

The Task Facing Organised Civil Society in Context

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Since the global economic collapse of 2008, humanity has been living in an age of heightened uncertainty. Indeed, the period bears many characteristics of a historical moment portending imminently impending departure to a different yet uncertain future.

Against the background of the shattered illusion of the Great Moderation, a state of permanent crisis has unfolded. Buffeted first by the painful austerity aftermath, through migration of biblical proportions, to a pandemic unprecedented in modern history and now the tragic primal war in Ukraine, we trudge warily onwards. Imminently ahead, the formidable consequences of the existential challenge of climate change currently hover menacingly in full view in the immediate near horizon, no longer securely out there remotely in the safety of the distant future.

Throughout, the chickens of post-industrial neo-liberal globalisation have been flocking home to roost. The process has been underway since China

began to 'open up' in 1978 and has escalated dramatically since the fall of the Soviet Bloc. Seemingly miraculously, it underpinned a few decades of non-inflationary growth by accessing an endless cheap labour reserve, simultaneously disarming organised labour in the developed world. While brilliantly serving its primary objective of turbocharging profit generation, it has resulted in the beneficial spin-off of elevating millions in the developing world from consistent poverty, albeit if only to the next decile level for many.

The price has been exponentially growing inequality and the large-scale decimation of the industrial working class in the west, as well as the wholesale alienation of individuals, communities and entire cities, towns and regions. Moreover, it precipitated the decline of the multifaceted organic web that constitutes organised civil society in the regions affected, dramatically exacerbating the phenomenon described by Robert D. Putman in his book, *Bowling Alone*.

In this context, the retreat of trade unionism and the contingent erosion of collective bargaining coverage in several countries is particularly noteworthy. The effect of wholesale 'offshoring' of industrial production combined with penal legal restrictions on traditional leveraging activities and often brutal legislatively facilitated 'union-busting' has rendered millions devoid of representation in the workplace or any balancing mechanism in the overwhelmingly unequal employer-worker relationship. The decline of collective bargaining coverage has contributed to the dramatic worsening of social inequality. Apart from this and perhaps more importantly, the effective economic disenfranchisement of working people has diminished their representative economic and social participation undermining their collective confidence and independence.

Of course, it could be different. Sharing the abundance generated by globalisation through progressive taxation could transform society in hollowed-out areas. It still offers the potential for dramatically expanding educational opportunities, fuelling innovation and good employment, and providing a full range of public services, enhancing living standards and quality of life for all. But instead, international tax competition and compliant legislatures pursuing policies which channel wealth upward continue to allow the top 1% to keep virtually all of it for themselves. The problem is not globalisation itself, notwithstanding its many imperfections. Instead, it is the perverseness of the manner of the distribution of the growth it generates.

The fragility of liberal democracy

The wheels came off the mirage of permanent non-inflationary growth in the collapse of 2008. The ‘establishment’ responded by unleashing an unprecedented and, as is now widely acknowledged, utterly flawed, one-sided austerity assault on working people and the less well-off. Moreover, it provoked a dramatic mobilisation of disaffection among the millions who have lost out or are less well-served by the current free market model of neo-liberal globalisation. This is the constituency to which the ‘free trade’ narrative does not speak.

Emerging, on cue, from the obscurity condemned to them by the tragedy of the great conflagration of WWII, the populist far-right exploited the turmoil. The vacuum created by the decline of the traditional organisations of the working class facilitated their arrival. Replete with simplistic snake oil solutions, customarily scapegoating minorities, condemning ‘the elite’ and equipped with new social media tools, they exploit fertile territory. Essentially at its rigid core, they offer a seductive formula entailing a predominantly ‘white nationalist’ circling of the wagons and a nostalgic return to the security of a reinvented rose-tinted past. Of course, technological capacity has long since overtaken that paradigm. However, it does not matter that it is only a mirage — it connects, offering the alchemy of hope. In periods of dramatic economic and societal upheaval, the advantage in the competition for political allegiance rests with those who can provide protection against real or manufactured threats and capture the franchise on hope.

Suddenly western liberal democracy, which had assumed the assuring aura of ‘permanence,’ appears vulnerable. And weakened by the erosion of the glue of stakeholder interest for so many and the destruction of whole communities and vast sections of the stabilising ballast of organised civil society — vulnerable indeed it is!

For many of us in the west, although less so for older people in Northern Ireland, liberal democracy is taken for granted. However, it is worth reflecting on its fragility. Speaking at the 570th Plenary Session of the European Economic Social Committee (EESC) on 16 June this year, the EU Commissioner for Democracy and Demography, Dubravka Šuica, pointed out that no more than 12% of the global population live in liberal democracies. It struck many of us present as a sobering figure; however, it’s actually less. According to the Economist Intelligence Unit’s *Democracy Index*, only 6.4% live in their

definition of 'full democracies', that is, liberal democracies in the truest sense. Moreover, even the broader definition of 'electoral democracy' is a very recent phenomenon. Indeed, as many as ninety-four countries have only embraced it within the past sixty years (*source Herre and Roser – Our World in Data*). Furthermore, according to the Freedom House Report, *Freedom in the World 2022*:

The present threat to democracy is the product of 16 consecutive years of decline in global freedom. A total of 60 countries suffered declines over the past year, while only 25 improved. As of today, some 38 per cent of the global population live in Not Free countries, the highest proportion since 1997. Only about 20 per cent now live in Free countries.

There are no grounds for complacency. We would do well to reflect on the far-right's success over the last decade. In their various manifestations, they have emerged to challenge directly for power in the USA and several EU countries. Equally perniciously, they have managed to effect seismic 'backsliding' on the part of some 'centre right' erstwhile liberal democratic parties. Moreover, who would argue that their intervention did not 'make the difference' in the narrow margin in the Brexit referendum itself?

Within this global context falls the conduct of any discussion on the North-South, East-West and the wider European regional relationship.

Apart from universal suffrage and the separation of executive and judicial powers, free media (including from corporate editorial control) and the right to freedom of association, the vitality and influence exercised by its civil society, including the social partners, characterises the quality of liberal democracy.

Determined constructive intervention

In an age of continuously increasing and, to some extent, deliberately fostered polarisation, it falls to organised civil society to simultaneously buttress democratic values and provide a bridge across divides. Amidst the maelstrom of this historical moment in which the character of the future is in fermentation, and hard-won freedoms are threatened, determined constructive intervention to influence the direction of things is essential.

In this regard, the Irish Congress of Trade Unions (ICTU) role deserves mention. Throughout the entire duration of ‘the conflict’ and since, it has straddled the divide successfully, maintaining unity among organised workers around the economic and social agenda and largely succeeding in keeping sectarianism out of the workplace. This is not to understate the role of other civil society actors.

‘Influence’ must be earned — it is never conceded gratuitously — in the intensely contested public policy space. In practical terms, the challenge entails vigilant scrutiny of legislative initiatives, promoting social cohesion, offering neutral space for dialogue, and building, reinforcing and rehabilitating relations between local communities across these islands and in a European context. The task, which could ultimately facilitate the development of a tangible image of a viable, sustainable future, represents a significant *raising of the bar*.

The Ad-Hoc Group for North-South and East-West cooperation constitutes a worthy and critically important initiative. It is to be complimented for endeavouring to transcend the polarised interpretation of our shared history’s complex, often tortured matrix. Unfortunately, however, the task of formulating a route to a qualitatively better future remains laden with difficulty. To say the very least, Brexit offers a new layer of dangerously disruptive complexity.

Apart from the immediate direct challenge inherent in the dispute around the *Ireland/Northern Ireland Protocol*, the toxic public narrative which continues to afflict the overall UK-EU relationship severely prejudices the potential for progress. The Trade and Co-operation Agreement (TCA) and the parallel texts are unprecedentedly unique among their contemporaries. All the other EU-country trade agreements are based on building (predominantly, but not entirely exclusively, commercial) relationships. This is about dismantling one which deliberately evolved over almost half a century entailing a high degree of integration. Moreover, it extends over the entire range of the areas of public policy accumulated over the years as distinct from those relating to just trade alone. Unfortunately, no route map exists for this as it is uncharted territory.

The conduct of the Remain Campaign did not help the situation. Their choice in emphasising a fear-reliant negative ‘imminent catastrophe’ narrative was not much more objectively credible than the honeyed forecasting of the

‘leave’ side. The depiction of a future in which the EU would progress while the stagnant UK would be condemned to irrevocable decline completely missed the point. Neither scenario was likely to materialise in the short-medium term, and the opportunity to articulate the case for *prospering better together* or *declining separately* was squandered. It may not have altered the outcome, but it would have minimised the unnecessarily antagonistic adversarial depiction of the post-withdrawal relationship so loved by the hard-right.

Incidentally, the Brexit Left or *Lexiteer* position deserves mention. Given the narrowness of the margin, it may or may not have been numerically sufficient to represent the difference in the outcome of the referendum. However, the more than partially apt depiction of the EU as a ‘capitalist club,’ particularly in the aftermath of a sustained period of brutal one-sided austerity, enhanced the credibility of the leave argument. It was a classic example of throwing the proverbial ‘baby out with the bathwater’ while strengthening the ‘right’ by multiple degrees.

Surveying the landscape ahead offers a precariously challenging prospect. Even allowing for the hyperbole that necessarily attends such events, the UK Conservative Party leadership contest debate painted a particularly worrying picture. All the ‘bonfire of regulation’ narrative conveys the image of a radical departure to a buccaneering swashbuckling unbridled free market *winner takes all* model increasingly conflicting with the deliberately calibrated, albeit imperfect, EU social market. Several parallel concerns are also present, such as the potentially far-reaching implications of the repeal of the *Human Rights Act*. Apart from any other consideration, some of these issues run to the core base premise of the *Belfast/Good Friday Agreement*.

All this, together with the brinkmanship around the *Protocol*, runs the gauntlet of descent into an all-out trade war. Yet, from a regional perspective, the consequences are unthinkable against the background of globally spiralling inflation and the vicissitudes of the war in Ukraine.

Focusing domestically, revoking it would represent a seismic rupture with the past. Overnight we would be surrendered from being in the same economic bloc together (which pre-dated the EU for centuries) not only to the brief state of ‘separateness’ since Brexit but to one of outright commercial conflict. Moreover, the haunting spectre of the return of a land border on the island of Ireland would immediately crash into our lives front

and centre, and none of us requires instruction as to the deadly consequences.

Absence of social dialogue

The absence of structured social dialogue history in the UK does not assist the challenge facing effective civil society intervention. Indeed, it does not even have a type of Economic and Social Council of the type common in EU countries. The National Economic Development Council, established in 1962 (by a Conservative Government), known as *NEDDY*, was effectively neutered by Margaret Thatcher and abolished by John Major in 1992.

Incidentally, while Ireland does have a functioning National Economic and Social Council, a properly structured social dialogue was abandoned in 2009. Instead, it was scapegoated for the catastrophic economic collapse of 2008 (the worst in any developed country since the Wall Street crash of 1929), although it was not even near the crime scene. (A little-known entity which excludes most civil society organisations is the Labour Employer Economic Forum (LEEF), established in 2016.)

There are lessons to be drawn from the experience of ‘social partnership’, as it was known in the context of the issues discussed here. The process was spawned in 1987 in the depths of an earlier but purely domestically created severe economic crisis. Faced with the danger of mutually destructive class confrontation on the scale of 1980s Britain, which offered no absolute certainty as to the outcome, the leaders of the day opted for constructive dialogue as an alternative. Originally involving only the government, the employers, and the trade unions, ‘social partnership’ gradually expanded to embrace the social and economic spectrum by including the farming organisations, the community and voluntary pillar and the environmental network. As a result, it catalysed recovery and a dramatic economic transformation.

An indication of the scale of its success can be gleaned from a summary analysis of the numbers at work. Prior to separation from the UK in 1922, there were 1.2 million at work. It was 1992 before that figure was ever again recorded. Employment had increased by slightly more than 10% during the five years after the initiative’s launch. (In 1987, the ‘at work’ figure was 1,090,400 (Source: CSO 50th Anniversary Publication, *That was then, This is now.*)) Over the subsequent five years, in an admittedly benign international

economic environment, that figure increased by a phenomenal 33% to 1.6 million, unparalleled by any of our contemporaries in Europe, and achieved on an entirely sustainable basis. The numbers in employment continued to grow to 2.2 million in 2002 and 2.4 million by 2008. Those latter figures, however, were partially inflated by government policies that fuelled the credit-led property bubble.

Contrary to the way it was often depicted, particularly by its antagonists on the right (who resented even the image of any scintilla of influence for organised labour), ‘social partnership’ functioned only within the limits correctly imposed by the prerogative of the democratically elected legislature and the Executive on the choice of the direction of public policy. Regrettably, that choice drifted increasingly further in favour of a low tax, ‘leave it to the market’ light touch regulation course with the advent of the 21st century. In retrospect, it was at odds with the concept of ‘social partnership’ itself. It led to overheating and the bubble, which could not be deflated gradually towards a somewhat *soft landing* (even if attempting to do so was allowed) due to the ‘perfect storm’ of the global collapse, and the rest is history.

The public policy choice of unbridled free-marketism precluded resolution of ‘big ticket’ social issues, such as housing, health care, childcare, pension provision and, as time went on, even exploitation in the workplace. However, particularly during its first ten to twelve years and against the background of economic perdition, the process was key to resolving a range of seemingly intractable challenges. There was a sense of common objective (which dissipated in the latter years when it came to distributing the benefits of success) and collective ownership of problems. Conflicting interests did not disappear. They remained as acute as ever and were often bitterly contested. However, there was a certain thawing of the walls of sectional interest. Disputes continued to occur, but they were played out within the process and in the context of a larger whole. This facilitated the mediated intervention of collective experience, and innovative ‘win-wins’ were often formulated.

Eager to access the developing European single market, global corporate boardrooms recognised that Ireland’s unique social partnership offered the allure of long-term ‘stability’ – the essential ingredient of ‘confidence’- its key feature. The ‘invest in Ireland’ proposition was festooned with a dazzling array of ancillary *incentives* to seal the deal.

A possible route ahead?

The relevance of it all for this article is whether that kind of process or elements of it could offer a route ahead in the current context of the problems around the *Protocol* and other issues affecting North-South and East-West relationships as well as those of a broader regional context.

Notwithstanding the limitations of the TCA, it remains an unprecedented ‘no tariffs, no quota’ trade deal, traversing an area constituting the third and sixth largest economies in the world and the biggest consumer market. Moreover, it still offers the best possibility of optimising the prosperity and security of all the ‘peoples of Europe’. Developing its potential offers the best guarantee of keeping pace with the USA and China and enabling us to continue influencing the future direction of human history and preserving our core democratic values and fundamental rights.

It is therefore incumbent on organised civil society in every country across the entire region to assert the primacy of the public interest, insisting on rational common sense and reinforcing inter-societal relations and engagement across communities and between nationalities.

On the face of it, despite its imperfections, the unique ‘best of both worlds’ formula inherent in the *Ireland/Northern Ireland Protocol* presents immense potential for, in particular, Northern Ireland and the whole island thereafter. However, unless uncertainty is removed, the possibility of developing an offering bearing the character of ‘permanence’ (in terms of guaranteed ongoing access to both markets) will not be realised. Meanwhile, every day the ambiguity persists, and opportunities are being irrevocably missed in the context of global corporate decision-making on the deployment of internationally mobile investment.

The sheer complexity of the issue, or the implications for both sides of the equation, should not be underestimated. This is well illustrated in the House of Lords’ *follow-up report* on the *Protocol*, published on 27 July 2022. Incidentally, several of its recommendations are quite useful. For example, recommendation number 90 urges the parties to undertake a full joint impact assessment of the implications on the ground. Number 175 urges swift agreement on reconciling the two versions of the ‘lane’ approach for goods on each side.

Logic suggests that once installed, the new UK Prime Minister — who will be immediately challenged by unpropitious economic circumstances — will pragmatically opt to invest in finding a way of ‘squaring the circle’ and concluding an agreement. The EU should be equally motivated to achieve a workable compromise, given the alternative of recourse to the utterly destructive distraction of slipping into an all-out trade war, especially in the current global circumstances. However, the difficulties should not be underestimated. Moreover, in the absence of an early breakthrough, it will be increasingly difficult for the Prime Minister to resist activating the enabling provisions of the *Northern Ireland Protocol Bill* once it becomes law.

In the circumstances, is there a role for organised civil society other than that of concerned spectators? At the same time, one opportunity after another is bypassed, and things drift inexorably towards the potentially cataclysmic abyss of the reinstatement of the land border by default. Surely, the rich tapestry of business, farmers, the trade union movement and the extensive array of community, voluntary and cultural organisations which are focused on the immediate bread-and-butter realities of business prosperity, living standards and quality of life of their respective constituencies have more to offer in terms of assisting the crafting of a solution for the benefit of all? Could a platform be developed to assist its formulation through sponsoring high-quality, empirically unbiased research and interactive engagement between the various interests locally and with the respective governments and the EU Commission? Could a neutral space for thrashing out the issues be provided based on their intrinsic technical merits, free of the straitjacket of political affiliation? After all, it is the people on the ground and their descendants who will suffer the consequences when the caravan moves on.

Currently, there is no structured forum that transcends the spectrum of organised civil society in Northern Ireland to tackle the task. Moreover, neither has there been a forum in the Republic of Ireland since the social partnership abandonment thirteen years ago.

Presumably, business representatives talk to their contemporaries in other jurisdictions. The trade unions certainly do, as ICTU, which enjoys a close working relationship with the UK Trades Union Congress (TUC), is the coordinating body for the thirty-two counties. The farming organisations and one imagines other groups also engage regularly. However, there is no comprehensive, all-embracing forum to facilitate any organised civil society interface between the two jurisdictions on the island of Ireland or between Ireland and the mainland UK or the wider European region.

The genesis of an embryo

Interestingly, the genesis of such an embryo has emerged in the UK. In the form of The Civil Society Alliance, it describes itself as:

... a new project set up to empower civil society organisations from across the UK to scrutinise and influence constitutional, administrative and legal changes in the complex multidimensional regulatory landscape following the UK's withdrawal from the European Union (EU).

Currently managed by the Human Rights Consortium in Northern Ireland, it operates on limited start-up funding provided by The Legal Education Fund. Its aims are:

- Open and accountable lawmaking.
- A high standards UK.
- A strong civil society voice.

Some trade unions have affiliated with it. However, to embark on the kind of project envisaged here, the participation of the business organisations and ICTU would be essential. It would also require some additional funding.

Alternatively, a separate civil society initiative focused solely on the resolution of the *Protocol* impasse could be launched.

Apart from the absence of any structured civil society interface on the island, a major lacuna exists in terms of societal relations between the EU and the UK. Again, solid and healthy relationships exist through individual sectional affiliations into European umbrella bodies. Despite their critical importance and the unquestionable need to maintain and strengthen them, they are essentially reflections of our domestic sectional interest silos in many respects.

The EU-UK Follow-up Committee

This was one of the reasons for the establishment early last year of the EU-UK Follow-up Committee by the European Economic and Social Committee (EESC).

This body is comprised of four representatives from each of the three groups on the EESC: employers, workers, and the civil society organisations group.

The Committee's overarching objectives are the following:

- Building and fostering strong relations with key actors of the EU-UK relations, most importantly re-building bridges with UK civil society organisations, using outreach and strong communication.
- Liaising with the main EU institutions (European Commission, European Parliament, European Council) as well as with UK institutional actors (UK Mission in Brussels, Houses of Parliament, devolved administrations).
- Monitoring the implementation of the most relevant EU-UK agreements, notably the EU-UK Withdrawal Agreement and the *Ireland/Northern Ireland Protocol*.
- Monitoring other agreements and potential areas of cooperation.
- Monitoring any element of the new EU-UK relationship with particular importance for civil society.
- Centralising EESC feedback on relevant EU-UK issues.

The TCA, which includes minimal reference to civil society participation, does provide for Domestic Advisory Groups (DAGs) in both entities. The primary purpose of these bodies is to advise the principals on the full implementation of the *Agreement*. They, and a Civil Society Forum (CSF), have now been established. Uniquely, their remit extends over the entire *Agreement* as distinct from being restricted simply to trade and sustainable development, which is the case with all other EU trade agreements. The EESC administers the EU DAG, and the EU-UK Follow-up Committee works in parallel with it and in a complementary fashion.

We have developed a proposal to formulate an information report examining, two years in, the state of implementation of the EU-UK Withdrawal Agreement and *Ireland/Northern Ireland Protocol*. It is envisaged that it will be before the January 2023 Plenary Session of the EESC for consideration. Following adoption, it would be forwarded to the Commission, the Council, the European Parliament, the European External Action Service (EEAS), the member state governments and other stakeholders. It would also feed into the EU-UK dialogue. Later it could form the basis for an EESC 'own initiative' opinion to set policy in the medium term.

The proposition is due to be considered by the EESC Bureau on 20 September. If approved, we plan to embark on a mission to each UK nation's capital in the Autumn to meet directly with representatives of organised civil society and political leaders to gauge opinion and assess experience on the ground. We are heavily invested in conducting a thorough analysis and hope for a comprehensive and extensive engagement.

Deepening representative democracy

The conflict over the *Ireland/Northern Ireland Protocol* represents a diplomacy failure — of democratic engagement. The fact that it festers between two traditional liberal democratic allies who are 'partners' in a no tariffs, no quota, trade and cooperation agreement traversing the largest consumer market on the planet reflects the broader problem affecting democracy globally.

Given the awful consequences from every perspective of allowing the row to pivot over the edge, organised civil society must strive to influence a constructive outcome. Doing so requires intervention beyond mere silo-oriented individual interest group lobbying. Intervening as a united, collective voice equipped with expertly honed compromise proposals for workable solutions would multiply our impact. The same principle applies to an entire range of issues in the medium term, including accomplishing a just transition in responding to the existential challenge of climate change.

The need for developing coherent forums to coordinate and optimise the impact of organised civil society interventions on critical issues applies equally in all the jurisdictions constituting the North-South and East-West paradigm. All of us share the common characteristic of the absence of a developed structured social dialogue, much less social partnership. The concept advocated here would not overcome the deficit but would enhance the impact of organised civil society. It would also provide a solid platform for North-South and East-West interfaces. These constructs should share a similar orientation to that of the very worthy Shared Island unit, conscious of promoting 'good neighbourliness' for the practical benefit of all and in a manner which would not offend either side of the 'constitutional question' chasm but without precluding debate. The concept would also serve as a vehicle to facilitate engagement with organised civil society parallels in Europe, such as the EESC. In the fullness of time, progressive governments might be convinced to take it further and participate.

Even more importantly, developing a tool to optimise the impact of organised civil society in furtherance of practical issues affecting people's lives would also serve to deepen and strengthen representative democracy, notably in our region during a period when it is under serious threat globally.