

Multilateralism and the International Legal Order in an Era of Populism

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1 INTRODUCTION

What is the future of the post-1945 international legal order and its institutions? This paper explores the implications for this order of the rise, over the last decade, of populism within democratic countries, especially the United States. The concern among international law scholars has been that ‘populism’ as a political phenomena — ‘Brexit’, the rise of ‘Trumpism’ and so on — has been accompanied by criticism of, and withdrawal from, the liberal world order by countries such as the US and UK that had long supported and led this order.

For many scholars, populist (together with nationalist-isolationist-protectionist) politics is an existential threat to the continued existence of the rules-based international order. In this paper — after defining what we might mean by ‘populism’ — I try to put some of these ‘existential’ concerns into perspective. I do so in three ways:

- Firstly, we need to distinguish between *words* (often simply political rhetoric addressed to voters at the domestic level) and *actions* (of actually withdrawing oneself from the international order and unravelling its institutions).
- Secondly, criticism of, withdrawal from or de-funding of particular treaty regimes or institutions does not necessarily mean a rejection of international law itself or the fundamental principles of the UN Charter, nor does it necessarily entail any rejection of the value of multilateral means of inter-state cooperation.
- Thirdly, we must be cautious in our criticism or dismissal of ‘the populists’. If we are too quick to mock or ignore ‘populists’ and their supporters, we might miss opportunities to open up discussions about how to increase perceptions, among the voting public, of the responsiveness, legitimacy and value of multilateralism and the international order.

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However, after explaining these three reasons why populism is not necessarily an existential threat to the existing international order, the paper concludes with some observations about why there indeed are good reasons to be concerned. Words do matter. That is, current styles of political discourse and rhetoric do carry a significant risk of undermining the idea of the rule of law at the international level, and so risk of damaging the whole fabric of the multilateral legal order. In this sense, scholars of international law and global society are right to be concerned about this ‘era of populism’.

2 ‘POPULISM’: DEFINING THE ‘PROBLEM’

Before proceeding further, what do we mean by ‘populism’ and in what ways has it been characterised as a threat to the international order?

In the fall-out from the 2008-2009 global financial crisis and as part of turn to a backlash more generally against economic and cultural globalisation, and facilitated by social media, the last decade has witnessed a rise in electioneering and governing approaches featuring a very direct form of politics, labelled as ‘populist’. The term has been applied to democracies that are otherwise very different from each other such as the United States (Trump 1.0 and 2.0), the United Kingdom (Brexit), the ex-Soviet European states (Hungary, Poland and others), India (under Narendra Modi’s Hindu nationalism), Brazil, and Turkey. What does the term mean?

‘Populism’ refers to a style of politics that assumes or presents a single, authentic and virtuous ‘true people’ with a legitimate, homogenous desire or will, contrasting with a corrupt, out-of-touch and privileged elite that has governed in ways that ignore or frustrate ‘the people’s will’. The populist leader or party is seen or portrayed as the only one able to understand and express that will. Even elected politicians, in this view, are ‘the establishment’ and conspiring to pursue elite projects. At the heart of populism is elevating the executive above other arms of government (the judiciary and the legislature): that the leader will give more direct expression to the people’s will, unmediated by institutions. In this frame, norms and institutions such as ‘courts’, ‘human rights’, ‘treaties’ and so on are illegitimate constraints on the executive’s ability to do the people’s will.¹⁾

How does this relate to international law and governance? The international level of governance is easily presented to the voting public as detracting from national sovereignty, transnational un-elected elite bureaucrats, financiers, corporate leaders and others involved in complex governance schemes that (in this view) deprive ‘ordinary people’ of control over

1) In a vast literature, see especially Benjamin Moffitt, *The Global Rise of Populism: Performance, Political Style, and Representation* (Stanford University Press, 2016); Cas Mudde and Cristóbal Rovira Kaltwasser, *Populism: A Very Short Introduction* (Oxford University Press, 2017); Jan-Werner Müller, *What is Populism?* (Penguin Books, 2017). For a recent working definition of ‘populism’ in the international law context, see Jolyon Ford, *Human Rights and Populism* (Routledge, 2024) ch 1.

their livelihoods and security. National elites are seen as part of a transnational class engaged in self-interested governance detached from ordinary local people. Unsurprisingly, one target for populist politicians is ‘globalists’, a reference to an amorphous assortment of institutions and actors that are constraining the people’s will. International law and its agreements, architectures and institutions are (like domestic constitutions and courts) then easily presented as part of what is illegitimate because, on this narrative, they are not sourced from and do not serve the people’s will.

The rise of populist antagonism towards international law, and the assumption that this will result in disengagement from international institutions, has been seen by scholars as a fundamental or existential challenge the international legal order.²⁾ For example, in 2017, Alston portrayed the international legal and global human rights systems as under threat by ‘coalitions of would-be wreckers’.³⁾ In 2018, given Western leaders’ antagonism to international law and institutions, Crawford wrote of the ‘distress’ felt by those ‘for whom the 1945 regulatory arrangements, as completed in the post-Cold War era, have become the norm’.⁴⁾ McLachlan asked in 2019 whether US behaviour under Trump meant that ‘the very concept of a world order based upon the international rule of law [is] imperilled?’⁵⁾ At the end of Donald Trump’s first presidency, Hathaway suggested that the Trump administration had rejected international law and ‘waged an assault on international law unparalleled in the post-war era’.⁶⁾ And in 2022, Sloss argued that we have reached a ‘watershed

2) See for example Eric Posner, ‘Liberal Internationalism and the Populist Backlash’ (2017) 49 *Arizona State Law Journal* 795; Phillip Alston, ‘The populist challenge to human rights’ (2017) 9(1) *Journal of Human Rights Practice*, 1-15; Kenneth Roth, ‘The dangerous rise of populism: global attacks on human rights values’ (2017) 70th Anniversary Issue *Journal of International Affairs* 79-84; Cesar Rodriguez-Garavito and Krizna Gomez (eds.), *Rising to the Populist Challenge: a New Playbook for Human Rights* (De Justitia, Bogota, 2018); Frederick Perry, ‘The Assault on International Law: Populism and Entropy on the March’ (2018-2019) 46 *Syracuse Journal of International and Comparative Law* 59; Gerald Neuman (ed.) *Human Rights in a Time of Populism* (Cambridge University Press, 2020); Christine Schwöbel-Patel, ‘Populism, International Law and the End of *Keep Calm and Carry on Lawyering*’ (2019) 49 *Netherlands Yearbook of International Law* 97-121; Heike Krieger, ‘Populist Governments and International Law’ (2019) 30(3) *European Journal of International Law* (2019) 971-996; Anne Orford, ‘The Crisis of Liberal Internationalism and the Future of International Law’ (2020) 38 *Australian Yearbook of International Law* 1; Michael Börzel and Tanya Zürn, ‘Contestations of the Liberal International Order: From Liberal Multilateralism to Postnational Liberalism’ (2021) 75(2) *International Organization* 282-305; Kristian Humble, ‘Populism and the Threat to International Law’ (2022) 11(3) *Laws* 50.

3) Philip Alston, ‘The Populist Challenge to Human Rights’ (2017) 9(1) *Jnl of Human Rights Practice* 1.

4) James Crawford, ‘The Current Political Discourse Concerning International Law’ (2018) 81 *Modern Law Review* 1.

5) Campbell McLachlan, ‘The Assault on International Adjudication and the Limits of Withdrawal’ (2019) 68 *International & Comparative Law Quarterly* 499, 501.

6) Oona A Hathaway, ‘Reengaging on Treaties and Other International Agreements (Part 1): President Donald Trump’s Rejection of International Law’, *Just Security* (Blog Post, 2 October 2020) <<https://www.justsecurity.org/72656/reengaging-on-treaties-and-other-international-agreements-part-i-president-donald-trumps-rejection-of-international-law/>>.

moment' in which the rules-based international order is 'fraying' and being nudged towards chaos, with populism being one of the threats that has 'the potential to undermine or seriously erode that order'.⁷⁾

On this account, leaders in the US and other democracies that previously championed the post-1945 UN Charter-based international legal order have sought to portray the international governance scene as antithetical to their people's will. For example, in October 2019 Australia's then Prime Minister (Scott Morrison) gave a speech, invoking 'the people' as sovereign and directly echoing a speech by Trump one week previously. In the speech Morrison criticised 'negative globalism' by unelected international bureaucracies and multilateral bodies supposedly dictating to Australians how to conduct their own national affairs.⁸⁾

In the literature on populism and international law, we see descriptions and accounts of how, under populist leadership, states have rejected the idea that international norms should bind, or even influence, domestic decision-making. It describes how they have looked to withdraw from or substantially reduce the scope of multilateral treaty regimes or institutions and dispute resolution mechanisms. They have tried to discredit, scapegoat, sideline or disengage from international legal norms and institutions, even when this seems contrary to their long-term national interests.

3 POPULISM IN PERSPECTIVE: THREE OBSERVATIONS

The prevailing position among scholars, then, is that the rise of populism is a significant and unprecedented threat to the liberal rules-based international order. Yet I would like to suggest at least three reasons why this is not necessarily the case. That is, three reasons why we, that is international lawyers, should not necessarily be so alarmed.

3.1 Rhetoric vs action

There is a need to distinguish between rhetoric ('words') and activity to undermine or disengage from international law and governance ('action'). This means we need a more accurate sense of what the actual patterns are of states (with 'populist' leaders) disengaging from the international order. The existence of populism in the blood-stream of the body-politic at the national political level does not necessarily mean that the state will disengage from international regimes and institutions. Populists' relationships with international law are not necessarily antagonistic.⁹⁾ Even where there is very 'hot' rhetoric that blames

7) David Sloss, 'Introduction: Preserving a Rules-Based International Order' in David Sloss (ed), *Is the International Legal Order Unravelling?* (Oxford University Press, 2022) 1, 19.

8) Jolyon Ford, 'Populism and International Law: the Morrison years in Australia' (2025) 79(3) *Australian Journal of International Affairs* 423.

9) See Peter Danchin et al, 'International Law and the Rise of Populism' (2025) 65 *Virginia Journal of*

international bodies (generally or specifically) for problems, this does not necessarily translate into strong action against or within those bodies.

Take the Australian example above. In his 2019 ‘negative globalism’ speech, the Prime Minister, having portrayed international organisations as a threat to national self-determination, announced a review into all Australia’s multilateral relationships and commitments. This was seen with great concern and interpreted as a form of populism that would lead to nationalist isolationism and a rejection of multilateralism. Yet in its effect the speech was all rhetoric, directed to parts of the Prime Minister’s own party. Rather than disengagement, Australia’s participation in the international order in fact increased as a result of the review.¹⁰⁾

For one thing, a state’s behaviour might be very different in different international forums and will not necessarily be a blanket position against all forms of multilateral dialogue and cooperation. Moreover, the literature often assumes that it is populism, and not some other political force, perhaps long pre-dating the populist ‘moment’, that has shaped a state’s positions at the international level. Some positions that appear to be directed to undermining or exiting an institution may turn out, over time, to be a form of negotiation or re-negotiation — normal political and diplomatic contestation — and not necessarily a dramatic isolationist shift driven by irreversible populist sentiment.

3.2 Contestation vs rejection

Critics of Trump have accused him of rejecting international law in populist ways. The assumption is that his populist America-first approach automatically translates into isolationism, unilateralism, withdrawal and disengagement on the international stage. It is true that in successive presidencies Trump has twice left the UN Human Rights Council, and twice withdrawn the US from the *Paris Agreement on Climate Change*, has ‘unsigned’ the US accession to the constitution of the World Health Organisation, left the Trans-Pacific Partnership trade regime, and withdrawn from some other treaty regimes (such as the bilateral *Intermediate Range Nuclear Weapons Treaty*).

Yet the Trump example shows a second reason why we should put the alarm about ‘populism and international law’ into some perspective. Criticism of, withdrawal from or de-funding of particular treaty regimes or institutions does not necessarily mean a rejection of international law itself or the fundamental principles of the UN Charter. A preference for bilateral approaches over multilateral ones does not mean (or necessarily entail) any rejection of the value of multilateral means of inter-state cooperation. Not only has the US

International Law 185; and ‘Reconceiving Engagement with International Law in an Era of Populism’ (2025) 25 *Melbourne Journal of International Law* (forthcoming). See too work such as Marcela Prieto Rudolph, ‘Populism’s Antagonism to International Law: Lessons from Latin America’ (2022) 116 *AJIL Unbound* 346.

10) See Ford 2025, above n 8.

had a long history, well before Trump, of not joining or of leaving various institutions and treaty regimes, but withdrawal from treaty regimes is not itself a rejection of international law and of treaties themselves.

It is inevitable (and may be healthy) for there to be contestation in the international order, and a healthy legal order comprised of states for states is responsive to state claims and concerns. Writing on populism and international law, Crawford noted that state push-back against international law and institutions might in fact be an appropriate response where those institutions had over-reached and exceeded their mandate.¹¹⁾

When it comes to withdrawal from multilateral regimes, I agree with Crawford that this is ‘not always to be condemned’.¹²⁾ The idea of states withdrawing is built into the concept of treaty-making in a horizontal, consent-based order, and ‘allowing the possibility of withdrawal by including express clauses in treaties may be the price of getting states to consent to be bound in the first place’.¹³⁾ As he wrote:

. . . International law is flexible enough to accommodate dissenters; as some states retreat, we can expect others to step forward, as witness strong statements from the European Union and China of their commitment to the Paris Agreement.

Moreover, like any legal system, international law will only survive if it has the capacity to change and develop over time. Adjustments may be necessary to respond to perceived inequalities or injustices.¹⁴⁾

It must be true that withdrawal from one or more treaty regimes does not necessarily imply rejection of the idea of treaties themselves. Selectivity in choosing what obligations to sign up to and which not to may be exactly what enables international law to remain useful and so acceptable to states. Voluntary withdrawal from a voluntarily assumed obligation is part of our (mostly) voluntaristic system of international law. It is hardly destructive of fundamental norms and understandings necessary to the idea of functioning international legal relationships. A state might breach a treaty provision without necessarily rejecting the norms of treaty-based relationships. Withdrawal from a treaty regime might undermine cooperative action towards the policy objective of that regime (say, climate change) but even if this is done at scale and by a major power, it does not necessarily constitute activity that erodes core norms or assumptions of the international legal order or call into question their ‘core’ nature. States might dismantle various structures of the international order, even ones deeply cherished by those committed to that order, without

11) Crawford 2018 above n 4.

12) *Ibid.*

13) *Ibid.*

14) *Ibid.* For an argument taking this point about a state-based system further, see Dire Tladi, ‘Populism’s Attack on Multilateralism and International Law: Much Ado About Nothing’ (2020) 19 *Chinese Journal of International Law* 369.

necessarily calling into question the idea that there might be such structures and that they might shape and bind state conduct.

Thus overall, we should remember the distinction between:

- (a) Treaty withdrawal using available mechanisms for this in the treaty (no crisis, indeed this is a manifestation of international law functioning);
- (b) Behaviour even from a superpower in undermining or indeed breaching a treaty or series of treaties (no crisis in any systemic sense); and
- (c) Behaviour at scale and systematically that undermines the whole idea of treaties (systemic crisis)

Even if withdrawal such as (a) above hugely undermines the particular policy objective (e.g. climate change, because the withdrawing state is a significant state) we cannot necessarily say that it undermines *international law*. It complicates international *cooperation* but not necessarily undermine the idea or operation of an international legal order. To withdraw from the *Paris Agreement* to please one's voters is not necessarily to reject international law itself.

Now, the Second Trump administration has acted in ways that international lawyers find problematic: threats to annex Greenland by force as if the UN Charter was not very clear on such matters; calls to displace Palestinians from Gaza as if norms against ethnic cleansing and the right to self-determination were irrelevant; extra-judicial killings with strikes on alleged drug-boats at sea; individual unilateral sanctions on staff of the International Criminal Court, use of force against Iran on bases that many scholars reject as lacking a justifiable legal basis, and so on. However, it is not obvious that his administration has completely rejected international law and multilateralism as such. My own view aligns with that of Slobodian,¹⁵⁾ who demonstrates that while observers tend to label Trump as a populist, isolationist, anti-globalist, this is misconceived. Republican US leaders such as Trump are perhaps better understood as 'globalists' themselves, but in a highly selective and self-interested way, often aligned more with a business agenda than a diplomatic one. Populst-unilateralist, but by no means populist-isolationist. It is not that such persons necessarily reject international law, but more likely will, where convenient, selectively invoke international law (its forums, mechanisms and legitimating effects) to advance particular agendas, and other times not do so. I return to the Trump example in the final part of this paper, since of course there is a perhaps equally plausible argument that that administration does not see existing international law as having any bearing at all on foreign policy decisions.

15) Quinn Slobodian, 'Trump, Populists and the Rise of Right-Wing Globalization' *The New York Times* (online, 22 October 2018) <https://www.nytimes.com/2018/10/22/opinion/trump-far-right-populists-globalization.html>.

3.3 **Dismissal vs understanding**

There is a third reason to be cautious about some of the tone of the ‘populism and international law’ literature. This is because it tends to adopt the approach of ‘populism = bad, international law and institutions = good’. It portrays international law and institutions as passive victims that have been unfairly subjected to populism as some kind of external social pathology.¹⁶⁾ The problem with this is mindset is that it obscures opportunities to ask questions, as we should, about the ways in which international law and institutions might have contributed to the rise of populism and the tendency towards ‘illiberal democracy’ in much of the West. Too much of the ‘populism and international law’ literature is focused on what populists might be doing to institutions, rather than asking whether the modes and messages of international governance need to be reformed to be more accountable and responsive to national populations and their concerns. It is no doubt the case that populist leaders seek to discredit international mechanisms that risk holding them to account or constraining their freedom of action. Yet those committed to global governance also need to ask whether existing institutions and ways of governing globally may have become perceived, by important national populations, as distant and unresponsive and illegitimate (whether fairly or not). This was certainly part of the story in the populist rejection of the European Union in the UK’s Brexit referendum.

I would go so far as to say that in some of the debate and scholarship about populism there is something deeply ironic. Populists attack elites as condescending and patronising and detached from the suffering of ‘ordinary people’. The irony is that some of the responses to populism fulfil this stereotype. We tend to dismiss or deride or mock populists and their supporters in patronising, condescending ways (‘deplorables’ and ‘uneducated’ and ‘ill-informed’) that only confirm their views about intellectuals and governance elites. Multilateral governance mechanisms sit above the national level: their value and role needs to be clearly justified. It is not always self-evident to the average voter how these bodies work, what value they bring to people’s lives, and how they manifest (rather than constrain) the state’s sovereignty. Instead of bemoaning populist attacks on international governance and law, we should reflect on how we can facilitate greater legitimacy and transparency in the ways that global bodies help to coordinate and govern on key things such as public health, peace and security, climate, trade and investment, and human rights.

4 THE FUTURE OF THE INTERNATIONAL LEGAL ORDER

I started with describing the argument (in the academic literature) that populism in liberal democracies is a significant threat to the legitimacy and effectiveness of the

¹⁶⁾ Danchin et al, ‘International Law and the Rise of Populism’ 2025, above n 9. See also Anne Orford, ‘International Law and the Populist Moment’ (2020) 35(3) *American University International Law Review* 427.

prevailing international order. I then explained three reasons why we should not be as alarmed, and to put things into greater perspective.

Two assumptions in the literature

Before turning to my conclusion — which gives a reason why we should be concerned about the populists' approach in terms of the future of the international law — it is important to put into perspective in a different way the claims by scholars of populism as the most significant threat to the international order. Here I will just mention two assumptions that pervade the 'populism and international law' literature.

The first assumption made by those describing the populist threat is that the international legal order was in good health (i.e. was seen as legitimate and effective) until some time in the mid-2010s when populism came along and questioned everything. Yet this approach ignores all we know about the serious problems of credibility, consistency, coherence and capacity that international law and its institutions have faced since at least the 2003 invasion of Iraq. That event and its aftermath (e.g. the torture at Abu Ghraib) did more to undermine the legitimacy of international law and institutions and their Western proponents than any of the current crop of populist leaders.

The second assumption is that populism in the West is the key threat to the international order. Yet arguably, populism is a distraction when it comes to debating threats to that order. This because a far greater threat than populism in democratic countries is populist-nationalist regimes in non-democratic i.e. autocratic countries. These countries, with their strange combination of enduring paranoia and new self-confidence, are in many ways a far more significant threat to the sort of global society imagined by those who drafted the 1945 UN Charter.

The threat to the rules-based international order

Having spent most of this paper trying to explain why some of the alarm about populism is misplaced, I now change direction somewhat. In what remains, I will argue that there are two good reasons to be concerned about the impact, of populist politicking within democracies, on the institutions and systems that help to promote global peace and prosperity.

The first reason to be concerned relates to the assumption just mentioned above, and a different meaning of the idea of populism as a distraction. The risk is that while we in the West are analysing how populism is impacting the health of the post-1945 international order, that order is already shifting in significant ways. Debates about the future of the international legal order and of multilateral institutions sometimes take a somewhat nostalgic 'frozen-in-time' approach. They ask how we can return to some hey-day of international cooperation and governance. Yet in the meantime, non-democratic states might be quietly and deliberately shifting the agenda and values of the very systems and

institutions and processes about which we are debating. The greatest risk of the populism phenomenon in the US and other democracies is that it generates a scepticism and antagonism towards international bodies that does not necessarily destroy these, but instead allows other states to capture and shape and transform these. The international legal order would then look familiar but in fact be grounded in very different and illiberal conceptions.

The second reason for those committed to international law and its mechanisms of cooperation and dialogue to be concerned about populists like Trump relates to my earlier point distinguishing ‘rhetoric’ and ‘action’. Earlier I argued that we must distinguish between ‘words’ and ‘action’, and that a lot of populist rhetoric is ‘just words’ (and often not followed up by actions). In a sense, I was saying ‘words [alone] do not matter’. For example, populists tend to criticise institutions but do not always actually withdraw from or dismantle these. Yet I want to suggest to you at least one way in which the populist phenomenon is deeply problematic to the future of international law and society. That is, words *do* matter. When a deeply populist leader such as former Filipino President Rodrigo Duterte’s dismissed the *South China Sea* arbitration award as ‘just paper’¹⁷⁾, for example, we cannot say ‘this is mere rhetoric’. It is a dismissal of the whole point and idea of international adjudication entered into voluntarily.

While the act of withdrawal from particular treaties or institutions is not necessarily a ‘rejection’ or unparalleled ‘assault’ on international law, the overall tone and signalling accompanying such actions might significantly damage international law. That damage might be not just to a particular make-up of the international legal order but to the idea of an international legal order at all. This is because words and tonal signals matter in international law. The rule of law is as much a mindset as a set of principles. What matters to the health of an international society under law is not just what actions a state might take (e.g. perfectly legal and legitimate withdrawal from an instrument or body) but the rhetoric relating to the normativity and significance of international law, and the mindset this reveals. In this sense, whatever US approach to treaties, tariffs and territorial integrity at the international level, the current leadership’s apparent approach to law, courts and constitutionalism at the national level has a contagion risk in terms of the wider idea of the rule of law at any level, national or international. In this sense, the populist attack on the idea of international law must surely be taken seriously.

Three scenarios for the future of the rules-based order

What might be the future trajectory of the current (post-1945 or ‘liberal’) international

17) Raul Dancel, ‘Historic International Ruling on South China Sea “Just Paper” Fit for Rubbish Bin: Philippine President Duterte’ *The Straits Times* (Singapore, 6 May 2021) <<https://www.straitstimes.com/asia/se-asia/historic-international-ruling-on-south-china-sea-just-paper-fit-for-rubbish-bin-duterte>> accessed 6 August 2025.

legal order? In light of early 2026 statements about the end or rupture of the order,¹⁸⁾ followed in late February 2026 with the US-Israeli attacks on Iran, one can posit three scenarios which arguably are equally plausible in the current situation — but which we might not be able to judge (as to their eventualisation) for some time to come.¹⁹⁾

Of course, when setting such scenarios out one must accept that for many parts of the world there has been deep scepticism about the legitimacy and universality (etc) of the ‘liberal rules-based order’ of past decades, while for others it has long been a fiction that rules of law, rather than power, governing state action in global affairs.²⁰⁾ Nevertheless, one can advance some possible scenarios for the future governance of multilateral and global matters.

(i) Scenario 1: cooperation

First, one scenario is that the disruption caused by the current US approach to international law and institutions in fact results in greater, not lesser, engagement and investment, in overall or net terms, by non-US actors, ushering in a new age of multilateral cooperation. If this did occur, it would be because it was catalysed by a desire for predictability and co-governance to counteract the new turbulence and unilateralism coming from US policy. To be clear, this scenario describes a situation where non-US states are not just trying to preserve and reinforce the existing order, but instead are working to reconceive and construct a new and transformed one. The recent massive free trade agreement between the European Union and India is a sign that states are hardly abandoning international legal forms and forums altogether, but rather trying harder to negotiate rule-based cooperation mechanisms. One way to read that agreement, as an example, is that states observing the US approach (and the spectre of a raw-power world) are deciding instead to structure their relations in legal institutionalised ways.

So we might see a scenario with a pluralised rules-based order or orders: so-called variable-geometry global governance, with an assortment of issue-specific commitments and alignments. In overall terms, this would see rules-based governance enhanced, though potentially with quite different institutions and re-calibrated norms. For such a scenario to

18) In particular, early 2026 speeches by the Prime Minister of Canada (‘rupture’ and the Federal Chancellor of Germany (rules-based order ‘no longer exists... in this form’): Mark Carney, Prime Minister of Canada, ‘Special Address at the World Economic Forum Annual Meeting’ (Davos, Switzerland, 20 January 2026), transcript available at <https://www.weforum.org/stories/2026/01/davos-2026-special-address-by-mark-carney-prime-minister-of-canada/>; Friedrich Merz. ‘Speech at the Munich Security Conference’ (Munich, Germany, 14 February 2026) available at <https://www.bundesregierung.de/breg-en/federal-government/speech-chancellor-msc-2407256>.

19) This section draws on Jolyon Ford, ‘US disruption might revitalise the global rules-based order’ *The Strategist* (Australian Strategic Policy Institute, Canberra, February 2026).

20) For a recent critical discussion of the ‘rules-based international order’ motif, see Jolyon Ford and Imogen Saunders, ‘International Law as Geology: Crawford’s Core/Periphery Metaphor and the Future of the ‘Rules-Based International Order’ (2025) 14(2) *Cambridge International Law Journal* 246.

eventuate, the US approach would need to be perceived as so disruptive by enough other countries that it catalyses and sustains diverse coalitions. These might include the EU (and its leading members), India, Brazil, Turkey, Indonesia and South Africa, as well as other so-called middle powers such as Japan, Australia and Canada. We might then have a series of patchwork rules-based orders: ostensibly inter-locking systems, but with a spectre of such regionalisation, bloc-formation and fragmentation that it becomes difficult to talk of international law as a coherent set of shared norms, or at least it becomes difficult to talk about a singular rules-based order.

(ii) Scenario 2: continuity

A second scenario that is entirely possible is continuity, wherein the current normative and institutional framework somehow muddles along. This would happen if enough key players see enough incentives to largely sustain the status quo, while the US itself selectively does so enough to perpetuate the order. Some institutions and forums fall away (reform here, funding shifts there) but the architectures, artefacts and assumptions of the post-1945 order largely endure. Countries such as Australia and Japan are deeply reliant on a world governed by widely ratified rules. They both shudder at the idea of a world governed only by power, pragmatism and unenforceable promises of protection. They have incentives to try to shore up commitment to the international legal order, just as some global powers have incentives to continue the status quo.

One might see a scenario that is a blend of ‘Scenario 1’ and ‘Scenario 2’: not the continuation of all aspects of the existing order, and with some genuinely distinctive features, but not unrecognisable from the current order. When Germany’s Chancellor said in February 2026 that the rules-based international order “no longer exists”, it was less-widely reported that his full sentence was “no longer exists *in that form* [emphasis added].”²¹⁾ Will we see the emergence of a modified international order (or set of orders?) that still fits analytically within this Scenario 2 because it represents continuity more than it represents change? Moreover, could we see continuity, by and large, but with a far greater scepticism (than already might have existed) about international agreements and norms, a lower denominator of commitment-levels, a greater deference to (or more expansive, pre-1990s definition of) sovereign interests. This is perhaps what is captured by the ‘values-based realism’ approach suggested by Finland’s president over recent years, and reiterated by him in various forums in early 2026.²²⁾ Some might argue that an international order where less expansive or ambitious undertakings are made by or expected of states would be one with greater levels of compliance (with less demanding standards) and lower levels of

21) See n 18 above.

22) Alexander Stubb, ‘Speech by the President of Finland’ (Helsinki, Finland, 27 August 2024); <https://www.presidentti.fi/en/speech-by-president-of-the-republic-of-finland-alexander-stubb-at-the-annual-meeting-of-heads-of-mission-in-helsinki-on-27-august-2024/>.

hypocrisy: rather than framing things in the language of legal obligations, states do not purport to be doing anything other than pursuing their interests in a fairly open way without particular reference to questions of legality.

(iii) *Scenario 3: collapse*

Finally, another plausible scenario is, of course, an outright collapse of multilateralism as we know it, and indeed of the norms, principles and values-based commitments underpinning the post-1945 institutions (not just the institutions themselves). How would that scenario arise? Seeing the US abandon rule-based frameworks in favour of force-backed transactional (deal-seeking) power plays, states would dispense with the notion of a quasi-constitutional order with the United Nations Charter at its apex. In this scenario, they would not even bother with the usual lip-service that states pay to this order and its institutions. Instead, states would reorganise relationships and postures to fit a highly transactional and pragmatic scene very unlike what we have today: a flat, decentred and open-ended sphere-of-influence situation reminiscent of imperial eras.

The last scenario might come about if, for example, the overall US outlook to 2030 and beyond is premised on ideas of ‘civilisational’ spheres of influence, where great powers (as in imperial days) divide up areas of the world and tacitly or explicitly agree to defer to the regional hegemon in areas not within their sphere.²³⁾ However, even if such a vision came to pass, it is difficult to see regional groupings (for example, North America and Western Europe) continuing without some shared normative framework and perhaps accompanying institutions and dispute resolution mechanisms. If so, ‘international law’ and (a series of) rules-based international orders might continue albeit in a very different way to the liberal rules-based order that has prevailed for the last 80 years.

²³⁾ See for example Michael Williams, ‘The Right’s Civilisational New World Order’ (Jacobin online, 21 February 2026): <https://jacobin.com/2026/02/civilization-trump-european-right-geopolitics>.