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## **World Trade Organization Agreement Acceding Impacts on the Developing Countries' Human Rights System**

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### **Abstract**

Among the pillar objectives of the World Trade Organization (WTO) is improving the living standard of the people through a free flow of trade, trade liberalization, and building neutral means of settling disputes. However, developing countries criticize WTO principles by claiming they violate human rights norms like labor rights, environmental rights, and access to basic social service rights since developing countries lack resources, technology, and manpower, which are vital for the production of goods and services. Because of this fear, many developing countries retreat from joining WTO and from acceding since it is difficult for them to become advantageous from world free market trading. Thus, to make the WTO agreement a win-win podium of international commerce for both developed and developing countries, especially for the protection of human rights, there should be reform on WTO principles, and WTO must be a fair trade agreement rather than a free trade agreement.

Keywords: Acceding; Developing Countries; Human Rights; WTO

### **Introduction**

The inception of the World Trade Organization (WTO) is traced back to the efforts for the arrangements of the global economy that happened after World War Second (WWII) because the economic instability of the 1930s Great Depression had caused humans to lose and has been the contributing factor for world war second (Brysk, 2002; Harrison, 2009). Allied Power Representatives met at Breton Wood in 1944 to plan a road map for the post-war Global Economy. The Bretton Woods conference envisioned the International Bank for Reconstruction and Development (IBRD), the International Monetary Fund (IMF), and the International Trade Organization (ITO) as a solution to stabilize and strengthen the new global economy (Joseph, 2011). The IBRD has intended to charge to provide finance for the reconstruction of many war-devastated States. The IMF's role was to promote macroeconomic stability in global exchange rates and balance of payment. The ITO was intended to supervise international trading rules, promote free trade among nations, and supervise the protectionists' policies that were supposed to contribute to the Great Depression. Hence, the Havana Charter establishing the ITO was concluded in 1948, though it never came into being, mainly because of the refusal faced by the United States to ratify the Havana Charter (Narlikar, 2005; Kinley, 2009).

After WWII, twenty-three countries (Australia, Belgium, Brazil, Burma (Myanmar), Canada, Ceylon (Sri Lanka), Chile, China, Cuba, Czechoslovakia (the Czech Republic and Slovakia), France, India, Lebanon, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, South Africa, Southern Rhodesia (Zimbabwe), Syria, United Kingdom, and the United States), led primarily by the



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United States, Canada, and the United Kingdom, negotiated the GATT (Irwin, 2008). The goal was to create an agreement that would ensure postwar stability and avoid a repeat of the mistakes of the Smoot- Hawley Tariff – a tariff that raised import duties to protect American businesses and farmers in return, which resulted in considerable strain to the international economic climate of the Great Depression and retaliatory responses. With the demise of the ITO, GATT became the forum for the continued negotiation of free trade rules. Accordingly, the 1947 GATT created new basic rules to regulate international trade between members. These rules were developed over various rounds of negotiations, culminating in the Uruguay round (1986–1994), which led to the creation of the WTO (Vangrasstek, 2013). On 15 April 1994, the Final Act exemplifying the Results of the Multilateral Trade Negotiations of the Uruguay Round was signed at Marrakesh, Morocco, by representatives of most of the 124 governments and the European Communities that had participated in the negotiations (Anderson, 2021). Hence, The Marrakesh Agreement establishing the WTO of 1994 transformed the GATT from a negotiating forum held together by a multilateral treaty into the WTO, an international organization, WTO came into existence on 1 January 1995 intending to assist the smooth conduct of international commerce through a free flow of trade, by achieving liberalization gradually through negotiation and set up a neutral means of settling disputes.

### **Research Approach and Design**

This study is a literature review that has applied an integrative or narrative review approach. This is advisable when the review aims to critically evaluate a large field of research on a specific issue (Snyder, 2019). An integrative literature review (ILR) is a specific review method that summarizes past empirical or theoretical literature to provide a comprehensive understanding of a particular phenomenon or problem (Broome, 1993). The process offers new perspectives and condensed knowledge about a particular issue, enabling the researcher to move beyond the analysis and synthesis of primary research findings. ILR permits the inclusion of both primary research studies and other sources of information, which might include opinions, discussion papers, and policy documents (Snyder, 2019). Hence, the approach adopted in this study involves an integrative or narrative review, which allows a broader understanding of a particular phenomenon (Grove et al., 2012; Torraco, 2016). ILR enables us to capture the World Trade Organization (WTO) Agreement Acceding Impacts on the Developing Countries' Human Rights System. The researcher critically analyzed and examined the literature and evidence about the WTO principles and the acceding effect on the human rights protection of developing states. Because the integrative or narrative review approach enables one to summarize various types of evidence, it provides a broader, more inclusive view of phenomena (Soares et al., 2014). The researcher purposively selects articles and books from website search engines by using keywords like WTO principles (Bowen, 2009). The researcher read abstracts first and made selections and then read full-text articles later, before making the final selection to use an article. The researcher carefully monitored the data abstraction during the review process to ensure quality and reliability. The review of the WTO principles and analysis of the meaning behind the basic data highlighted the effects of acceding to the WTO on developing countries' human rights protection. Hence, section one of the



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article is an introduction. Section two deals with the methodological approach of the study. While section three of this article deals with the Principles of the World Trade Organization, section four focuses on the Relationship between WTO Principles and Human Rights. Impacts of Acceding WTO Agreements on the Human Rights System of Developing Countries is section five. Section six covers the conclusion.

### **Principles of World Trade Organization**

The fundamental principles running through the whole body of the WTO Agreements are designed to ensure the objective of free trade. Since these principles are guiding lines for the realization of the objectives of the WTO, it is also vital to understand the principles of WTO to judge the role of WTO in human rights protection. These fundamental principles are trade without discrimination, predictability, fair competition, and free trade, gradually and through negotiations (Hoekman & Kostecki, 2001). The underlying assumption behind nondiscrimination is that for free trade to be there, competing products or services need to be given an equal opportunity so that the winner will be determined only by free competition, not by artificial, discriminatory practices. This anti-discrimination principle is ensured through the Most-Favored-Nation Treatment (MFN) and National Treatment principles. The Most-Favored Nation Treatment (MFN) upholds that WTO members are obligated to grant to the products of other Members treatment no less favorable than that accorded to the products of any other country (GATT, 1994, Article I). WTO members cannot give special trading advantages to another or discriminate against it. The MFN principle ensures that countries can benefit freely from the best trading conditions whenever and wherever they are negotiated. The National Treatment principle deals with the other possible form of discrimination, that is, between domestic and foreign products. It stipulates that once goods have entered a market, they must be treated no less favorably than similar, domestically produced goods (GATT 1994, article III).

The second principle of WTO is predictability. The WTO strives to make the business environment stable and predictable through transparency. When countries open their markets for goods based on the concessions they offer, they are bound by their commitments. That could be changed only after negotiations with the other trading partners are held, which would entail compensating for any loss in trade. To encourage transparency within the trading system, WTO rules require that members disclose their policies and practices to the WTO. The regular trade policy review mechanism of the WTO provides a further means of encouraging transparency at the multilateral level (Afzal et al., 2025). Free Trade, gradually and through Negotiations, is the third principle. Lowering or removing trade barriers is one of the most obvious means of encouraging trade. The barriers include tariffs and measures such as import bans or quotas that restrict quantities selectively. While opening markets by lowering or removing trade barriers can be beneficial, it is also recognized that it requires adjustment (Ahmad et al., 2024). Consequently, WTO Agreements allow members to introduce changes gradually, through progressive liberalization and negotiations (Cottier, 2006). The fourth principle is fair competition. WTO stands for a system of rules dedicated to open, fair, and undistorted competition. The aim is to discourage unfair trade practices, such as export subsidies and the dumping of



products below cost to gain market share.

### **The Relationship between WTO Principles and Human Rights**

International human rights law has supremacy over all other conventional international laws, including those found in trade agreements, and in the event of a conflict between trade rules and human rights norms, human rights law must prevail (Mutua and Howse, 2000). This assertion is based on the principle of the primacy of international human rights law, which derives from the United Nations (UN) Charter together with the Universal Declaration of Human Rights (UDHR). The Charter sets human rights as the cornerstone for the achievement of the purposes of the United Nations (UN Charter, 1945, Article 1(3)). The UN will encourage “universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion” (UN Charter, 1945, article 55). Likewise, it imposes an obligation on UN member states “to take joint and separate action in cooperation with the Organization for the achievement of the purposes outlined in article 55” (UN Charter, 1945, article 56). It is therefore clear that UN member States are obliged to respect human rights. The pre-eminence of this obligation is confirmed by Article 103 of the Charter which says “In the event of a conflict between the obligations of the Members of the UN under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail” (UN Charter, 1945, article 103). The message of this provision is that, while states are bound to fulfill their obligations under the treaties establishing international organizations such as the WTO and others, they must do so in a way consistent with their obligations as members of the UN, including the obligation to cooperate with the organization in its quest to promote universal respect for human rights. As Skogly argues, states cannot establish international obligations to avoid their obligations under international law (Skogly, 2001). UDHR proclaims that every actor of human rights enforcement shall strive for the realization of basic human rights (Haider, Ali, et al., 2024). While the legal standing of the UDHR remains a matter of controversy, it may be contended that the constant references to it in numerous international forums and international human rights treaties, as well as in the legislative and judicial proceedings of many countries, indicate that many of its provisions have become part of customary international law binding even on those states that did not approve it in 1948. Several resolutions adopted by the key UN human rights bodies also make it clear that international economic policy, including trade, must be consistent with international human rights norms. Thus, in its Resolution on Intellectual Property Rights and Human Rights, the Subcommission on the Promotion and Protection of Human Rights reminded all governments and says that human rights obligations are superior over economic policies and agreements and requested all Governments and national, regional, and international economic policy forums to take international human rights obligations and principles fully into account in international economic policy formulation (UNCHR Resolution 1999/30, 1999).

The UN Commission on Human Rights recognized that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equality, participation, accountability, and non-discrimination, at both the national and international levels and affirmed the need for multilateral institutions to recognize, respect and protect all human rights (UNCHR



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Resolution 2002/28, 2002). The Resolution further affirmed the commitment to an open, equitable, rule-based, predictable, and non-discriminatory multilateral trading and financial system to ensure that there are greater complementarities between the basic tenets of international trade law and international human rights law. It is generally accepted that the obligation to respect human rights is erga omnes - obligations binding on all states and in whose observance all states have a legal interest (Shapira, 1992). In its General Comment No. 31, the UN Human Rights Committee stated that the rules concerning the basic rights of the human person are erga omnes (General Comment 13, p.1). To the extent that human rights are obligations erga omnes or have the status of custom or general principles, they should take precedence over conflicting rules of international law, such as trade agreements (Haider, Ahmad, et al., 2024). WTO has an international legal personality, which confers upon it certain rights and obligations, which means that it is obliged at least to respect human rights (Werhane, 2016).

### **Impacts of Acceding WTO Agreements on the Human Rights System of Developing Countries**

The stated aim of the WTO is to ensure that trade flows as smoothly, predictably, and freely as possible (WTO, 1994). However, it is important to note that the WTO does not claim to be a free-market organization. The actions and methods of the World Trade Organization evoke strong antipathy. Among other things, the WTO is accused of widening the social gap between rich and poor it claims to be fixing (William, 2004). Martin Khor argues that the WTO does not manage the global economy impartially, but in its operation has a systematic bias toward rich countries and multinational corporations, harming smaller countries that have less negotiation power (Khor, 2006). Supporters of developing countries' membership postulate potential advantages (more economic benefits) for developing countries that they will gain if they accede to WTO (Alem, 2019). Among others, the following are some of them. WTO promotes peace within nations. Peace maintenance is one of the functions of the WTO. Peace is an outcome of two of the most fundamental principles of the trading system - helping trade flow smoothly and providing countries with a constructive and fair outlet for dealing with disputes over trade issues. WTO handled Disputes constructively. As trade expands in volume, in the number of products traded, and in the number of countries and companies trading, there is a greater chance that disputes will arise. WTO helps resolve these disputes peacefully and constructively. If this were left to the member states, the dispute may lead to serious conflict; however, trade tension can be reduced by an organization like WTO. Thus, WTO promotes the right to peace of citizens through the peaceful conflict resolution mechanism of its principles. Free trade cuts the cost of living (Sadiq & Haider, 2025). Protectionism is expensive; it raises prices, and WTO lowers trade barriers through negotiation and applies the principle of non-discrimination. The result is reduced costs of production (because imports used in production are cheaper), reduced prices of finished goods and services, and ultimately a lower cost of living. Free trade raises income. Lowering trade barriers increases imports and exports, which can raise the countries' foreign exchange earnings and income capacity. Trade stimulates economic growth. With an upward trend in economic growth, jobs can be created, and this can be



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enhanced by WTO through careful policy-making and powers of free trade.

Though some individuals argue WTO has its advantage as we have seen above, WTO is not free from nitpicking especially for developing countries because those developing countries lack resources, technology, and manpower which are vital for the production of goods and services. As a result of these, it is difficult for developing countries to become advantageous from world free market trading. The following are some of the negative effects of WTO. Accessing WTO affects access to basic Social Service Rights. The WTO is seeking to privatize essential public services such as education, health care, energy, and water, which are basic human rights (UDHR, 1948, article 7, article 11, and article 12). Developing countries cannot afford this service easily if they are privatized. For instance, access to drugs makes up an important component of the right to health since drugs can save lives and improve health when they are available and are affordable. However, the availability and affordability of essential drugs become a challenge for developing countries if they accede to the WTO. Because acceding to the WTO requires member states of the WTO to comply with the agreements of Trade-Related Aspects of Intellectual Property Rights (TRIPS) (TRIPS, 1994). The TRIPS agreement prescribes a minimum standard of intellectual property rights (IPRS) that WTO members ought to comply with. Accordingly, developing countries should make IPRs available to pharmaceutical products and processes. Thus, patented medicine may only be produced, sold, and imported by the patent holder or with his authorization. This principle increases the price of medicine and decreases the amount of medicine available for use. It is difficult for developing countries to access drugs easily for infectious diseases like malaria, tuberculosis, and HIV/AIDS treatment. Likewise, the General Agreement on Trade in Services (GATS) will increasingly pressure developing countries to privatize important service sectors like water services, leaving them open to control by transnational enterprises. However, if privatized water becomes unaffordable in a poor country, rural communities would be unable to grow established crops and maintain food security generally (Mosoti & Gobena, 2007). In addition, farmworkers face dehydration in the fields and are denied water to clean themselves. This would cause the failure of developing countries to meet their human rights obligations under the rights to food, health, and labor, as has already occurred with the domestic system in Manila, Philippines (Dommen, 2005). Agricultural rules (Agreement on Agriculture) affect the right to food & workers' rights. The right to food, the right to be freed from poverty, the right to an improved standard of living, and the right to development are human rights (UDHR, 1948, article 25; ICESCR, 1966, article 7, article 11, and article 12). For the realization of Economic, Social, and Cultural Rights, states have to fulfill and protect these rights. The government adopts development packages and programs such as agricultural research, training and extension, pest and disease control, market promotion services, infrastructure services, domestic food reserve, food aid, resource preservation and environmental protection, irrigation, settlement, and regional support to enhance and speed up agricultural commercialization. Agriculture support measures include menu-based extension packages to enhance farmers' choice of technologies; agricultural technical vocational education training (TVET); measures for improved functioning of the market for agricultural inputs (fertilizers and seeds) and outputs; organizing strengthen and diversify autonomous cooperatives to provide better marketing



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services can serve as bridges between small farmers; strengthen agricultural research extension, natural resource management, water harvesting and small scale irrigation; and measures to improve production and productivity of livestock through strengthening health services. These domestic measures are believed to improve the right to food, the right to be freed from poverty, the right to an improved standard of living, and the right to development. However, once Developing Countries accede to the WTO, these measures will fall under the rules and regulations of the WTO. Hence, there will be tariff reductions, which will expose domestic producers to external influence, and domestic producer rights to development will be violated; the elimination of export subsidies and domestic support measures will increase the price of imported products. As a result of this, foreign importers will not send their products to developing countries since people have a limited ability to buy expensive products. These food insecurities are a violation of the right to food. Moreover, WTO violates labor rights. WTO rules triumph the rights of corporations over labor rights. WTO encourages profit-generating rather than promoting internationally recognized labor standards. It encourages governments to take into account "noncommercial values" such as human rights. The WTO is affecting the rights to a Clean Environment. The WTO is attempting to deregulate industries including logging, fishing, water utilities, and energy distribution, which will lead to further exploitation of these natural resources. The WTO undermines local decision-making and national sovereignty rights. The WTO's MFN provision requires all WTO member countries to treat each other equally and to treat all corporations from these countries equally regardless of their track record. Local policies aimed at rewarding companies that hire residents, use domestic materials, or adopt environmentally sound practices are essentially illegal under the WTO (Ahmad et al., 2023). Developing countries are prohibited from creating local laws that developed countries once pursued, such as protecting new, domestic industries until they can be internationally competitive. In general, WTO is undemocratic unless there is fair trade between developed and developing countries. The policies of the WTO affect all aspects of society, but it is not a democratic and transparent institution. WTO gives a special advantage to rich nations, and it affects the poor nations because poor people may not have effective bargaining power in negotiations. Due to these, it is not surprising if one argues that WTO has a comparative advantage for developed countries and is prone for developing countries.

### **Conclusion**

Developing countries cannot meet WTO obligations simply and have several fraught challenges because developing countries have limited financial and human resources. WTO favors developed nations, and it is less beneficial for developing countries, especially for human rights protection according to its current principle. Due to this, the current terms of trade between developed and less developed countries are unjust because there is a power imbalance since developed countries are cost-effective in production because of the technology and skilled manpower they have. Acceding to WTO without leaving room for domestic policy jurisdiction to regulate trade relations with others erodes the human rights obligations of states that they promised in international human rights law.



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To accede to the WTO agreement, there should be fair or equitable trade - a trading partnership based on dialogue, transparency, and respect that seeks greater equity in international trade. It contributes to sustainable development by offering better trading conditions and securing the rights of marginalized producers and workers – especially in the South. Fairtrade enables developing countries to promote poverty alleviation and sustainable development, safe and healthy working conditions for producers, transparency and accountability in the global trading system, and sound environmental practices. Thus, fair trade alleviates poverty, enhances gender equity, and improves working conditions, the environment, and distributive justice. So, to gain benefits from the accession of WTO, there must be free trade in WTO, there must be room left for domestic policy jurisdiction, and there must be special assistance for developing countries. Hence, reforming WTO principles first is necessary.

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