

Reforming treaty scrutiny in the UK

Addressing the democratic deficit

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International agreements increasingly shape UK domestic policy, yet they often bypass meaningful scrutiny by Parliament, civil society, and devolved administrations. Reform is urgently needed to ensure:

1. Accountability, transparency, and inclusive oversight of all international commitments (including treaties as well as non-binding instruments); and
2. That all international commitments are subject to proper democratic processes before they are finalised and implemented.

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Problem statement

The UK's current approach to scrutinising international agreements is inadequate, lacking transparency, parliamentary control, and inclusive stakeholder engagement. Treaties, which are often negotiated in secret, can significantly shape domestic policy but are ratified with minimal oversight. Non-binding agreements can even bypass scrutiny entirely. Parliament has limited powers, civil society is often excluded, and devolved administrations are inconsistently consulted. These gaps undermine democratic accountability, increase the risk of imbalanced outcomes, and erode public trust in how international commitments are made.



Recommendations

To address the accountability and transparency challenges in the UK's treaty scrutiny system, the following actions are recommended:

Enhance parliamentary scrutiny:

Introduce a statutory requirement for a parliamentary vote on significant treaties; involve Parliament and select committees earlier in the negotiation process; establish a permanent treaty scrutiny committee in the House of Commons; and increase resources and expertise available to relevant committees across both Houses to support more effective oversight. Efforts should also be made to actively engage MPs by raising awareness of the domestic impact of treaties and integrating treaty scrutiny into routine parliamentary business.

Broaden and balance stakeholder engagement:

Ensure meaningful involvement of civil society, NGOs, and devolved administrations throughout the treaty process; reduce barriers such as restrictive NDAs that limit participation and internal consultation; and introduce feedback mechanisms so contributors are informed of how their input is used.

Adopt a content-based scrutiny approach:

Scrutinise international agreements based on their substance and policy impact, not just their legal form or title; and establish a central, publicly accessible registry of all international agreements (binding and non-binding) to ensure transparency and visibility.

To achieve these aims, two complementary pathways to reform should be explored:

1. Pursuing legislative reform through a Treaty Scrutiny Act to embed parliamentary powers, timelines, and transparency obligations in law.
2. Implementing procedural reforms via standing orders to improve scrutiny practices in the short term, laying the groundwork for longer-term structural change.



Research summary

This policy brief draws on the findings of an expert roundtable held on 18 June 2025, which brought together academics, legal experts, policymakers, and parliamentary staff to examine the UK's treaty scrutiny framework. Participants identified serious shortcomings, including limited parliamentary powers, inadequate stakeholder engagement, and the use of non-binding instruments to avoid oversight. The discussion revealed strong consensus that reform is essential to ensure transparency, democratic accountability, and more effective scrutiny of international agreements that increasingly influence UK domestic policy. The brief reflects collective insights and practical recommendations emerging from the roundtable discussions.



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Background information

The scrutiny of international agreements in the UK has long been a marginalised and highly technical process, historically dominated by the executive. Parliament has played only a limited, often symbolic role, particularly when compared to the rigorous scrutiny applied to domestic legislation. Unlike domestic bills, treaties are typically negotiated in secret and presented to Parliament only after they are concluded, with few opportunities for input or amendment.

The Constitutional Reform and Governance Act (CRAG) of 2010, formalised some parliamentary involvement, requiring treaties to be laid before Parliament for 21 sitting days prior to ratification. However, CRAG:

1. Does not guarantee debate or a vote, and in practice offers minimal constraint on executive power by a Parliament that rarely intervenes; and
2. Does not cover non-binding instruments such as Memoranda of Understanding (MOUs), and as such they fall entirely outside the system.

While Brexit has intensified scrutiny of treaty-making (as the UK regained control over trade and international agreements previously managed at EU level), this issue is not new. The UK was entering into treaties in its own right pre-Brexit, and the weaknesses in scrutiny are longstanding. The urgency now lies in the growing number and complexity of treaties that touch on domestic policy. International commitments (including but not limited to treaties) can have a profound impact on domestic law, rights, and services, making effective scrutiny vital for democratic legitimacy and public trust.

Research findings

The UK's current treaty scrutiny process is out of step with democratic norms and poorly suited to the complexity of modern international

governance. Evidence from the June 2025 expert roundtable, attended by leading academics, legal practitioners, policymakers, and parliamentary staff with direct experience of the treaty-making process, revealed widespread agreement that the existing framework is structurally outdated and procedurally weak.



Participants highlighted that:

- Parliament remains a passive observer in decisions that can bind the UK for decades. The absence of a statutory vote on major treaties, limited early engagement in negotiations, and a lack of institutional capacity (particularly in the House of Commons) were seen as fundamental shortcomings.
- The exclusion or marginalisation of civil society, devolved administrations, and expert stakeholders was viewed as undermining both the legitimacy and quality of treaty outcomes.
- The strategic use of non-binding instruments, such as MOUs, to avoid scrutiny further compounds the problem.

There was strong consensus that reform is essential. A new framework must grant real powers to Parliament, improve transparency, and support early and inclusive engagement. Such improvements might be achieved through legislative amendments and/or procedural reforms. While flexibility may be necessary in exceptional cases, oversight must remain the default. Without reform, the UK risks continuing to make far-reaching international commitments without sufficient democratic accountability or public trust.



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