee from the Social Platform, that is, organisations trying to obtain improvements on the margins of the institutional agenda rather than those trying to radically change it or confront it. This applies as well to the most relevant innovation, the ECI. Although according to the interviewee this proposal had been brought to the 1996 ICG, it was not until a discussion on "participatory democracy" had been engaged for a few years that this topic could be brought into a formal rule.

The question is whether this may change with the entry into force of the new Treaty article. Whereas the issue is prone to speculation, some expectations can be derived from this process. The first one is that the legal ground for civil society consultation is likely to decrease the margin of discretion of the Commission in the organisation of consultations. Furthermore it is expectable that the entry into force of the ECI will open the door to more diversity of civil society practices along the lines observed during the Convention, with some organisations focusing on institutionalised dialogue and others using the ECI (Bouza García 2012).

In accordance with frame analysis theory, frame amplification led to expectations on frame extension. The Convention expected civil society organisations to present the Treaty in a positive way to their members during the ratification phase in exchange of the recognition that they had just obtained. However it is in this phase where the specific communication difficulties between European segmented publics such as the Convention – civil society dialogue and general publics have been more significant. It has been clearly shown that organisations did not

share these expectations and did not attempt to influence national debates either because of their difficulty to communicate with their members, pointing out that the Constitution and participatory democracy were far too abstract, and to take part in politicised debates. Additionally network analysis has shown that the Convention was only a weak meeting point for national and European civil society organisations as these contacts were limited and channelled by a few organisations, mostly the abovementioned coalition groups.

Contrary to other assessments of the role of civil society in the Convention, this debate was not marked by a decisive cleavage between EU and national organisations. It appears that some national organisations having specific resources had direct access to the Convention and some of them thought that their demands were taken into account. Significantly, almost all national organisations were aware of the new participatory democracy frame, although not all of them shared it. It is however very interesting that those organisations that shared it, mostly Spanish ones, were more active in the Convention, whereas organisations that did not have a very strong role in the Convention tend to minimise the importance of this mechanism.

The lack of contact between EU and national organisations and the strong preference for activism at the EU level of organisations sharing the participatory democracy frame would suggest that the frame did not circulate beyond European institutions and civil society organisations. It is found that the role of each organisation in general publics was strongly related to their satisfaction with the participatory frame and the Convention and more generally with their attitude towards participation in the EU in relation to their general attitude towards politics. In this sense, those organisations with stronger EU resources and willing to engage in the EU tended to share the participatory democracy frame whereas organisations usually absent from EU debates or rejecting EU integration tended to assume a much stronger activism in the national debate.

However all national organisations contributed to extend the frame during the national debates, albeit in a transformed manner. Firstly, they adapted it to their own understanding by including national organisations and citizens' participation in it. More importantly, they put it in practice by framing the national debate on the EU constitution as an opportunity for ordinary citizens' to decide on the future of the EU which would no longer be a matter of high politics, which is a way of applying Laeken's discourse to a yes and no decision by citizens. Finally, they articulated such participation.

These findings provide interesting elements for reflecting on the role of civil society organisations in the European public space. The thesis endorses and adds to several assessments on the structural barriers for civil society organisations in playing a more relevant role in the European public space. Contrary to expectations, the political salience of the Convention and the increased number of actors did not unleash a significant public mobilisation. In this sense, path dependence, elite domination and expertise requirements are still factors influencing civil society's perception of stronger outcomes from activism in specialised publics than in general ones. Furthermore organisations did not have the means nor the intention to contribute to bring their work closer to European citizens. This implies a sort of democratic dysfunctioning where civil society organisations assumed a role in acting for causes without any sort of formal mandate nor any evidence of a social representativeness or impact in the public sphere.

And in spite of that it appears that civil society organisations contributed to the elaboration of a frame of reference that has marked debates on the EU for a decade and resonated strongly among general publics: the notion that citizens have to have a stronger and more direct role in EU politics. European civil society organisations were one of the actors in the construction of this frame and contribute significantly to make it operational day to day in the absence of a stronger role for general publics.

This thesis has shown the self-interested nature of the claims behind the notion of participatory democracy. European civil society organisations sought to institutionalise their own role and they used the EU's legitimacy concerns to frame it in an irresistible way. That said the debate on the EU's legitimacy does not seem to have substantially changed ten years after the Convention, making it necessary to ask whether these rules may contribute to change the situation and reconnect citizens with the EU.

The first response must obviously be sceptical since it has been shown that civil society does not necessarily stand for citizens in the EU since the European public sphere is strongly fragmented. Furthermore these mechanisms have a relatively minor empowerment potential since they are relatively soft since they are limited to non binding consultation and initiatives.

And yet these mechanisms may also serve to provide alternatives for the expression of alternatives to the European project as it is conducted by the European institutions. It has been argued that one of the difficulties of the EU is its lack of political readability for citizens. It has clearly appeared that one of the barriers to the contribution of participatory tools to the legitimacy of the EU is the fragmentation of civil society action between different spaces. In this sense discourses, frames and demands have real difficulties to circulate between different publics and thus produce a contribution to input legitimacy. The entry into force of the new Treaty rules may contribute to the emergence of pan-European alternative political frames if, as the Convention did, it changes the venues and rules of the game and offers significant empowerment opportunities to social actors linking different publics.

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Annexes

Annex 1: List of interviews

1. Mr. Jean Luc Dehaene, vice-president of the Convention in charge of civil society relations, 09-02-2009, Brussels
2. Commission civil servant from DG enterprise, 17-02-2009, Brussels
3. Representative of the Platform of European Social NGOs 06-03-2009, Brussels
4. Mr Alain Lamassoure, member of the Convention, 18-03-2009, Paris
5. Member of the secretariat of the Convention, Brussels, 03-04-09
6. Member of the secretariat of the Convention, Brussels 03-04-09
7. Personal Communication with a member of the Convention, 17-04-2009, Birmingham
8. Representative of ATTAC Spain, 23-04-2009, Madrid
9. Representative of the Platform of European Social NGOs Brussels 04-05-09
10. Representative of the European Foundation Centre, Brussels 04-05-09
11. Representative of COFACE, Brussels 04-05-09
12. Representative of IRI Europe, 06-04-09, telephone interview
13. Mr David O'Sullivan, deputy member of the Convention for the Commission, Brussels, 13-05-09
14. Official of the General Secretariat of the Commission, Brussels, 28-05-09

15. Two representatives of ELO, Brussels 02/07/09
16. Representative of ACN-Cittadaninza Attiva, 08/07/09, telephone interview
17. Representative of Unice, 08/07/09 telephone interview
18. Representative of the Civil Society Contact Group, 29/07/09, Brussels
19. Representative of the Polish NGO Office, 04/09/09, Brussels
20. Civil servant from the European Economic and Social Comittee, 07/09/09, Brussels
21. Representative of CONCORD, 07/09/09, Brussels
22. Representative of the Pemanent Forum of Civil Society, 26/10/2009, Brussels
23. Representative of ECAS, 29/10/2009, telephone interview
24. Representative of Red de Ciudadanas de Europa, Madrid, 26/11/09
25. Representative of ONCE and CEPES, done in Madrid on 30/11/09
26. Representative of the Permanent Forum of Civil Society, done in Paris, on 10/12/09
27. Representative of CEDAG, done in Paris on 11/12/09
28. Representative of Medef, done in Paris on 11/12/09
29. Representative of EUROCOMMERCE, done in Brussels on 05/01/10
30. Mr Carlos Carnero, former MEP and deputy member of the Convention, telephone interview, on 07/01/10
31. Representative of ETUC, done in Brussels, on 01/02/10
32. Representative of ADICAE, telephone interview, 07/05/10
33. Representative of Fundación Luis Vives, done in Madrid on 17/05/10 Madrid
34. Advisor to the Spanish Government during the Convention, done in Madrid on 21/05/10
35. Representative of EUROCITIES, 28/05/10, phone interview.
36 Representative of EEB, done in Brussels, 19/07/10
37. Mr Klaus Hänsch, member of the Praesidium of the Convention, telephone interview, on 17/11/10
38. Representative of the Forum Civic per una Constitució Europea, Barcelona, 22/11/2010.
39. Representative of the Secretariat of the Catalan Convention, Barcelona, 22/11/10
40 Representative of Caritas España, Madrid, 02/12/2010.
41. Representative of Comisiones Obreras (CCOO), Madrid, 10/12/2010.
42. Representative of EAPN Spain, telephone interview on 10/01/2011
43. Personal communication by email with a representative of the Union du Grand Commerce de Centre-Ville on 12/01/2011
44. Representative of the Consejo de la Juventud de España, Madrid, 17/01/2011
45. Representative of the Fondation Robert Schuman, Paris, 25/01/2011
46. Representative of ATTAC, 02/02/2011, telephone interview
47. Representative of the CGT, Paris, 07/02/2011
48. Representative of the LDH, Paris, 07/02/2011
49. Representative of the Fondation Copernic, Paris, 09/02/2011
50. Representative of the Fédération des Maisons de l'Europe, 11/02/2011
51. Telephone interview with a representative of the Mouvement pour l'Initiative Citoyenne, 12/02/2011

Annex 2: List of EU level organisations and available data

Nombre	Sector	Data	Rationale for inclusion
ACN Cittadaninza Attiva	Citizenship	Interview and position papers	Participation in Convention + 2 consultations
CEMR	Regional	Position papers	Participation in Convention + 2 consultations
CPMR	Regional	Position papers	Participation in Convention + 2 consultations
CEDAG	Third sector	Interview, position papers and networking questionnaire	Participation in Convention + 2 consultations
ELO European Landwoners Organisation	Business association	Interview and position papers	Participation in Convention + 2 consultations
Eurocommerce	Business association	Interview and position papers	Participation in Convention + 2 consultations
ECAS	Citizenship	Interview and position papers	Participation in Convention + 2 consultations
EFC European Foundation Centre	Foundations	Interview, position papers and networking questionnaire	Participation in Convention + 2 consultations
UEAPME	Business association	Position papers	Participation in Convention + 2 consultations
UNICE	Business association	Telephone interview and position papers	Participation in Convention + 2 consultations
ETUC	Trade Union	Interview and position papers	Relevance in the context of civil society dialogue
Polish NGOs Brussels	Serices for Polish organsiations	Interview, position papers and networking questionnaire	Participation in Convention + 2 consultations
Eurocities	Regional	Interview and position papers	Participation in Convention + 2 consultations
Eurodiaconia – Caritas	Social sector	Position papers	Participation in Convention + 2 consultations
EEB	Environment	Interview and	Participation in

		position papers	Convention + 2 consultations
CONCORD	Cooperation and humanitarian aid	Interview, position papers and networking questionnaire	Participation in Convention + 2 consultations
Social Platform	Social Sector	2 interviews, position papers and networking questionnaire	Participation in Convention + 2 consultations
COFACE	Family	Interview and position papers	Participation in Convention + 2 consultations
CEV Centre Européen du Volontariat	Volunteering promotion organisation	Position papers	Participation in Convention + 2 consultations
PFCS – Permanent Forum of Civil Society	Citizenship	2 interviews, position papers and networking questionnaire	Participation in Convention + 2 consultations
CSCG – Civil society contact group	Alliance of different platforms of sectoral NGOs	Interview, position papers and networking questionnaire	Relevance in the Convention
IRI – Initiative and Referendum Institute Europe	Advocacy for participatory democracy	Interview, reports and networking questionnaire	Relevance in the Convention

Annex 3: List of Spanish organisations and available data

Name	Sector	Data	Rationale for inclusion
ADICAE	Consumers	25 minutes long telephone interview 5 position papers Networking questionnaire	Relation with EU umbrella group.
ATTAC	Alternative globalisation	30 minutes long interview List of activities in the context of the national debate	Importance in the coalition against the constitution.
Caritas España	Catholic Church charity organisation	25 minutes long interview	Relevance in national debate and relation with EU umbrella

			group.
Comisiones obreras - CCOO	Most representative national trade union	25 minutes interview Networking questionnaire	Relevance in national debate and relation with EU umbrella group.
Consejo Juventud de España - CJE	Publicly sponsored youth participation council	35 minutes long interview 2 position papers	Participation in the Convention
Catalan Convention Secretariat	Contact platform between Catalan institutions and civil society	Entrevista de 25 minutos Informe y propuestas a la Convención europea	Relevance in the context of the Catalan debate
Fòrum Civic per a una Constitució Europea - FCCE	Ad hoc forum of 200 Catalan civil society organisations for the EU constitution	Entrevista de 1 hora. Lista de actividades en el contexto del debate nacional.	Participation in the Convention
Luis Vives Foundation	Third sector support foundation	30 minutes long interview	Relation with EU umbrella group.
Spanish Government advisor	Advisor of a representative of the Spanish government to the Convention	30 minutes long interview	Participation in the Convention and the ICG
Organización nacional de ciegos españoles – Confederación empresarial española de la economía social ONCE-CEPES	Disability and social economy	40 minutes long interview. 1 position paper Networking questionnaire	Participation in the Convention
Red Ciudadanas Europeas RCE	Feminist organisation	1 hour long interview 5 position papers Networking questionnaire	Participation in the Convention
European Anti poverty Network EAPN Spain	Federation of social action organisations	30 minutes long telephone interview.	Relation with EU umbrella group.
ACSUR las Segovias	Development cooperation organisation	Position paper	Participation in the Convention

Demopunk	Anti-globalisation and participatory democracy website	Position papers in its website. Report on IRI activities in Spain.	Members of the IRI-ERC campaigns
Ecologistas en Acción	Environment and alternative globalisation	Position papers and manifestos in journals and website	Promoters of the coalition against the constitution.

Annex 4: List of French organisations and available data

Name	Sector	Data	Rationale for inclusion
ATTAC	Alter-globalisation organiation	One hour long telephone interview Position papers to convention	Participation in the Convention
Association de femmes de l'Europe méridionale AFEM	Network of southern European women organisation composed essentially of French organisations	Position papers to convention	Participation in the Convention
Confédération générale du travail CGT	Confederation of trade unions, traditionally linked to the French communist party	One hour long interview Position papers available online and list of national activities	Participation in the Convention
Ligue des droits de l'homme - Collectif pour la défense des droits fondamentaux LDH - CCDF	Human rights defence organisation	50 minutes long interview	Participation in the Convention
Fondation Copernic	Alter-globalisation think tank.	50 minutes long interview Position papers	Members of the IRI-ERC campaigns
Fondation Robert Schuman	EU affairs French think tank	One hour long interview Network questionnaire	Participation in the Convention

Maisons de l'Europe	A branch of the European movement providing info on the EU	30 minutes telephone interview	Participation in the Convention
Mouvement des entreprises de France MEDEF	Main business organisation in France	25 minutes interview and list of national activities	Participation in the Convention
Mouvement pour l'initiative citoyenne MIC	Participatory democracy advocacy group	1 hour long telephone interview	Members of the IRI-ERC campaigns
Fédération du Grand Commerce de Centre-Ville FCCV	Organisation of the downtown big retail companies.	Personal email communication	Relation with EU umbrella group.

Annex 5 Centrality measures

id	closeness (std)	id	betweenness (std)
PFCS	0.56	PFCS	0.20
CSCG	0.52	ETUC	0.15
Social Platform	0.51	IRI Europe	0.14
ETUC	0.50	Social Platform	0.12
RCE ES	0.49	CSCG	0.11
CONCORD	0.47	CEDAG	0.09
CEDAG	0.45	RCE ES	0.08
COFACE	0.44	Eurocities	0.09
IRI Europe	0.43	CCOO	0.07
CCOO	0.43	EEB	0.05
CARITAS UE	0.43	ECAS	0.04
ONCE - CEPES	0.42	FCCE	0.04
ATTAC Spain	0.40	CARITAS España	0.04
ATTAC EUROPE	0.40	COFACE	0.03
ECAS	0.40	ATTAC Spain	0.03
CCDF - LDH	0.40	CONCORD	0.03
ACN	0.40	UNICE	0.02
EFC	0.39	Eurocommerce	0.02
FONDA - CAFECS	0.39	CARITAS UE	0.02
EEB	0.38	ONCE - CEPES	0.01
CJvtdEs	0.37	CCDF - LDH	0.01
ACSUR	0.37	EFC	0.01
CGT	0.36	ATTAC EUROPE	0.01

ERC	0.36	World social forum	0.009
CEV	0.35	Ecologistas	0.008
Eurodiaconia	0.35	ACN	0.005
CARITAS España	0.35	CGT	0.004
Ecologistas	0.35	F. Copernic	0.001
World social forum	0.35	CEMR	0.0
PL Office	0.35	CPMR	0.0
UNICE	0.35	CEP-CMAF	0.0
Eurocities	0.34	CEV	0.0
Eurocommerce	0.34	ELO	0.0
CEP-CMAF	0.34	ERC	0.0
UEAPME	0.34	Eurodiaconia	0.0
FCCE	0.33	PL Office	0.0
F. Copernic	0.33	UEAPME	0.0
AFEM	0.33	CJvtdEs	0.0
Maison d'Europe	0.31	ACSUR	0.0
MIC	0.30	MEDEF	0.0
Demopunk	0.30	FONDA - CAFECS	0.0
F. Schuman	0.28	Maison d'Europe	0.0
ELO	0.28	MIC	0.0
F. Luis Vives	0.26	Conv. Cat.	0.0
MEDEF	0.26	F. Luis Vives	0.0
CEMR	0.25	Demopunk	0.0
CPMR	0.25	F. Schuman	0.0
Conv. Cat.	0.25	AFEM	0.0
ADICAE	0.02	ADICAE	0.0

Annex 6 In and out degrees

id	indegree (std)	id	outdegree (std)
ETUC	0.26	PFCS	0.26
Social Platform	0.22	CEDAG	0.24
CSCG	0.2	CONCORD	0.2
PFCS	0.18	CSCG	0.2
CEDAG	0.16	RCE ES	0.2
COFACE	0.16	Social Platform	0.2
CARITAS UE	0.14	CCOO	0.14
ECAS	0.12	ETUC	0.14
World social forum	0.12	IRI Europe	0.12
CCOO	0.1	ATTAC Spain	0.1
EEB	0.1	ONCE - CEPES	0.1
IRI Europe	0.1	ATTAC EUROPE	0.08
ACN	0.08	CARITAS España	0.08
CONCORD	0.08	CCDF - LDH	0.08
Eurocommerce	0.08	EFC	0.08

UNICE	0.08	UNICE	0.08
ATTAC Spain	0.06	ACSUR	0.06
CEP-CMAF	0.06	CGT	0.06
CEV	0.06	CJvtdEs	0.06
Ecologistas	0.06	COFACE	0.06
EFC	0.06	Eurocommerce	0.06
Eurodiaconia	0.06	FCCE	0.06
FONDA - CAFECS	0.06	Ecologistas	0.04
ACSUR	0.04	EEB	0.04
CGT	0.04	Eurocities	0.04
CJvtdEs	0.04	MEDEF	0.04
ERC	0.04	PL Office	0.04
F. Copernic	0.04	ACN	0.02
ONCE - CEPES	0.04	ADICAE	0.02
RCE ES	0.04	ELO	0.02
UEAPME	0.04	F. Copernic	0.02
AFEM	0.02	F. Schuman	0.02
CEMR	0.02	FONDA - CAFECS	0.02
Conv. Cat.	0.02	AFEM	0.0
CPMR	0.02	CARITAS UE	0.0
Demopunk	0.02	CEMR	0.0
Eurocities	0.02	CEP-CMAF	0.0
F. Luis Vives	0.02	CEV	0.0
Maison d'Europe	0.02	Conv. Cat.	0.0
MIC	0.02	CPMR	0.0
PL Office	0.02	Demopunk	0.0
ADICAE	0.0	ECAS	0.0
ATTAC EUROPE	0.0	ERC	0.0
CARITAS España	0.0	Eurodiaconia	0.0
CCDF - LDH	0.0	F. Luis Vives	0.0
ELO	0.0	Maison d'Europe	0.0
F. Schuman	0.0	MIC	0.0
FCCE	0.0	UEAPME	0.0

Annex 7 Codebook

This annex introduces the codebook followed in the frame analyses by providing the rationale followed when deciding what to code as well as a sample of the content of the 19 codes. The tables below summarise briefly the content of each of the frames in order to highlight the common aspects of each that have justified creating such codes. Space constraints do not permit reproduction of the entire codebook with the complete material coded in each frame. However, this section provides examples of the material coded in each of the four consultation periods so as to highlight the common aspects. The rationale for choosing these examples is to provide an overview of quotes which are representative both of the content and the diversity of organisations.

When parts of text which are not continuous are coded in the same frame, those are considered as different references, although the number of

references has not been considered a main analytical dimension. Since the basic analytical dimension is whether organisations contribute to a frame or not, references coming from different position papers submitted to the same consultation are grouped together.

1. Conceptions of civil society

Table 36 Formal representation

This frame contains all the statements where organisations claim to represent their members or the public. Obviously this contains very different conceptions of representation, in that some organisations put the emphasis on the fact that civil society has to have formal authorisation mechanisms whereas others claim representativeness without explicitly arguing for it. Another difference lis that in some cases organisations state the importance of taking representativeness into account in consultation processes, whereas in other cases they simply claim to be representative. The common aspect of all these codes is that organisations claim their ability to speak on behalf of their members or citizens because of a formal link between them.
2000: COFACE As representatives of different population groups, some NGOs engage a well defined category of citizens: the Commission document cites, as examples, disabled or ethnic minorities. (Translated from French by the author).
2001:UNICE Reference 1: **Genuinely representative stakeholders** Reference 2: […] bodies speaking on behalf of different components of European society, **the representativeness of the consulted organisations should be assessed.**
2002: EEB For organisations that have a broad interest in EU policies and have a clear mandate of a large constituency to represent civil society positions towards the Commission, opportunities should be created to comment on the relevant DG's workplans before they are finalized.
Convention: CEDAG **CEDAG considers that the nine criteria defined by the ESC could constitute a workable definition of European networks:** "the organisation must: - have a permanent existence at community level; - procure direct access to the expertise of its members then provide rapid and constructive consultation; - voice general concerns relating to the interests of European society; - consist of bodies recognised at member state level as representing particular interests; - have member organisations in most EU member states; - guarantee the accountability of its members; - be authorised to carry out representative functions and to act at the European level; - be independent and operate to its own mandate, without being bound by instructions emanating from external bodies;

- be transparent, particularly in terms of finances and decision-making structures."

Table 37 Alternative representation

Unlike in the previous frame, organisations do not claim an ability to represent their members or citizens at large, but rather a cause or a specific constituency, generally unable to speak for themselves. In this sense it is not a formal link with members, either because they do not exist or are unable to cast a mandate, but a qualitative aspect which allows organisations to stand up, be it their defence of marginal interests or their expertise. Thus some organisations argue that this qualitative dimension is another form of representation that should not be excluded by a primacy of criteria such as the number of members or formal authorisation.
2000: Social Platform However, the Commission uses the term 'representativeness'[1] with relation to NGOs on several occasions throughout the document, particularly in section 2.2. Whilst the Platform agrees that *geographical* representativeness is an important feature for European NGOs, it is not the role of NGOs to act as elected representatives, but to advance the interests of their constituencies. The term 'representativeness', when applied to NGOs, thus seems ambiguous because their "representativeness" is primarily qualitative: it is deep-rooted in the nature of the relationships established by NGOs on the ground. NGOs promote minority needs and opinion, giving the means of expression to some of the 'voiceless' within society, and even advancing the interests of those whom by reason of various handicaps (intellectual, cultural, or other forms of marginalisation and exclusion) need advocates to defend their interests and needs. The Platform therefore prefers to emphasise the need for transparency in the functioning of NGOs. Real transparency involves knowing who is representing people, groups, actors and ideas. It should be the right of minority groups to be represented by the NGO of their choice
2001: Caritas Europdiaconia In any attempt to organise a structured dialogue between institutions and civil society there is still a significant part of society which is usually not represented in any part of the "stakeholders' dialogue." Churches seek to give a voice to those who are not usually heard or, where this is impossible, to be their advocates. This involves those who are often marginal to mainstream society: the unemployed, the homeless, the outcast and uprooted, victims of violence and those who are excluded by various political systems. Churches also seek to speak for those whose human rights, including the right to religious freedom, are not respected. Starting from an ethical view of society as inclusive, churches seek to

stand up for that part of society, which is not able to take part in the stakeholders' dialogue as this term is usually understood.
2002: CEDAG

A less strict vision of "representativeness", which can not be conceived in the same way as the representativeness of public authorities; |
| Convention: PFCS

The Union shall guarantee the participation of all, in particular individuals and groups in a situation of poverty and social exclusion. |

Table 38 Against representativeness

This frame is to some extent related to the previous one. However, unlike formal and alternative representation this code refers directly to the organisation of consultations. In this sense the previous codes are generally but not necessarily linked to representativeness criteria in the consultation. However, this code explicitly says that consultation should not be associated with representativeness issues. In this sense most organisations in this code identify the Commission's criteria for consultation with formal representation. Thus even organisations claiming to represent their members can express their rejection of this criterion.
2000: No references
2001: Social Platform

Representativeness alone is not a sufficiently precise or appropriate standard to measure good NGO practice. *We believe that NGOs should be judged on the basis of their transparency, accountability, representativeness, efficiency and effectiveness in carrying out their mandate* – all qualities which are identified as necessary for good governance in the Work Programme for the White Paper on Governance. |
| 2002: ECAS

We suggest that the Commission looks again at the ECAS checklist to achieve a better balance between requirements about how representative an organization is, and what contribution it really has to make in the market place of ideas. There is little point in public authorities dancing with a representative partner who has nothing to say. |
| Convention: CEDAG

The European institutions frequently question the representative status of organisations of civil society but the debate should rather concentrate on accountability (the requirement to render account to their members, for example) and the democracy internal to these organisations. |

Table 39 CSO link to the public:

This frame is one of the most frequent and relevant ones, that is, that civil society is important for the EU, and should thus be consulted and

institutionalised, because of its ability to link the public and EU institutions. All the references to communication, information and the public are explicit, although relatively abstract, as the concrete ways in which organisations promote better public information (see EFC in 2001 or EEB in the Convention). The references between 2000 and 2002 concern civil society's ability to communicate, whereas during the Convention there most contributions become more concrete in that most references (9 organisations) elaborate on civil society's contribution to communication via its participation in consultations with the institutions.

2000: CONCORD

In this task the European Commission needs to make full use of all the allies it can find to communicate with European citizens and in particular it needs to work closely with the organisations of European civil society.

2001: EFC

The role of civil society organisations as **facilitators** of information flow on EU policy should be encouraged. Foundations themselves have acted as information and dialogue facilitators to help address and devise effective responses to social, environmental, educational, scientific and economic challenges facing European citizens.

2002: Social Platform

We regret that the role of European NGOs in stimulating debates among national NGOs and contributing to the emergence of a European thinking has not been highlighted. If consultation is to be effective and useful, then the need to fund spaces for discussions both at a national and European level should be acknowledged.

Convention: This code includes 9 references which do not merely refer to the contribution of civil society to communication, but specifically to civil dialogue's contribution to communication. Two quotes illustrating the compatibility of this framing are provided:

CSCG: civil society as link to the public

Our principle aim at present is to involve our members into the debate. As member states' politicians begin to publicly confront the issues raised by the debate we have been informing our members so that they may be able to make a constructive engagement in their national discussions. We are aware that this is a debate which will continue until the conclusion of the IGC and it is our intention to be involved in it throughout its duration.

EEB: civil society consultation as a link to the public

One way to help the EU become more transparent is to require the Commission (and the other bodies) to inform the public when it starts work on policy, legislation or other decisions and to invite citizens and their organisations to comment on the policy or legislative initiatives.

Table 40 CSO promote participation and voice demands

This frame includes all the references by the actors to their contribution to participation, as well as the promotion of their members and citizens' demands and values at EU level. Whereas the previous frame refers to CSO contribution to downwards communication, this frame brings together references to CSO ability to upload citizens' preferences to the EU level.
2000: PFCS The Permanent Forum of Civil Society had been set up more than five years ago with the purpose of improving structures at European level for NGO cooperation, discussion and action and of influencing the European integration process. The question of bringing Europe and its citizens closer together had to be considered in this context.
2001: Polish Office NGOs, which generally try to address the concerns of the 'man in the street', are organisations expecting access to information, an understanding by those in authority of what issues could be of concern to them, and the right to present positions and complaints at a stage of the legislative and regulatory process that allows for influence of that process.
2002: UEAPME Indeed, their role is not simply to register or collect the opinion of their members, but also to find a common position that reflects the opinion of the different counties or economic sectors. As such, their opinions are more than a simple sum of all the opinions from single enterprises. They are the result of a democratic consultation and decision-making process.
Convention: Active Citizenship Network Reference 1: Protection of citizens' rights and the improvement of civic participation in public policy-making Reference 2: This programme seeks to promote the participation of local and national citizens' organizations in European policy-making; these organizations come from the 15 EU countries and the 13 candidate countries and have no access to EU institutions.

Table 41 Expertise as legitimacy:

This is a relevant frame in the discussion of which about the characteristics legitimating European actors. Although the organisations contributing to this frame disagree on the importance of representativeness, having a measure of expertise, both in the technical sense and in terms of knowledge of a field from the grassroots perspective, is considered as a prerequisite for any organisation wishing to participate in the policy process.
2000: UNICE

Ngos' legitimacy is based primarily on the expertise they acquired on a day-to-day basis in the field, which enabled them to express informed and authoritative opinions on the policies to be implemented at European level.
2001: EEB NGOs should be judged on the quality of the input they give, not just on the numbers of people they represent, or the length of time their organisations have existed.
2002: CEMR We wish to draw attention also to the fact that our member associations have many experts who could add value to Commission expert working groups etc., at the early stages of policy development. CEMR offers to assist the Commission in co-ordinating such inputs.
Convention: EFC The EFC supports a European Union based on multi-level governance, where all actors contribute in line with their expertise, for a more inclusive and effective approach to policy making and delivery, which better reflects the aspirations of citizens.

Table 42 Definition excludes business groups:

One of the key issues of the discussion is what civil society is, who belongs to it and which organisations do not belong into this category. This would have as a result that organisations not qualifying as civil society would not be entitled to participate in the consultation processes under discussion. In this sense a group of citizens' interest groups argue that social partners are not civil society in that they promote the interests of their members and because they already have other means of access.
2000: Social Platform NGOs are not self-serving in their aims and related values. Their aim is to act in the public arena at large, on concerns and issues related to the well being of people, specific groups of people or society as a whole.
2001: Polish Office The Polish NGO Office believes the Commission's lumping together of NGOs with social partners to be misleading and confusing. Indeed, the work of NGOs more often complements that of governmental structures in addressing societal problems, than it does issues that concern the social dialogue. By placing NGOs under the heading of civil society together with employers' organisations and trade unions, it assigns to such organisations the cachet of civil society players that we find confusing. Civil society, as presented in the White Paper, is everyone that is not government, a peculiar amalgam of the second and third sectors (business and NGOs).
2002: Eurodiaconia – Caritas

Furthermore the Commission's definition seems to have in mind not only the social partners but also individual economic lobby organisations. Here we find it very difficult to include clearly economic interests within one single definition of civil society. The significance of civil society is that it consists of organisations, initiatives and civic movements with the aim of advocacy. Their work is clearly directed towards the common good, not particular (economic) interests.

Convention: CEDAG The European Commission lists the following organisations of European civil society: trade unions, professional associations, non-governmental organisations (NGOs), religious and denominational communities. **CEDAG would wish to see express mention made, amongst these organisations, of non-profit voluntary organisations, which operate in the general interest, in support of social wellbeing and sustainable development and in the interest of future generations.**

Table 43 Definition includes business groups:

This is the opposite to the previous frame: most of the business organisations argue that it does not make sense to create different categories within civil society because consultation should be open to any stakeholder whose interests may be affected by the policy proposal at stake, independently of its legal status and goals as an organisation.
2000: EUROCOMMERCE Reference 1: *EUROCOMMERCE* does not understand why the consultation is being limited at first to NGOs. Furthermore, the definition used for the term "NGO" in the working document is ambiguous and contradicts, for instance, the cover page of the website of the General Secretariat in this respect, which uses the term of "NGO" also to cover trade associations. Reference 2: NGOs, including professional organisations
2001: UNICE **Genuinely representative stakeholders affected by a decision or policy should be offered systematic consultation each time that new measures or a revision of existing regulations are envisaged**. In order to allow an assessment of the source, content and weight of responses received from bodies speaking on behalf of different components of European society, **the representativeness of the consulted organisations should be assessed.**
2002: UEAPME Good and efficient consultation requires in the first place consultation of the groups directly concerned and affected, and this should be done through their representative organisations according to the proposed focused consultation procedures.
Convention: No references

2. Conceptions of participation

Table 44 Consultation improves policy-making:

This frame contains references to the contribution of civil society consultation to the quality of policy-making, by means of providing good technical information, facilitating implementation, contributing to transparency and balancing various interests. This has implications for the legitimacy of the EU that are usually explicitly acknowledged and formulated by the organisations.
2000: No references
2001: UNICE **Comprehensive, timely and structured consultation is a prerequisite for a satisfactory legislative process, for evaluation of the trade -offs involved in policy-making, and finally, for acceptability of rules and policies.**
2002: SOCIAL PLATFORM The Social Platform and its members are already actively involved in different areas of work with all of the EU institutions and have proven to be valuable partners in the conception, implementation and monitoring of policy. This is particularly true when it comes to innovative ways of working such as the open method of coordination which give a good example of this partnership.
Convention: EFC The EFC supports a European Union based on multi-level governance, where all actors contribute in line with their expertise, for a more inclusive and effective approach to policy making and delivery, which better reflects the aspirations of citizens.

Table 45 Civil dialogue

This frame contains all the references of organisations to civil dialogue. The references are quite diverse, in that some describe or prescribe the contents of civil dialogue, others demand its recognition, and others use it as a neutral notion. However the common aspect of all these references is that they all refer to civil dialogue as a specific form of formalised dialogue between European institutions and civil society organisations. Civil dialogue is associated with additional legitimacy rationales, but all these references present civil dialogue as a legitimate mechanism in itself. It is thus a frame justifying the formalisation of civil society – EU institutions relations because of the specific contribution of civil society to the legitimacy of the EU.
2000: ETUC Representativeness was the only really indisputable criterion, which would become increasingly important if, in the future, a legal basis was to be given to civil dialogue. It would perhaps also become necessary to

add other criteria, such as the democratic and transparent nature of NGOs' organisational structures and internal working methods.
2001: Social Platform Three distinct forms of dialogue exist at a European level; the political dialogue, the social dialogue, and the civil dialogue. Whilst the first two of these dialogues have a structured format, the third, civil dialogue, does not, although an *ad hoc* dialogue with the Institutions does exist. We believe that the creation of a structured civil dialogue to complement the political and social dialogues should be one of the essential principles of a reformed governance process. This call for the creation of a structured civil dialogue, however, does not in any way detract from the political dialogue, which has a unique importance. Indeed, the strengthening of the political process is a necessary corollary to the development of a structured civil dialogue.
2002: CARITAS EURODIACONIA We argue for a European "Civil Dialogue" that has the same standing as the existing "Social Dialogue".
Convention: CEDAG The introduction of a civil dialogue recognised by the European treaties would not only give legitimacy to the voluntary organisations but would also give credibility and legitimacy to the decisions of European institutions who would thus be consulting all the interested parties: member states, local authorities, companies and trade unions and organisations in civil society. **CEDAG particularly supports the introduction of an article setting out the principle of participative democracy in the draft Constitutional Treaty presented by the Presidium of the Convention on the future of the EU in October 2002.**

Table 46 Participatory democracy

This frame gathers all the references to participation as a form of democracy potentially contributing to the legitimacy of the European Union. The emphasis is not on the intrinsic legitimacy of civil society as in civil dialogue but on the virtues of participation. Although most organisations associate civil society with participation, participatory democracy clearly implies a larger spectrum of actors and mechanisms.
2000: PFCS Reference 1: encouraging participatory democracy in Europe. Reference 2: In consequence, there were misgivings about the Commission's ability to play an effective role in civil dialogue. The European Parliament and the Economic and Social Committee, however, could ultimately become real partners for NGOs, although this issue was linked to the more general one of developing participatory democracy in Europe and at European level which was a current topic of debate.

2001: CEDAG
CEDAG welcomes the debate initiated by the publication of the White Paper from the European Commission. It considers that it is an important element of the current debates on democratic deficit, participative democracy, civil dialogue and the important role of the voluntary sector in the debate on the future of Europe.
2002: CPMR
A distinction between consultation of civil society, and strengthening of the dialogue with local and regional government, the elected representatives of civil society, thus respecting the distinction that has to be made between participative and representative democracy.
Convention: CONCORD
Sets out the principle of participatory democracy and recognises that the Constitutional Treaty should permit '*citizens' organisations of all kinds to play a full part in the Union's affairs*'. Civil Society clearly welcomes this, and Civil Society organisations will look forward to participate in shaping the conditions for this dialogue. The article should end up providing for the highest degree of institutional openness and civil society participation in Union affairs.

Table 47 CSO consultation as empowerment

This frame contains basically all the references to institutionalised dialogue as a way to make the EU more democratic. This is quite a general frame but it is important since it makes an explicit linkage between the role of civil society and the objectives of the institutions, legitimacy. In most cases there is a direct association between civil society consultation and the legitimacy of the EU, although there are relevant references to civil society consultation as a form of citizenempowerment and participation. In a sense this frame bridges civil dialogue and participation by explicitly elaborating civil society dialogue as a form of participation.
2000: UNICE
As the European dimension made the problems dealt with more complicated, dialogue between NGOs and the Commission should essentially be envisaged on a sectoral level basis. A horizontal level approach bore the risk of too much generalisation and of running counter to the main purpose of consultation, which was to bring Europe closer to citizens.
2001: ACN
Reference 1 Planning an institutional framework able to speak "on behalf of" and act "in favour of" citizens is very different than work "together with" citizens and civil society to develop democracy and protect rights;

Reference 2
the principle of *consultation* in both phases of policy planning and decision making, which compels European Commission to listen to citizens' proposals, to give them a feedback on these proposals, to consult them before taking any decision and to motivate their decision if it differs from citizens' opinion.
2002: EEB It considers the issue of dialogue and participation as both a means to improve decisions by themselves as well as improving the democratic legitimacy of such decisions.
Convention: EURODIACONIA - CARITAS Structured dialogue with civil society will not only facilitate greater public participation in the democratic process but also serve to make people more aware of their genuine ownership of the European Union.

Table 48 Individual participation rights

This frame contains all the references to the need of increasing the role and the participation of individual citizens in the governance of the EU. This, although not always necessarily critical of strategies of institutionalised civil society consultation, is explicitly formulated as different from dialogue with civil society, and emphasises the importance of individual citizenship rights such as access to information, to judicial protection or to political initiative.
2000: ACN In the first part of the paper, containing some general statements on NGOs, the relationship between NGOs' reality and the construction of European citizenship is neglected at all. This lack of a 'citizenship-based' vision of the NGOs implies two different risks: -the risk of understatement, that is a sectorial, "single-issue" vision of the NGOs, leading to a misunderstanding of their general mission; -the risk of a corporative approach, focused on the relationship between EC and NGOs in terms of bargaining for financial resources and not in terms of cooperation in policy making.
2001: EFC - the right to clear and transparent information, in all EU languages, delivered early enough to enable adequate internal work to provide quality input - proposal and initiative rights, beyond the right of petition to the European Parliament and consultation of the Ombudsman
2002: ECAS Reference 1: There should there be an obligation to consult based on citizens' right to be <u>heard</u>

Reference 2: In its paper, ECAS advocated a "right to be heard based on citizenship, of which all NGO's, as organizations of citizens would take advantage."
Convention: EEB Reference 1: In addition, citizens and their organisations should have the right of access to the European Court of Justice to challenge decisions of the EU bodies. This is a requirement for the Union as it is signatory to the Aarhus Convention. Reference 2: Art. 34, par. 1: "democratic life' is an undefined term. While it is a term that could be used as a title of a chapter, it does not make clear what exactly are the rights that citizens can deduce from it.   The right to public participation in decision-making is firmly established in environmental matters (the Aarhus Convention) and is a key concept also in the ongoing discussion on good governance in the Union.

3. Position of civil society in the institutional structure of the EU

Table 49 Structure consultation

This frame includes references by very different types of organisations to the need of improving the procedures of dialogue with civil society independently of the aims associated with this dialogue. This frame thus gathers references to the need to structure the consultation for procedural reasons, such as improving transparency, certainty and the quality of the process. Obviously these are also associated with different goals of the organisations such as introducing representativeness criteria or formalising access only for the third sector excluding business organisations. However the common aspect of these demands is the need to set down clear procedures against the shared perception that dialogue tends to take place on an ad hoc basis or at the goodwill of the Commission.
2000: UNICE For all types of consultations, dialogue procedures could be improved, particularly as far as respect of consultation deadlines was concerned. These deadlines should also be sufficiently long to let European organisations consult their members and thus enhance the legitimacy of their points of view.
2001: EUROCOMMERCE The use of a mechanism for consulting interested parties, which would be set out systematically in a 'code of conduct', seems at first sight to satisfy the often-expressed expectation that interested parties should be given a key role in the work of devising Community policies and standards.
2002: EURODIACONIA - CARITAS Good ways for viable forms of dialogue with civil society. We welcome

the laying-down of principles and minimum standards for consultation procedure as they give a chance of dialogue being more transparent and efficient in composition and the way in which it is conducted.
Convention: CSCG Reference 1: The members of the Civil Society Contact Group welcome this initiative to engage in a structured dialogue with civil society. Reference 2: Before proposing any major policy initiatives or legislative acts, the Commission shall consult widely on the sustainability dimensions of its proposals, except in cases of particular urgency or confidentiality. The European Parliament and the Council shall ensure that a similar procedure is followed for any major amendments they propose.

Table 50 Recognise CSO

This is an interesting frame, in that it does not demand the institutionalisation of civil dialogue procedures but rather of the role of civil society in itself at the EU level. This is a subtle but relevant distinction in that it does not recognise a procedure but a sort of actor, civil society organisations. In this sense the demand is that civil society organisations should have specific rights at EU level, such as a consultation status, entitlement to support by the institutions or legal personality across the UE. This does not foreclose that some organisations demand specific recognition for their sector (associations, foundations etc), since the common characteristic of these references are demands of recognition of civil society.
2000: ACN On the same respect, Active Citizenship strongly supports the idea that in the Treaty of the EU NGOs must be recognized as an actor of the European governance system.
2001: EFC The EFC believes that **foundations,** and other non-governmental, social economy organisations must **be acknowledged as partners in their own right, with a proper consultative role on European Policy**.
2002: Social Platform The Social Platform therefore particularly welcomes the emphasis on the specific role of civil society organisations and the reference to Article 12 of the Charter of Fundamental Rights
Convention: Unice With regard to governance in general, title VI of the first part of the draft constitutional Treaty contains an article 34 which sets out the general principle of participatory democracy. A clause to the effect that *"the EU recognises and promotes the involvement of social partners in Europe's economic and social governance, taking into account the diversity of national industrial relations systems. The EU promotes and support social dialogue between the Social Partners (Management and Labour), respecting their autonomy"* should be added to article 34.

Table 51 Legal rank

This frame is constituted by all the references to the need to provide a legal rank to the structure for civil society consultation. This is a clearly different frame from the previous ones, since although the need to structure the dialogue is shared by most organisations, not all of them agree on the need to institutionalise it with a legal mechanism, and some even oppose it as they perceive a strategy by NGOs to create a procedure of their own. On the other hand, it is distinct from calls for civil society recognition in that it calls for the creation of a legal mandate to consult civil society, whereas calls for recognition do not necessarily imply a consultative role and thus a mandate.
2000: CEDAG The Commission's position on civil dialogue is weak. CEDAG understands that member state governments must take the initiative on the introduction of new Treaty articles. Nevertheless, a clear statement by the Commission would give added impetus to the NGOs' efforts to gain a firm basis in the TEU for future Commission-NGO co-operation. The new Treaty article should: **3.** Recognise voluntary organisations as partners with the same status as the existing Social Partners; **4.** Place an obligation on the EU institutions to consult the voluntary sector on policies of relevance to it;
2001: COFACE This text shall include an article granting civil dialogue a legal rank (translated from French by the author).
2002: ECAS The weakness of the Commission's approach lies in the statement that "neither the general principles nor the minimum standards are legally binding." There would be doubts as to whether on this purely voluntary basis, the ambitious aims of the communication can be realized and in particular: "the Commission must always ensure in its consultation procedures that all relevant interests in society have an opportunity to express their views." ECAS proposes that the Commission should keep at least an open mind on the question of whether or not there could be a relevant legal basis to consultation until the Convention has completed its work; as the paper makes clear, consultation becomes a right for Member States under the comitology procedures and under certain statutory instruments – i.e. only for some interested parties some of the time.
Convention: EFC The EFC *calls for an article in the Treaty providing a legal base to the civil dialogue between EU Institutions and civil society organisations*.

Table 52 Extend consultation to other institutions

This is a straightforward frame, where organisations extend their demand

to be consulted by the Commission to other institutions. Generally it is recognised that the Commission has consultation structures and practices in place but that the need to institutionalise civil society consultation (see frames above) extends to the need to extend these procedures to other institutions.
2000: No references
2001: COFACE b) This explicit recognition should lead to the gradual construction of the conditions and the institutions of this dialogue with all stakeholders. In this context, several European institutions must be involved: the Commission, the Parliament, the Economic and Social Committee.
2002: EURODIACONIA - CARITAS Therefore, we recommend working out similar principles and standards of consultation between the Parliament and European organisations of civil society.
Convention: CEDAG CEDAG particularly wishes to see a strengthening of the dialogue between civil society and the European Parliament, this being the body that represents the citizens of Europe, through more systematic consultations, particularly by means of intergroups.

Table 53 Make ECOSOC the place of civil dialogue

This frame includes all the references by different organisations to the possibility or the need to associate the EESC to dialogue with civil society organisations. All these references assume that the EESC has as a mandate to represent civil society and that it can play a role in the dialogue with civil society.
2000: No references
2001: COFACE b) This explicit recognition should lead to the gradual construction of the conditions and the institutions of this dialogue with all stakeholders. [...] From this point of view, it is possible to reinforce the role of the ESC.
2002: CPMR This Communication, which is addressed to civil society – already represented via the European Parliament and the institutionalised advisory bodies of the Union (ECOSOC and COR), does not challenge the role of representative institutions but on the contrary reinforces it; in the same way that the social dialogue engaged with the social partners and enshrined in the Treaty does not challenge the role of these representative bodies.
Convention: UNICE The Economic and Social Committee is the place for civil dialogue. When discussing its role and status, it is essential to avoid any confusion between civil dialogue and social dialogue, which is an autonomous process between the social partners and takes place outside the

Economic and Social Committee.

Table 54 The EESC does not represent civil society

The references in this frame point out that civil society is not really represented in the EESC as it is dominated by the social partners. In this sense, it opposes the previous frame since the EESC does not really represent civil society and it cannot be the seat of the institutionalised dialogue with organised civil society.
2000: No references
2001: EEB The White Paper views the Economic and Social Committee (ESC) of the Community as having a role in representing civil society. This is a questionable assumption. The members of the ESC are appointed by the Member States and it is dominated by the social partners. The room for the ESC to increase the numbers of civil society representatives is limited and that still will have to go through member state appointments. The ESC is an advisory body to the other Institutions and if the ESC is successful in being recognised as the facilitator of the voice of civil society, this may in the end reduce the opportunities for environmental (and other) NGOs to have direct dialogue with Community's decision-making institutions.
2002: ECAS There is only a reference for consultation on more general issues to the Economic and Social Committee: this is no viable alternative, in ECAS' view, to the Commission recognising that it too needs to consult from time to time on general issues – as it did indeed, and rather well in preparing the White paper on European governance.
Convention: EEB We support the call of other NGOs for a structured dialogue, but we strongly reject amendments that would give the Economic and Social Committee a key role in organising the dialogue between the Institutions and civil society. We insist that the Institutions take responsibility for such dialogue directly.

Annex 8 Coding matrices.

The tables below summarise the coding of the written documents by European organisations from 2000 to the Convention. The content of the papers has been coded into 19 general frames, divided in three broadest themes: conceptions of civil society in the EU, conceptions of participation, and demands in relation to the institutionalisation of civil society consultation. The tables express merely the inclusion of a part of one organisation's demand in one of the codes, not the number of reference or the percentage of the paper that it represents. The result is thus a matrix containing 76 frames vs. 21 organisations thus resulting in a set of 1596 positions have been used to build the analysis of the frame expressed in the graphs and tables in chapter 2. These are binary matrices where 1 means that text has been coded in this frame and 0 that none has been coded. In total the matrices contain 330 positive positions (20,68% of all possible positions).

For the sake of smooth presentation, the identification of each consultation phase (2000, 2001, 20002 and Convention) has been replace by 1, 2, 3 and 4 respectively.

Table 1 Coding presence: conceptions of civil society in the EU

	Formal representation				Alternative representation				Against representativeness				CSO link to the public				CSO promote participation and voice demands				Expertise as legitimacy				Definition excludes business groups				Definition includes business groups			
Consultation	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
ACN	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	1	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
CEDAG	0	0	0	1	1	1	1	1	0	1	0	1	0	0	0	1	1	1	0	1	0	1	1	1	0	0	1	1	0	0	0	0
CEV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
COFACE	1	1	1	0	0	0	0	0	0	0	0	0	1	1	0	0	0	1	1	0	0	0	0	0	1	0	0	0	0	0	0	0
CONCORD	0	0	0	0	0	1	0	0	0	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CSCG	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
ECAS	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
ETUC	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
EUROCOMMERCE	1	1	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	1	0	0
EURODIACONIA - CARITAS	0	1	1	0	0	1	0	1	0	0	0	0	0	0	1	1	0	1	1	1	0	0	1	1	0	0	1	0	0	0	0	0
EEB	0	0	1	1	0	0	0	0	0	1	0	0	0	0	0	1	0	0	1	0	0	1	1	0	0	1	1	0	0	0	0	0
EFC	1	1	0	0	0	0	0	0	0	0	0	0	1	1	0	0	1	0	0	0	1	1	0	1	0	0	0	0	0	0	0	0
ELO	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0
PFCS	0	0	0	1	0	0	0	1	0	0	0	0	1	0	0	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Pol. OFFI.	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	1	1	0	0	1	0	0	0	1	0	0	0	0	0	0
Social Platform	0	1	1	1	1	1	0	1	0	1	0	0	0	1	1	1	0	1	1	1	1	1	1	1	0	1	0	0	0	0	0	0
UEAPME	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0
UNICE	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	1	1	0
CEMR	0	1	1	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	1	0	0	0	1	0	0	0	1	0	0	0	0	0
CPMR	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	1	0	0	0	1	0	0	0	1	0	0	0	0	0
EUROCITIES	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	1	0	0	0	1	0	0	0	1	0	0	0	0	0
TOTAL	6	7	9	6	2	5	1	4	0	6	1	4	5	4	3	10	5	7	11	6	5	6	8	4	2	3	6	1	1	3	2	0

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Table 2 Coding presence: Conception of participation

Organisation	Individual participation rights				Civil dialogue				Participatory democracy				Consultation improves policy-making				CSO consultation as empowerment			
Consultation	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
ACN	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
CEDAG	0	1	1	1	1	1	0	1	0	1	1	1	0	1	1	0	1	0	1	1
CEV	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COFACE	0	0	0	0	0	1	0	0	0	1	0	0	0	1	0	0	0	1	0	0
CONCORD	0	0	0	0	1	1	0	0	0	1	0	1	0	1	0	1	0	1	0	0
CSCG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ECAS	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	0
ETUC	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EUROCOMMERCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
EURODIACONIA - CARITAS	0	0	0	0	0	0	1	0	0	1	1	1	0	1	1	0	0	1	0	1
EEB	0	0	1	1	0	0	0	0	0	0	1	1	0	0	1	1	0	0	1	0
EFC	0	1	0	1	0	1	0	1	0	0	0	0	0	0	0	1	0	1	0	0
ELO	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
PFCS	0	0	0	1	1	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0
Pol. OFFI.	0	0	0	0	0	1	1	0	0	1	0	0	0	1	1	0	0	1	0	0
Social Platform	0	0	0	1	1	1	1	1	0	0	1	1	0	0	1	1	0	1	1	0
UEAPME	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
UNICE	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	1	0	0	0
CEMR	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1
CPMR	0	0	0	0	0	0	0	0	0	0	1	1	0	0	1	0	0	0	0	1
EUROCITIES	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
TOTAL	1	3	3	6	6	6	3	3	1	6	5	9	0	6	11	4	2	8	4	6

Table 3 Coding presence: demands in relation to institutionalisation

Organisation	Legal rank				Recognise CSO				Structure consultation				Extend consultation to other institutions				Make ECOSOC the place of civil dialogue				The EESC does not represent civil society			
Consultation	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
ACN	1	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CEDAG	1	1	1	1	1	1	0	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
CEV	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COFACE	1	1	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	1	0	0	0	0	0	0
CONCORD	1	1	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CSCG	0	0	0	1	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
ECAS	0	0	1	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0	1	0
ETUC	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EUROCOMMERCE	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0
EURODIACONIA - CARITAS	0	0	1	1	0	1	0	1	0	1	1	1	0	0	1	0	0	0	0	0	0	0	1	0
EEB	0	0	1	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1	1	1
EFC	1	1	0	1	1	1	0	1	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0
ELO	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PFCS	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pol. OFFI.	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	1	0
Social Platform	1	1	1	1	0	1	1	1	0	1	1	1	0	1	1	1	0	0	0	0	0	0	1	0
UEAPME	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
UNICE	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	1	1	0	0	0	0
CEMR	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
CPMR	0	0	1	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0
EUROCITIES	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0
TOTAL	8	5	7	6	4	6	1	11	1	10	8	5	0	4	3	2	0	1	4	1	0	1	5	1

Annex 9 Networking questionnaire

This questionnaire was circulated among interviewees by email accompanied of the following introduction:

I would be very grateful if you could take some minutes to complete this survey about your contacts regarding participatory democracy during the European Convention. I will of course not disclose your name as the provider of this information.

You just need to tick with an X the cases corresponding to the organisations with which you were in touch regarding participatory democracy in different forms.

Table 55 Networking questionnaire

ORGANISATION	Exchange of opinions	Common position	Common activities to promote participatory democracy
ACN - Active Citizenship Network			
Eurodiaconia / CARITAS Europe			
CEDAG - European Council of Voluntary Organisations			
CEMR - Council of European Municipalities and Regions			
CPMR - Conference of Peripheral Maritime Regions of Europe			
COFACE (Confederation of Family Organisations in the European Union)			
CONCORD (European NGO Confederation for Relief and Development)			
CSCG - Civil Society Contact Group			
ECAS - European Citizen Action Service			
EEB - European Environment Bureau			
EFC - European			

Foundation Centre			
ELO - European Landowners Organisation			
ERC - European Referendum Campaign			
ETUC - European Trade Union Confederation			
Eurocities			
Eurocommerce			
Eurodiaconia			
European Volunteer Centre- EVC			
IRI Europe: Initiative and Referendum Institute			
Permanent Forum of Civil Society			
Polish NGO Office in Brussels			
Social Platform			
UEAPME - European Association of Craft, Small and Medium-sized Enterprises			
UNICE - Union of Industrial and Employers' Confederation of **Europe**			
ORGANISATIONS BASED IN SPAIN			
ATTAC Spain			
ONCE – CEPES			
Red Ciudadanas de Europa			
Fòrum Cívic per una Constitució Europea (Foro Cívico por una Constitución Europea)			
Consejo de la Juventud de España			
ACSUR			
Ecologistas en Acción			
CARITAS España			
Plataforma de ONGS de acción social			
CCOO			
ORGANISATIONS BASED IN FRANCE			
MEDEF - Mouvement des Entreprises de France			
ATTAC – Association pour			

la taxation des transactions financières et l'aide aux citoyens			
CCDF – Collectif pour la Citoyenneté et les Droits Fondamentaux / Ligue des droits de l'homme			
FONDA – CAFECS			
Maison d'Europe			
Association des Femmes de l'Europe Méridionale – AFEM			
Confédération Générale du Travail – CGT			
Fondation Copernic			
Mouvement pour l'Initiative Citoyenne – MIC			
OTHER EUROPEAN OR NATIONAL ORGANISATIONS – Please indicate their names			

Annex 10 Network analysis method and data sources.

The network analysis has been built on three types of data: questionnaires, written documents (official ones and organisations' position papers) and interviews. The list below includes the organisations which replied to the questionnaire:

European organisations	Spanish organisations	French organisations
CEDAG	CCOO	MEDEF
CONCORD	ONCE – CEPES	CGT
CSCG	ADICAE	Fondation Schuman
EFC		
IRI – ERC		
PFCS		
Polish Office		
Social Platform		

The data from the different sources have been introduced into a square EXCEL matrix containing 47 rows per 47 columns (and thus impossible to reproduce here), with each of the organisations as a column and row. This allows introducing information about the relation of every organisation with the other 46 members of the network. The entries into the matrix have been valued from 1 to 3 first according to the possible three types of relations identified in the questionnaire: exchanges of opinions, common actions and common opinions. In order to carry out individual actor centralities and structural similarity measures using the UCINET software package these matrices have binarised: as it was explained in chapter 4, a separate analysis has been carried out for every kind of relation (thus producing 3 matrices). For similar purposes relations have been reciprocated for these analyses even though the matrixes were built on directed data (A contacts B does not mean B contacting A). However these directed data have been used for carrying out the prestige measures indicating the differences between those organisations sending and receiving more ties from the rest of the network.

The table below introduces the evidence of networking relations between European organizations derived from position papers and interviews. The

table is not square since the matrix only introduces data for the organisations for which evidence was available (those included in the rows) which may refer to other organisations (in columns).

Table 56 Evidence of networking between European organisations (see code for numbers below)

	PFCS	CEDAG	EFC	ETUC	EEB	CSCG	CEMR	CPMR	Eurocities	COFACE	UNICE	EUROCOMMERCE	Social Platform	IRI-ERC	ACN	CONCORD	CCOO	Ecologistas en acción	ATTAC France	ATTAC España	CJE	ACSUR
ACN	4																					
CEV		1	1																			
ETUC				5		8				7	5, 7	7										
EEB													5			5						
CEMR								5	5													
CPMR							5		5													
Eurocities							5	5														
UNICE				5, 7						7		7										
Soc Platf					5	5, 8										5						
EUROCOM.				7						7	7											
COFACE				7							7	7										
CARITAS			6											6								
IRI - ERC															5, 9							
CONCORD					5								5									
FONDA		1																				
ATTAC	4																					

ONCE			10														
ATTAC ES												10	10	10			
ACSUR	5											5			5		
CJE	5											5					5
Ecologist as															10		
CCOO	5														5	5	

Type of evidence: the evidence always regards a contact from the organization in the column with the organization in the column:

1: Position paper consultation 2000
2: Position paper consultation 2001
3: Position paper consultation 2002
4: Position paper Convention
5. Common position papers
6. Interview
7. Evidence of contacts in the EESC documents
8: Member of the organisation.
9. Website of the organisation
10. Other documentary sources