



Fforwm Cymdeithas Sifil Cymru ar Brexit

Wales Civil Society
Forum on Brexit

Brexit Forum Findings

The Forum Project has organised a series of roundtable events with third sector organisations and academics on the topic of civil society and Brexit in Wales. The following is a summary account of the principles and concerns emerging from these discussions which were highlighted as being important in underpinning Brexit policy and processes. This document will be updated regularly and is open for input from all third sector organisations.

Cross-cutting principles

- **Devolution:** the unique characteristics of Wales need to be respected by Brexit and all post-Brexit policy, including Brexit Bills and future trade agreements. The sector remains concerned that new trade agreements risk undermining many aspects of devolved policy-making including farming, the NHS, education, culture and the environment.
- **Communication:** participants noted a need for increased opportunities for communication between civil society and the Welsh and UK Governments, as this has been a point of frustration for many organisations.
- **Transparency:** the sector remains highly concerned by the lack of information or the lateness which it is provided and would welcome an increase in the flow of information from Governments, particularly on how intergovernmental cooperation will function across policy areas under the Intergovernmental Agreement.
- **Safeguards and scrutiny:** proper scrutiny over the powers given by Brexit legislation to use secondary legislation is needed and any changes to the equality and human rights legal framework must be overseen by Parliament. Participants also felt that the devolved administrations need more ability to scrutinise and input into the negotiation of trade agreements.

Replacement funding

Under the current EU Structural Funds programme, the third sector in Wales is leading multiple projects worth in excess of £90million and many more organisations are accessing EU funds through a number of frameworks and contracts. This, and wider philanthropic investment from within the EU are supporting the sector to help people into work, gain new skills and is assisting the growth of multiple social businesses.

The proposed UK Shared Prosperity Fund should be:

- **Ringfenced funding for tackling poverty, social exclusion and supporting environmental causes:** The current EU Structural Funds' programme supports multiple initiatives which contribute to the social and economic regeneration of Wales' most deprived regions, as well as supporting the preservation of the environment. Initiatives that would unlikely be funded through domestic sources.
- **Shaped and informed by those it's intended for:** The successor fund should be developed following meaningful consultation with potential beneficiaries and those who deliver frontline services to support them.
- **Should be devolved to a Welsh body:** A UK Government managed fund would circumvent the structures and systems which currently enable the third sector to influence the direction, spend and management of the Structural Funds in Wales. The UKSPF should be underpinned by equal representation from the Welsh public, private and third sectors, in both strategic management and delivery, to support the co-production of activities that build resilience and prosperity within Wales' most deprived communities.
- **Should match current levels of EU Structural funding:** Any loss of funding will have a disproportionate impact in Wales owing to the higher levels of reliance on ESIF funds. Commitment should be given to matching funding levels and increasing them in the long-term. The UK Government should also provide resources to replace CAP funding without reductions in funding levels.
- **Other sources of EU funding should also be replaced:** The Welsh and UK Governments must live up to the promise that Wales will 'not be a penny worse off' as a result of Brexit. They should therefore ensure that all funding from EU programmes benefiting Wales are replaced. This includes but is not limited to money for territorial cooperation, from Creative Europe, and the EU LIFE programme which has been particularly important for nature conservation in Wales.

The Environment and Animal Welfare

- **Non-regression:** Commitments to not going below current environmental and animal welfare standards should be given and respected, including through trade agreements.
- **Progression:** When replacing EU CAP payments and implementing other post-Brexit changes, participants felt these should be used as an opportunity to improve environmental and animal welfare standards and ensure the delivery of public benefits, including social outcomes in Wales.
- **Governance gaps:** Any new UK wide and devolved governance mechanisms such as the environmental watchdog provided for by the European Union (Withdrawal) Act 2018 to replace the functions of the European Commission needs to be equipped such as to ensure that no gaps emerge because of Brexit and that specific devolved legislation and interests are fully recognised and accounted for.

Human Rights and Equality

Participants felt that Brexit represents a serious risk to human rights and equality in the UK and in Wales. Concern about the UK's withdrawal from the EU Charter of Fundamental Rights

(the EU Charter) emerged specifically, particularly as the economic and social rights it protects are under-prioritised in the UK, especially during austerity.

- **Continued commitment to human rights:** Organisations are concerned by a potential loss of interest in human rights. Discussions reflected a need for decision makers to commit to ensuring that these remain central to Brexit and post-Brexit public policy in Wales and at the UK level. The Welsh Government is called on to secure a domestic legal status for the EU Charter through specific Wales-only legislation giving 'due regard' to the instrument across public policy. Concern was expressed that the Well-being of Future Generations (Wales) Act is insufficient to protect human rights in Wales from the risks created by Brexit and new legislative human rights options should be investigated. Continued commitment to international human rights instruments must also be given.
- **Protection of human rights and equality:** The human rights of disadvantaged and already discriminated social groups must not be allowed to be negatively affected by Brexit. Human rights must be safeguarded. Participating organisations highlighted that Brexit is already having a very real human impact: from feeling the effects of increases in hate crime to increased uncertainty about citizenship status and belonging in Welsh society. It was argued that this needs to be acknowledged and acted on by decision makers.
- **Non-regression and progression of human rights:** people must not lose out on human rights and advances in equality that they have, or would have gained through membership of the EU. The Welsh Government should seek to ensure that the UK keeps pace with the EU where there are advances in human rights or equality protections. The Welsh Government should seek to implement in Wales any new advances made by the EU. The Welsh and UK Governments should also ensure proper attention to and safeguards against the lowering of human rights standards in future trade policy and negotiations.
- **Enforcement mechanisms:** the UK possesses no constitutional guarantees to prevent regression of the human rights guaranteed as a result of EU membership. Brexit will mean the loss of protection of human rights and equality afforded by the Court of Justice of the EU. Participants suggested the Welsh Government seek to ensure that new mechanisms are developed, by the UK government or in Wales, that enable individuals to rely on their human rights in court. Alternative non-court-based mechanisms to enable individuals to seek redress for human rights or equality violations were also suggested.

Immigration and EU citizens

- **Safeguarding migrant communities:** Decision makers must address the risks to the rights and wellbeing of EU citizens and migrant communities within Wales. These include risks created by the EU Settlement Scheme to vulnerable individuals, increases in hate crime towards migrant communities, and the risks to workers and labour rights posed by any future post-Brexit immigration policy, such as tied/employer-sponsored seasonal and temporary visas or deregulation of workers' rights.
- **Proper outreach:** Participants highlighted the need for efforts must be made to ensure that the EU Settlement Scheme reaches as many people as possible, including vulnerable individuals, and contingency plans must be put into place to ensure that those who are

unable to participate do not suffer any negative consequences. Participants noted that third sector participation in this operation must be properly resourced.

- **Protect social-cohesion:** Discussions noted increases in hostility, and resulting harm, towards migrant communities as a result of the narratives generated by Brexit and suggested action was needed to address this.
- **Fully recognise immigrants' contributions:** Discussions highlighted that recognition of the valuable contributions made by EU citizens and migrant communities to the workforce in Wales (many of whom work in fields which support some of society's most vulnerable), would be beneficial. It was felt that investigation is needed on how to ensure that Wales remains an attractive place to work so that those sectors which rely on these contributions do not suffer sustainability concerns.

The Forum is a project located part time in **Cardiff University's Wales Governance Centre** and partly in **Wales Council for Voluntary Action (WCVA)**, funded by the **Legal Education Foundation** to stimulate informed discussion on Brexit in Wales and to provide tailored information to the third sector.



Canolfan
Llywodraethiant Cymru
Wales Governance
Centre



Below is a list of organisations having taken part in the project either through event participation or one to one conversations. Please note however that this document does not necessarily represent the views of organisations taken individually or as a group:

Welsh Centre for International Affairs	All Wales People First	Wales for Europe
Learning Disability Wales	Cardiff Third Sector Council	Ethnic Minorities & Youth Support Team Wales
Disability Wales	The Architectural Heritage Fund	Wales Assembly of Women
Chwarae Teg	North Wales Regional Equality Network	Welsh Refugee Council
Churches in Wales	Ramblers Cymru	Wales Environment Link
Royal National Institute of Blind People	Neath Port Talbot Council For Voluntary Service	Bevan Foundation
Cytun	Show Racism the Red Card	Chem Trust
RSPCA	All Wales Forum of Parents and Carers	Women's Equality Network
The Wallich	Unlock Democracy	New Philanthropy Capital
Race Council Cymru	Focus on Labour Exploitation	Human Rights Consortium
National Federation of Women's Institutes	Children in Wales	The 3 Million
Learned Society of Wales	Trade Justice Movement	The Brexit Civil Society Project
The Wallich	RSPB	Observatory on Human Rights of Children
WWF Cymru		