

# The role of international organizations in the globalization of the economy and its impact on national sovereignty

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## **Abstract:**

*The end of World War II was the beginning of expanding organized international relations and the growth of relations between different nations in all areas, especially the trade of goods and services. The spread of these connections led to a phenomenon called globalization. Globalization is tied to freedom of trade and competition. Its requirements so far have been that governments have been forced to largely change their laws, regulations, policies, and policies to enter this field and to accept various international requirements and commitments. The activities of international organizations, both global and regional, have intensified this trend. Globalization has changed the definitive boundary between domestic and international affairs, and the process of globalization has transformed the traditional concepts and structure of governance and the relationship between governance and law. The territorial jurisdiction of countries has been severely pressured by the globalization of the economy and social relations. In this transformation, the authority of all countries, both strong and weak, has been lost due to integration into the world economy.*

**Keywords:** *International Organizations, Globalization, National Sovereignty, WTO*

## **A. INTRODUCTION**

Universalism is a historical process related to the rule of law and law between nations. With the Industrial Revolution and the subsequent development of world trade and the formation of financial markets, its process accelerated [1,2]. Its requirements so far have been that to enter this field, governments have been forced to change their laws, regulations, policies, and policies to a large extent and to accept various international requirements and obligations[3]. Since the 1980s and with The development of new communication technologies such as computers, the Internet, and satellite communications, which led to changes in

global trade and monetary and financial markets on the one hand, and the spread of public awareness on the other, entered the political, legal, and economic literature. The expansion of the activities of international organizations, both global and regional, also intensified this trend. Marshall McLuhan first coined the term globalization in 1970 [4-6]. He predicted that the advancement of communications would create a global village of human beings scattered across five continents [7], with the development of mass media, including satellite, Internet, network IT, etc. The world is shrinking, and the McLuhan Global Village is being realized.

The end of the Cold War and the collapse of the bipolar system paved the way for globalization. The power of governments became increasingly subject to factors such as the information and communication revolution, technological developments, multinational corporations, organizations, and other non-governmental actors [8-12].

The most important and controversial aspect of globalization can be mentioned in the impact of this phenomenon on the economy. From this perspective, the premise of globalization can be considered the comprehensive development of communications or the information revolution. International economic and financial relations are affected by the flow of information and capital in international networks to different parts of the world [2].

The use of the Internet has also affected global economic and trade relations to such an extent that it can be said that McLuhan Global Village is being realized. In this space, transnational corporations, with the help of communication technology and fast transportation, send their huge industrial achievements easily and with unimaginable speed and across borders to all parts of the world. The way of production has changed from industrial to information technology. Although the effects of globalization and the role of international organizations in it have been in all areas related to social life, the impact of organizations in economics has played a more prominent role in the evolution of national sovereignty, which we examine in this article.

Globalization is tied to freedom of trade and competition. Free, fair, and balanced competition and the elimination of barriers and monopolistic and discriminatory behaviors are among the contexts and areas of free trade. The main role in the implementation and benefit of which is the responsibility of private individuals, both natural and legal. The free competition itself paves the way for global convergence. Convergence means the integration of markets and their opening to each other, removing barriers to free trade, and creating a suitable platform for encouraging traders and companies in the markets of other countries[1]. In the Statute of the World Trade Organization, Expansion of production and trade of

goods and services While providing the facilities for the optimal use of world resources following the goal of sustainable development, “[2] is stated as the goal of the organization. The preamble to the Treaty of Rome also explicitly states that the treaty aims to strengthen the convergence of the member states and create an economic and monetary union and create a stable and stable currency[3]. In the preamble to the Amsterdam Treaty, They called for the solidarity and economic unity of the member states for balanced development, the implementation of common trade policies, and the removal of trade barriers and restrictions [13, 14]. It can be said that the center of gravity of globalization in the field of economics is the World Trade Organization. The organization has assigned tasks to members that have fundamentally overshadowed their sovereignty. The most important of these tasks are: 1) The principle of complete government 2) The principle of national behavior 3) The principle of market access 4) The principle of non-approval of laws restricting free trade.

## **B. COMPREHENSIVE ASSIGNMENT**

### *The principle of a complete government*

This principle means that as soon as any member of any trading party grants a trade concession, the concession automatically extends to other members[3]. Historically, although some European countries have adhered to the principle of a full-fledged government In political affairs, some Asian and American states were called upon, however, accepting contracts on the condition of the full term was often inconvenient for governments because it limited their regulation of relations with others and their national sovereignty[4]. But now some governments Members of the World Trade Organization are obliged to accept and observe this principle. In this regard, the General Agreement on Trade in Services states: “Each Member shall promptly and unconditionally treat any other member’s services and service providers for any action covered by this agreement. The case of services and service providers similar to any other country should not be more undesirable. “[1] The full condition has also been extended to the field of intellectual property:” Any benefits, benefits, privileges or exemptions in respect of intellectual property protection of a member to the citizens of any country The other grant shall be accepted immediately and without any conditions in respect of all nationals of all other Members[2]. “In addition, in paragraph 5 of Article 5 of the Agreement on the Application of Health and Plant Health Measures, the third paragraph of the preamble to the Agreement Technical Trade Road, Articles 2 and 5 of this agreement, paragraph 1 of Article 2 of the Agreement on Pre-shipment Inspection and Article 3 of this Agreement have similar provisions [15].

The principle of national conduct is a kind of non-discrimination in the conduct and commitment to the members [5] means that members should not have any discriminatory treatment between their nationals and the nationals of other ordinary member states. According to this principle, the members apply the rules and privileges equally to all merchants and artisans in the fields agreed upon in trade between their nationals engaged in production and trade, not to other member countries' nationals [6]. In this regard, the Agreement on Trade-Related Aspects of Intellectual Property Rights provides: "Each Member shall treat the nationals of other members in a manner which is not more unfavorable than the treatment of its nationals." They also state: "An explanatory list of investment measures related to trade in goods that are inconsistent with the commitment to the national conduct outlined in Article 3, paragraph 4, GATT 1994 and the commitment to remove all quantitative restrictions outlined in paragraph 2 of Article 11 of GATT 1994. It shall be annexed to this Agreement[3, 16]."

The principle of market access also governs the rules of international trade organizations, including the World Trade Organization, over the rules and regulations of member states and prohibits them from enacting and enacting laws contrary to them. According to this principle, the doors of the markets of all member countries should be open to all traders, artisans, and service providers of the member countries, and they should not have any restrictions on entering the markets of other member countries. In this regard, the General Convention on Trade in Services provides: "Concerning Access to the market through the methods outlined in Article 1, each Member shall conduct its conduct concerning the services and service providers of other Members, "According to the arrangements, restrictions, and conditions agreed and determined in the table, it should not be more unfavorable[4]." One of the most important issues is access to the market in the field of agricultural products. As stipulated: "Adhering to the achievement of specific binding commitments in the areas of market access, domestic protection, export competition and reaching agreement on health and plant health, by agreeing that developed countries are members of the Fulfilling its obligations in the field of market access, the special needs and conditions of developing member countries by providing the means to improve further opportunities and market access conditions for agricultural products of special importance to these members... They will bring[1]." There is a similar rule in other aspects of the trade. As agreed in the field of the garment trade: "Members agree to apply the provisions of Article 18 and Article 6 in such a way as to significantly increase market access opportunities for small suppliers and develop opportunities. Allow trade for newcomers to the trade and apparel sector[2, 17]."

When a government undertakes to repeal a law or enact a particular law on a subject and impose certain standards, it is natural that it has been restricted, and its sovereignty has been restricted.<sup>3</sup> In many cases, the organization International economic entities impose such restrictions on governments in trade, economics, and commerce. In this regard, we can mention another example of the World Trade Organization. The basis of this organization is the expansion of trade and the removal of trade restrictions around the world[1]. Since governments often enforce their policies by enacting laws and creating obstacles to free trade, it is natural that the main policy's goals are to prevent governments from interfering in the market by enacting restrictive laws[2]. Therefore, one of the policies of this organization that has always been emphasized has been the prohibition of governments from enacting laws restricting free trade. The monitoring mechanism is also the members' responsibility, which means that each member has the right to draw the organization's attention to it in another member violating it and seeking its resolution within the organization. The implementation of the provisions of the Memorandum of Understanding on the Balance of Payments Regulation in the 1994 GATT Agreement states that "Members shall endeavor to avoid imposing new quantitative restrictions on the purposes of the balance of payments." It states: "Each Member undertakes not to pay any export subsidies other than those following this Agreement and following the obligations specified in that Member's Schedule[4]." It is also affirmed that "no member shall be barred from taking or taking any action necessary to protect the life or health of a human, animal or plant, provided that such action is not taken in a manner which, if similar conditions prevail. Incite arbitrary or unjustifiable discrimination between members or impose a covert restriction on international trade. "About pre-shipment inspection, introduction to the rules of origin and introduction to Aspects related to the trade in intellectual property rights can also be seen [18, 19].

The world countries differ from each other in various aspects, including development, political and economic situation. These differences, in turn, cause international economic and financial organizations to pay attention to the facts and, in some cases, to determine members' rights and duties according to each member's specific situation. In such organizations, the basic rules and tasks are set concerning developed countries and are the basis of the initial legislation and the basis of these countries. The reason is that the share of such countries in the world economy and trade is not fundamentally comparable to that of developing countries, and another reason could be that international economic organizations are trying to apply their rules and regulations to all parts of the world. This does not mean reducing the obligations and responsibilities of developing countries

but rather reducing the initial commitment and pressure of these countries to find the necessary conditions to accept the same obligations as other countries. For example, the WTO Agreement states, "Recognizing that positive efforts are needed to grow international trade commensurate with their economic development needs to ensure the share of developing countries, especially those with the least developed countries[1]." or the agreement on the Implementation of Plant Health and Hygiene Measures stipulates that "Members agree to facilitate the provision of technical assistance to other Members, in particular developing countries, bilaterally or through relevant international organizations." The most important special behavior that the organization has set for the countries can be sought to prepare and present the list of guaranteed obligations. In this list, each member undertakes to guarantee the extent of access of foreign operators, traders, and artisans to domestic facilities and markets on a guaranteed basis. "Each member shall set out in the table its specific obligations to be fulfilled following Section 3 of this Agreement[3, 20]."

The purpose of the special behavior was to create conditions for these countries to accept fewer commitments at first and have more opportunities to reach the level of developed countries. For example, the Safeguards Agreement [4] states "developing member countries" as long as a developing country member's share of product imports into the importing country does not exceed 3%, no safeguards on product imports. It does not apply to developing member countries, provided that developing member countries, each with a share of less than 3% in imports, do not account for more than 9% of total imports of the product in question[1]." The Agreement on Subsidies and Compensation also provides that "If a developing country considers such subsidies necessary for more than eight years, it shall initiate final consultations with the Committee no later than one year before the expiry of this period." The Committee recognizes that the extension of this period is justifiable. The developing Member State can continue this process every year[2]."

A new society is being formed in the world that will make the current and future state of the world different from the past. The intertwining of the relations of different nations can be seen in the volume of investments and foreign trade, the harmonization of laws and regulations as much as possible, and the observance of single and harmonized rules. The competitive free economic system sees the world as a vast and integrated market. This system considers the driving force and needs of human beings to be rooted in all differences, [3] and considers it the duty of governments to provide an environment of healthy competition in all areas and responsibilities that the people place on the government and by paying taxes, They pay for it. The WTO can be considered the axis and center of gravity

of regulating and guiding the policy of governments in the field of economy. The process of accession to this organization imposes extensive yet complex and restrictive regulations on the applicant countries. In fact, in the process of each government's accession to the World Trade Organization, the working group responsible for examining accession has two basic demands from the applicant country, first, opening a market for goods and services to imports from other WTO members, often called "ticket prices" [4]. The second is the compliance of the applicant country's economic and even non-economic laws and regulations with the rules and regulations contained in the agreements of the World Trade Organization. Based on the acceptance of these two requests, the applicant country declares its readiness to join this global club. In this process, the applicant country's economic system and trade regime is evaluated in several question and answer sessions. In this process, questions are usually asked about the applicant's country's economic and even political system. Questions such as pricing rules and procedures, tax system, subsidies to various sectors of the economy, especially agriculture, foreign investment system, the balance of payments, customs import tariffs, tariff exemptions, safeguards, and other trade solutions, license Import and export regulations, health and plant health standards, foreign exchange regulations and the system of protection of intellectual property rights.<sup>2</sup> Naturally, the effects of this accession, deregulation, privatization, reduction of government interference in the economy and other social and even political affairs, and in a word, increase role and presence of Individuals in the areas of management and implementation in society and consequently reduce the role and authority of the government[5, 6, 21].

In a simple sense, deregulation can be considered as non-regulation and gradual elimination of control of economic activities by the government. In this sense, deregulation is the process by which governments reduce, eliminate, or simplify the business system's constraints to make the economy and the market more efficient. Although it seems that simpler and less regulation leads to more competition, higher efficiency, lower cost of goods and services, and greater economic prosperity, there is no doubt that deregulation will facilitate, coordinate, and make systems more uniform. Economic and political: "Deregulation facilitates the entry of new firms into the arena of competition and significantly reduces costs, resulting in the production of goods and services that were not previously economically viable[1]."

The limitation of government power is one of the consequences of deregulation. The requirements of WTO membership, such as non-discrimination and practices based on it, customs valuation, rules and regulations related to exports and imports, the general elimination of quantitative restrictions, and the elimination

of subsidies, indicate the requirement of member states to deregulate. One of the tools of the principle of freedom of trade, which is one of the fundamental principles of the World Trade Organization, is certainly deregulation, which stipulates that none of the members has the right to impose any restrictions on the import or export of goods other than customs tariffs and taxes[2, 3, 22].

The sale of government property, or privatization, has been a prominent approach in the global economy for the last three decades. According to one report, between 1985 and 1999 alone, there were more than 8,000 privatizations worldwide, valued at more than \$ 1 trillion [4]. Although the reason for privatization in some developed countries maybe We can mention the economic difficulties and inability of those governments to continue welfare services and their desire for economic efficiency, more and cheaper production, and more added value, but certainly concerning backward and developing countries in many cases the pressure of the International Monetary Fund. For more than a decade, the International Monetary Fund has made privatization a standard condition for structural adjustment of loans[2]. History also shows that countries that enter into binding relations with financial institutions become international and subsequently privatize government property as much as possible. A random review of IMF lending policies in forty countries, most of which are less developed, reveals that during the 2000s, the IMF's loan agreements in twelve countries, which were generally less developed, included conditions that privatization of water or full reimbursement of the cost of water services have been among them[3, 23]. These countries were from the African continent and among the poorest and most indebted countries that were condemned to comply with the International Monetary Fund's conditions for the privatization of water facilities and Sewage and cost recovery[4]. The imposition of these conditions has been of dual importance. In the hierarchy, the IMF is at the top of international financial institutions. Meeting the International Monetary Fund requirements enables governments to obtain the seal of approval of this organization, which in turn allows access to loans and facilities of other organizations.

On the other hand, if a country refuses to accept the terms of the organization, the World Bank or the International Monetary Fund may suspend or suspend the provision of facilities to the withdrawing country. The World Bank imposes similar rules on borrowing countries, which are often weak and poor. In this regard, the World Bank prepares a program called the Country Assistance Strategy (CAS) [1] for borrowing countries[2]. This strategy, describes the investments that the bank intends to make in the medium term. The bank sets three scenarios: high mode, base mode, and low mode for three to five years. In a low-case scenario, a country has little access to bank credit. As the borrowing



government enforces the requirements, it usually has more access to the facility and a higher range of credit. For example, the World Bank's 2004-2007 State Aid Strategy stipulated that Mozambique needed to implement public sector reforms for that country to achieve a higher level of credit. Accordingly, the country implemented a national water development program with the participation of the private sector in the suburbs

Other donors may even punish countries that reject the World Bank's policy on water privatization. For example, when Ghana resisted the World Bank for water privatization, the British Aid Agency suspended its aid to that country[4] In Uruguay, too, when a referendum in Uruguay led to a serious setback in reforms. It was done and prevented the participation of the private sector in the field of water and sewage, and the World Bank also refused to regulate its debt [1, 24].

Globalization has changed the definitive boundary between domestic and international affairs. Therefore, redefining the legal order and the relationship and position of domestic and international law and their relations with each other, when it comes to globalization, the issue of sovereignty, concept, and scope, and its limits are necessarily raised. There is no doubt that globalization has led to the transformation of the traditional concepts and structure of governance and the relationship between governance and law[2]. The development of the global economy and the consequent restructuring of social power have changed the territorial governance model. The territorial jurisdiction of countries has been severely pressured by the globalization of the economy and social relations. In this metamorphosis, the authority of all countries, both strong and weak, has been eroded by integration into the global economy. Second, some of the fundamental responsibilities of countries in a market economy, namely the responsibilities first recognized, are described in detail by Adam Smith. The year of discussion and implementation is no longer responsive to the current situation and must be changed.<sup>3</sup> With the globalization of economic relations, the discrepancy between the concept of territorial sovereignty and economic currents that cause the unity and solidarity of the country are increasing. Numerous agencies and institutions have emerged, grown, and operated in this space, and their autonomy and independence from governments are increasing. The European Union can be considered an example of a transnational organization whose membership in the union inevitably obliges countries to change and amend their laws before and after joining the union. The organizational understanding of the European Union is based on the fact that the strong roots of the new federal constitutional order have been formed. This theory sees the EU as a form of federalism cooperation that relies on formal and informal cooperation mechanisms between members and the new centrality[1]. That is

why it is said that “in a traditional legal sense of sovereignty of EU member states other units, “Independent rights do not have sovereignty. Neither the union nor the internal pole of society is a sovereign entity. The distribution of sovereign rights at different levels has left only one external sovereignty of the other member states intact[25, 26].”

Since the formation of the European Union, there has always been a discussion about the relationship between the domestic law of the member states and the law of the European Union. And the question has been raised which is valid and enforceable in case of conflict between domestic laws and regulations and the rights and regulations of the union. The case-law of the European Court of Justice has always been that the laws and regulations of the union have the character of immediate obligation and have always prevailed over the national rules of the member states[1]. This supremacy includes all EU rules, including major treaties, EU resolutions, and agreements with countries [2]. States are therefore required to change laws and regulations that are inconsistent with the laws and regulations of the union, but even if they enact laws that are inconsistent with those rules and regulations, the laws and regulations of the union are invalid and applicable. “And the meaning of the WTO treaties is all about the obligation of member states not to pass laws restricting free trade and to amend existing laws.” Members will try to avoid imposing new limits on the balance of payments purposes[4].” The WTO also requires governments to comply with the technical provisions of international standards for members to enter and participate in global markets, which will bring national standards in line with international standards.” The organization’s code of conduct is uniform. It includes cross-border measures such as customs tariffs and trade restrictions and internal measures that affect domestic trade, such as the imposition of taxes, technical and health standards, subsidies, investment requirements, and They include the protection of intellectual property[5]. As a result, the national economy and economic sovereignty concept become weaker and weaker, and the right of governments to enact and enact laws becomes more limited [27].

Intellectual property rights are at the heart of the agreements that make up the World Trade Organization[1] and can be said to be the legal basis of the information age. This field of law affects everything from the availability and price of AIDS medicine to the pattern of architectural development and diversity, the Internet, and communications. Intellectual property rights have varied in different judicial systems. But with the extensive efforts that have been made, and as a result of the numerous conventions and treaties that have been signed, the commercial aspects of intellectual property rights are becoming more uniform[3]. By the time the Uruguay trade negotiations began in 1986, the rules

were laid down. Multilateralism in intellectual property rights protection was mainly concentrated within the framework of the World Intellectual Property Organization[5], which is still responsible for implementing the most important intellectual property conventions. In 1986, as a new round of trade negotiations began to amend the GATT rules, the United States proposed negotiating within the territory of a trade regime to reach an international intellectual property protection agreement. It can be argued that the protection of intellectual property rights in the light of WTO regulations will enforce international intellectual property rights within the framework of commercial law provisions.<sup>6</sup> This round of negotiations, which began in 1986, lasted a decade. From the outset, negotiations between developed countries calling for a comprehensive agreement covering all aspects of intellectual property with developing and less developed countries that wanted any trade-related intellectual property agreement. There were disagreements over counterfeit goods. In the agricultural sector alone, perhaps at least six issues can be cited as concerns for developing countries: threats to traditional agricultural and food security, abuse of monopoly power, increasing dependence on costly agriculture, threats from climate change, and the issue dividends[1]. But eventually these countries succumbed to US pressure. Thus, in 1995, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) was established as an integral part of the WTO regime under the auspices of the World Trade Organization. Trips established an extensive network of intellectual property rights and incorporated them into international conventions and treaties related to intellectual property rights. This agreement represents an important step in harmonizing the provisions of intellectual property rights and establishing minimum standards for the national laws of the member states, which can be considered the most important international document governing intellectual property rights. The rules and regulations of European and American countries[4]. These were developing and less developed countries that had to adapt their laws to those countries[5]. Trips of patents on many cases and inventions, including biotechnological inventions, Has generalized agricultural products, tree species, pesticides, and medicines[1]. The system established a strong enforcement mechanism to oblige WTO member states to respect and protect intellectual property rights. The main system for ensuring the implementation of the TRIPS rules is done by the Agreement and Dispute Resolution Council within the framework of the WTO Dispute Resolution Mechanism. This method of resolving disputes and the punitive power of countries make Trips a real force in the world[2].

All members of Trips are members of the Trips [3] Council. This council is responsible for overseeing the implementation of the agreement. In this system, the council examines how member states fulfill their obligations under the agreement. A system of mutual control governs the implementation of the agreement. This means that all countries legally monitor each other to make sure that others are amending their laws according to the table set out in the agreement and fully implementing the laws passed. Reports are given to the Trips Council, and the council allows all members to review each other's regulations to improve member protection policies. Thrips not only amend the relevant laws but also pursues their implementation. The agreement addresses this issue and stipulates that governments must ensure that intellectual property rights are enforced and that the punishment for violating the law is severe enough to prevent further violations[1]. The trial must be fair and equitable and must not be complex and costly, and rights holders must have easy and cheap access to the court. The agreement describes how it will be enforced, including provisions for obtaining patents, interim measures, precautionary measures, and other penalties.

The court should have the power to order the destruction of goods produced based on infringement of intellectual property rights. The WTO Dispute Resolution System and the decisions made show how effective the TRIPS rules are in determining the policies and procedures of governments when it comes to protecting property rights. In one case, for example, there were disputes between India and the United States. The United States has claimed that India has not complied with its obligations under the agreement. The United States has filed a complaint under the WTO Dispute Resolution System, and a panel was formed in 1997. The delegation concluded that India had not complied with its obligations under the TRIPS Agreement because it had failed to establish an effective mechanism to protect trademarks, pharmaceuticals, chemicals, and agriculture. India appealed the report, but the WTO appeals body upheld the delegation's findings[5-9].

### **3. CONCLUSION**

The role of international organizations in globalization and globalization has led to the limitation of national sovereignty. The fact is that governments' authority is increasingly influenced by various factors such as the revolution in communications and information, technological developments, multinational corporations, organizations, and other non-governmental actors, and the result is that the functioning of governments can be significantly Change considerably.

The exclusive role of governments in the international community is over, and individuals, international and non-governmental organizations, and multinational corporations have taken on a large part of that role. The industrial economy was once confined to national borders and based on the production line of large workshops and factories. At the same time, in the new era of economic nationalism, it has been considered a barrier to production, and participation in production has become geographically dispersed and decentralized. The division of labor between politically savvy political units and political units with raw materials or cheap labor creates a comparative advantage. With this division of labor, virtually every unit is part of a larger body and operates. Satellite advertising prepares the minds of the world's people to accept any product, even against the will of governments and without them having control over the manner and volume of such advertising. In addition, financial systems facilitate the process of trade between countries. So that international trade is done in a short period and governments have little influence and role in controlling such trade, they have only complied with their rules and regulations. For some, the collapse of the Bretton Woods system paves the way for globalization in economics. Undoubtedly, financial, monetary, economic, trade, regional, and even the United Nations have been very influential in this area. Requiring governments to deregulate, phasing out tariffs, privatizing, amending related laws, accepting intellectual property conventions and resolving trade disputes within the framework of WTO rules, the principle of national conduct, accepting the obligations of the Kamel al-Wadad government, and Failure to pass restrictive laws can be considered the most important requirements and obligations of governments in the economic field, which indicate their limitations and responsibilities.

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