



VISIONS OF COOPERATION

UK CIVIL SOCIETY'S RESPONSES
TO BREXIT

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INTRODUCTION

While Brexit has had many repercussions, this report addresses the shockwaves it sent through UK civil society, the responses it generated, and the uncertainties that remain. This research, based on mixed methods comprising desk research, a survey, and a number of interviews with stakeholders, examines the reverberations of the UK's exit from the European Union from the perspective of civil society and outlines their suggestions with regard to key policy areas in order to bridge the remaining gaps. In particular, this report analyses the future of cooperation, rights, environment, rights, and funding as the main areas of concern by civil society: Does Brexit mean that UK civil society organisations will be increasingly separated from the continent? What will happen to the common ground laid by the EU in the area of rights in the UK? How will Brexit shape the future of environmental policy? What will the suspension of freedom of movement mean for mobile UK and EU citizens? How will the interruption of long-established flows of funds from EU institutions impact the UK civil society sector?

In a nutshell, with regard to cooperation, we find that civil society expects a commitment from the government to help them reduce costs of collaboration with European partners. Regarding rights, civil society is adamant the UK's human rights and equality safeguarding frameworks cannot be compromised because of Brexit. Similarly, on the environmental question, civil society demands that the government should recognise the role of the third sector in informing their policies and increase civil society's ability to hold them to account. With respect to migration, both the EU and the UK must work together to support (especially young) migrants to help them navigate the changed circumstances. Lastly, civil society demands to be consulted on the mechanisms poised to replace EU funding in the UK. Our analysis of these subject areas suggests that only taking on broad civil society's concern can safeguard the UK's social cohesion and offer a pathway to improved cooperation with the continent in the future.

1. CIVIL SOCIETY AND BREXIT

The role played by civil society before, during and in the aftermath of Brexit has given birth to a burgeoning literature, the attention of which is focused on three main issues: first, understanding why NGOs and other civic actors, such as trade unions, had been relatively inactive or passive in the public debate on the run up to the referendum (either weakly shadowing other positions, or not taking one at all); second, how the Brexit negotiations and their impact have, apparently, jolted these actors into action; and, finally, what role can and should be played by British civil society in fostering the future UK-EU relationship, either in the arena of civic activism itself (this is the case of pan-EU organisations, such as the European Trade Union Confederation or Science Europe) or as a tool to influence the policymaking process in the EU as a third country (lobbying organisations, such as TheCityUK, fall within this description).

The perceived inaction of civil society during the Brexit campaign has been evidenced by studies showing that “the best-known organised civil society groups in the UK remained relatively muted during the referendum campaign, [and]...social movement organisations were generally absent during the referendum campaign” (Parks, 2019). This was due to three main reasons: legal constraints (limitation on charities’ activities by the Lobbying Act), the lack of a strong political organisation to rally around (the traditional reference, Labour, adopting an unclear position on Brexit) and, finally, formal structuring and single-issue campaigning by NGOs. Being focused on specific areas and being organised to operate in formal contexts, civil society failed to adopt the “guerilla-like”, fluid approach required by the sui generis campaign on Brexit. This weakness of NGO campaigning before the referendum had been particularly pertinent with regard to actors campaigning against different forms of inequality, as highlighted by Equally Ours¹.

Interestingly, outside the field of formal NGOs and

third sector actors (trade unions and organisations like Save the Children and the WWF), social movements actors had been ostensibly more vocal in taking a stand on Brexit, generally supporting Leave. Ishkanian (2018) finds that the literature has focused on the growing partnership between the UK government and the third sector, disregarding social movements². These partnerships may have discouraged activism on the delicate issue of Brexit, leaving the stage to social movements on political extremes (both left and right) and to politically active NGOs (such as Greenpeace).

Recent research describes the importance of cooperation between the UK government and the devolved government, yet cautions that lacking trust between parties might undermine these efforts (Burns, 2019). Petetin and her colleagues (2019) note that finding new ways of engagement with civil society and recognising the influence they have had on policy so far will be crucial going forward (p. 6). Similarly, Hilson (2018) worries that leaving the EU could limit citizens’, stakeholders’, and civil society’s ability to influence policy and to hold the government accountable for failing to meet set standards (p. 103). As such, “UK’s departure from the EU severely curtails the range of enforcement mechanisms available to civil society” (Heyvaert et al., 2018).

1 From the EDF position paper on Brexit (July 2016, updated May 2017, p. 3): “During the run-up to the Referendum, NGOs faced significant pressure to not engage or campaign. This has caused problems for many in our network and has had a dampening effect. As charities whose mandates require us to actively speak up about the inequality, discrimination and disadvantage our beneficiaries face, we need urgent clarification that charities can speak out in relation to the UK’s negotiation with the EU and any proposed changes to key protections as a result of the UK leaving the EU.”

2 Ibidem, p. 4: “The UK-focused social policy literature [...] focus[es] on how formal, professionalized voluntary or third sector organisations have developed partnerships with the State (Alcock, 2010, Billis, 1993, Deakin, 2001, Harris, 2010, Lewis, 1999) [...] the challenges they face in maintaining their independence and autonomy in the wake of funding cuts and increasing reliance on contracting (Milbourne and Cushman, 2015, Murray and Milbourne, 2017, Deakin, 2014, Rochester, 2013). There has been far less focus on more contentious civil society actors, including social movements and informal, grassroots groups, which are less interested in working in partnership with the State and instead contest and critique existing policies and campaign for the recognition of unmet or unrecognized needs.”

Environmental actors have, in fact, been ostensibly more active in pushing their post-Brexit agenda. As Abbott and Lee (forthcoming) argue, Greener UK³ has succeeded in two ways: first, managing to bring and keep together actors as diverse, in their communication and core approach, as Greenpeace and the WWF, and in their lobbying efforts, such as the creation and shaping of the Environmental Bill⁴, replacing EU legislation on environmental protection. This suggests that, while generally not campaigning in the run-up to the referendum, civil society actors had participated much more actively in the transition phase, upholding their sectoral interests and openly discussing their concerns. Beyond the environmental sector, this pattern can be seen in a catch-all organisation. The Brexit Civil Society Alliance (2020), purposefully created after the referendum, outlined its main goals as “shaping and improving Brexit legislation, connecting politicians with civil society, educating, informing and advocating for those who may feel remote from the Westminster process.” The organisation explicitly conceived itself as a lobbying actor for the transitory period between the referendum and the conclusion of EU-UK negotiations with the Withdrawal agreement; in fact, BCSA ceased its activities in January 2021.

A broader review of the impact of Brexit on UK civil society has been elaborated by the Brexit, Devolution and Civil Society Conference. The conference looked at several legal and economic issues. In particular, renewed national responsibility in EU-regulated areas (such as human rights) and the indirect impact of Brexit-related phenomena (a reduction of immigration or a strain on the

devolution system). However, no clear strategy seems to be in place to foster or maintain cross-border relationships with European civil society. Similarly nebulous, but equally urgent appears to be the government’s strategy to address the domestic tensions arisen after the UK’s exit from the EU. Raising serious issues of constitutional order (Eleftheriadis, 2017), putting enormous strain on the current setting of the devolution model and, according to some authors, joining a “path-dependant” crisis history of the UK (Jessop, 2017), the “unintended consequences of Brexit [...] may even extend to include the disintegration of the UK as the territorial state we presently know.” (Gordon, 2016, p.443). To address this pressing issue, especially in the light of Scotland’s Prime Minister Nicola Sturgeon’s increasingly strong public declarations linking EU membership to an independent Scotland (Associated Press, 2020), UK civil society is being mobilised and rallied to spearhead a “rally around the flag” effect: in this direction point initiatives such as the “Festival of Brexit” (BBC, 2020), officially named Festival UK*22, whose declared intent is to “showcase the UK’s creativity and innovation to the world”.

Nevertheless, civil society is being hurt by Brexit in many ways: firstly, and most glaringly, NGOs operating at the European level risk losing access to EU institutions, funding and deep-rooted networks; secondly, and more subtly, these actors are “turning inwards”, focusing their action at the sub-national level in the UK. However, due to devolution, sub-national activities face the unequal risk of reduced funding within the Union, as suggested by recent empirical studies (Minto, 2021).

Having identified, in existing literature, that there had been a considerable degree of inaction of civil society during the Brexit campaign, while social movements backing Leave took centre stage, and that the current Brexit settlement creates uncertainty for most actors in the field (despite few

3 Environmental coalition uniting 12 major organizations, such as WWF, Greenpeace UK, the National Trust and Friends of the Earth.

4 Abbott and Lee, p.6: “Many elements of the Environment Bill (arguably even the existence of any Bill at all) can be traced to the work of Greener UK and its allies. And second, Greener UK has ‘worked’ as a collaboration: holding together over a long and difficult period, with constant activity as a coalition, and constant contributions from the member organisations”.

emerging champions of the post-Brexit agenda), this research focuses on the domestic tensions and the future of the UK from the civil society perspective. Accordingly, it identifies and analyses cooperation, rights, environment, migration, and funding as the main areas of concern for civil society.

2. METHODOLOGY

As mentioned, this research report was motivated by the observation of the perceived inaction of civil society in the Brexit campaign and the prominence of social movements backing the leave campaign. We wanted to know what kind of consequences, following Brexit, civil society expects. We have sought to uncover the strategic considerations, concerns and hopes emerging from a newly 'sovereign' civil society in Britain.

Through a broad literature review, we uncovered recurring themes pertaining to the future position of civil society in the UK. The clusters identified were cooperation, rights, environment, migration, and funding. Next, we conducted a broad survey of civil society actors. To arrive at our sample, we initially imported a data set from the European Commission's Financial Transparency System database comprising civil society recipients of EU funding. This original set was then further organised in Stata, where we retained those civil society actors that were either NFPOs or NGOs and based in the UK.

Furthermore, we added UK organisations that were outspoken on Brexit and belonged to the Brexit Civil Society Alliance. We manually clustered the organisations in our sample into the categories: policy actors (including business interest groups), charity actors (including religious organisations), unions and professional networks, cultural and academic actors, local organisations, and others. Next, we manually cleaned the sample from actors that did not fit the criteria to be considered civil society actors (Kaldor, 2013). We further manually added actors that were suggested by some of our respondents, and that we came across through our desk research, in so far as they fit the same criteria as mentioned above (benefiting from EU funding, or having been outspoken on what the role of civil society should be after Brexit). The final survey comprised 75 civil society organisations, from which we achieved a 20 percent response rate.

The findings which emerged from this survey corroborated to a large extent the clusters which had become apparent in the literature review and reinforced the concerns and aspirations we had identified. Lastly, we sought out conversations with specific civil society actors to further investigate these linkages. From our final survey sample, we choose two civil society actors per cluster who pertain specifically to the area under consideration to deepen our understanding further. We conducted up to 2 in-depth semi-structured interviews per cluster, totalling 9 across our sample. These interviews corroborated and added to our understanding of the internal contradictions, continuities and considerations which civil society actors face as they operate in a newly independent UK. They presented the ideational position of civil society and gave texture to the survey and literature review we had conducted. From our literature review, survey and interviews, we arrived at our thematic case studies, which cover different perspectives on the future of civil society in a post-Brexit UK.

3. COOPERATION

Will the political separation between the EU and the UK mean that British civil society organisations are increasingly separated from the policy developments taking place on the continent? During the almost 50 years of the UK's EU membership, civil society interacted and built bridges, creating pan-EU organisations, umbrella forums and other venues for cooperation. Our findings suggest that there remains an appetite for cross-border cooperation in civil society. However, the costs of engagement have increased dramatically.

First, civil society organisations have found that, predictably, the influence the UK wields in EU affairs has decreased. Therefore, the impact they have on issues affecting European developments is limited. An executive in the Rights Advocacy Sector, working with collaboration told us that:

"It's not because we're not interested in what's going on in Europe, but just that we have less influence now. But we do feel like we are a part of, still of, Europe." (Executive, Rights Advocacy Sector)

This sentiment is underscored by Copeland and Minto (2020), who argue that EU fora have traditionally provided UK actors with a platform for visibility and access to policymaking, which will be harder to obtain post-Brexit. They argue that the European political space offers benefits beyond those immediately visible. These hidden effects are "an important component of contemporary governance processes" (Copeland & Minto, 2020, p. 15). UK actors are increasingly cut off from these resources, understood as "monetary or physical resources, information and/ or social legitimacy" (p. 15f). Specifically, they write that actors further from the core of politics - for example, civil society organisations - are most at risk from the separation from such resources and the benefits they bring. The loss of "Europeanisation" which happens through the socialisation in these networks, they say, thus has immense consequences for the shaping of their

governance. Therefore, access to and participation in European networks to some extent will continue to be important for UK civil society, as this will provide them with additional venues for influencing policy and developing capacity (Copeland & Minto, 2020, p. 15). The costs of such engagement, however, have increased in practical terms. Across our survey data, civil society actors emphasised the increasing friction resulting from the restrictions on freedom of movement, the lack of funding to reimburse travel and accommodation costs and general increased administrative costs regarding European engagement. Such costs make civil society actors more sceptical when it comes to the future. A Policy Manager in the Rights Advocacy Sector working with collaboration told us:

"Previously we would go to Brussels for those conferences, to networking events, and they [the EU] would be able to fund us to go because we were an EU country, but now we will have to self-fund." (Policy Manager, Rights Advocacy Sector)

However, the need for such collaboration to continue is emphasised, for example, by a Director in the Rights Advocacy Sector:

"The sense of urgency and the need to collaborate, and the value, knowledge or skills that comes from the UK transcends the challenges of having politically separated our institutions" (Director, Rights Advocacy Sector)

On issues that transcend the state, there remains a natural connection between the UK and the EU. There is still power in cooperation and possibilities for learning on both sides. A Public Affairs Manager for a Charity Membership Organisation said:

"I get the impression that the EU will still be really significant... there will be times when the UK wants to closely mirror EU standards... even if they won't say that is what is happening" (Public Affairs Manager, charity)

membership organisation)

We, therefore, see that there are multiple consequences of the weaker involvement of the UK in EU networks. On a practical level, what prevents cross-border learning is, for example, limited access to data. There is a risk that the UK may diverge from statistics gathered by Eurostat, which would limit the possibilities of comparing UK outcomes to that of European neighbours (Commissioner's Office, n.d.). Furthermore, as the UK separates from the EU, the possibility of best practice sharing and policy learning diminishes (Copeland & Minto, 2020). The Policy Manager in the Rights Advocacy Sector working with collaboration emphasises:

“For us, it is about not becoming isolationist and still look to the EU27 to see what the EU is doing well, as a whole, and what EU member states are learning, what best practice is happening abroad, and bring those home.” (Policy Manager, Rights Advocacy Sector)

Lastly, across our sample, we saw concerns over future dispute settlement and monitoring capacity of the new regulatory framework. Civil society actors emphasised the need for the government to monitor compliance with regulations that used to be under EU remit. There were, furthermore, questions of how the UK government would respond to implementation problems of such regulations.

Many questions remain unanswered for civil society as they consider cooperation with EU partners in the coming years. One place to discuss such issues will be the Civil Society Forum which will be implemented as part of the EU-UK Trade and Cooperation Agreement (Delahunty, 2021). Civil society organisations will have to try and influence the shape of the future EU-UK relationship through this supranational institution. However, there is a demand for better support for a civil society scene that stands increasingly isolated. Commitment from the government is needed to ensure a thriving civil

society, which is providing crucial local services and national advocacy. They remain vulnerable as they are unable to work with as many international partners as before, as well as are subject to less information-sharing and funding. On a practical level, the call to minimise transaction costs remains salient. As the future relationship between the UK and the EU develops, civil society cooperation needs to be at the forefront of the agenda.

4. RIGHTS

Brexit unsettles the common ground laid by the EU in the area of rights in the UK. Civil society actors working within the protection of rights have to adjust when appealing to an unconstrained UK government, in contrast to a UK somewhat answerable to the EU. The common thread running through our data is a considerable fear that the UK will water down rights protections developed in Europe as it seeks to assert itself as an independent power. A director in the Rights Advocacy Sector told us:

“as soon as we allow ourselves to compromise the Human Rights Act, and what it stands for... we’re allowing ourselves to compromise what the European Convention stands for and where it came from.”
(Director, Rights advocacy sector)

Civil society actors working with rights in the UK have to consider whether they need to change their campaigns and advocacy. As part of the EU, the UK was a mandatory signatory to the European Convention on Human Rights (ECHR). The EU-UK Trade and Cooperation Agreement has provisions for locking in the UK’s future commitment to the Convention (Cowell, 2021). However, this framework has historically been questioned by Conservative lawmakers, claiming that it limits parliamentary sovereignty. The framework is linked to the future shape of trading arrangements between the UK and EU, but there are ways that the UK government could restrict the extent to which the ECHR would apply in the UK. Further, it is unclear what would happen in the case of non-compliance from the UK. As the UK is no longer answerable to EU courts of law, questions remain as to the dispute procedure.

Further, across our survey data, we saw not only a concern with regard to the future of human rights in the UK but also of the rights of children. One civil society actor emphasised the call for “all protections for children’s rights which were previously derived from EU law (...) be protected or replaced” (survey

respondent, rights advocacy sector). Stewart et al. (2020) write of the possibility that rights may be weakened in equality protection, such as the free-standing right to non-discrimination and the right of the child. Throughout our survey and interviews, it was clear that civil society actors in the rights sector were unsure of the landscape they will be facing. The director in the rights advocacy sector continued:

“I worry there will be a very fast deterioration in the conversation, what is now still fringe, in that some will say ‘oh but if we had to, we could also withdraw from the European Convention’”(Director, Rights Advocacy Sector)

The very fear voiced by civil society actors is telling, as a response to the non-messaging from the UK government with regard to upholding EU-era human rights protections and protection of children. However, there are also morsels of hope from civil society, as multiple actors emphasised the potential for the UK government to regain the position of a champion of rights. An Executive in the Rights Advocacy Sector explained:

“The UK government talks about being a leader... and there’s truth in that, there was truth in that in the past. But I would argue we’re not ahead of the curve anymore, we’ve fallen behind... we should be ambitious to be ahead of that curve. There is real commitment from civil society... to want to be ahead of that curve to support the government.” (Executive, Rights Advocacy Sector)

This could also include being a leader and a voice of support for the global protection of human rights, as the executive continues: *“I want the UK to be contributing to that global debate, that pursuit for human rights... where people don’t have a voice... not just in the Global South but across the world.”* (Executive, Rights Advocacy Sector)

The coming years will show how the UK diverges

from the EU as it rewrites its rights regime. How civil society responds will consequently depend on such developments and when it becomes clear where advocacy is needed. The government needs to signal that its commitment to upholding human and children's rights in the future won't be compromised because of Brexit. If the government chooses to negate human rights and equality frameworks that were developed in a European context, there will be a renewed role for civil society to advocate for higher standards.

5. ENVIRONMENT

How has Brexit shaped the work of environmental civil society actors? What are their hopes and fears for the future of environmental policy? And what do they expect from the UK government? Our research identifies the possible impact of Brexit on the environmental sector of civil society as two-fold; on the one hand, concerns over deregulation have shaped much of the organisations' work over recent years. On the other hand, Brexit, and the legal changes that accompany it, might provide room for more ambitious policy goals. Brexit, therefore, raises significant opportunities and threats for the environmental sector (Burns et al., 2018) - a challenge that has already been taken up by civil society actors.

Membership in the EU has profoundly shaped the member states' environmental policy. The UK, historically labelled the "Dirty Man of Europe", has seen its policy become more and more Europeanised (Burns et al., 2018). As such, the exit from the European Union has necessitated EU regulation to be 'lifted and shifted' and transposed into UK regulation through the help of Statutory Instruments. This approach, although implemented to ease the transition and to ensure the maintenance of environmental standards, has been criticised by various civil society actors that fear Brexit could function as a "vehicle for deregulation", as stated during our interview with a Representative of an International Environmental Organisation. Especially on the topic of chemical and pesticide standards, as well as gene editing, the UK government has not been able to credibly commit to maintaining the current level of regulation (as found in the survey). A coalition of 12 major environmental protection organisations, "Greener UK", was able to achieve the creation and shaping of the Environmental Bill, replacing EU legislation on environmental protection (Greener UK, n.d.). Yet, the Bill has been criticised as merely "plugging gaps that existed because they were not addressed in the Withdrawal Agreement", as indicated in an interview

with a Representative of the Environmental Sector.

Accordingly, various civil society actors who had campaigned to commit to non-regression and dynamic alignment of UK environmental policy have seen their hopes disappointed. One activist engaged in the environmental sector remarked in an interview that their organisation found that various changes had been made to policies buried in the statutory instruments, contrary to what had been promised officially. Moreover, some legal changes will likely have many unanticipated consequences further down the road, which may also affect trade between the UK and EU when products are judged under stricter regulations in the EU countries than in the UK.

In the face of these potential regressions in the application of environmental standards, the loss of the additional level of scrutiny that the EU had provided has fuelled civil society actors' calls for more accountability and transparency.

"In Wales we have an environmental governance gap in that there is no longer a body able to independently monitor compliance with environmental law and hold the government to account. It will be months before this gap is filled to any extent." (Joint Director, Environmental Sector)

While civil society is often identified as well-positioned to take up this task, concerns over the future of funding for their organisations might undermine effective involvement. One activist from the Environmental Sector noted that Brexit had caused the sector to feel as though their "regulatory base [had been] ripped out from underneath us, as well as losing funding".

Considering the cross-border nature of environmental issues, lack of funding might undermine continuous efforts to cooperate with organisations across the EU, despite the

geographical importance of such collaboration. Especially opportunities for cross-border learning and education, which are hard to fund on a national level, are at risk of being discontinued. Accordingly, Brexit has had a non-negligible impact on how civil society actors in this sector have been able to cooperate with one another. While organisations previously drew on case studies from other EU countries, shared the workload and resources, and cooperated to ensure maximum participation in campaigns, communication has now become much less efficient between the chapters in different countries. As one activist engaged in an International Environmental Organisation remarked in our interview, Brexit has caused her UK-based chapter to “go from feeling a little aloof, to being practically separate. Almost all of those mechanisms don’t apply or feel toxic to talk about.”

Similarly, one London-based environmental activist pointed out the need for continued collaboration:

“The worry is that communication with Australia etc. is suddenly easier than within the EU, but obviously air pollution does not suddenly become less similar in the UK and France just because of Brexit. We need to demand these opportunities for collaboration and the information necessary.”

Yet, while there is much to be criticised as the fear of deregulation looms large, Brexit has also provided the opportunity to achieve more ambitious legislation on environmental issues. Civil society actors expressed their hope to be able to influence the development of new policy in areas that are not yet resolved in the Statutory Instruments, with the aim to improve on, and thus surpass, current EU standards. Especially in the case of agriculture, the UK might soon take positive steps to become more environmentally friendly. By leaving the common agricultural policy and replacing it with the Environmental Land Management Scheme, if done properly, UK agriculture could be less damaging to

the environment than the EU’s, as pointed out by an activist engaged in the regulation of pesticides. What is more, in a bid to honour the UK’s ambition to be a “global leader”, activists envision the country’s role in future relations with the EU as one in which new insights into promising policy solutions could be shared with the Union. As one activist of an international environmental organisation remarked in an interview:

“Brexit might end up giving us a kick to make our international work better.” (Activist, Environmental Sector)

Thus, while Brexit threatens current environmental standards that civil society is fighting to defend and has created hardships for EU-UK cooperation, it could also provide the opportunity to revise and improve former legislation. If achieved, ambitious policy should be shared with the EU to support progress in the area of environmental regulation in the UK and abroad. Yet, what is needed is a commitment from the government to allow environmental civil society actors to influence policy. The demand to end deregulation is clear amongst such organisations, as is their wish to revive cooperation with their European counterparts. As the implications of changing policy will continue to unfold over the next few years, it will be crucial to observe civil society’s ability to hold the government accountable and to press for ambitious environmental governance.

6. MIGRATION

One important area of concern is the impact of Brexit on migrants' rights. The suspension of freedom of movement to the UK for EU citizens, and vice versa, will significantly change the social landscape of the country, and migration-focused NGOs are already stepping up to the challenge. Our research highlights the challenges Brexit has caused for both EU citizens living in the UK and vice versa, as well as the difficulties experienced by civil society actors aiming to lobby governments in support of them. Firstly, concerns regarding EU citizens currently living in or migrating to the UK are addressed by several civil society organisations. As such, the Brexit Civil Society Alliance (2020) has curated a section on their website to advise EU citizens on how Brexit influences their situation, and how difficulties arising from COVID-19 might compound the complications. They furthermore provide a toolkit on how other organisations could shape their efforts to help members and lobby the government for further clarification and attention to citizens' concerns. Similarly, The 3 Million have urged the government to provide clear and fair guidelines for EU citizens living in the UK and have used strongly worded demands to criticise "unacceptable" government policy (Hawkins, 2020). Thus, an interviewed London-based Activist considers part of her organisation's tasks to address the need "to fight for the people who were not reached by the initial rollout of the (pre-)settled schemes".

Moreover, as Brexit has meant the loss of many rights for EU citizens living in the UK, civil society actors are concerned with advocating for democratic rights to be maintained. Especially the situation of young migrants constitutes a pressing concern for organisations. The 3 Million (n.d.) has thus set-up a sub-group, the 'Young Europeans Network', to direct attention to the complications experienced post-Brexit.

Secondly, Britain's exit from the Union has also caused concerns for the rights of British migrants

in the EU 27 (Benton, 2018). While migration constituted one of the most debated topics during early negotiations, initial outcomes concerning Britons living in the EU sparked confusion among expats (Benson, 2017). Various civil society actors have thus taken up central roles to lobby Parliament for a clearer framework for British migrants in the EU, while simultaneously seeking to communicate current rules to those affected. British in Europe, founded in 2017, is currently the largest grouping of UK citizens in the EU (British in Europe, 2020). Their goal is to give UK citizens living, studying, and working in the EU a voice in the negotiations. In cooperation with The 3 Million, they aimed to shape the Withdrawal Agreement, which highlighted issues such as dual nationality and sought clarity on questions surrounding health care.

Similarly, the organisation Expat Citizen Rights in the EU (ECREU) aims to represent the interests of UK nationals living in EU countries by lobbying the British and EU governments on their behalf. One area of concern for ECREU is ensuring that UK nationals living abroad retain their right to vote in the UK, independent of the duration of their stay abroad. Further issues that British in Europe (2020) have highlighted concern the university fee-status of British students currently living in EU countries and planning on studying at UK universities.

Collaboration with The 3 Million has been necessary for British in Europe to be able to affect policy and to avoid being treated in an approach reminiscent of "divide and conquer", as an activist in the migration sector explained in our interview. As such, while organisations advocating for EU citizens living in the UK received more attention and were able to secure grants to enable their work, their counterparts have struggled to gather the resources necessary. For example, as EU-based entities, organisations such as British in Europe are not eligible for funding from the UK, yet when applying for grants within the EU, they frequently saw themselves competing

for support with organisations aimed at helping refugees. In this way, members have had to juggle full-time work with their voluntary engagement with the organisation. Another activist commented, "Honestly? We are exhausted." In the interview, they go on to describe the initial situation after Brexit, which was characterised by confusion and a clear lack of support from the UK government as well as the EU:

"even the embassies were completely unprepared to actually deal with citizen rights issues, and didn't even have the necessary technology, software, to figure out who lives in their region." (Activist, Migration Sector)

Apart from creating difficulties regarding the legal status of UK citizens in the EU, Brexit also seems to have reshaped EU-UK relations in an immaterial way. One activist recounts the subtle change in attitudes towards UK nationals living abroad, explaining how the narrative depicted them as "traitors" for leaving. This is compounded by the issues experienced by migrants relating to trade between the EU and the UK. One interviewee detailed their experience of having to rebrand her formerly 'British' paper in a Southern European country that is now sold as 'English language' paper and can no longer be delivered to the UK. Yet, common to both civil society organisations supporting EU citizens in the UK, and those campaigning for UK citizens living in the EU, is the hope that the UK government and the EU will over time reevaluate the importance assigned to such citizens' issues.

"Hopefully, the UK will realise they need their diaspora to build bridges between the UK and EU." (Activist, Migration Sector)

"They [citizens' rights] are the only thing holding the UK and EU together, they are 'the common ground'. But so far, their value has not been recognised." (Activist, Migration Sector)

Thus, both EU citizens in the UK, as well as UK citizens in the EU, have seen their rights suspended and their futures changed by Brexit. While the legal framework has been laid out in the Withdrawal Agreement, especially British in Europe feel disheartened by the lack of care for UK citizens living abroad. Many issues are not yet resolved, and one major area of concern regards young people's future plans that have been prominently affected negatively by Brexit. How civil society will be able to respond to such challenges depends on the support they can achieve from the government for their cause to make migrants' voices heard.

7. FUNDING

UK civil society has repeatedly signalled that Brexit will disrupt their activities in many ways. One of these is by interrupting long-established flows of funds from EU institutions. A classic example in the education sector is the all-compassing “Erasmus+” fund, which helped groups and institutions create a broad range of activities and cultural initiatives, from youth exchanges to university semesters abroad. Furthermore, the issue cuts through the British economy and civil society. European funding encompasses areas as diverse as agriculture, infrastructures and industry, covering a range of environmental interventions, from the transition to clean energy to plans for the conservation and replenishment of fishing stocks.

In addition, these funds also played a redistributive function, aiming at reducing inequalities by weighting the allocation of resources according to the level of development of a certain region/territory: this is the case, for instance, of European Structural Investments (ESI). ESI funds were accessible not only to public bodies, such as local authorities or educational institutions (universities) but to NGOs and civil society as well, which make them especially relevant to our study. How far-reaching is the impact of the interruption of EU funds? How will these be replaced? Will relevant stakeholders, such as NGOs and charities be involved in the policymaking process? What is the status of the dialogue between policymakers and civil society on the matter? We asked these questions to key civil society actors, analysing relevant literature and voiced concerns from the sector.

With regard to the interruption of ESI funds, the UK government has already announced plans to step in and address the issue by launching its Shared Prosperity Fund (SPF), aimed at replacing the two main voices under ESI budget, the European Social Fund and the European Regional Development Fund (ESF and ERDF, respectively). In fact, these constitute

two-thirds of the entire allocation of funds to the UK (see visualisation in Table 1). The fund’s schedule introduction was officially planned for April 2021, now postponed to 2022 according to the latest ministerial updates.

However, civil society has already voiced its worries in a number of ways. Civil Society Media (a news outlet focused on the charity sector) has reported that during a hearing in the House of Lords’ Public Services Committee, leading CEOs and representatives of large charities and research institutes have expressed doubts about the government’s relationship with civil society, raising fears that the latter may be “left on the outside looking in”.

These declarations have been confirmed by a Senior Officer in a Leading Nationwide Charity, who stated that civil society “[has] been promised a consultation, which hasn’t materialised. [...] [government-civil society relations] [are] probably the worst they’ve been for a long time.”

Furthermore, in a letter sent in July 2019, the Employment-Related Services Association (ERSA) and the National Council for Voluntary Organizations (NCVO), an umbrella organisation representing more than 16.000 organisations, while generally appreciating the Conservative’s Party manifesto commitments on the SPF, claim that “there is no certainty on how much the fund will have to distribute, when it will be up and running, or the outcomes it will be set up to achieve.”

The political background of the current government has had an impact as well. According to one of our interviewees, the common understanding of the role played by civil society, built at the EU level, is not acknowledged by the political force currently in power, relying instead on a more stringent, restrictive notion of civil society and its role. In other words, according to one of the interviewees,

UK civil society:

“need[s] to create the appetite for it[self] within our government [...] many charities in the UK civil society sector that were funded from Europe, to achieve social aims [...] are more difficult to fund in the UK, especially now, with the government that we have, [considering] the political aims of this government.” (Director, Charity Finance Sector)

More recently, civil society has rallied under the #nevermoreneeded banner, a campaign involving more than 30 umbrella organisations, broadly representing the entire - or a large majority of - the sector (including, among others, NCVO, Acevo and Equally Ours). The campaign had already released its demands and assessment of the governments’ strategy in September 2020, with further pressure applied on Chancellor Rishi Sunak with two letters - one in January and the other in February 2021 - asking for an “Emergency Support Fund” on the model of already existing facilities in other Commonwealth countries, like Canada. This request shows the dire situation in which civil society finds itself during two extraordinary events that have struck the sector in a particularly strong way: Brexit and COVID-19. According to our interviewee, the combined effect of Brexit and COVID-19 is threatening the very existence of civil society in the UK.

“And we’ve got to deal with survival, many organisations are [saying], you know, ‘we’ve got the impact [of Brexit], we’ve now had the impact of COVID on funding.’ And [...] the Brexit impact on funding is like, ‘Oh, well, that’s, you know, we may not even exist by the time that happens.’” (Director, Charity Finance Sector)

The end of EU funding is poised to have an impact outside of civil society’s budgetary considerations, spilling over into the realm of politics. In particular, the reallocation of powers to Westminster triggered by Brexit is alarming both authorities in devolved

nations explored by the burgeoning literature on the topic (Birrell & Gray, 2017) and reported by the Local Government Association already in June 2017 (Local Government Association, 2017), constituting a “technically complex and politically contentious element of the Brexit debate” and potentially affecting civil society operating at the regional level. We have focused our study on the latter, asking our interviewees whether the stop to EU funding and the temporary centralisation of devolved powers to London impacted on their activities in any way.

In fact, ESI funds were not allocated at the central level by London but were given to devolved nations or local administration, which then used them in accordance with EU guidelines to address their needs. While this is the case in other EU states as well, the peculiarities of the devolution model in the UK, with the strong politicisation of conferral or - especially - removal of funds from states’ budgets, turns the end of the flow of ESI money into a particularly salient topic. According to data from the European Commission (2020) in the 2014-2020 timeframe, the average total funding per year was larger in England than in every other region combined. However, according to a House of Commons report (2020), on a per-person basis, Wales was the first by funds awarded (£123 pp), followed by Northern Ireland (£50 pp) and, immediately behind, Scotland (£40 pp), with England in last place (£24 pp). However, some of our respondents have expressed their worry on the issue of funding at the regional level, with one voicing particular concerns on funding to the Welsh administration: *“We are awaiting details of how the Shared Prosperity Fund will be used to replace EU funding in Wales. It is unlikely that Wales will get as much funding as it did under the EU.” (Director, Charity Finance Sector)*

The issue of EU funding overlaps with historical issues at the domestic level on the distribution of resources, in particular with reference to Scotland.

Since 1979, the highly disputed - but, since its creation, untouched - "Barnett Formula" has determined the level of monetary transfers from the UK to devolved nations based on population. The effects of the formula are controversial, being pointed at as responsible for both overspending and underspending in devolved nations (Institute for Government, n.d.). While calls to rectify or review the system altogether have coexisted with the formula since its inception, the financial strain of COVID on UK public finances may bring the Barnett formula once again under scrutiny at a critical moment in the post-Brexit realignment of funding sources.

All these delicate political and economic dynamics are poised to have an impact - either direct or indirect - on civil society, potentially affecting the provision of social services from charities and NGOs. Indeed, one of our interviewees, speaking on behalf of a leading organisation engaged in human rights at the regional level, reported frustration at the inability of receiving appropriate support from the Scottish government. In turn, the devolved authorities pointed their fingers at Brexit and the ensuing recentralization of certain regional prerogatives. In particular, our interviewee reports that

"[s]ome of those powers that are being held, even if it is temporarily, at the UK level [...] decisions relating to that may not be as rights-respecting than they would have been if it had been in Scotland and the decisions had been made there." (Policy manager, Rights Advocacy Sector)

These words hint not only at a direct impact of Brexit on civil society effectiveness but to a more fundamental threat constituted by a potential "race to the bottom" in human rights. These fears resound throughout our research, with NGOs pointing at Brexit as a potential "vehicle for deregulation" (see relevant cluster). Civil society is adamant that devolved nations' powers should be fully restored as soon as the administrative adjustments required

by Brexit are in place. Furthermore, since several UK-EU organisations have signalled their intention to "look inward" and increase their activities across the UK, harmonising legislation across the union could significantly aid the attainment of this goal.

8. CONCLUSION AND POLICY RECOMMENDATIONS

This report has found that civil society is being hurt by Brexit in many ways and that uncertainties with regard to the future relations remain despite the Brexit deal now in place. There is a prevailing consensus that the current Brexit settlement creates uncertainty for most actors in the third sector (despite few emerging champions of the post-Brexit agenda). Consequently, this report has focused on elucidating the domestic tensions and the future of the UK by analysing cooperation, rights, environment, rights, and funding as the main areas of concern for civil society in 2021. Accordingly, we outline a set of policy recommendations for each cluster that have been voiced by the respondents in this study.

With regard to cooperation, civil society expects a commitment from the government to help them reduce costs of collaboration with European partners. Such an encouragement to engage across borders without friction is essential to ensure learning and information sharing in the future. Civil society expects clear messaging on the future of dispute settlement and commitments as to how the government will monitor compliance with regulations that used to be under the EU's remit.

When it comes to rights, clear messaging from the government on the commitment to upholding human rights and equality in the future is key. Ensuring that the UK's human rights and equality safeguarding frameworks won't be compromised or weakened because of Brexit is what civil society desires. In particular, all protections for children's rights which were previously derived from EU law should be protected or replaced - involving children and young people in the decisions.

Civil society organisations in the environmental sector stress the importance of strengthening the commitment to maintaining environmental standards and consumer protections, especially in the area of pesticide usage. Moreover, the

government should recognise the role of civil society in informing environmental policies and increase their ability to hold the government to account. A watchdog that could balance the loss of scrutiny caused by Brexit should be introduced, and should be endowed with far-ranging competencies to scrutinise the government.

Regarding migration, it will be imperative to increase consultations with civil society actors working with UK nationals living in the EU and to focus on supporting them in adapting to their changed legal status in the EU. Additionally, both the EU and the UK must work together to support especially young migrants in the EU and the UK to help them navigate the changed circumstances. In the UK itself, more financial support should be given to civil society actors addressing the concerns of migrants, both from Europe and elsewhere.

Civil society organisations demand to be consulted on the mechanisms poised to replace EU funding. Their involvement is critical not only to ensure inclusion and survival of the civil society per se, but to add a missing piece to governmental policy in this area - the "social infrastructure" necessary to implement spending plans successfully. Finally, the UK government should embrace a "wider" notion of civil society, drawing from their expertise and acknowledging their increased salience in responding to the social impact of COVID-19.

The UK government needs to act fast if it wants to preserve the country's social cohesion post Brexit and forge a pathway to improved cooperation with the continent in the future. It needs to help reduce costs of collaboration with civil society's European partners; commit to upholding the human rights and equality safeguarding frameworks; recognise the role of civil society in informing (especially environmental) policies and increase civil society's ability to hold them to account, as well as support (chiefly young) migrants to help them navigate

the changed circumstances; and consult civil society on the mechanisms poised to replace EU funding in the UK.

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APPENDIX

Legend:

- ESI: European Structural Investments
- ERDF: European Regional Development Fund
- ESF: European Social Fund
- EAFRD: European Agricultural Fund for Rural Development
- EMFF: European Maritime and Fisheries Fund
- YEI: Youth Employment Initiative

Table 1



Source: European Commission, EUROPEAN STRUCTURAL AND INVESTMENT FUNDS, ESI funds UK (europa.eu)

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