

5. The Most Unfree (DEMOCRACY)

- Tilly** Okay. You are -
- Amy** Amy
- Dave** Dave
- Tilly** And we know each other and today I wanted you to come in because I wanted you to talk about that night at the working men's club.
- Dave** Right, Okay. Yeah. That was my fault. Mm-hmm...so, basically I'd heard about this eco art night, um, from the grapevine and I decided to invite these two to come along.
- Tilly** I mean, we were relatively like new friends, right?
- Amy** Very new friends. Yeah. I think it was like maybe four weeks after we met. I didn't really know what to expect to be honest.
- Tilly** No, I was expecting a club night -
- Dave** No, same. Um, and it was weird. You'd walk around this venue and instead of it being like a club setup, it had some background music, but there was a lot of performance art pieces dotted around the venue.
- Amy** Um, yeah, my, my favourite I think was when we were sitting on the floor cross legged like primary school children watching a man make out with an aloe vera planet
- Tilly** For a long time.
- Dave** Oh. And he was like really sucking it.
- Amy** Slightly unnerving.
- Tilly** So, and then, but then the, the main event was obviously upstairs. Yes. Um, which

wasn't at all like a club, it was more like a gig venue, right?

Dave Yeah, there was a stage and at one point these four people came on stage. So there were these two kind-of, I guess they're meant to be goddesses? Sort of like representations of um, nature.

Tilly I remember them as like sexy woodland nymphs kind of covering glitter, like very wings.

Dave Yeah. And then they both had, they were both holding leads. And on the end of leads were these two men with gimp masks and dressed in suits. Mm-hmm. Crawling on all fours. They had, a lead and on the lead were um, two men in suits with gimp masks on and they were sort of crawling on all fours.

Amy Let's be clear, black leather gimp masks.

Dave So they were, so these goddesses' represented nature and they were asking the audience members to come up on stage and get revenge on the corporate world -

Amy To shame them.

Dave What? Corporate pigs?

Tilly Corporate Pigs

Dave Invite people to come on stage, shame them for their corporate greed, like degrade them.

Tilly Yeah. And so, we basically what they did, it was just a great premise, but unfortunately when they passed the microphone round, uh -

Amy It was a little awkward at first...

Tilly It was just awkward!. I think that was, it was definitely it awkward. So, they would get the microphone and someone who would be like, initially kind of enthusiastic would quite quickly dry up -

Amy They would clam up.

Dave They'd get people to come on stage and then they'd be like, You're so evil. You are so, uh, bad -

Tilly Then they kind of, to begin with what seemed like struck gold with this one guy who really found his rhythm, shall we say?

Dave Yeah. He was not happy.

Tilly No. So, he kind of got the microphone and he started like, it wasn't awkward. He found a lot to say. He got the crowd really going....But then, then it kind of just kept escalating and he told this really sad story.

Amy Yeah. It took quite a dark turn, didn't it? He said about his dad getting sort of asbestos poisoning.

Tilly So he got up on stageand as he got up on stage, you saw the corporate pigs starting to like look a little bit nervous and, and kind of trying to like shuffle

Amy Shuffle [both laugh]. Their eyes darting beneath black leather masks,

Tilly Shuffling like slightly away, moving towards them. And he really was into the art. And he started trying to get physically violent.

Dave He then started trying to actually kick them. Yeah. And the two people playing the woodland nymphs had to get in the way. Yeah. And say you can't, you can't touch them.

Tilly 'Sorry, you can't actually like, attack, um, these, these gimps' [Amy: actors]. And um, so they tried to get in the way and it got, there was a little bit of a scuffle and the pig started kind of trying to crawl away -

Dave He got escorted off the stage. I think they were trying to find a way to close the piece cuz it suddenly became very tense and uncomfortable.

Amy Yeah, and they did the best thing that they could possibly have done: make out

on stage in front of everyone.

Dave I remember that because at first everyone was like, woo, like cheering like super into it. But it just didn't stop. So they're just making out for like an uncomfortably long period of time

Amy I think that might have been when we made our exit also because it really did become a little unbearable.

Dave We then just left and got bagels from Brick Lane.

Tilly Yeah. Went home and had a cup of tea, I think?

Amy It was a perfect way to round off It was extraordinary evening.

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Tilly It just felt kind of, I mean we obviously care about, I mean we were doing this full time, we care about this stuff -

Amy We care about this, we all work in it now -

Dave Yeah in the sector. But I think I just turned up and /felt out of place

Amy Yeah. I think most people, if they went along to that, consider everyone there to be an absolute basket case because honest -

Dave Can you say that?

Amy I think basket case is nice way of putting it!

Tilly It felt ridiculous, right?

Amy Right. It was odd.

Tilly It was...it did feel ridiculous.

Amy Hundred percent. It's not hippie dippy. Yeah. Like quite eco. Eco. All the things

that the environmental movement gets criticized for -

Dave Yeah, 'Tofu eating wokerarti'.

So, yeah - that was the Eco-Art night at Bethnal Green "Working Men's Club". It might be an extreme example, the environmental movement *isn't* all "woodland nymphs and kink-anticapitalist performance" but, *still*...there was something about that evening that felt indicative of its worst traits: painfully earnest, deliberately, unashamedly niche. Like Amy said, most people would walk in there and think 'they're basket-cases'. It's preaching to the converted, and even the converted are confused. And...all that cringey pantomime stuff, with the heavy-handed metaphors of the 'evil corporate pigs'... it's almost like they were doing a *parody* of a hippy eco-art night.

I mean, "people power vs. corporate greed?" It's all a bit *clichéd*.

But...that's the *thing* about clichés. They're always the victim of their own success. They try to neatly encapsulate the truth, but they do it *so* neatly that they get overused. They have a logical core, but after a while, we overlook it. And before you know it, you can say it over and over again, but you can't even see how true they are anymore.

And that's a problem.

Series Intro

My name is Tilly Robinson and you're listening to The Water We Swim In. A 7-part mini-series that explores what system-change really means. Each episode investigates a story that helps us understand the way our society's been designed, so we can see the invisible forces leading us towards the climate crisis...because in order to know where you're going, you first need to know where you *stand* and how you got there.

Last week, we looked at the fact that the public is losing the commons to privatisation, and the ideology behind it. Today, we're talking about what would happen if we tried to change things - and what this says about the state of our democratic rights.

Also: hippies, a surprisingly intriguing court case and a plan gone awry.

PART 1: AN INCONVENIENT DEMOCRACY

Extinction Rebellion, or XR.

Drumming comes in, which plays over LINKs.

You'll have heard of them - I have no doubt - they kind of dominate the imagination when you think about the environmental movement. And how could they not? They're the first global grassroots movement to achieve the kind of disruption they did.

Protestor It's for everybody's future. If we don't fight now, we won't have a future.

In April 2019 they occupied five major sites in central London, grinding it to a halt. They used civil disobedience tactics to disrupt, on a scale that had never been done before, or at least, not in the environmental movement - over 1,000 people were arrested. It *forced* eyes on them and the cause they were protesting for: action on climate change.

Chanting *Power (Power!)! People (People)! Power (Power)! People (People)! Power to the people (Power to the people)! People gather power (people gather power!)*

It ultimately led to the UK Government declaring a climate emergency in parliament. But, it also led to a *reputation*. To some of the people forced to pay attention, people who had walked *around* the protest, or people turning on their TV and watching clips on the news, they were distracted from the demands by who was making them. *Song 0.03*

Because, if we're being honest, XR do kind of look like a bunch of *hippies* [pause] yo-yoing in between having fun and being hysterical. I mean, to the untrained eye, or just any eye it looks like a was a lot of; white dreadlocks, hareem pants, tatty leggings, the smell of weed in the air.

Singing *Mother nature please forgive us what we've done!*

In this clip a busker is singing about "mother nature" whilst a few protestors dance with abandon in front of him, eyes closed, twirling their arms in the air and hopping from one foot to the other. Activists that have hit the news for their protesting antics are called things like 'Swampy', 'Lazer' and 'Jelly Tot' (which are actual names).

Obviously though, the main problem isn't their names or their look...it's their *rhetoric*...

'Good Morning Britain' Theme plays

Good Morning Britain. They often have environmental protestors on for interviews. It's pretty much the same set-up, repeated: protestor wants to raise awareness on issue, TV presenter wants to debate their tactics and popularity. They clash. It can be frustrating to watch, especially if you're on board with what they're protesting for, but you feel like they're not doing a great job at representing for it.

Ed Balls Just Stop Oil Protestors have been criticised for risking not only their lives but the lives of the Formula One drivers after storming the track during the British Grand Prix yesterday.

When you think of the great protest movements and the civil disobedience in the last hundred years...I mean, what do you learn from their campaigns?

James Well, as you, as you will well know, they all took disruptive action. Like we wouldn't be in the place that we are in society if those groups hadn't taken the action that they took what your audience need to understand. But -

Ed Balls The other thing was that they actually were quite clever at getting public opinion on their side. And I wonder how that's showing...

James Well that's patently not true Ed, is it, these groups were some of the most unpopular groups of their time. What your audience needs to understand is that we're being systematically lied to! The government has no intention of dealing with this crisis. They are under the behest of big business and corporate interests and corporate media like yourselves, uh, are, are also, uh, complicit with this!!

Ed Balls Okay.

This protestor is called James, listen to how he comes across. He's not answering the question, he's telling *us* what we need to understand, and, becoming *upset*.

James Do you understand the consequences of what happens when we burn that oil? Like, this is not some hypothetical. It's happening now. How many people have to die before you take it seriously?!

Ed Balls Tell, tell us what genocidal means.

James It means the complete annihilation of our way of life. No, doesn't it? It means a complete collapse of our civilization is a Jennifer. We are seeing crops failing. Do you worldwide? Do you know what now? Do you know what we're gonna see billion climate refugees on the move by 2050. What do you think our society's going to look like?

He's upset, and *rightly so*, the climate crisis is terrifying. But, still, do you hear what he's saying? Or just take in the fact he's yelling it over the interviewer?

And, actually, what he's saying - "we're being systematically lied to; the government is under the behest of big business and corporate interests and have no intention of dealing with the crisis" - in terms of tone, it's not far off from having a man in a suit crawling around in a pig mask. Their rhetoric suffers from the same problem as the pantomime at the Eco-Art event - if there's any truth to what they're saying, then that truth is hidden behind the way they're saying it. It comes across as reductive, childish, hysterical, and it makes it hard for us to sympathise with what they're doing.

And this *matters* because their protesting methods require patience from the general public. Extinction Rebellion have kind of taken a back seat recently, it's been Insulate Britain and Just Stop Oil making headlines. Their tactics are civil disobedience and disruption; that often means blocking roads, climbing bridges, climbing oil tankers, spray painting things... it's disrupting people's lives and causing real frustration.

Clips meshed together of people yelling at the protestors

It's one thing being stuck in traffic on the M5 for a protest you agree with, it's an entirely different thing if you think the people protesting have no grip on reality. And a lot of people do feel that way. Here's another clip from a Good Morning Britain interview, it's Fashion journalist Lowri Turner giving her opinion on the disruptions.

Lowri I think what I, the problem I have is this idea, the one group of people have decided that they are the ones to save the world. And there's a certain po-faced incredibly irritating - I'm getting it coming up in waved towards me here - like, "how dare you question us because we know what's right". I'm gonna glue my hand to some tarmac and that I'm gonna be a martyr and I'm gonna be a good person while the rest of us can't get on with our day.

Protestor We are trying to uphold the science. The science is being ignored, the academics

are being ignored -

Lowri We live in a democracy and it's not the right of one small group of people to tell everyone else how to live. Go through democratic process, Talk to your mp. Get the, get an government government elected who is doing what you want them to do. Don't just simply think, well we can change.-

Presenter To be fair, Lowri, if that was going to work, it would've worked by now. But they win. I think that there is a point to say -

Lowri They have to win hearts to mind and they're not winning hearts and minds.

And that's the crux of it, isn't it. For a lot of people, like Lowri, there's this feeling that somehow civil disobedience is cheating. It's a demand and we live a democracy...if you want something changed, *go through the democratic process*. Start a campaign, raise awareness, garner support, write to your MP, protest in the appropriate place (in front of parliament).

But the thing is - they've *tried that*. Here's James again.

James People ask, 'why don't you write petitions, why don't you go outside parliament?'. We *did*. The thing is, you didn't hear about it because the media doesn't cover it. So, this is what we have to do to get to talk to you guys to get the message out there, to get people to *care*.

Even if you don't agree with James's particular tactics, or you think he's hysterical, bonkers fanatic, you might stop and think: does he have a point?

And if you did - stop and think for a second - you might ask yourself: how do *you* feel about our democratic process? Do you feel it's solid? That if there was something wrong happening, something you cared about deeply and wanted to fix, you would be able to go to our government, and stop it? Like our democracy is functioning? That our processes *work*?

Or does it sometimes feel like something is broken?

If, in that moment of reflection, you had a creeping doubt that our democracy and political institutions are fair and functioning - you're not alone. A new report from Cambridge University found that dissatisfaction with democracy has reached an all-time global high, with Westminster

style democracies seeing dissatisfaction double since the 90s. I decided to talk to someone who could tell me why this might be.

Tilly Okay. Um, fantastic. Right. So actually, first of all, would you mind introducing yourself saying your name and what you do? Cause that's great to have that as a soundbite.

Wendy I'm Wendy Brown and I'm currently the ups professor of social science at the Institute for advanced study in Princeton, recently retired from the university of California at Berkeley, where I taught political theory

Wendy Brown has spent pretty much her whole life, studying, writing about, and teaching, political theory. She's written a *lot* of incredibly clever and complex books. All I can say is, they're not breezy bedtime reading. Her prolific penmanship is beaten only, maybe, by her partner, Judith Butler, also an esteemed academic, philosopher and gender theorist. Imagine the dinner party conversations a bottle of wine in.

When I ask Wendy why we're losing our faith in democracy, her answer takes us back to our dominant ideology: Neoliberalism. In the last episode, we learned how it came onto the scene in the 70s - with both Thatcher and Reagan rolling out policies based on Hayek's theories - and how it's been in the driving seat, pretty much ever since. Embedding itself as the West's primary way of thinking.

And its central belief? That the *market* should be left to guide the economy *without intervention*. It should be free to do its thing unimpeded. That's why it's called a free-market ideology. But something we didn't cover: what is the market? Like, what is it, actually? Other than this strangely conceptual, important thing.

Right, hold onto your hats because we're going to dive into some deep theory. But bear with me, because once you understand it, everything becomes a *lot* clearer.

The market is kind of like a *mix* of all the systems, institutions, procedures, and infrastructures that all interconnect to allow the exchange of goods and services (which we know is what the economy is all about). But, because of all of its internal logic and laws, it does it...sort of by itself. "Supply, demand, innovation", it all interconnects into a sort of *spontaneous natural order* that assigns value to things...and this is why Neoliberals are sure that the market can solve problems in a way that humans just can't rival.

And so, the last thing they want is for the government to interfere in the economy by implementing things, like tax rebates, regulations, subsidies. Because the government will just inevitably get it *wrong*, stifle the market's brilliance and end up restricting our freedom.

And that's all classic neoliberal logic. It's what they're known for.

But what's *less* known is what's become apparent to Wendy, in all her years of research: that proponents of neoliberalism didn't even like the idea of *us* - the democratic majority - interfering with the market.

Why? Well, when the democratic *majority* is heard, the likelihood is that they'll want to enact policies that work for the good of...the majority (it's kind of in the name), and that means they're going to want to limit inequality, it *might* mean they'll end up building a social democracy. And that is *not* what neoliberals are about. In fact, it's their worst nightmare.

Wendy They understood social democracy, socialism, was practically inevitable once you and franchise everyone because that's what the people would want...but they were wrong to want it! They didn't understand their own interests! They didn't understand that they would lose their freedom and lose their robust economy and be ruled by a bunch of idiots. But nonetheless, that demand would be inevitable. And then they knew they had to figure out how to prevent it. So the challenge was how do you retain some modest version of democracy, some, and even some facade of democracy well, neutering it of that capacity.

What happened was very clever. They disparaged and attacked 'the political'; and framed the political sphere as something that we definitely *wouldn't* want: an interfering, incompetent, corrupt government that only wants to squeeze the taxpayer dry, a government that both has too much control over your life and fails to adequately represent you. 'Big government', they call it.

Listen to this snippet Reagan's inaugural address in 1981;

Reagan The economic ills we suffer have come upon us over several decades. They will go away because we as Americans have the capacity now, as we've had in the past, to do whatever needs to be done to preserve this last and greatest bastion of freedom. In this present crisis, government is not the solution to our problem; government is the problem.

“Government is not the solution. Government is the problem”. This repeated rhetoric, over time, has permeated the public consciousness; it’s framed how we feel about ‘the political’. Nowhere is the effectiveness of this narrative more clearly demonstrated than in Trump’s presidency.

Trump In 2016 Wisconsin voted to fire this corrupt political establishment and you elected an outsider as president, who is finally putting America *first* and if I don’t sound like a typical Washington politician it’s because *I’m not* a politician. It’s one of the reasons I was elected. If I was a politician I probably wouldn’t have been elected, right?

Trump’s support came largely from the fact that he *wasn’t* a politician. He was a *businessman*. He is the *ultimate* neoliberal. He, more than any politician so far, saw the presidency as a corporate opportunity, *exposure* was his whole goal, and winning, an unexpected outcome - turned into an opportunity to merge his global brand with the US government. Never before had there been a president who had treated the White House (literally the centre of the public sphere) as a private corporation; unashamedly using the highest authority in the country to the advantage of his family’s business opportunities.

But the way that he presented himself struck a chord with a lot of people. Why not let a businessman take a stab at running the country? Years of rhetoric and cultural framing around government vs. business has primed us for this moment.

And this strategic devaluing, this prolonged attack on the political, well, it’s had an effect.

The most interesting part of that report from Cambridge University wasn’t the polls, it was the fact that in the conclusion they state that the growing dissatisfaction is ‘not because citizens expectations are excessive or unrealistic, but because democratic institutions are falling short of the outcomes that matter *most* for their legitimacy: like responsiveness to public concerns and raising the living standards for the majority of society’.

Our political institutions are falling short. We’ve privatised so many of our services and spaces that the government does, *literally*, have less capacity to help us. It’s not like they can affect our water, energy or train ticket prices - those belong to private companies now. So, we have less faith in the idea they can address the issues we care about. And we engage less. The political sphere has been stripped *right* down.

So, our democracy has been thinned, at least in *part*, due to the neoliberal project - the ideological belief that we should protect the free market from government interference.

But what does that mean for our well-being and the environment? Because, as we know from previous episodes the market doesn't recognise nature as having any value, and our economic model doesn't take into account the boundaries of the earth...so what happens now?

PART 2: THE MOST UNFREE MARKET EVER CONCEIVED

Tilly **Sound of walking through London** I'm just approaching the.... it's an amazing street, on the lead up there's sort of tiny little ancient looking shops, uh, called like the wig shop. Um, and tiny little pubs and the back of the Royal Courts of Justice. It's kind of like a brick and natural slate, stripy, um, Hogwarts.

We're back in the tail end of 2021 a very bright blue December morning and I'm rushing to try and get to the Royal Courts of Justice so I can learn about a court case which is about to play out.

Tilly So the star of the show, uh, is really a young activist called Mikaela Loach, uh, who is, I believe a medical student. And she's a big following on Instagram and does amazing climate activism. And I think she's the sort of face of it along with two other claimants, uh, Jeremy and, uh, Karen or Kairen. I'm not quite sure how it was pronounced. Oh I'm about to get run over, ah! Haven't even had my coffee this morning. Um, so this is a bit of a tall ask.

I mentioned the Just Stop Oil movement earlier. Their objective is to, simply, Just Stop Oil - but not existing oil, that would be chaos: no, it's to stop issuing *new* UK Oil Licences. And they get a lot of flak but this is the exact same thing the International Energy Agency wants - and they've announced some serious Official Advice: if the world is to meet our target of net zero by 2050, *no new projects* should be issued. In fact, if we want to be in with a 50% chance of staying within that all important 1.5 degrees, we need to actively *retire* existing fossil fuel infrastructure. Let alone opening new fields.

We briefly talked about the UK's North Sea Oil, in the last episode; how it could have been a gold-mine for public wealth, but Thatcher sold a lot of it off to Oil Companies. Well, there was a *lot* of oil in those North Seabeds, but we've extracted *most* of the good stuff by now, so what's left is the oil that's a) harder to get and b) worse for the environment, like Heavy Crude Oil. So,

given we're pretty committed to reaching Net Zero, it would be a bad idea to open any new oil fields.

Except...

There's this new oil field, a massive natural fossil fuel reservoir under the seabed, just north-west of the Scottish Shetland Islands: and it's called 'The Cambo Oil Field'. It contains about 800 million barrels of heavy crude oil, which is a lot of money. The market obviously says - yeah, make those profits! Plunder those commons! And the government - who controls the licensing of these oil fields, through the Oil and Gas Authority (the OGA) - has this policy in place called MER (this is the last acronym, I promise). MER stands for 'Maximum Economic Recovery' strategy. It *legally requires* them to extract every drop from the North Sea if it's economically advantageous to the country.

If it's drilled, the first phase of it - only about 170 million barrels - would be the same as operating 18 new coal power stations for a year. So, a terrible idea. Absolutely not in line with our Net Zero Targets, but it *is* in line with the Maximum Economic Recovery' strategy, so...that wins out.

And people are worried about this. The public don't usually pay attention to what is happening in the North Sea, and new licences are issued without scrutiny. But *this* time, some people noticed. And they didn't like it. They started a campaign: STOP CAMBO. They did all the things they were supposed to: contacted MPs, delivered a letter to number 10, raised awareness, whipped up an impressive social media outcry, organised rallies and even locked themselves to statues spattered in oil.

But the OGA didn't budge. The field is going ahead. So, STOP CAMBO decided to create a splinter group to go the super official route: take the government to court.

And so here I was, on the 8th of December, arriving at the Royal Courts of Justice to try and watch the case unfold.

When I got there a small crowd had gathered in support, holding banners and chatting excitedly. Just before they headed in I managed to grab Jeremy, *and* Mikeala, donning a beautiful pink suit, her long hair in braids.

Tilly You're all being pulled in so many directions. How are you feeling? Are you excited?

Mikelea A little bit anxious, not gunna lie. Very excited though. Like I think it's been long, long, long time in the making. Like even before this was a public thing that we talked about, we were working on this secretly for a while. So, it feels really exciting. A bit scary that this is actually happening today. This policy basically means that oil and gas companies are like legally required to extract as much oil and gas as possible. Um, so they're legally required to take as much out and we know that that's what's causing the climate crisis, so it's completely incompatible with the aims we're doing.

Jeremy I mean, there are really two last resorts. One is taken to the streets in direct action, uh, and the other last resort is litigation. And, uh, we're basically forced into both of those at the moment.

I'd been rushing along because I'd hoped to get *into* the courtroom and watch it all play out. But - despite the Royal Courts of Justice usually being open to press and public - they'd decided to keep it a closed case today, for some reason. One of the organisers of the campaign did say he would send over live updates of each argument made. So, I found a cafe around the corner, got a coffee, and waited.

And what came through, *surprised me*.

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Court cases, although interesting in theory, in practice are very long with lots of technical speak, so I'm going to reduce it to its core movements.

Now: what I assume to be the set up: the claimants lawyer, *our* guy (assuming you're anti-CAMBO) is David Wolfe (which is a great name, I'll refer to him as QC Wolfe from now on), QC Wolfe is going to say: "Listen, I get that we could get a lot of bang for our buck from the Cambo, and that's basically a legal requirement because of this MER thing, *but it doesn't* fit with our climate goals, and those are more important, and those are what you're democratically required to uphold." And then the Government lawyer, Kate Gallafent (so let's call her QC Kate) will say something like, "No, honestly, it won't be that bad and the money we'll get from it will be really important", and then we see who wins.

But that's not what happens. So, everyone settles down, and QC Wolfe kicks off proceedings.

He starts off by outlining MER making it *abundantly* clear that it is a strategy designed to *benefit* the UK, and why that's important; "Guys" he says "MER has the UK public in its best interests" (or something like that but longer, because he's a lawyer). He spends a good amount of time doing this, which, in my opinion, is a weird approach: to praise the benefits of MER if your whole case rests on successfully undermining it.

He does then read a bit of the strategy document out loud which says ok we're required to both maximise economic benefit from drilling oil *and* help the UK meet its net zero target. Ok, so *here we go*, I think: Oh, boy - I'm ready for the one-two punch of 'those things are *incompatible*. Let's hit them with those emission statistics....

But he doesn't do that. He starts talking about *tax*.

Which, I don't know about you, is a strong indicator to me that things are about to get boring. So, I'm sitting at my table in Pret, readying myself for things to get technical and convoluted, when QC Wolfe makes the most interesting point he made all morning.

He says; "OK, so if the whole point of drilling in the North Sea is its *economic viability*... Why are we *giving* public money to these Fossil Fuel companies?"

Huh. That is odd.

Apparently, our government has been *gifting* fossil fuel companies public money, in the form of 'subsidies'. And doing it *a lot*.

Quick aside: you probably know how tax works, but just a refresher before we dive into this. When we make money, we give a portion of it to the government in the form of tax. That means the government gets lots of money and it uses it to run the country and give us services we need for free, like the NHS. It's like we're all putting a bit in for the collective good.

And companies pay tax too: the more money they make, the more tax they should pay. And fossil fuel companies make a lot of money, so they should be paying quite a lot of tax. But QC Wolfe says they're not, for some reason. In fact, they pay so little tax that Norway gets about \$15 dollars, per barrel of oil, in tax... and we get less than \$2. And not only that but we're giving a lot of the money they do pay back to them, in the form of 'tax rebates' and these 'public grants of money', these 'subsidies' which, are essentially just a gift. And, as a country we're very generous apparently - giving more in subsidies to fossil fuel companies than any EU country.

I was watching all of these stats come through, and all I could think was, 'This is weird. Why are we foregoing all this money that they owe us?'

Suddenly, my understanding of this whole case clicks into place; QC Wolfe is here *to say: this is weird!*

MER exists to benefit the UK, economically, right? That's why the government is saying we should drill. But - QC Wolfe points out - MER *doesn't take into account tax or subsidies*. And it should. Because as soon as you do, you can see that drilling in the North Sea *isn't* economically viable. In fact, the sensible economic decision would be to *not* do it. *This* is their whole argument. Our claimants aren't saying that MER is bonkers given climate change, they're arguing that it doesn't make any sense, full stop.

QC Kate takes to the floor and makes the point that these things are complicated, and the government have to strike a delicate balance between making the whole thing profitable for us as a country and enticing the companies to come and drill our oil.

"Yes", Wolfe says, "But we do have the *most* profitable jurisdiction in the world for large offshore oil and gas projects in the world. Which is probably over doing it. Enticing wise".

He then lays out that between 2015 and 2019 the government paid so much to BP, in tax rebates and subsidies, that we ended up giving them £675 million more than they gave us, so their tax payments are minus £675 million. Canadian Natural Resources, another company, were minus nearly £600 million, Exxon Mobil was minus about £450 million, and Shell was minus £400 million. In 2015 the government actually *lost* money on North Sea Oil - and that's taking profits from selling the oil into account!

I think the point he's making is that that 'delicate balance', that QC Kate was referring to, may have *tipped* somewhat.

QC Kate fires back that the benefits the oil & gas industry brings to the UK are *broader* than just tax. They bring other good things, like employment and stuff...

And ultimately, she lays out her central argument: "It's the OGA that should make this decision. Not some random environmental claimants. OGA, they're the 'Oil & Gas Guys', they're an '*expert regulator*' and it's complicated, so just leave it to them".

Although, during this argument she does also let slip when scoping out an oil field, the OGA don't distinguish how much of the economic value of the project is going to us and how much is going to the company. It makes sense now QC Wolfe was taking so much time at the beginning emphasising that MER was a strategy designed to benefit the *us*, the UK.

It was so he could illustrate that it's *not*.

"Just include tax". QC Wolfe brings it home with a simple request: we're just asking you to include all the pertinent figures when deciding whether something is economically viable.

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I left Pret mulling over the whole case. It was, admittedly, more interesting than I'd expected. Partly because it had given me a new conundrum. Obviously, this is all very complicated and it might be being dense, but *why* was our government backing all of these subsidies and tax rebates?

As a stand-alone question, it's intriguing. But also, within the wider context of understanding the way our system works, it has wider implications. Neoliberalism has been firmly in the driving seat for a while, I mean, our current Conservative government is definitely neoliberal, and they want - as we're very well aware, at this point - as much of a free market as possible.

I thought that was the problem. So, why are they backing serious government intervention in the market?

Because that's what this is. That's what subsidies and tax rebates *are*.

It actually made me think of Guy Standing.

We talked briefly to him about The Commons, in the last episode, and he mentioned he had a new project. It wasn't the topic I was researching at the time, so I'd nodded and promised I'd read the book, and didn't. But suddenly certain phrases he'd said were echoing in my head, ringing bells of recognition....so I went to talk to him. He was giving a talk at Conway Hall, so I trotted to corner him beforehand. We sat down in an empty lecture hall (so, prepare yourself for *echo*) and I asked him -

'I thought our government was all for establishing and protecting the free-market? What's going on?'

Guy It isn't a free market economy. It isn't a free market economy. And one of the ways that the governments make the situation even less like a free-market economy is the use of subsidies and tax reliefs for special interests. In this country. I calculated that there are 1,190 forms of selective tax reliefs and subsidies. That's not a free market. That's not a free market at all. That's ridiculous, I've done calculations with the Treasury's own statistics - so they're not my statistics they're the Treasury's own statistics - that the top 209 of these 1,190 forms of tax relief the top 209 means that the treasury has a foregone revenue of over 430 billion pounds a year. Okay. Okay. Now that, that, that money could easily pay for a basic income, a very big basic income for, for everybody in the country.

Over £430 billion pounds of public money, given to private companies, in order to manipulate the market...so, we *don't* have a free market. That's a lot of government intervention, Guy's right - that's not a free-market at all.

As we know, this isn't necessarily a bad thing, the idea behind this kind of intervention is that it encourages companies to undertake economic activities and business ventures that the government sees as in the public's best interest.

But this isn't benefiting us?

Another stat QC Wolfe stated in the court case was that as a *direct consequence* of government policy, the UK fossil fuel production between 2016-2050 will be nearly 3 *billion* barrels higher than it would have been otherwise. If the "all-intelligent, infallible" market that they revere was actually left to decide we'd be using a lot less fossil fuels.

We've given over 14 billion to UK-based oil and gas companies since the Paris Agreement. It's not just the UK, the US has spent 10x more on their Fossil Fuel companies, than they did their education budget.

It's kind of like we're controlling the market...but in a kamikaze death grip: higher emissions and less public money. Which, QC Wolfe has me convinced, is bizarre decision making. And all that money could've been used to fund a just transition to renewable energy or, as Guy suggested in the last episode, to create a universal basic income, to set up a Charter of the Commons.

But they didn't do that. They used it to influence the market in *favour* of fossil fuels.

Guy And what the book that you've mentioned does is identify the ways by which the powers

that be particularly the financial institutions have constructed the most unfree market system ever conceived. And that I say without fear of contradiction, because if you look at what's happened, you can see that that's, that is precisely the system that's been created. And it's vitally important for anybody going into politics today to identify what it is that has to be changed. And then if you say that it's a free market, when that has nothing to do with being a free market, you're going to miss the target. I would say to any other that you've got to identify the enemy that you want to transform.

The most unfree market system ever created. That is a *far cry* from what I've been saying is the problem. Which means, really - we're not dealing with neoliberalism anymore. Not really. It's sort of morphed into a Frankenstein's neoliberalism, and not very many people have noticed.

And the question I'm left with is, why? If the Conservatives have been largely aligned with neoliberalism for years and they're ideologically opposed to this intervention, and it seemingly has no benefit to us... *why are they doing it?*

PART 3: MONEY, POWER & SECOND JOBS

Michaela Of course. Yeah, it's a little bit of a mouthful, so I'll try to, not umm it up, but I'm Michaela Herman. I'm a database researcher and reporter for DeSmog, which is an environmental investigative journalism outlet.

I'm talking with another Micheala, Micheala Herman. When thinking about how to describe her I'm struck by the fact she looks a bit like me, if I'm being honest. Roughly the same age, both brunette, hair scraped back, black polar necks: business mode, our zoom screens sort of mirroring each other.

She's a reporter for an organisation called 'Desmog'. They basically investigate climate change and fossil fuel *stuff*. A company says they're greener than green? They investigate what they're *actually* doing, where their money is coming from.

Michaela Yeah, there's a lot of number crunching and a lot of looking at like who's meetin with who in lobbying and efforts like that and just trying to get a sense of like, who's influential in these spaces that, you know, you and I just as average people might not get to know about. You know, these are not things that are reported on TV news necessarily. Um, you just sort of have to piece things together with sort of month-long investigations pretty regularly.

I'm talking to her because I want to know: why is the government supporting the Oil and Gas Industry in this way? Propping up the industry with public money if it's not really economically viable?

We talk for a while about lots of things North Sea related. And then, about 40 minutes in, she drops this in.

Michaela So we definitely have found at DeSmog a couple different separate times, um, that there have been meetings between fossil fuel companies, I mean all the time across the board - and that makes sense because they're stakeholders with government policies and so they of course wanna have input, uh, into government policies - we did find that I think several North Sea companies had donated about £400,000 to the Conservative party while the conservative party was considering how to shape the future of the North Sea.

North Sea oil and gas companies had donated £400,000 to Conservative party, the political party, *just* while they were deliberating whether to issue new licences. Huh.

Michaela So while it was, you know, apparent to everybody outside government that the, the government was considering what is the future of licensing going to look like up there, some campaigners were lobbying them to end licensing in the North Sea altogether. I think we need to add in some pauses to her talking - too fast to process.

Um, so there was sort of talk about, you know, it, what's the future of the North Sea gonna be? Is there going to maybe be no more licenses up there? And then it turned out no, we get this North Sea transition deal and then it came out that they've gotten, you know, almost half a million pounds from people who are interested in continuing, you know, oil and gas exploration there.

And so obviously we don't know what was spoken about in those meetings or you know, if those, if that money meant access to anything, you know, we don't have any evidence of that, but it just raises questions about money and access and influence and you know, not many people have access to half a million pounds to give to a political party, um, for whatever reason, let alone when critical decisions are being made.

She was pretty cautious about how she said it, but there is a limited delicacy to the fact itself: a big fat donation from Oil and Gas companies in the North Sea, *to* the Conservative party right before they make a decision about whether to grant new licences in the North Sea.

I think we might have found our incentive.

I asked Micheala whether there were any other, interesting money flows and she mentioned a few Conservative MPs who have second jobs in the industry.

Michaela And then there was also John Hayes who recently, uh, I don't know if you would say he was sort of caught up in the second jobs. But he has, you know, said things about climate campaigners before and compared them to terrorists and sort of been one of these climate delaying figures. And then it came out that he'd received quite a lot of money for advising a fossil fuel company over the last few years.

John Hayes has been an MP since 1997. He served as the energy minister in David Cameron's government and is pretty pro-oil. Anti-wind farms (they're unsightly) and wants fracking back in full force. When he wasn't busy guiding our energy policy, he was working a second job for BB energy, which trades more than 33 million metric tonnes of oil every year. John lent his hand as a strategic advisor, paid £50,000 per year. Which becomes an all the more generous figure when you realise that sum was for 11-days work.

It makes you wonder what else comes in the John Hayes employee package. Worth pointing out he's always voted *against* climate change mitigation.

There are a lot of these second jobs. You have...Alan Duncan, who looks like Alan Titchmarshes evil twin! An MP he's given some charming speeches about those without wealth being 'under achievers', something you can't accuse him of - toiling away as an MP *and* holding the position of 'non-executive chairman' of the Fujairah Refinery where he was paid £8,000 per month, for a job that consisted of 3 weekends a year. He's also voted against nearly all climate change mitigation measures.

You have to ask yourself: what are they really being paid for?

It's not only second jobs, you also have a *lot* of personal donations coming in. Kwasi Kwarteng, the head of the OGA at the time having accepted nearly £20,000 in personal donations from individuals from the Oil & Gas Industry in one year.

And, as you keep looking, the list just goes on. I won't list them but...well, OK, quickly...(from a brief research I'm not pretending this is entirely extensive), for Conservatives that received personal donations from individuals or companies in the Fossil Fuel Industry: Priti Patel, Andrea Leadsom, Penny Morduant, Mark Garnier, Robert Halfon, Brandon Lewis, Alasdair Locke, Douglass Ross, Leo Docharty, Jeremy Hunt, Liam Fox, Simon Clarke, David Morris, Andrew Percy, Kwasi Kwarteng, Liz Truss, Nadhim Zahawi - that was a big one, he claimed for every individual paper clip in the expenses scandal but received around 1m from Oil & Gas companies, and then you, of course, have our new PM Rishi Sunak, whose wife owns a meagre £600 million pound stake in the industry.

I can't go on, there's a lot. And in fact, over 43 members of the House of Lords have been found to have a significant stake in the fossil fuel industry. I'm not suggesting they were paid for their votes - it's legitimate lobbying, employment, and investments. But it certainly does highlight a trend.

Maybe this is what QC Kate meant when she said "the benefits that the oil & gas industry brings to the UK are *broader* than just tax

Now, this isn't just a problem with a few Tories. It isn't just some dodgy dealings behind closed doors. It's baked into the structure of government in the UK. Formalised. Part of the institution.

Zarah There's a lot of things I found very surprising about becoming an MP. I don't think I'll ever find it normal being called "ma'am" or having doors opened for me, but some of it is unnerving as well.

This is Zarah Sultana. She's a Labour MP for Coventry South. She's young, she was first elected around 25. She's Muslim, and from a working-class background. She came to Parliament with a fresh perspective. And she is one of the only politicians to ever lodge this complaint.

Zarah Before I was elected, I didn't know big businesses sent gifts to MPs. Gifts that always seem to be accompanied by requests. This week, Heathrow sent me a food hamper, with an ask: they wanted me to support their third runway. As if some short-bread biscuits would drown out the warnings of the climate emergency.

This bothers her. She's even done an ironic YouTube style "unboxing video" for the gifts she's been sent from large corporations. The gifts she receives aren't massively consequential, but

they typify a culture of gifting Zarah finds worrying. These recordings are of her *in* the House of Commons, directing her complaints - calling this out, clear as day - to the Madam Chair. Which takes guts.

Zarah Google recently sent me a gift as well. It wasn't much but it got me thinking about corporate lobbying, it reminded me that in 2018 google avoided 1.5 billion pounds in tax and that in 2016 Google reached a deal with the government, after dozens of meetings with ministers to secure an effective tax rate of just 3% on profits estimated to be more than 7 billion pounds.

There is something relevant to what Zarah is talking about here - and it's called 'The Lobbying Act'. It's a bill which was brought in to control the extent to which different groups can lobby the government about things. Which sounds like a good thing, except...if you actually *read it*, you'll find out that it *only restricts 5%* of lobbyists: trade unions representing workers, and charities. They have a restricted amount they can spend on lobbying. But *corporations?* They can do what they like; unfettered access and budgets.

In fact, within the same time period corporations lobbied the government 1,537 times. And trade unions? 130 times. The unofficial name for the Lobbying Act is "The Gagging Bill".

Zarah Now I might have missed it but I don't think doctors or nurses factory workers or cleaners in coventry south were offered private meetings with ministers, to create tailor made sweetheart packages to reduce their taxes. This is a premium service that's given to big business and so it often seems to be one rule for billionaires and big business and another rule for everyone else.

How did this happen?

It all goes back to my conversation with Wendy. Do you remember how I talked about the fact that neoliberals actively reduced the political sphere because they *wanted* to thin out our democracy to protect the free market from pesky regulations and controls - the kind of controls that people might vote for if, say, they wanted to protect the environment, or reduce inequality.

Well, they were only half successful in that goal. Sure, they managed to damage our democracy, but... I think it's clear the result *isn't* a free market. Guy Standing was right: somewhere along the way, we ended up with something like the opposite.

By reducing the political sphere, neoliberalism made our political system incredibly vulnerable to a threat which they hadn't anticipated, but they'd helped create: big capital and corporations. If you look at the hundred largest economies in the world today, 69 of them are not countries - they're corporations. That's in part due to the mammoth transfer of wealth from the public to private sector over the last 40 years or so. They dominate our global economy and our political systems, with political actors who seem to be happy to deepen their power, as long as they share a little power in return. In the US, private and corporate funding for elections has increased more than *twenty-fold* since 1976.

So political power still exists - it just doesn't serve *us* first and foremost anymore.

This isn't a democracy, not really. It's closer to a plutocracy: a society ruled by the wealthy. Guy calls it something else... he says we're now in the age of '*Rentier Capitalism*'.

And nowhere is this being more clearly demonstrated than the climate crisis. Put it this way... it's been very clearly stated - by the Un and the International Energy Agency, and in the IPCC reports - that our lives depend no new oil and gas projects, on fossil fuel infrastructure being retired, and the industry being dismantled. And yet.... what's happening?

Because the people who we depend on to start that process, the people who exist to represent *our* interests and wellbeing? Are hopelessly compromised by a financial dependency on that very industry.

I put it to Wendy.

Tilly I suppose, um, really then when we're talking about the fact that democracy, you know, we're working within a plutocracy, I suppose you could say, um, do you think that that is a hope that our governing institutions will be able to distance themselves enough from the concerns of corporations in order to act on climate change?

Wendy No. I just don't. I mean, that's, that's not where it's going to come from. I mean, this is the irony is that they're too imbricated, there's just no possibility certainly in my country, but I don't think in the EU either. And I don't think in most other nations in the world, can you say that leaders are independent enough of the largest economic entities in the, uh, on the planet, let alone from finance, that they could do, what needs to be done? The upwelling, the demand, the, the, the insistence will have to come from below. It *has* to come from below.

Sound of a splat and people reacting

Protestor What is worth more? Art or life? Is it worth more than food? Worth more than justice? Are you more concerned about the protection of a painting or the protection of our planet and people?

What you just heard was someone from the protest group 'Just Stop Oil' throwing a can of soup at Vincent Van Gogh's painting 'Sunflowers'. In October of 2022 they launched a month of civil disobedience and stunts to get the issue into news circulation. They climbed things, sat in front of things, and as you just heard: threw soup at things.

The newspapers repeatedly reported how dangerous or ridiculous their methods are, claiming that nobody supports them, doing everything they can to delegitimize who they are and what they stand for. They called them 'eco-zealots' orchestrating a 'campaign of chaos'. Most of the time these newspapers wouldn't even say what they're protesting against.

This meant that, generally, the court of public opinion ruled against them: dismissing them as crazy hippies. At best, seriously annoying. At worst, dangerous idiots.

And like I said, I get it, I really do. But let's listen to another Just Stop Oil member. This is James from earlier in the episode.

James What your audience need to understand is that we're being systematically lied to. The government has no intention of dealing with this crisis. The government has no intention of dealing with this crisis. They are under the behest of big business and corporate interests and corporate media like yourselves, uh, are, are also, uh, complicit with this!

What did I call him? Reductive? Childish? Hysterical? Unsympathetic? And yet his rantings turn out to be bang on the money.

And do you remember Lowri, who was so angry about the protests? What did she say on *Good Morning Britain*?

Lowri We live in a democracy and it's not the right of one small group of people to tell everyone else how to live. Go through democratic process.

But Lowri! As we've seen, the democratic routes have been hopelessly *weakened*. Even taking the government to court doesn't work. STOP CAMBO, the group represented by QC David Wolfe in the trial I followed, they *lost* their case.

The good news is that the Cambo Oil field is on pause. Shell, who were the main company petitioning for CAMBOs exploration decided to pull out of the project. They said that it was for economic reasons, but they did it right after a spate of protests and disruptions, and it's generally believed that they succumbed to public pressure. In fact, industry website Oilprice.com has noted: 'Arguably the prominent deterrent to supporting oil and gas investment in the North Sea is the size and organisational ability of the environmental activists in the region'.

And if discontent grows in the wider public, that's even more powerful: when fossil fuel companies saw a massive spike in profits due to the war in Ukraine, it was public discontent that forced the government to introduce a Windfall Tax to get some of that money back to the public. So, if you're wondering why groups like Just Stop Oil and Extinction Rebellion are engaging in civil disobedience... well, it's not perfect, but it's certainly more effective than going the 'official' route.

Which is probably why it's now danger of being suppressed. In response to this spate of civil disobedience, the Government has cracked down on our rights to protest. They've brought in a new bill: The Public Order Bill. It restricts our right to protest, increases penalties, criminalises certain activities and extends the powers of the police. It has been decried by experts across the political spectrum as an outright assault on our democratic rights. The UK has now been warned by the NGO "Human Rights Watch" that it has a very short window to reverse some of its decisions before it joins the countries listed as human rights abusers rather than human rights protectors.

"People power vs. corporate greed" "Government and media complicity".

That's the thing about clichés: They're always the victim of their own success, and before you know it, you can't even see how true they are anymore.

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You've been listening to *The Water We Swim In*. Next week, instead of moving on - we're having a bonus episode exploring a little more into this topic.

But in the meantime, if you want to read more about Desmog's work or the amazing initiatives and movements to strengthen our democracy, please head on over to our website *waterwесwimin.co.uk*.

If you enjoyed the episode, please rate and review on iTunes. We'd really appreciate it.

Producing this episode was me, Tilly Robinson. Co-writing was Matthew Robinson. Mixing by Naked Productions, and original music by Drew McFarlane.