

Membership with a Price: Weakened Sovereignty in the Age of the WTO

By Isaac Wong

Introduction: How does the WTO relate to sovereignty?

With a goal of “ensur(ing) that trade flows as smoothly, predictably and as freely as possible” (Rose, 2005, p. 3; WTO, 2000), the World Trade Organization (WTO) was formed on January 1, 1995 with a “rule-based” model rather than a “power-oriented” model for solving trade disputes (Busch & Reinhardt, 2003; Hilf, 2001). This was manifested by the establishment of a dispute settlement mechanism stated in *Dispute Settlement Understanding*. The WTO Appellate Body can interpret trade agreements and make binding decisions on trade disputes over WTO members. While many leaders believe these settlements can protect both nations and citizens from special interest groups (Schaefer, 1995), some experts view this power as proof that the WTO is eroding the sovereignty of its members by making new regulations when handling trade disputes (Schaefer, 1995; Wolff, 2001). Wolff emphasizes such “judges make law” behavior is not anticipated nor consented by the WTO members when signing WTO agreements. As the WTO is a significant player in world economics, analyzing the relations between the WTO and the sovereign rights of its members can shed light on how other important international organizations, like the United Nations, European Union, and International Monetary Fund, might reform their identities in the age of globalization, interdependence, and the rise of developing countries. The sovereignty-violation claim will be examined from both domestic and international perspectives, and by looking at how the power of the WTO intervenes with the power politics of states which existed long before. We argue that as the WTO has become an integrated component of global governance, joining the WTO indeed requires member states to relinquish some of their sovereign rights.

Defining “Sovereign rights”

To begin our discussion, we must first clearly define “sovereign rights”, as the conflict between sovereignty and global governance is the focus of this investigation. This issue is quite complicated, as De Benoist (1999, p. 99) once stated that “the concept of sovereignty is one of the most complex in political science, with many definitions, some totally contradictory.” Here,

we would mention a few important definitions which may help build the argument of this essay. According to Conca (1994) and Haas, Keohane, and Levy (1993, pp. 415-417), sovereignty can be classified as including “operational sovereignty”, which is the actual legal freedom of the state to act under international law, and “formal sovereignty”, which is the legal supremacy and independence of the state on paper. They further mention that when facing environmental problems, countries limit their own operational sovereignty and establish international organizations to solve them because the environment is interdependent across borders. Such tension within sovereign states between limiting sovereignty for international cooperation and strengthening sovereignty for national safety can also be seen in the WTO. Meltzer (2005, pp. 5-9) adopted a similar view, classifying sovereignty into two logically independent dimensions: “Westphalian sovereignty”, which means the power of the state to exclude other states from intervening in domestic matters, and “legal sovereignty”, which emphasizes the independence and equality of all states before international law. Haass (2003) has a clearer definition, stating a sovereign state has four main characteristics: monopoly of legitimate force within its territory, successful border control, foreign policy autonomy, and recognition from other states. From these scholars’ views, we could summarize that a sovereign state has two dimensions of sovereign rights. They are the internal dimension, focusing on the supremacy of the state inside its border, and the external dimension, the ability of a state to make its foreign policy decisions freely with the recognition of independence from other states. In the following paragraphs, we will analyze how WTO policies conflict with this concept of sovereignty from the internal and external dimensions, and examine whether joining the WTO means a loss of sovereign rights for the state.

There are two points that are worthy of attention. The first is that globalization is already changing the traditional way that states exercise their power. For example, members of the European Union are dually represented by their own countries and the EU, and after 1970, EC (the predecessor of EU) accepted most agreements of GATT on behalf of its member states (Brsakoska Bazerkoska, 2011), showing that the EU as a supranational union could partly represent its members. The second point is that WTO members need not be sovereign states. Besides the EU, Hong Kong and Macau are members of the WTO, and Taiwan joined under the name of “Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu” (Charnovitz, 2006; Chow, Tuan, & Wang, 2001) even though most WTO members follow the “One China

policy”. While most WTO members are indeed countries, it is worth noting that some members are not, and the concept of “losing sovereign rights” may not be suitable for them.

From the internal point of view: How does the WTO clash with domestic policies?

The WTO agreements cover a wide variety of trades, including the trade of goods, services and intellectual rights. These trading laws restrict the choices of WTO members in making domestic policies in many domains, including economic, health, environmental, legislative and judiciary. The WTO also acts as the regulator and arbitrator of global trade.

Joining the WTO requires that the member must embrace open trade. Open trade, in turn, means that the government can no longer rely on tariffs (Drysdale, 2003), importing quotas (Rosen, 2005), and subsidies (Babetskaia-Kukharchuk & Maurel, 2004) to protect its local industries. This promise itself is a violation of sovereignty because states may later find keeping a fully open trade policy is detrimental to them, especially for those developing countries relying on tariffs to protect their infant industries. They are also restricted from providing subsidies to stimulate their economy, causing them to be more vulnerable to economic crisis because they cannot bail out troubled businesses so that a large number of workers may be dismissed in a short period of time, leading to social turmoil (Brown, 2009; Brunel & Hufbauer, 2009). Some would suggest quitting the WTO when handling such a crisis, but that is highly problematic because the member’s businesses would be excluded from the global market and their economy may collapse. This means that the states lose the power to subtly adjust the “openness” of their open trade policy. Once joining the WTO, they are required to keep their markets fully open no matter how their domestic economy changes. If they dared to exercise their sovereignty and impose tariffs and quotas anyway, other WTO members could impose antidumping duties, countervailing duties and initiate safeguard investigations to retaliate, collectively known as “contingent protection” (Rowley & Schneider, 2008; Tharakan, 2000). The violator usually has to choose between bearing the skyrocketed tariffs or abolishing their protectionist policy. If they choose the latter, then the WTO has effectively deterred the country from exercising a part of its sovereignty in implementing local economic policies.

Tharakan (2000) proposes that this kind of loss of economic sovereignty due to outside pressure is more severe in small, developing, and lower-middle income countries, as they lack

the legal expertise and political clout to present their views before the WTO judges. Moreover, these antidumping regulations were set up by developed countries and they are far more experienced in using them. Even if developing countries win a case, they often cannot enforce the rulings (Anyiwe & Ekhaton, 2013). Consequently, although WTO agreements are ostensibly fair to all members, in reality developing countries are in a weaker position than developed countries. An example is an iron and steel trade dispute between Indonesia and Taiwan (WTO, 2017). Taiwan has a strong steel industry and exports high quality and cheap steel products to developing countries. In the past, Indonesia had relied on tariffs to obstruct Taiwanese iron from entering its domestic market. But after Taiwan joined the WTO, it raised trade disputes against Indonesia and other similar countries and successfully forced them to drop the tariffs (WTO, 2018). Indonesia, as a developing country, seems to have lost more sovereignty than Taiwan in this case.

The sovereignty of some developing member countries is further undermined after WTO accession due to rules amendment. Rosen (2005) studied the implication for Bangladesh and Cambodia of a new WTO rule, which eliminated the textile quotas worldwide in 2005. Previous to the ruling, these two countries had a strong garment production industry, exporting to the United States. Bangladesh had a quota of approximately 900,000,000 for exporting garments to the U.S., which provided nearly two million jobs for Bangladeshi people. Cambodia had signed a trade deal with the U.S., rewarding her with duty-free access to the U.S. market on the condition that Cambodia improved her labour conditions. This trade situation was beneficial to all parties. However, after quota elimination, many factories supplying the U.S. were relocated to China due to its cheap labour supply and lax labour and environment protection laws. This led to a “race to the bottom”, in which Bangladesh and Cambodia set lower wages and poorer working conditions to keep the factories and jobs in their countries. In the end, all three developing countries lost sovereignty. Under these new WTO rules, members are encouraged to compete among themselves for investors, which transfers the sovereignty in setting labour protection laws and pollution regulations to multinational giants like Walmart. With weak bargaining power in the WTO, developing countries usually cannot stop these amendments from passing, and their sovereignty is further diminished.

Another well-known conflict between WTO regulations and developing countries' domestic laws is drug patent protection. Traditionally, only states could decide whether to give patents to an innovation and the concept "global patent" did not exist. The right of issuing patents is part of sovereign rights. However, joining the WTO requires the applicants to sign Trade-Related Aspects of Intellectual Property Rights (TRIPS), which outlines the universal minimum requirement on patent protection for all members, including a term that members must give a patent to all kind of innovations for at least 20 years (Reichman, 1995). TRIPS marks another loss of sovereign rights by stipulating changes members should make to their domestic patent laws in order to fit WTO regulations.

When applying TRIPS to public health, this means WTO members are not allowed to produce or import generic drugs for 20 years after the brand-name drug is invented. Generic drugs have the same active ingredients and performance with a brand-name drug, and are produced after the patent of brand-name drug expires (Orsi, Hasenclever, Fialho, Tigre, & Coriat, 2003). As China is now a developing country, she cannot waive the drug patent easily under TRIPS. However, many Chinese still cannot afford certain drugs, such as Gleevec, and are compelled to buy generic drugs, sometimes actually fake drugs, from smugglers. The examples above manifest the harsh reality that joining the WTO can have lethal consequences for the poor in developing countries due to the governments' inability to provide affordable medicine for their people.

In legislative and judicial aspects, WTO members cannot make laws with full autonomy. Their laws need to be in compliance with WTO treaties and resolutions, so the parliament of that state is no longer the only highest lawmaking body of the country. A case in Japan exemplifies this well. In the 1990s, Japan was still very protective towards its industries and had set up lots of non-tariff barriers. Naturally, she was under huge pressure from the U.S. and EC, two of her major trading partners. When ratifying the WTO treaty in 1995, Japan surrendered and revised many of its laws that would contradict with WTO regulations. Also, the Japanese government clearly stated that international treaties like WTO agreements prevailed over domestic law (Cortell & Davis, 2005). The domestic law of Japan no longer enjoyed supremacy within its own territory, signifying a significant loss of sovereignty.

Also, state judicial systems lose their power as the only arbitrator of trade disputes in their territory. Before joining the WTO, the decision of state courts would be final on that dispute. Losing parties could not appeal to the international level. After joining the WTO, states have the right to file a complaint to the WTO, and the WTO will establish a panel to examine the matter and make a binding decision (Bello, 1996). It could be argued that that the WTO replaces the courts of individual members as the “court of final appeal” for trade disputes. As the court loses its supremacy in interpreting the law and treaties and lets outside parties be the final arbitrator, legal sovereignty is damaged when joining WTO.

From the external point of view: How does the WTO clash with international power politics?

The WTO also challenges the way states handle their diplomatic relationships. Before joining international organizations like the WTO, states hold external sovereignty and full independence in making foreign policies. These rights are internationally recognized by all other states. States hold the power of recognizing other political entities as states and can build diplomatic relations with them. When pressured by other states, they could resort to a non-intervention principle and reject other’s demands. All states are equal under international law and there are no higher authorities governing them (Donnelly, 2004).

After joining the WTO, a portion of such decision-making power is transferred from states to the WTO (Raustiala, 2000). All WTO members are involved in accepting new members, so forming trade ties is no longer the business between two countries but involves the whole international community. Even if some members did not have diplomatic relations between them, they form trade ties when joining the WTO. They also have agreed that they would solve their trade disputes within the framework of the WTO. As WTO members, their foreign policy options are limited by its agreements.

Also, by signing WTO agreements, members agree that such international organizations are important stakeholders in international trade relations. All members promise they will cooperate with trade policy reviews, answer queries from other members and notify their changes in trade laws on occasions like joining the WTO, setting tariffs and initiating a subsidy plan. Nation states delegate the power of maintaining the global trade system to the WTO and

abide by its decisions. The WTO, as a supranational organization, has challenged the traditional view of sovereignty (Ku & Yoo, 2013).

The loss of sovereignty is clearly manifested in WTO accession protocols. States applying for WTO membership are required to submit thousands of documents, disclosing every detail about their economic situation and explaining how their domestic trading regulations meet WTO requirements. Their sovereignty is impeded in the process, as sensitive information is transferred to the WTO community. The WTO can ask the state to submit additional documents, and negotiation will only start after members are satisfied with them (Kavass, 2007), showing that the WTO could give “suggestions”, which are in fact “orders” to the applicant governments. Even after joining the WTO, members are required to submit certain economic reports to the WTO annually such as government procurement reports (Hoekman, 1998). When China joined the WTO in 2001, she agreed to undergo special annual reviews for the first ten years of its accession (Qin, 2007). Sovereignty is lost as the state needs to answer to external parties.

After examining these documents, WTO members typically raise hundreds of concerns, and the applying states have to withdraw their WTO-inconsistent measures, such as local industry protection policies and tariff barriers (Prime, 2002). Legislative action plans and sometimes even draft legislations are presented to the members, demonstrating an applicant’s commitment on reforms. In China’s accession to the WTO, she had to promise to lower tariffs, allow foreign banks to do business in China, and remove all export bounties for textile products (Wang, 2000). China also agreed that the WTO settlement dispute mechanism has compulsory jurisdiction over herself. Qin (2007) claimed that China’s accession protocol was “the first treaty of the People's Republic that contains explicit discriminatory terms” (p. 723). China’s trade policy is now under the supervision of the WTO.

Under the structure of the WTO, diplomatic recognition is not essential in maintaining trade ties. Members can negotiate trade arrangements and resolve trade disputes with other members even when they do not have formal diplomatic relations. The WTO provides a neutral forum for discussion as equals. For example, Cuba and the U.S. restored diplomatic relations only in 2015 (Hershberg & LeoGrande, 2016), but they are both WTO founding members and had discussion about their economic relationship long before 2015 (Jones, 2017). The U.S. had

to recognize Cuba's representatives in the WTO even though the US did not recognize the Cuban regime.

Another example of this kind of conflict is that the WTO allows both China and Taiwan to be its members. The Chinese "One China Policy" aims to obstruct Taiwan from having her own seat in international organizations. But in the WTO structure, Taiwan joined as a custom area in the name "Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu". The WTO is the only major international organization that Taiwan can join as a full member today (Charnovitz, 2006). Politically, both sides agreed that they would not obstruct the accession of each other in their accession protocol. Taiwan entered the WTO one day after China did. When discussing trade terms, both China and Taiwan are equal members that can only represent the land they actually control. They are seen as separate entities. After several clashes, China reluctantly softened its "one China" position inside the WTO (Cho, 2005). China sacrificed its sovereign right in diplomatic recognition power to comply with WTO rules. This decision is a major compromise by China as its "One China Policy" is related to China's core interests. Under the "One China Policy", China claims Taiwan as part of China and refuses to participate in any organization that gives Taiwan a state-like identity. However, she chose to stay inside WTO with Taiwan because of the tremendous economic gains from WTO membership. China needs this membership to protect its trade interests so that the "One China Policy" is a secondary concern. It seems that the WTO, as an international organization governing the dominant trading interest, can establish its rules and coerce its members to follow them, even when those rules are contradicting their usual foreign policies. Sovereignty is again lost as states cannot hold their foreign policy positions tight when discussing trade issues.

An area that seems to promote equality and preserve sovereignty is the decision-making mechanism of the WTO. Unlike similar organizations like the World Bank and the International Monetary Fund, the WTO is consensus-based and does not have a board of directors (Sommerer & Tallberg, 2016). All members can voice their opinions in the ministerial conference and there is no veto power in any member. This preserves the equality of states, which is an important entitlement for a sovereign state. Nevertheless, we should notice that informal meetings are as important as the formal ones in the WTO decision-making mechanism, and small groups of developed countries, like the Quad (i.e. Canada, Japan, the EU and the U.S.) and the Quint

routinely hold informal meetings before presenting their proposals jointly to the WTO (Malcolm, 2008). Baracuhy (2014) called the Quad the decision-making powerhouse inside WTO. While the WTO has an equal structure for all members, it can be argued that some members are more equal than others. Having equal sovereign rights does not mean equal power in the international community.

Conclusion: The rise of relative sovereignty

Some scholars like Hooghe and Marks (2015) suggest that all international organizations involve a certain degree of sovereignty pooling, and that transfer of sovereignty is exactly why we need them. As Wade (1973) noted, sovereign states develop new ways to exercise their sovereignty collectively when they cannot exercise it effectively alone. Charnovitz (2006) went further and claimed that modern sovereignty “is the legal capacity to belong to the international community and to participate in IOs” (p. 406), arguing that sovereignty is diminished when states cannot join the WTO. This could be conceived as states trading their autonomous sovereignty to gain a more modern sovereignty through WTO membership. While this can be advantageous, we must remember a voluntary loss of sovereignty is still a loss. Furthermore, as joining and quitting the WTO involves a significant cost, to the extent that all trading regulations may have to be renegotiated, no WTO members have left except those that ceased to be a state. Their lost sovereignty can only be exercised through the WTO in a collective way.

In recent years, international discussions emphasize relative sovereignty, and new concepts like “Responsibility to Protect” were established in 2005 (Mana, Stephenson Jr, & Zanotti, 2016). International intervention has become more common. Sovereignty is no longer as absolute as it was in the 17th century. In an interdependent world, no government can control its economy through unilateral actions. Even a country as strong as the U.S. could not fix its exchange rates by itself and had to seek help from other countries in the 1990s (Austin & Kumar, 2016). Businesses and capital can move swiftly from one country to another, acting much faster than government officials (Fenwick, Kaal, & Vermeulen, 2016). Only through acting with other actors and pooling the sovereignty together can states gather enough power to contain the “world government... of international corporations and markets that are becoming the unseen arbiters of power in many countries” (Kaplan, 2000, p. 10). International organizations also facilitate the communication between states and non-governmental organizations, help solving

important multilateral questions related to every state. The WTO's appellate body set a precedent by considering the submissions from environmental organizations and international environmental treaties when judging the legality of U.S. law protecting turtles when catching shrimp (*Shrimp-Turtle Case*). This ruling manifest that non-state actors, representing common interest of humanity, should be considered along the trade laws, in the age in which interest of humanity must be respected when promoting economic globalization and national interests (Howse, 2016).

From the above discussions, we can conclude that joining the World Trade Organization does represent a loss of sovereign rights to the state. I think such loss is positive, and as states find themselves to be more and more interdependent with each other, I believe other international organizations will follow the WTO's path, pooling more sovereignty, perhaps until finally one day we live under a world government.

Post note:

This essay was originally written in late 2017, and since then the international political situation has been undergoing fast changes. Since Trump's inauguration, the U.S. has undermined the WTO in different ways. The U.S. has blocked the reappointment of the appellate body's judges and currently there are only four judges remaining out of seven, crippling this core component of WTO judicial system. The recent trade war between the U.S. and China has also ignored WTO tariff rules. The U.S., China, and the EU have all proposed to reform the WTO, but with different visions in mind.

The future of the WTO depends on whether the surge of protectionism can be stopped. The WTO was built on the belief that free trade would benefit everyone, but free trade also intensifies competition across borders. Protectionists are gaining political power in many countries, and the WTO and EU have suffered setbacks. If a better deal to allocate the fruit of free trade cannot be raised, the WTO and the multilateral trade system may become out of favor.

I am still optimistic. We need to reconstruct the WTO, not dismantle it. Only by pooling resources together can we solve such crisis, and I believe even protectionists will learn this, sooner or later.

References:

- Anyiwe, L. N., & Ekhaton, E. O. (2013). Developing countries and the WTO dispute resolution system: A legal assessment and review. *Journal of Sustainable Development Law and Policy (The)*, 2(1), 121-138.
- Austin, C. M., & Kumar, M. (2016). Sovereignty in the global economy: An evolving geopolitical concept. *Geography Research Forum*, 18, 49-63.
- Babetskaia-Kukharchuk, O., & Maurel, M. (2004). Russia's accession to the WTO: The potential for trade increase. *Journal of Comparative Economics*, 32(4), 680-699.
- Baracuh, B. (2014). The evolving geo-economics of world trade. *Adelphi Papers*, 54(450), 121-138.
- Bello, J. H. (1996). The WTO dispute settlement understanding: Less is more. *American Journal of International Law*, 90(3), 416-418.
- Brown, C. P. (2009). *The global resort to antidumping, safeguards, and other trade remedies amidst the economic crisis*: World Bank, Poverty Reduction and Economic Management Network, International Trade Department.
- Brsakoska Bazerkoska, J. (2011). The European Union and the World Trade Organization: Problems and challenges. *Croatian Yearbook of European Law & Policy*, 7(7), 277-290.
- Brunel, C., & Hufbauer, G. C. (2009). Money for the auto industry: Consistent with WTO rules? Retrieved from <https://piie.com/sites/default/files/publications/pb/pb09-4.pdf>
- Brzeski, P. (2018). How drug smuggler dramedy 'Dying to Survive' became a China box-office phenomenon. *Hollywood Reporter*. Retrieved from <https://www.hollywoodreporter.com/news/how-drug-smuggler-dramedy-dying-survive-became-a-china-box-office-phenomenon-1125299>
- Busch, M. L., & Reinhardt, E. (2003). Developing countries and general agreement on tariffs and trade/world trade organization dispute settlement. *J. World Trade*, 37, 719.
- Charnovitz, S. (2006). Taiwan's WTO membership and its international implications. *Asian J. WTO & Int'l Health L & Pol'y*, 1, 401.
- Cho, H.-W. (2005). China-Taiwan tug of war in the WTO. *Asian Survey*, 45(5), 736-755.
- Chow, P., Tuan, F., & Wang, Z. (2001). The impacts of WTO membership on economic/trade Relations among the three Chinese economies: China, Hong Kong and Taiwan. *Pacific Economic Review*, 6(3), 419-444.
- Conca, K. (1994). Rethinking the ecology-sovereignty debate. *Millennium*, 23(3), 701-711.

- Cortell, A. P., & Davis, J. W. (2005). When norms clash: International norms, domestic practices, and Japan's internalisation of the GATT/WTO. *Review of International Studies*, 31(1), 3-25.
- De Benoist, A. (1999). What is sovereignty? *telos*, 1999(116), 99-118.
- Donnelly, J. (2004). State sovereignty and human rights. *Human Rights & Human Welfare*.
- Drysdale, P. (2003). The implications of China's membership of the WTO for industrial transformation *China's Entry into the World Trade Organisation* (pp. 114-134): Routledge.
- Fenwick, M., Kaal, W. A., & Vermeulen, E. P. (2016). Regulation tomorrow: What happens when technology is faster than the law. *Am. U. Bus. L. Rev.*, 6, 561.
- Haas, P. M., Keohane, R. O., & Levy, M. A. (1993). *Institutions for the earth: Sources of effective international environmental protection*. Cambridge MA: MIT Press.
- Haass, R. N. (2003). Sovereignty: Existing rights, evolving responsibilities. Retrieved from <https://2001-2009.state.gov/s/p/rem/2003/16648.htm>
- Hershberg, E., & LeoGrande, W. M. (2016). *A New Chapter in US-Cuba Relations: Social, Political, and Economic Implications*: Springer.
- Hilf, M. (2001). Power, rules and principles-which orientation for WTO/GATT law? *Journal of International Economic Law*, 4(1), 111-130.
- Hoekman, B. (1998). Using international institutions to improve public procurement. *The World Bank Research Observer*, 13(2), 249-269.
- Hooghe, L., & Marks, G. (2015). Delegation and pooling in international organizations. *The Review of International Organizations*, 10(3), 305-328.
- Howell, J. (2014). Foreign Trade Reform and Relations. *The China Handbook*, 173.
- Howse, R. (2016). The World Trade Organization 20 years on: Global governance by judiciary. *European Journal of International Law*, 27(1), 9-77.
- Jones, K. (2017). Revolutionary Cuba and the GATT/WTO System. *Journal of World Trade*, 51(5), 817-842.
- Kaplan, R. D. (2000). Was democracy just a moment? *Globalization and the Challenges of a New Century: A Reader*, 196.

- Kavass, I. I. (2007). WTO accession: Procedure, requirements and costs. *J. World Trade*, 41, 453.
- Ku, J., & Yoo, J. (2013). Globalization and sovereignty. *Berkeley J. Int'l L.*, 31, 210.
- Médecins Sans Frontières. (2015). Exempt from access to affordable medicines? [Press release]. Retrieved from https://www.msfaccess.org/sites/default/files/MSF_assets/IP/Docs/IP_Brief_%20LDC_Exempt%20from%20access%20to%20affordable%20medicines.pdf
- Malcolm, J. (2008). *Multi-stakeholder governance and the Internet Governance Forum*: Terminus Press.
- Mana, F., Stephenson Jr, M., & Zanotti, L. (2016). United Nations invocations of the 'responsibility to protect', state sovereignty and state actions. *ACUNS Quarterly Newsletter*.
- Meltzer, J. (2005). State sovereignty and the legitimacy of the WTO. *U. Pa. J. Int'l Econ. L.*, 26, 693.
- Orsi, F., Hasenclever, L., Fialho, B., Tigre, P., & Coriat, B. (2003). Intellectual property rights, anti-AIDS policy and generic drugs. *Economics of AIDS and access to HIV/AIDS care in developing countries, issues and challenges*. Paris: Agence Nationale de Recherches sur le SIDA et les Hépatites Virales, 110-135.
- Prime, P. B. (2002). China joins the WTO: How, why; and what now? *Business Economics*, 37(2), 26.
- Qin, J. Y. (2007). Trade, investment and beyond: The impact of WTO accession on China's legal system. *The China Quarterly*(191), 720-741.
- Raustiala, K. (2000). Sovereignty and multilateralism. *Chi. J. Int'l. L.*, 1, 401.
- Reichman, J. H. (1995). Universal minimum standards of intellectual property protection under the TRIPS component of the WTO agreement. *The International Lawyer*, 345-388.
- Ren, S. (2018). Dying to survive, China shows the way on drug prices. *Bloomberg*. Retrieved from <https://www.bloomberg.com/view/articles/2018-07-11/dying-to-survive-china-shows-trump-the-way-on-drug-prices>
- Rose, A. K. (2005). Does the WTO make trade more stable? *Open economies review*, 16(1), 7-22.
- Rosen, E. I. (2005). The Wal-Mart effect: The World Trade Organization and the race to the bottom. *Chap. L. Rev.*, 8, 261.

- Rowley, C., & Schneider, F. (2008). *The Encyclopedia of Public Choice*: Springer Science & Business Media.
- Schaefer, M. (1995). National review of WTO dispute settlement reports: In the name of sovereignty or enhanced WTO rule compliance. *Journal of Civil Rights and Economic Development*, 11(2), 307.
- Sommerer, T., & Tallberg, J. (2016). *Decision-Making in International Organizations: Actors, Preferences, and Institutions*. Paper presented at the Annual Convention of the International Studies Association, Atlanta.
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3059444
- Supakankunti, S., Janjaroen, W. S., Tangphao, O., Ratanawijitrasin, S., Kraipornsak, P., & Pradithavanij, P. (2001). Impact of the World Trade Organization TRIPS Agreement on the pharmaceutical industry in Thailand. *Bulletin of the World Health Organization*, 79(5), 461-470.
- Tharakan, P. K. M. (2000). *The Problem of Anti-Dumping Protection and Developing Country Exports* (Vol. 2000). Helsinki, Finland: UNU-WIDER.
- Vachani, S., & Smith, N. C. (2004). Socially responsible pricing: Lessons from the pricing of AIDS drugs in developing countries. *California Management Review*, 47(1), 117-144.
- Wade, R. (1973). *The Plot to Save the World: the Life and Times of the Stockholm Conference on the Human Environment*. Toronto, Ontario: Clarke, Irwin & Company.
- Wang, S. (2000). The social and political implications of China's WTO membership. *Journal of Contemporary China*, 9(25), 373-405.
- Waning, B., Diedrichsen, E., & Moon, S. (2010). A lifeline to treatment: The role of Indian generic manufacturers in supplying antiretroviral medicines to developing countries. *Journal of the International AIDS Society*, 13(1), 35.
- Watal, J. (2000). Pharmaceutical patents, prices and welfare losses: Policy options for India under the WTO TRIPS agreement. *The World Economy*, 23(5), 733-752.
- Webster, P. (2017). TRIPS drug amendment a start. *CMAJ : Canadian Medical Association Journal*, 189(7), E289-E289. doi:10.1503/cmaj.1095391
- Wolff, A. W. (2001). Problems with WTO dispute settlement. *Chicago Journal of International Law*, 2(2), 417-426.
- World Trade Organization. (2015). WTO members agree to extend drug patent exemption for poorest members. Retrieved from
https://www.wto.org/english/news_e/news15_e/trip_06nov15_e.htm

- WTO. (2000). The WTO In brief. Retrieved from https://www.wto.org/english/thewto_e/whatis_e/inbrief_e/inbr00_e.htm
- WTO. (2017). WTO Panel Report: Indonesia – Iron or Steel Products. Retrieved from <https://www.whitecase.com/publications/alert/wto-panel-report-indonesia-iron-or-steel-products>
- WTO. (2018). *Indonesia - Safeguard on Certain Iron or Steel Products - AB-2017-6 - Report of the Appellate Body*. Retrieved from Geneva: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds490_e.htm