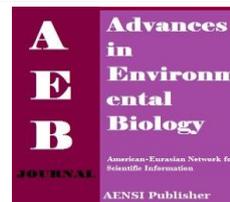




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“World Trade Organization” Performance and Right to Health

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ABSTRACT

The issue of respect and protect of human rights in global trade and economy is considered as a relatively new subject that propounded in international law .Increasing trend of globalization in economy and trade arena thus has expanded the trade relations that lead to establishing of WTO, the organization that as main and original organization of responsible for management of international multilateral trade regime which has different functional-structure duties and partly has become the source of different repercussions in the life of every societies in international aspect ,so that notwithstanding the globalization had advantages but the gap between rich and poor people as well has being enhanced and hundred billions of people have deprived from the fundamental human rights that have been recognized and numerated in UN charter and other human rights documents as "rights". From one side the human rights that has obligated governments in international case law system or known them as responsible, numerated the obligations for international organizations and asking them for responsibility of respect the obligations, accepted human rights occasions and rules. So that nowadays one of the most important criteria's for continuing WTO's activities is their attitudes and positions to human rights issues. Therefrom all of the WTO's members have signed one of the international conventions on the human rights at least, so the government are fronted with a dual duty that not only they have to respect their obligations based of both collections rights but also have to harmonize between them for avoiding of violation one of them by another. So, the current legal mechanisms in WTO's agreements are devoid from a social or human rights clause and don't have any attentions to fundamental and universal human rights. Considering of the WTO's usage from the established time up to now, what is appeared is "disproportioning " of WTO's practice with international human rights rules. This issue is verifiable particularly in evaluation of its agreements and the adopting decisions in its disputing settlement organs and also the adopting politics and guidelines by WTO's organs and their confliction and disruption with international human rights rules. So necessity of respect of human rights requirements particularly international human rights occasions in framework of customary international law is perceptible for WTO.

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INTRODUCTION

Today one of the most important criterions of world trade organization activities permanency is how its approach and attitude is toward human rights issues. As all members of world trade organization have signed at least one of the human rights international contracts, governments face with twofold responsibility that not only they should commit all their responsibilities in both 2 law groups, but also they should make harmony among them to prevent one's reversal by another. On another hand, world trade organization is one of inspecting institutes on conflicts such as conflict solving committees and revision reference should make conditions of appraise and promote human rights besides considering human rights principals and regulations not only in basic documents and agreements related to institution, but also in decisions made in conferences and issued judgmental verdicts in conflict solving framework. Nowhere in world trade organization document neither human rights regulations is stated explicitly nor public international laws standards is stated about human rights. Since world trade organization regulations are not disagreed with public international laws standards about human rights; therefore, it is concluded that world trade organization is required implicitly to these regulations. Therefore, anywhere 2 laws systems of world trade organization and human rights organization such as

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economic, social, and cultural rights are executed on real condition, membered governments of both 2 systems should select operations to be loyal to both systems. Of course, in case of contradiction world trade organization is committed to human right standards which are called instructive. One of the most important of these rights is right to health which is grouped in the second generation of human rights, and it is classified in cultural, social and economic collection.

Personal health is actually considered as the most important favorite condition and munificence of each person; as though, right to health has been known formally as one of fundamental human rights in human rights international system in various documents of human rights and international canon law. In this way, governments have certain responsibilities by ensuring and providing this right that human health is protected and reaching health becomes possible for people. Right to health and achievability to various medicines which is considered in the second generation of human rights is classified in cultural, social and economic collection. Right to health has been mentioned for the first time in clause 55 in United National Organization charter (1945). In another way, right to health has been identified in clause 25 of human rights global manifest (1948). The most complete and clearest right to health statement is brought in clause of 12 in economic, social and cultural rights international contract (1966) that is clarified in its first clause "governments membered in contract know right of each person to utilize the highest attainable standards in mental and physical health officially", it is also stated in the second clause actions governments should decide for completer accomplishment of right to health. In addition, in clause 7 of civil-political rights 1966 implicitly stated right to health is with title of exposing a person under clinical or scientific experiments with his deliberate satisfaction is forbidden. As it is written in no.14 interpretation of economic, social and cultural rights, all people have right to attain physically and economically to health. Yet, performing this classification of rights needs positive interruption of governments. Although, it is possible services quality offered in private part to be higher, governments' non-interruption leads poor people attainability to mention services decreased. It is tried in this research to explore world trade organization performance in shadow of right to health, and its 3 agreement aspects, policies, and procedures.

First Clause) right to health and world trade organization agreements:

1) Right to health and agreement about intellectual ownership rights related on business (Trips)

As right to health, having hygiene and health, and personal ownership are both fundamental and primary rights of human, none of each right should be ruined for another, but it should be tried to make interaction between them. Agreements about intellectual ownership rights regarding to intellectual ownership rights support required governments to save data and used information in confirmed medicines and new chemical materials. Clearly, confidential action limiting medicine may prevent each action for revising in permissive decisions. These problems seem cleared in vaster eras of clinical researches, exploring health technology and also clinical researches done by private sectors, and private sectors supporters. That danger exists is more support from intellectual ownership rights may leads to transfer innovations and research discussions from public and open scientific sector to privates sectors and networks made by them.

Special reporter of United National Organization referred right to health is just 10% of done researches and obtained breakthroughs directly to 90% of global population's health problems. Deceptive nature of support from intellectual ownership; in spite of, necessary motivation increase for clinical research by considering right of non-breaking rivals into market for a short period means patent right makes motivation in clinical researches in plant medicine and will be profitable. On the other hand, the guarantee of strong juridical administration of agreement of intellectual ownership rights business aspects by world trade organization problem solving mechanism in the present time lead researching motivations notice "profitable" disease.

In addition, non-native researchers adapt natives knowledge in genetic resources field with new inventions, reproduce them easily, and change them to sell better, more favorable or with compound and artificial shapes, and bring them under the support of patent organization, whereas it hadn't get satisfaction of society in advance or divide obtained resourced fairly. According to intellectual ownership perspective, tradition knowledge belongs to social common field, and it doesn't get under intellectual ownership rights system support; in addition, native societies as creator of this knowledge aren't considered as its private owner. Therefore, medicinal firms privatized this native knowledge by recognition of this knowledge and patent right and its copy right for themselves, and now native people to use this knowledge should pay patent right. Basmati rice (a kinds of product related to south Asia), oil extraction from Neem (has been popular in India in centuries), wound therapy process by turmeric (a cooking and medicinal compound used in India), nutritional products anti-thirst Quinoa which was grown by Bolivia and Peru people are all sample of this native knowledge.

Therefore, non-native researchers adapt native people knowledge with in genetic resources field with new inventions and reproduce them in more market-favorable and resalable forms with compound and artificial appearance and put them under patent right system, so this matter influence on native people right to health besides native people access decrease to new products especially which are medical. Referring to human rights bases especially contents of clause 2 of global human right comment, part 2 of clause from economic, social and

cultural rights international contract, clause 15 part 1 of economic, social and cultural rights contract, clause 12 manuscript of United National Organization comment about human rights make it indicated that native people have this right to mention to their traditions and customs, revive them, and also have the right of imposition compensation for their religious, art, and cultural equities which has been dispossessed without their deliberate permission or by breaching regulations. In addition, according to clause 29 of this comment, native people have this right to be known officially for their certain ownership, control and support toward their spiritual and religious equities.

2) *Right to health and agreement on hygiene actions and plant hygiene:*

This agreement is one of the agreements works on standards and technical regulations in good trade in world trade organization. The purpose of this agreement is providing necessary mechanisms to support and maintain human, animal, and plant hygiene or life if mentioned actions were performed in a way in similar conditions dominance, it makes means of deliberate and unjustifiable discrimination tool among members, or make hidden limitation on trade. This agreement has been adjusted in 14 clauses and 3 appendixes. Hygiene performances implementation and plant hygiene include collection of rules, principals and regulations which give confidence to members that hygiene and selected plant hygiene on actions were justifiable and doesn't including hidden dilemmas against international trade. Hygiene actions agreements and plant hygiene don't obliged membered countries to obey unit standards, but they permit countries to use proper standards to protect from hygiene and human life according to their economic, social and continental conditions, yet they want these countries to regulate proper informing and clear consideration for members about their technical regulations and standards. Moreover, it is asked from membered countries to consider proper scientific basic for determined standards, and be able to defend from their standards scientifically. Though, hygiene actions agreement doesn't required members to select similar standards, in some cases ask them to consider international regulations in determined fields. Recommendation to obey the collection of regulations and nutrition regulations setting committee rules can be named. In addition, recommendation to participate in affaires related to animal epidemic deceases international office and plant saving committee has been done for members. According to rules of world trade organization, standards related to nutrition regulations collection that a country can make in safe level make a roof to make a floor. In other words, states are not required to have the least safety standards and health, but they can be punished to adjust standards proceeding hygiene actions or plant hygiene and related standards to rule collection of nutrition regulation. As though, standards related to nutrition regulations collection permit d.d.t effect on seeds, meat, and milk.

In this way, special condition of developing countries in mentioned agreements have been stated explicitly. Public performance of agreement for developed countries in implementation of agreements and related commitments to technical help providing happens to others. Developing gap among developed and developing countries gives vivid perspectives about health standards and environment. Low institutional capacities to implement mentioned standards and low scientific capacities to separate and notification for future dangers in developing countries put high pressure for hygiene actions and plant hygiene. Many of developing countries don't have detailed regulations and rules about hygiene actions and plant hygiene; therefore, they don't have lawful infrastructures to control and necessary provisions. This issue leads to many trade conflicts potentially in developed and developing countries. On one hand, being or becoming healthy is not just clinical, technical, or economic problem it is social justice and governmental commitment. Therefore, needed balanced action under hygiene actions agreement and plant hygiene is not just governmental right to control and regulated, but it is governmental commitment to support hygiene, and this commitment is not just limited to trade. Of course in some cases, trade limiting regulations based on hygiene will be needed for government to fulfill its commitment regarding to citizens right to health. The core of words is that by implementation of this agreement, its membered developing countries are not able to observe good importing and exporting hygiene standards for technical and regulation weak infrastructures; and therefore, influence on people health.

According to clause 2 of agreement related to hygiene actions and necessary plant hygiene to save human hygiene or life, animal or plant for having human nature shouldn't any contradiction with hygiene actions and plant hygiene regulations of agreement. Modulus of mentioned agreement clause 2 for its limited conditions has more support from international trade instead of noticing to human rights considerations enough. In addition, graded authorities in clauses 1 to 8 of 5 agreements in implementing hygiene actions, plant hygiene danger evaluation, actions proper level determination, or plant hygiene lead to anxiety in developing countries and made the least amount of development in these countries in a way that developed countries by exerting higher standards from this country's standards on importing products made problems for them, so the cost of following developing countries is high for them, and have negative consequences.

3) *Right to health, and tariff and trade public agreement 1994:*

One of the human rights which should be mentioned in negotiation stage and public tariff and trade agreement is right to health; it means while negotiation about new agreement regulation, availability,

acceptance, facilities, services and products quality related to health should be considered. In addition, in clause 20 of tariff and trade public agreement with title of “public exceptions” has referred to right to health: “with this condition that these actions won’t implement in a way to be used as intractable discrimination tool or unjustifiable among countries with similar conditions, or a tool to exert hidden limitations on world trade organization, nothing in present agreement will be interpreted to choose obstacle or each part commit to do following implementation:

B) Necessary actions to protect human, animal or plant health or life:

Therefore in mentioned clause, the right of selecting necessary actions to protect human, animal or plant health and lives are known officially. According to trade and tariff public agreement background and procedures 1994, mentioned clause gives this right to each member to designate necessary actions needed for human, animal, and plant lives and health itself.

However, not to misbehave by this right, there are conditions mentioned for it. For example, it is stated in this clause introduction that these actions mustn’t have intractable and unjustifiable discrimination exertion among countries with similar conditions and are used just as a tool to limit international trade. Moreover, according to B part of mentioned clause, selected actions to protect human, animal, and plant lives should be “necessary”.

Trade and tariff public agreement background and procedures 1994, the term “necessary” is first to protect human, animal, and plant health and lives and when can reversely act on other clauses of Trade and tariff public agreement 1994 that there would be no selectable action adaptable with other clauses, second, when there is no choice to select an action adaptable to other clauses of agreement, we should select an action which is in the least in inadaptability with other clauses. In using mentioned right we should observe the national behavior principal. In other words, selected behavior about foreign products shouldn’t be worse than behavior to domestic products. Actually, twofold and discriminative behavior makes the justification of using human, animal, and plant lives rights very hard or impossible. Other notification is that selected actions from mentioned right shouldn’t be harder or longer than necessary limitation to protect human, animal, and plant lives or health in a certain situation. Eventually, each member or committed part can’t use mentioned right in his domain, and clause 30 of Trade and tariff public agreement 1994 doesn’t give extra-territory qualifications to members. Otherwise, each member could select policies and standards unilaterally, and ask the other members to use policies and standards in their own domains. This matter is reverser to have “multilateral” system. The important notification World Hygiene Organization specify is in trade conflict; products should be compared with “similar” products without considering their producing method or procedures. Therefore, a country shouldn’t exclude product of a foreign country, even if it seems that product producing makes dangers for community or health. For example, a country shouldn’t prevent from importing meat of cows ate from antibiotics or hormones even internal regulations prevent or limit this matter. Therefore, it seems by exerting this agreement and consideration necessities of what said, right to health is rejected by membered countries. Behavior of “completely similar” behavior with products with title of “similar”; in spite of being different in fat, alcohol, fiber or any other contents important for health, different, it is possible it interrupts government attempt to promote healthier diet.

4) Right to health and trade production technical obstacles:

According to this agreement, each necessary action to protect human, animal, and plant lives protection, and also any kinds of prohibition or limitation on importing or exporting to execute standards or regulations, classifying, grading, or marketing products in international trade are necessary to be permissive.

This agreement has 15 clauses and 3 appendices that mentioned appendices are considered as inseparable part of agreement. Dominant regulations on world trade organization don’t require its members to have necessary standards, and also doesn’t have any interruption in standards formulation or writing; it is agreement tries not to make obstacles by compulsory technical regulations, volunteer standards, trial, and products certification issuing. Principals like prevention from making unnecessary obstacles in trade way, non-discrimination principal consideration, national behavior, technical regulations association, standards and corresponding evaluation procedures, rules and procedures homogenizing, polar confirmation, clearance, observing regulations on job performing goodness are main principals of this agreement. In this agreement, making, designating, and executing technical regulations by central state institutes are becoming compulsory; as though, according to part 1 of clause 2, members are responsible to select a behavior according to technical regulations and entered products from each member domain not to be unpleasant in national origin about similar products from other countries. In addition according to part 2 of clause 2 in this agreement, members ensure that technical regulations to make unnecessary obstacles in international trade path or with such effect are not made, designated, or executed. For this purpose, technical regulations shouldn’t have limitation in trade more than what is needed for lawful purpose make by considering dangers originated from its non-happening. One of these purposes is protecting human health or safety, and animal or plant hygiene or lives, or environment.

In evaluating these dangers, related factors should be mentioned are:

Existed technical and scientific, related producing technology, or determined consumptions for products. This agreement instead of working on anxieties related to human rights such as support from human lives and health, consider mentioned anxieties as total exceptions in decision making to see whether one action adapt with trade regulations or not. On the other hand, regulations standard grade in agreement of technical obstacles in trade path is lower than regulations in hygiene actions and plant hygiene until no symbol of danger scientific exploring stays or scientific principal condition, and international standards are just fore recommendation, and they are not compulsory. There is no previous informing or issuing in hygiene emergency problems and so on; therefore, using these actions is simpler than counterpart agreement, means hygiene and plant hygiene action.

5) *Right to Health and Anti-dumpling Procedures agreement:*

Issuing agencies sometimes issue their products under the price called dumping is proposed as unfair trade procedures which interrupt competitive condition in international trade. Anti-dumping procedures in far Uruguay has attributed one of products agreements about clause6 of trade and tariff public agreement implementation 1994, which were known as anti-dumping procedures agreement. According to this agreement, a product is considered dumped if its importing price is less than agreed price for similar product in exporting country. This agreement condemns dumping and anti-dumping effects just for this reason that a product with lowered price can't be designated. But it designates that what is started after research done for domestic industry application by importing country's authorities, shows that dumping happened, and importing products under the price leads to make important imposition to domestic producing industry of similar products, to make important lag in that industry, these impositions are designated. Agreement determines problem must happen for a group of producers whose total product has main role in total industry domestic products. When dumpling and existed danger were cleared after researching, authorities of state decide whether act against dumping or not. Agreement determines that anti-dumping rights and impositions will be exerted to the time and to extent to be necessary to resist against that dumping. Therefore, it seems when developing countries are not able to resist against importing hygiene products such as medical equipment and substantial medicines for the lack of power in their industrial infrastructure, this agreement will have important effect in support of domestic producers. Consequently, people in these countries right to health are influenced deeply for domestic producers' disabilities in competitiveness with importing foreign medical-hygiene products.

In a study done late of 1990 showed that using anti-dumping mechanisms among developing countries are not extended. The important note is that the effect of any anti-dumping action against developing country is so much higher in ratio than such action against developed country. In addition, anti-dumping impositions against developing countries are actually longer. Although, anti-dumping regulations main users in executing anti-dumping tool do not make difference among developing and developed countries practically, intrinsic asymmetries in present world economic system means world trade organization has been documented very well. As though, this condition permits prosperous countries to support their own companies by stating anti-dumping impositions.

UNCTAD has estimated that the next expenses of anti-dumping impositions in market in developing countries are losing 700 billion \$ annually from exporting incomes which main part is related to poverty needs. Trade huge opportunities can be afford by prosperous countries which poor one can't. To get these opportunities, poor countries should pay high amounts on intellectual ownership rights implementation. In this regarding, people deprive themselves from achieving cheap seeds and resuscitative medicines. Therefore, wealthy countries breach human rights by imposing global institutional regulation by help of south elites. Right is including the least standards of health and medical care.

6) *Right to Health and Public Agreement about Service trade (GATs)*

GATs agreement role in relation with health and other public services is limited, because these services are provided by government. However, privatization is fast increasing services of private sector, and contracted orders expansion in public sector may change recalled image fast, and make conditions to increase private sector role as facilities providers to compete in this era. In all fields of GATs agreement, there are potential limitations to provide social services and health from governments. In addition, in hygiene care services framework, hygiene care modifications and public sector are supported by international organizations are like global bank and countries membered of economic cooperation. In addition, anxieties related to cost reductions lead to increase costs role or decrease intention to pay for hygiene services in private sectors. In developing countries, non-state organizations have more predominant role in hygiene care that profit plyers. Trade extension in hygiene services and investments in hygiene in developing world can bring main benefits for multination players in countries with enough elites who have intention to pay its costs, or have private hygiene infrastructures. Equality principal in hygiene care is assured in 2 ways. Services providing according to financial need and supply of these services is based on paying abilities. The comparison among different financial

mechanisms to offer services bode on prevailing tax and way finding public supply is less recessive , while financial supply by private insurance and paying out of resource is the most recessive way finding. World insurance system stays in medium status; nonetheless, GATs clause 15 gives this permission to states to disorder from its commitments for support of human safety and health eventual on limited conditions accomplishment. GATs agreement gives this permission to governments act to liberalize certain parts of service business deliberately. Therefore, each country can select which sectors to liberalize; therefore, they are not committed to consider discrimination condemning principals, it means complete government and national behavior in certain field. One of important aspects of liberalization service business is foreign direct investment increase effect especially by private sector of human rights; as though, services supply are in 2 lines of private sector with concentration on wealth population, by low-income public sector concentrating on poor population in contradiction with discrimination condemning principal, and certainly right to health in health-orientation field. In addition, elite escaping in service business liberalization conditions leads to increase in intention increase doctors and teachers having skills in private sector with more incoming amount than public sector, an in sector placed under stronger infrastructures. Right to health and right to educate low income people are influenced and deprived from private sector to some extent. Another notification in service business is that liberalization to social name and intentions is more emphasized on economic purposes. In addition, in service business liberalization conditions, service business of huge, strong, and growing private sector is shaped, and government role threat as human rights main basis by interrupting in regulative systems by executing political pressure or selecting rules.

Second Part) Right to Health and Selected Policies and Diplomacies by World Trade Organization:

Other contradictions among world trade organization with human international rights regulation are policies and diplomacies by their elements that some are deductive by prioritizing the business policies inadaptability of such policies with human right regulations. Important notification is that developing countries, member of world trade organization, face with many problems in this organization process decision making; in a way, non-existence of internal and external clearance, and defect in members participations, and limited democracy in world trade organization is in vivid contrast with human rights regulations which considering requires participation and support from vulnerable class. The important notification is that in world trade organization policies, human rights effects don't attend to these policies; as though, even in exploring this organization business policies, business policies and procedures are revised in one-aspect, and this is association of these policies with free trade regulations. That important and thinkable issue is in this exploring, international organizations related to human rights or experts in human rights don't have role in these evaluations, and no consultation and theoretical idea sharing did with them.

One of the important and radial policies of world trade organization which has considerable human rights effects is trade liberalization process. In this method, human right is influenced through liberalization process indirectly; as though, it is neglected in trade liberalization process deliberately or not deliberately, and for utilization from competitive advantages. The sample of this human right types influenced in liberalization can be referred as child and gender rights. Many developing countries weaken gender equality by fundamental and radial standards of work international organization designation work and designated in other human rights contracts as work conditions, the minimum wages, union establishment right, equal income right, or preventing child from work to catch their competitive advantage of their products in international market. On the other hand, in trade liberalization process, there are deep differences among these organization members, it means less developed countries, developing countries, and developed countries make various problems in combing these countries in multilateral trade system that trade liberalization process policies and diplomacies of world trade organization on human international rights especially right to health is exploring. Trade has had usually positive and negative consequences for health. Increasing trade among nations may increase economic growth and equality, and consequently it can be useful for health. As what explained, it is identified clearly that trade can make substantial problems for health especially live products problems is with infectious factors transfer threat. As a part of globalizing, it is growing. Actually, trade role in internal gross production in resent 2 or 3 decades has been more than 42%. This growth has become purpose-built and reinforced by world trade organization establishment in 1995. Existence of previous negotiation successful periods means world trade organization has huge consequences for health policies and health. Some of interpreters of health policy argue that world trade organization is one of the most precise international agencies in relation to health that probability organizational effect and its policies have not been mentioned yet. It seems in 2 parts of GATs agreement which make world trade organization actions, public health extensive anxieties have been considered voluminously. These anxieties in clause 20 of GATs and subsequently in hygiene actions agreement and plant hygiene are written. According to the part of clause 20 of GATs, government has right to designate or implement actions in order to support human, animal, or plant health. However, the nature of these necessary actions have not been identified for public health, and it problem solving part of world trade organization there is a danger that is prioritized to trade benefits in conflicts solving principal decisions, and there is limited definitions of what is called necessary

for public health. Right to health is also influenced by policies and diplomacies of world trade organization. One of these policies is limitation system. One of public limitation that multilateral trade system members' trade policy should consider is non-discrimination principle. Another policy is registering tariffs. It means commitment to non-increase of tariffs is higher than one comes in country's commitments table. The purpose of this action is making trade confidence more than maximum condition or roof on tariff rate. Another policy of world trade organization after the stage of tariffs stabilization is their gradual decrease to leads to trade complete liberalization purpose; means zero tariffs or deleting tariff. Another world trade organization policy is preventing from custom evaluation as trade obstacle. In addition, other policies as reducing qualitative limitations like importing scantling and importing justification and its following world trade organization policies rising effect on right to health, especially trading on live substances are beside infectious transfer threat. On the other hand, privatization policy is as thread against people rights in achievability and equal usage of hygiene and healthy tools, and equipment. Importing medicines and clinical equipment which are sometimes in hand of developed countries is blocking competitiveness power in developed countries in another hand, and people of country achievability is limited for price increasing, on the other hand. Privatization policies mostly lead to expert doctors' group and specialist orientation toward privatization and consequently, poor people don't have enough achievability to services and facilities of private sector. Significant costs difference leads to discrimination in access to provided services in private and governmental sector. In developing countries mostly proper training standards of skill professions are not regulated, and this fact leads to patients' intensive mortality. Elites and clinical specialists' immigration from country in developing countries to developed ones as privatization policies put unpleasant consequences on right to health and treatment. On another hand, world trade organization exploring mechanism, which was first made in 1998, was explored by trade policy exploring principle. Trade policy exploring for big countries is done once for each 2 years and their policies effective on international trade have been explored. That important notification is there are various interpretations in trade agreements related to world trade organization. One of the most important total interpretations is that membered countries ensure completely that their rules and regulations are the same as negotiated agreements, this means trade agreements interpretations predominate on considerations and national regulations. In other words, there is contradiction among trade agreements and national or international rule which needs to be revised. This fact makes it necessary for trade considerations to rank higher in human rights, social rights and other national or international regulations. Generally, it seems that the main problem for trade rules and trade policies this important justification about national regulations legitimation in fields like special health in lack of open process and public scrutiny. World organizational rising effect shouldn't mean that decision in public health policies is for profit of people working in trade sectors. World trade organization declaring policies and diplomacies in its principal agreements framework is executive and have various effects on human rights especially on right to health, by its role. In summary, trade liberalization policy and privatization in health field can be serious threat for poor patients not covered by insurance and who suffer from social providing comprehensive system. It is clear that providing patients' availability reduction to favorable level of hygiene and clinical service, consequently world trade organization obliged on people, right to health of large spectrum of people in developing countries are influenced. Though, economic, social, and cultural rights committee has declared that governments are committed for privatization not to change into threat against people rights available, and equal usage from hygiene tools and equipment. Government has responsibility to control and observe on medicines and clinical tools, and people who work in this field consider skill and profession training proper standards. If a defect happens in this situation, government is responsible to turn it back to its initial condition, and stop its permanency.

Third Clause) Right to Health in World Trade Organization Procedures:

Except agreements, policies, and diplomacies of world trade organization, selected decisions inadaptability by institutes related to conflicts solving in world trade organization such as conflict solving principles, conflicts solving panels, and revision principle is exploring with human international rights in procedurals in this organization. It is tried in world trade organization's juridical exploration to classify proposed procedures in related institutes and conflict solving according to human right issue. Right to health in the Thai cigarettes case, covered tiers case- Brazil, harmonic beef case, and Asbestos issue- Europe society has been accrual. According to panel report about Thai cigarettes, the internal regulations designated to support health condition was contradicted with GAT agreement, because foreign products are in worst conditions than internal products. Therefore, regarding to world trade organization procedures by GAT regulations exertion to support health condition, are breached. In this case, cigarette importing prevention to Thai wasn't known justifiable according to necessity of clause 20. United States argued with litigation in GAT that Thai tobacco laws 1996 designating cigarette importing is contradicted with part 1 of clause 6 in GAT agreement, unless having tax chief head justification, hence while cigarette producing, selling and importing is in high level in Thai, there is no place of using documentation to protect human health and lives.

In covered tires in Brazil, Brazil action is based on world embargo imposing on covered tier importing according to part B of clause 20 in GAT agreement documented with its citizens' rights to health has been challenged by European Union. This is while Brazil- countries member of Mercosur (regional trade agreement in Brazil, Argentina, Paraguay, and Uruguay) was exempted from this prevention. Mentioned challenge by European Union was in this way that exerted prevention on covered tired importing by Brazil was in away made unfair or mandatory discrimination, and by excluding countries member of Mercosur, hidden limitation has been happened on international trade stuck anxiety issue in structure of clause 20 in GAT. European Union arguing conflict solving principle was accepted by designating parallel interpretation from structure; in spite of, saying Brazil doesn't have right to have actions to protect public health. In asbestos theory of Europe, France, which was previously member of asbestos, prohibited products which asbestos was used in their producing in order to control originated dangers from asbestos. Canada government pretended against France to world trade organization conflict solving principles. France government reasoning was that asbestos is harmful not only for construction worker who are always working, but also for people exposed to it. Canada government claimed that this action of France is deficiency of clause 2 and 3 in GAT. Panel got reversal of clause 3 and designated: dangers originating from asbestos don't take out these products from the similar products without the danger of asbestos; consequently, France action is discriminative and clause 2 reversal in GAT. Finally, France action according to part B of clause 20 accepted by world trade organization conflict solving principle. In this case world trade organization conflict solving principle support from France right to impose prohibition on products containing asbestos based on support its own citizens' public health. World trade organization conflict solving principle was also convinced that Franc action has all conditions mentioned in clause 20's structure and sentence to France benefit.

In addition, in harmonic beef case European Union action in imposing prohibition on importing harmonic beef case from United States and Canada was been challenged in world trade organization conflict solving principle while, European Union claimed that imposing prohibition was happened to support its citizens health according to unfavorable effects of processed harmonic beef. Complainants claimed that following conditions of clause 5 didn't prove the matter of exploring pre-danger of processed harmonic beef on human health. Revising principle explored that if there are witnesses about real anxieties for processed harmonic beef, European Union prevention shouldn't be continued, because this matter is not based on danger present in clause 5; in addition, it was not based on real evaluation of dangers originated from instructions reversal, because observing limitations on health and environmental standards consideration; although, should be executed equally on importing and internal products, it should be based on scientific findings and witnesses. Therefore, this case affirmed this reality again that world trade organization permit organizations to have deviation for support humans' safety and health in their regions; of course, conditions lead to this actions are limited. Generally, clause 20 of GAT permits governments to support non-economic issues just in their own countries. It means for example doing such actions to support from public health in country do them can be known permissive based on world trade organization. World trade organization reference conflict solving showed in its procedure about our-boundary actions acts very prohibitive. United States profile- tuna fish indicated that doing such actions has out-boundary effects which are prohibited. Because this issue leads membered governments determine health and lives in unilateral form policy that the other membered governments should adapt their policies with them to utilize their rights by trade and tariff public agreement.

Conclusion:

However, there many obstacles solvable in world trade organization to observe human rights. First group of obstacles are related to world trade organization agreements as mentioned agreement contents don't make any requirements for their governments to obey rom human rights commitments under United Nations charter and other international human rights contracts. In contrast, mentioned regulations indirectly prohibit products by abusing from human rights from one hand, and products produced by reversing human right standards. Second, developing countries mostly by inserting conditions like social condition or working condition in agreements of world trade organization disagree afraid of not to be accused of breaching human rights and implicated from world trade organization boycott. Third, many reversal for human rights are directly originated from world trade organization agreements inefficiencies; as though, open markets with certain conditions of world trade organization agreements make main structural changes in a communication which will have human rights outcomes in its roles. Fourth, great developed countries utilize the most in conflict solving agreement than developing ones, because these recent countries from endangering points of view or threat to such punishment have less intention to utilize conflict solving agreement. Fifth reason, exceptional conditions of world trade organization from clause 20 which justify deviation from GAT principals are just human rights action related to trade reminisce support from human, animal, and plant health, lives and public morality. Of course, nowhere in world trade organization is mentioned human rights explicitly. Sixth reason is that trade liberalization policy and following privatization in lack of lawful infrastructures in developing countries can lead to non-considering

human rights significantly. The last point is that world trade organization procedures indicate predominant prospective of verdicts in conflict solving principle that can influence on right to health.

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