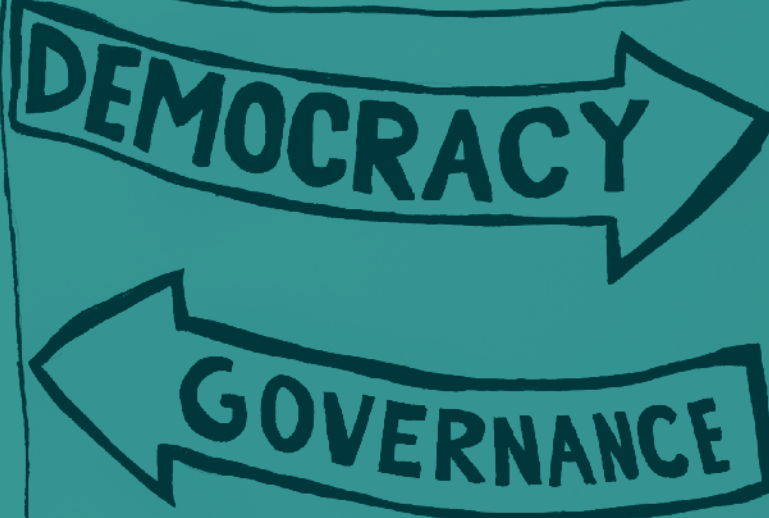


A GLOBAL POST- DEMOCRATIC ORDER

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DEMOCRACY

GOVERNANCE



Summary

In the era of globalisation, the steady removal of decision-making from democratic chambers by EU elites is serving as a blueprint for post-democratic governance around the world. Progressives must be ambitious and start putting forward ideas for a democratic world government as a viable alternative.

ILLUSTRATION NOTE

In 1999 during the World Trade Organization summit held in Seattle, activists scaled a crane and with one banner showing two opposing arrows (one democracy and one WTO) unveiled the beginnings of a global shift to post-democracy. We need global responses to global crises but what would a progressive proposal for global governance look like?

After the Greek debacle and the taming of the radical left government of Alexis Tsipras's Syriza by the European Union, the debate over the undemocratic nature of the EU and whether there is any potential for progressive reform has now spread across the bloc.

There are, broadly, two main and sharply divided positions on the left in Europe. The first is that, however deplorable the brutalising of Greek democracy by the Troika, this is merely a reflection of the weakness of the left in each of the EU's 28 member states. As a result, the centre-right controls all three main institutions of the EU. If the left were at the helm in more countries and thus in the EU institutions, things would be different. One version of this argument holds that the structures of the EU are not at fault, or at least can be reformed; it is the Eurozone that is responsible for the disaster. Look at all the tremendous environmental, health and safety, and human rights protections that the EU has passed, they argue. Europe must be reformed, of course, but exit or disintegration would be cataclysmic. Such progressives tend to see themselves as internationalists and cosmopolitans and add as a warning that a retreat from the EU would only open the door further to nationalism and the far right.

The British Green MP and former member of the European Parliament (MEP) Caroline Lucas encapsulated this position well early in 2015 when she warned against British progressives adopting a stance in favour of exit, commonly called 'Brexit', from the bloc: "It's easy to blame the EU when free-market economics tramples across our continent's welfare states, but it's governments like our own who have overseen the EU becoming a byword for greater liberalisation, deregulation and privatisation", she said. "The left lost the last election in Britain —giving Tories a seat at the top table in Europe. Perhaps we'd be better off reflecting on our own failings to successfully inspire hope and unity, rather than kicking out at the EU."¹

Advocates of the 'reform' position add that once outside the EU, markets would hardly be any less vicious towards and disruptive of a country's democracy than the Troika. They are not wrong on this last point.

The second position holds that the Greek debacle is merely the latest episode in a long line of breaches of democratic norms and that the EU is structurally undemocratic and unreformable. As a result, rupture with the EU and retreat to the nation-state is the order of the day.

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The partisans of this position also claim to be internationalists, but for the most part understand the word as meaning solidarity between nations rather than a transcendence of the nation-state. The banners dropped from the Acropolis that read “Peoples of Europe, rise up!” are emblematic of this position. For them, there are only the plural peoples of Europe, not a singular people of Europe. For them, there is no European demos. They cannot imagine one. They do not want one.

Advocates of the ‘rupture’ position also point out that the existence of the EU has hardly prevented the growth of nationalism and the far right. They too are not wrong on this last point.

Both positions, however, ignore the key issue at stake: in the era of globalisation, the steady removal of decision-making from democratic chambers by EU elites is serving as a blueprint for post-democratic governance around the world, at the global, continental, national, and even local level. The rallying cry should go beyond reform (however welcome this might be) or rupture (however necessary this might be), and take up once again the demand of Spanish anti-austerity protesters in 2011, of Real Democracy Now—at all levels throughout society, both within and beyond the nation-state.

Post-democracy in the EU

First, I want to take apart the idea that the EU only reflects national politics and that it’s the Eurozone that’s the problem. This has things the wrong way round. The problems of the Eurozone flow from an underlying undemocratic structure. A single currency in a genuinely

democratic Europe with cash transfers from rich to poor regions would not cause fiscal imbalances. Focusing on the Eurozone alone is mistaking the symptom for the cause.

The reality is that post-democratic structures that govern the Eurozone also exist across the EU and precede the introduction of the euro. The European Commission is unelected. The members of the Council of Ministers and its top-level incarnation, the European Council, are only indirectly elected and craft laws in secrecy with neither press nor public allowed to witness their proceedings. On a day-to-day basis, those legislating in the Council are not even national ministers, but the haggling diplomats of the Committee of Permanent Representatives (or 'Coreper') and its dozens of subcommittees and working groups who all, again, operate in secret away from the scrutiny of voters.

National parliamentary or congressional committees generally operate in public, with the rare exception of those bodies overseeing the various departments dedicated to foreign espionage, domestic surveillance and war strategy. In other words, the sort of confidential and concealed statecraft historically reserved for the supervision of spies, assassins, chemical and nuclear weapons research, arms procurement, bio-safety and treaty-making with enemy states is now the quotidian norm for European law-making covering agricultural subsidies, regulation of industry and finance, and, above all, labour markets and social programmes.

The president of the European Council—regularly styled European President—is likewise unelected, but selected behind closed doors after hours of horse-trading by the heads of state and government, rather like a secular pope. The sole directly elected institution of the EU legislative sausage factory, the European Parliament, has no right of legislative initiative—that is to say, it cannot propose and pass laws; it can only amend what the Commission and Council send to it for approval. These powers are not nothing, and corporate and NGO lobbyists are as attracted

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to the parliament's twin seats in Brussels and Strasbourg as they are to the US Congress in Washington, but being restricted in this way makes it like no other parliament in the democratic world. MEPs are not the representatives of a sovereign European people, but fart-catchers to the grand functionaries of EU technocracy.

If voters disagree with the policies of this European 'government', there is no way to vote them out, no general election that can 'get rid of the bastards'. Yet if this European government disagrees with the preferences of voters in national elections or consultative processes, it habitually bullies national leaders into annulling the results of elections, referenda or plebiscites that go the 'wrong' way. Irish voters were told they had to vote a second time after they rejected the Nice Treaty, as they were again after they voted down the Lisbon Treaty. And the Lisbon Treaty itself was simply the European Constitution under a different name after it had been rejected by French and Dutch voters in 2005.

Similarly, the drive to remove fiscal policy (and indeed any policy) from the realm of contestatory parliamentary debate and place such policy in the hands of supposed economic 'experts', bureaucrats, diplomats and European Court of Justice judges exists across the EU structures, not merely in the Eurozone. All 28 member states are subject to the neoliberal Stability and Growth Pact that entered into force in 1998 and enforces "fiscal discipline". And since the Eurozone crisis, the EU as a whole, not merely the states within the single currency, have sought and achieved even deeper fiscal policy integration.

Under the European Semester system introduced in 2011 in which domestic fiscal policies are vetted by the EU, all member states—not only those in the Eurozone—must submit their economic plans to Brussels. There are slightly different rules for those who do not use the euro, but these are largely cosmetic. And the severe tightening of economic rules that occurred under 2012's Fiscal Compact, with its stricter supervision and penalties, likewise covers all but three of the non-Eurozone states as well. The Eurozone just gets two extra bits of anti-democratic venality: the unelected monetary lords of the European Central Bank, and the

Eurogroup, a body that does not formally exist in law but is among the most powerful entities in the European system.

In truth, one should not speak of the EU and the Eurozone as two distinct but overlapping entities, but rather of an EU in which there is a spectrum of post-democratic fiscal and monetary integration. There are four different categories of party to the Fiscal Compact, for example: Eurozone members, non-Eurozone members, non-Eurozone members that are bound by the fiscal but not economic-coordination provisions, and non-Eurozone members that are neither bound by the fiscal nor

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economic-coordination provisions. The three member states (Croatia, the Czech Republic and the UK) outside the Compact are expected to join at some point in the future, with ongoing pressure to convince them to do so.

These are not merely bad policies that in principle could be undone in the future; they are treaties and treaty-like instruments that transform the very structures of the European

state in such a way that permits neoliberalism to be ratcheted up. This is because these contracts between states trump democracy under the legal principle *Pacta sunt servanda* (agreements must be kept). "Every new government needs to fulfil the contractual agreements of its predecessors", as German finance minister Wolfgang Schäuble put it after Syriza's election victory in January 2015, "Elections change nothing". European Commission President Jean-Claude Juncker said at the same time: "There can be no democratic choice against the European treaties".

Elections without accountability

Defenders of EU's current structures regularly point to the Council of Ministers/European Council as supposed evidence of its democratic mandate, because ministers and prime ministers or presidents are at least elected in their own countries. Indeed, there is a category of apologist for Angela Merkel and Wolfgang Schäuble who argue that Greek democracy should not trump German democracy, in order to

defend the way that Syriza's electoral mandate was blatantly ignored. But in fact, the Council is the heart of the problem. The Council operates as a senate-like legislative chamber, yet there are no elections to this body. It is as if you were permitted to vote for your local MP, but there were never any general elections.

Why is this such a big problem, though, and why does it result in all these other undemocratic outcomes?

General elections to legislatures, and not merely local elections or an endless series of by-elections, are a primary requirement of a democracy for two reasons. First, voters need a regular chance to 'overthrow' their rulers, not merely their local representative. In a general election, if the elected local candidate is not a member of the party or coalition of parties that wins nationally, local voters may grumble, but they accept that the majority rules, and will now just have to work over the next five years to convince everyone else that they were wrong. This is not possible in the EU. Instead, the newly elected members have no choice but to adapt themselves to the pre-formed consensus.

Second, the parties seeking office need to have a material interest in appealing to every part of the country—or in this case, every part of the Union. Contrast those politicians standing for election in the USA, where both main parties have an interest in appealing to voters in all states, with those German politicians (or diplomats) who sit in the Council, who do not make any appeals to voters in Greece. It simply does not matter to German politicians what happens in Greece, because Greek voters do not vote for them.

These two phenomena are sides of a single coin: accountability, which is the bedrock of representative government. Accountability is not some 'bourgeois concern' or object of fascination to liberal constitutional experts alone and of little interest to progressives or radicals. As governance structures become steadily cut off from democratic restraint, they become much more open to elite capture. Without popular checks on power, citizens begin to feel that there is no way to change who governs them.

The general election offers such a check, permitting the people a regular chance to achieve 'peaceful revolution', if you will. If the opportunity for peaceful revolution is denied, then violent revolution once again becomes the only way to topple our rulers.

Global post-democracy

Even Pascal Lamy, former head of the World Trade Organization (WTO) and ex-European trade commissioner, recognises this conundrum, not just with the EU but with the full host of transnational governance structures that have emerged in recent decades. He notes a distinction between the primary democratic legitimacy of elections to legislatures and 'secondary legitimacy' of these new bodies.

The legitimacy of international organisations remains intrinsically Westphalian. It is based on state democracy, and only provides for what I call 'secondary legitimacy'—as opposed to the 'primary legitimacy' conferred by the direct participation of citizens. The specific challenge of legitimacy in global governance is to deal with the perceived too-distant, non-accountable and non-directly challengeable decision-making at the international level.²

Alongside Lamy's concept of secondary legitimacy, we can add Polish sociologist Zygmunt Bauman's concept of a 'crisis of agency' in international relations to describe the current impasse: "The wedding between power and politics that was signed in Westphalia has been annulled. While politics (the ability to decide which things ought to be done) is confined to the level of the nation-state, power (the ability to get things done) has shifted to a supra-national level. This has resulted in a crisis of agency: States are entangled in international networks and lose their sovereignty, while global markets are cut off from any guidance and supervision", he says. "Closing the gap between the scope of interdependence and the reach of institutions called to service it is the most important challenge of our time."³

Such post-democratic international governance structures—electionless intergovernmentalism—are popping up like weeds today in almost

every possible policy area, from the International Monetary Fund (IMF), the UN Security Council and G7, to the WTO and the Transatlantic Trade and Investment Partnership (TTIP), to the United Nations Framework Convention on Climate Change (UNFCCC), the Intergovernmental Platform on Biodiversity and Ecosystem Services, and even the International Whaling Commission. We are living in the era of construction of an architecture of global governance—which is certainly necessary given the global problems we face—but in the absence of, or more often antipathy towards, global democracy.

What way forward in a post-democratic order?

The EU is the most highly developed of all these bodies suffering from the problem of secondary legitimacy. And as we have seen, the EU, not just the Eurozone, is an affront to parliamentary democratic norms that the left has fought to establish, defend and advance for more than two centuries. Its structures are not reformable; indeed the very structures work to inoculate themselves against progressive reform. If reform is impossible, then overthrow is required. As with the American colonists in 1776, who went from a position of petitioning the king to ridding themselves of him, we must realise that a divorce is necessary. Steps along this line in the case of Greece mean Grexit, and in the UK, Brexit.

Nevertheless, progressives are somewhat stuck. In times of growth, social democratic governments share out the spoils more fairly than do right-wing governments. In times of crisis or stagnation, they share out the pain more fairly. Social democratic parties never ask why there is crisis or stagnation in the first place, for this would require a systemic and extra-national critique, a critique that has been deemed beyond the pale for the last 25 years. Yet at the same time, they understand that they cannot fulfil their historic promise.

In a globalised economy, the type of social democracy that characterised the 1940–1970 period is no longer possible, even in large economies. Capital flight and economic sabotage will quickly tame a left-wing government. We have known this since the early 1980s and the defeat

of Mitterrand's 'Common Programme', the last gasp of post-war high-Keynesianism: a raft of grand public works, a significant increase in social spending, industrial and banking nationalisations, reduction in working hours, increase in paid holiday, retirement at 60, and a solidarity tax on wealth. In very large economies such as the USA, China, or Europe, a traditional social democratic programme may still be viable, able to withstand the slings and arrows of global markets, but we do not know for sure.

The Greek debacle provides evidence that, in a globalised economy, even left-of-social-democracy governments such as Syriza must capitulate. This would be true for a Podemos government in Spain or a Jeremy Corbyn-led government in the UK. And this insurmountable barrier is present also for the extra-parliamentary left; community solidarity efforts are necessary, but they cannot afford to purchase medicines manufactured elsewhere, to give just one example of the concrete limitations of street politics. For Greece, to imagine that outside the Eurozone, markets would be any friendlier than EU structures is a delusion. Catastrophe is assured whether in or outside the euro, whether in or outside the EU. Former Greek finance minister Yanis Varoufakis was absolutely correct to warn of the dangers of Grexit, even as he recognised that at a certain point it may be the only remaining option.

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How, then, are these two facts reconcilable: that nation-based politics is impotent and yet that there must be rupture with the unreformable EU? It can only follow that there is no use for nation-based politics any more, even of the form of a Syriza or its equivalents elsewhere in Europe, and that over the medium term European parties to the left of social democracy both in and outside the EU must fuse into a single, extra-national party with a common programme: a democratic and social United States of Europe, built afresh from the ground up.

There is no parliamentary forum through which this could be implemented.

The European Parliament, as argued above, has no powers of legislative initiative. The lack of general elections to the Council likewise precludes this body as a venue for reform. It can be achieved only through a decisive pan-European victory of social forces.

Going global

And we must extend this argument with respect to the emerging network of intergovernmental global governance structures.

The primary argument of campaigners against the TTIP agreement between Europe and the USA, and its 'little brother', the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada, is not that they will work to undermine safety regulations, workers' rights, environmental protection and food standards, although they will indeed do all of that. The argument is that the agreements are a threat to democracy via the inclusion of Investor State Dispute Settlement (ISDS) language like that of Chapter 11 of NAFTA and many other trade deals that in effect establish an extra-national legal system that permits corporations to sue governments if they believe domestic legislation will limit the profits they expected to make. In a recent example of the phenomenon, the Veolia group, a French water services multinational, is currently suing the Egyptian government over a rise in the minimum wage, employing the ISDS language in an investment treaty between France and Egypt in order to do so. The affront here is not the possibility of a reduction in the minimum wage, but that unelected trade tribunal judges, using the provisions of a treaty, have the capacity to overturn democratically enacted legislation.

And here is where we must pause and consider once again the arguments of those who defend the EU out of support for what some consider to be its progressive environmental, health and safety and human rights protections. If the *overturning* of democratically approved legislation is to be opposed, then what is essentially the same thing, the undemocratic *imposition* of legislation, must also be opposed. If something is undemocratic, then it is undemocratic whether we like its results or not.

So when many environmental activists were calling for the outcome of the negotiations of the parties to the UNFCCC held in Paris in December 2015, to be legally binding so that countries would be forced to enact stringent greenhouse-gas mitigation activities (presumably through the imposition of fines upon delinquent states) it may have been understandable why they wanted such a stick. Climate change of course poses a grave threat to our way of life. But in calling for such post-democratic sanction, they are no different from the European Central Bank when it toppled Silvio Berlusconi in 2011. Berlusconi is a villain of the first order, but it was for Italian voters, not unelected bankers, to get rid of him.

Yet climate change, no less than the European economy, and many other policy areas besides, from trade to the internet, to biodiversity, to antibiotic resistance to preventing collisions by near-Earth asteroids, are phenomena that cross many borders. There is a slew of treaties, organisations and agencies that form the scaffolding of the emerging global governance structure regulating and superintending everything from nuclear weapons to the fishing of halibut, and all of them embody electionless intergovernmentalism. The 2007–08 financial crisis saw various iterations of the 'G's, the G7, G8, and G20, and a host of other Groups, Committees and Clubs both formal and informal, attempt to steer the global economy away from the rocks.

And these subjects do need to be governed by legislation. How, then, are we to decide what to do, what policies to adopt, across borders but in a democratic fashion?

There are many who will argue that because of the vital necessity of cross-border governance of these subjects, we have no choice but to accept these post-democratic structures for the time being. There are others who will demand they be torn down precisely because of their post-democratic nature. This binary is the global equivalent of the divergence between those who call for reform of the EU and rupture with the EU.

Here too, as with the call for an overthrow of the EU in order to construct a United States of Europe, we must begin to open ourselves up to grand ambitions. The network of post-democratic intergovernmental structures must be replaced with true global democracy. Elites recognise that there

are many areas beyond the nation-state that need to be governed, but they are loath to subject such decision-making to the democratic process for fear that the people might *vote the wrong way*. It is one thing for the

right to lose a national election; it's another thing entirely for the right to lose the whole world.

The network of post-democratic intergovernmental structures must be replaced with true global democracy.

So progressives must begin to match the scale of their ambition, by putting forward ideas for a democratic world *government* to replace post-democratic world *governance*. By definition, it cannot be imposed from above, but must be won from below. The left has for decades, perhaps hundreds of years, argued that one

day, global democracy would be achieved, but until now this has always been something for the far-off future, an abstract dream, a wistful singing of *The Internationale*.

But it is not abstract any more. It's happening. Now is the time to begin discussing what global democracy would look like concretely and to start to build it.

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This essay involved a reworking and extension of arguments made elsewhere, including in Red Pepper magazine, the Statewatch journal and the EUobserver online newspaper.

Endnotes

1. Available at: <http://www.theguardian.com/commentisfree/2015/jul/16/greece-progressive-reform-europe-david-cameron>
2. Speech to the European University Institute in Florence, 19 January 2011, available at: https://www.wto.org/english/news_e/sppl_e/sppl187_e.htm
3. Lecture to the Van Leer Jerusalem Institute, 20 February 2013, available at: <https://www.youtube.com/watch?v=9l4tUtubtqU>