

British Democracy on Death Row

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It's all over the internet – you must have read about it by now. It's all about Page 48 – and it is here that democracy dies in Britain. It was in the Conservative Manifesto. But the country voted for it – so that's OK then. No need to make a thing of it in the mainstream media then.

Boris Johnson has declared this government to be a 'people's government' as if somehow parliament was an enemy of the state. Unable to think of his own words – the prime minister quoted Margeret Thatcher's idol Ronald Reagan as he addressed his new cabinet for the first time since the general election. Johnson told his ministers: *'We should have absolutely no embarrassment about saying we are a people's government, this is a people's cabinet, and we are going to be working on delivering the priorities of the British people. And that's what they want us to do.'*

The 'people's government' he refers to is a government soon to be digging away at the foundations of our democracy.

Boris Johnson then announced that he will amend the Brexit Bill to outlaw any extension beyond the end of 2020. The markets took the news badly and Sterling lost all of its gains since the announcement was made that Boris Johnson had won the election. One wonders if Johnson's hedge-fund backers were tipped off in advance.

During the election campaign, there was little in the way of scrutiny by the mainstream media (and by that I mean none) during the election campaign, about the protection of parliamentary democracy. One sentence on Page 48 of the Conservative Manifesto said it all. "After Brexit, we also need to look at the broader aspects of our constitution: the relationship between the government, parliament and the courts."

These words – just two dozen are the most sinister to have emerged from this campaign. Boris Johnson and Dominic Cummings were not at all happy when MPs stood up to the PM in parliament and prevented him from carrying out what he arrogantly wanted, and he was similarly antagonistic towards the senior judges who declared that his proroguing of parliament was not legal. And Johnson is soon to take vengeance for such affrontery.

He will not just take steps to reduce the powers of MPs and therefore increase his own – but will take action to reduce the power of Supreme Court judges so that similar situations cannot occur in the future.

Also on buried on Page 48 – a single mention of the party's pledge to "update" the 1998 Human Rights Act, which brings the European Convention on Human Rights (ECHR) into domestic law. You won't be surprised to know that it doesn't actually specify what this update is made up of, or when it will happen. The language is deliberately vague, indicating

that the update will “ensure that there is a proper balance between the rights of individuals, our vital national security and effective government.” This is not a pledge designed to draw the attention of scrutiny. Again, the mainstream media completely passed on it as if it meant nothing. It means that the state will legislate in favour of itself and disadvantage the nation in prejudice.

The HRA passed with overwhelming cross-party support in 1998. Yes – the Conservatives overwhelmingly backed it then. And why wouldn’t they – the ECHR itself was crafted by Winston Churchill and Conservative lawyer David Maxwell-Fyfe.

“The word ‘update’ is interesting,” said Shreya Atrey, Associate Professor in International Human Rights Law at Oxford. “They are really relying on not being clear so that later they can do what they want. We can say that repeal is off the table. That is a good thing, and we should hold them to account, dare they cross that line. But given their past record, we can say that they mean to ‘weaken’ the commitments that we have to the ECHR.”

Nadia O’Mara, policy and campaigns officer at Liberty, an advocacy group, also warned that although an “update” “might sound innocuous, even progressive, given the Conservatives *“history of trying to ‘scrap’ the HRA, it could lead to something far more sinister.”*

“While the manifesto pledge is scant on detail, recent Conservative announcements suggest the proposal is likely to be aimed at when and where those rights can be enjoyed and who can be held to account for their violation,” she said.

We shouldn’t forget that Boris Johnson’s Brexit deal has new executive powers baked into it giving executive authority not seen in Britain for 400 years aside of World Wars. It’s all very Trump-like. The difference is that America – for all its failings has a constitution to protect the people from state overreach.

In the end, whatever the eventual form of the HRA, the systematic attacks on it and on democracy itself are symptomatic of a troubling trend and trajectory in Britain: these are populist attempts to undermine the perceived legitimacy of the rule of law. And as we have seen, it has become the norm to attack supreme court judges, backed up by the right-wing press who use inflammatory language such as “enemies of the people.” This has now morphed into “we are the people’s government” and somehow that’s OK. Britain’s institutions – those organisations that uphold civil society are to be taken apart piecemeal.

Democracy is now being threatened by the loose language of a manifesto that proves that the gentleman’s agreement of Britain’s unwritten constitution means nothing in the 21st century. Democracy is on death row and the government intends to be its judge, jury and then executioner. We’re facing an alliance of the mainstream right and the far right: what the philosopher Hannah Arendt called “the alliance of the elite and the mob”.

It’s not just me saying this, look at the comments coming thick and fast now that Johnson’s government is playing fast and loose with our democratic principles.

Josiah Mortimer – [Electoral Reform Society](#): *“Westminster’s voting system is not just bust. It’s bankrupt, decrepit, discredited. Trust in politics is at rock bottom. It’s no wonder why.”*

Rafael Behr – [Prospect](#): *“For onlookers, it (parliament) has been an impenetrable struggle,*

with arcane procedures and ancient ceremonial powers revived and weaponised. The whole spectacle has raised doubts about the relevance and fitness of parliament as the host venue for British democracy."

Mary Fitzgerald – [openDemocracy](#): *"This year we've also won court cases to force transparency from the government – and seen off countless legal threats from bullies armed with expensive lawyers."*

Willie Sullivan – [politics.co.uk](#): *"It's time for an overhaul to sort out this political stitch-up – we need a fairly elected second chamber to replace this archaic boys club we have now."*

Naomi Smith – CEO [Best for Britain](#) campaign, there are *"We must be hyper-vigilant to any chipping away of the checks and balances that keep our democracy functioning. We have already seen that Johnson is prepared to bend the law to his will – further subversion by stealth cannot be allowed."*

Green Party MP Caroline Lucas warned: *"Judicial independence is critical to our democracy. The prime minister has already fallen foul of the Supreme Court. So I find his proposed constitution, democracy and rights commission very worrying. There must be no attack on our judiciary."*

Outgoing Supreme Court president [Lady Hale](#) – who famously ruled against Mr Johnson's five-week prorogation of parliament – used her retirement speech last week to warn Mr Johnson against political appointment of senior judges in another distortion of Britain democracy. *"Judges have not been appointed for party political reasons in this country since at least the Second World War, we do not want to turn into the Supreme Court of the United States – whether in powers or in process of appointment."*

More democratic principles are being immediately challenged. Forcing new Voter ID requirements is just one of them. Electoral boundary changes will soon be another. Postal voting will be reformed with re-registration required every 36 months, and then there's the Brexit Withdrawal Bill, which will substantially erode and diminish Britain's democracy. Over 2020, we will see hundreds of years of democratic stability undone and many warnings of political overreach as civil society becomes the target of this governments disdain for the rule of law.

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