

Governments shelter behind the international rule based system

The first law of government is that it continuously expands. This is buttressed by the fourth law, that governments use the international rules based order to bind themselves into aims and policies which they place outside democratic control.

Some think governments undertake the international rules based approach to satisfy the vanity of rulers. They like to perform on the world stage, and are happy to sign grand undertakings to show their collective importance. There is more to it than that. International rules and commitments built into Treaties strengthen the powers of unelected officials and advisers, and reduce the number of areas that elected politicians can in future change. Officials negotiate much of the detail and pre-empt future choices and options for Ministers and new governments.

In its most developed form, EU membership, incoming elected governments have so much less scope to change and improve things than in non EU countries. They inherit a vast amount of EU law which remains as a given with no EU level impulse to repeal or reduce. As Euro members they inherit an economic policy largely determined outside their state, with interest rates, budget deficits and other matters settled or controlled from the EU centre. The EU requirements are enforced through an EU controlled court with the power to fine, to withhold access to EU money and to impose other sanctions. It greatly reduces what elections can alter.

Some of these international bodies allow independence of thought and action. NATO, for example, leaves members free to decide whether to join a NATO mission or not in any given case. The WTO is a series of rules for freer trade with a dispute settlement procedure, where any penalties have to be proportionate to the infringement and of the same kind. The international Treaty obligations around climate change are mainly enforced through moral and political pressures. Increasingly the Climate Change framework does pre-empt policy and decisions in a wide range of governmental areas from energy and industrial policy through transport to agriculture.

The international rules based system has two main weaknesses. The first is that the alternative world view held by China, Russia, Iran and their allies allows them to behave in very different ways and sometimes to find and exploit weaknesses in the West's approach. The open statement and predictability of the West's approach is seen as a weakness. The second is how the rules are applied by an elite of well paid unelected officials acting as legislators and enforcers can cause a rift between a majority of the electors and what government is doing and saying. The more Treaty commitments a country makes the less power electors wield to demand change. The most important clause in a Treaty which dictates policies and laws to us is the exit clause.