

**ECONOMIC ROLE OF WTO MEMBERS PROVIDING POLITICAL
INDEPENDENCE: THERE IS NO EQUALITY AMONG MEMBERS LIKE
IT MUST BE UNDER MARRAKECH AGREEMENT**

There is a general opinion that in order for developing countries to develop their economies and ensure their political independence in the World Trade Organization (WTO), it is necessary for the state to play a large role in the economy. This issue is directly related to the (WTO) members. After becoming WTO members, developing countries are beginning to play by the rules of the WTO. If a country does not agree with the charges of the conditions then they are put under a political pressure and the threat of economic pressure to force them to accept the agreement.¹² And if the country is not strong in their industry and economy as a whole, it cannot dictate the rules, put forward and protect its own interests. Over the last 20 years of the WTO, I can isolate only one country that became a member of the WTO and was able to take a strong position in the global economic space – it is China. Also, I agree with Friedrich List that the development of a country depends on a strong and powerful government whose work is effective.

The membership in any international organization that provides free flow of goods, relates to the benefit of the developed countries and is not advantageous for the developing countries, even more so for the least developed countries. Consequently, in order to survive this competition, the countries of the second group set a high tariff barrier to help its domestic industry to grow and only after that do they start to remove these barriers. The developing countries should have strong economic positions or individual advantages for protection and lobbying of their interests in the WTO.

I have the following conclusions about economy of the two developing countries, which became a member of the WTO, about their position in the WTO and economic role in the world market. First of all, we saw the state of the Ukrainian economy before and after joining the WTO. Ukraine has been a member of the WTO since 16 May 2008. It started the deindustrialization process for many sectors of our economy. The powerful sugar industry in the Ukraine, which once served the whole Soviet Union, is now dead. Joining the WTO has reduced import duties on sugar – now the shelves are crammed with imports. Some political analysts believe that a big problem was the inefficiency of the government. The same situation throughout the economy as a whole.

¹² Bullard, Nicola; Chanyapate, Chanida “Ten years of the WTO: Subordinating development to trade”, IFG (February, 2005), accessed on-line at <http://library.fes.de/pdf-files/id/ipg/02858.pdf>

After 5 years of Ukraine's membership in the WTO, the trade deficit increased exponentially. Such result is caused by the fact that Ukraine has no mechanism of influence on the global economy now. The main advantage was a strong agricultural sector and production, so Ukraine could develop the domestic market, providing people with work. We opened our domestic market from different sides on not the best conditions. And now Ukraine is just a "pawn".

And on another side is China. The country that first, has got a powerful industry, and secondly, joined the WTO on the rights of a superpower. Negotiations on China's accession to the WTO lasted 13 years. After 11 years, China has become the largest producer of manufactured goods and the second largest economic entity in the world. The status of China in the WTO found that without China WTO cannot be called the "world" trade organization. China was able to take a strong position in the global economic space. WTO membership has brought and will bring huge benefits for China in expanding trade, enhancing economic reforms to attract more foreign investment and strengthen the rule of law.

As a WTO member, China is able to participate in the formulation of rules governing international trade and investment. At the same time, China is able to protect its commercial interests, using the existing dispute settlement mechanism of WTO system. Chinese exporters will benefit from the fact that their trading partners are required to comply with WTO rules.

There are covert security systems in developed economies, which allow them to "push" the other. For example, the huge agricultural subsidies that are legitimized in Europe and the United States but are prohibited in other countries. In the WTO, there is no anti-trust legislation. Multinational giants get freedom of action on the territory of other countries. Once ready to enter a production in the country is more profitable than building a production there, it's clear what happens to the mills and factories in the importing country. The WTO rules make it impossible to establish of new production in developing countries, so – development in general.

So a country that does not have any factories but has new technologies that would allow to reduce production costs, thus ensure their own country and make the import product is not profitable, will be doomed to decline.

Analyzing the article "WTO Ministerial: Serious Jobs Impact In Developing Countries", I can conclude that the requirements of the WTO act against the interests of developing countries to develop their own industries and employment.¹³

We must understand when countries join the WTO, they have to play by the generally accepted rules. And in this situation, the winner is the strongest. They

¹³ ENDS, "WTO Ministerial: Serious Jobs Impact In Developing Countries" (July 25, 2008); accessed on-line at <http://www.scoop.co.nz/stories/WO0807/S00736.htm>

say – equal conditions for all. But the reality of post-Soviet countries? This is a fight of five-year-old children and 25-year-old men.¹⁴

In the immediate future there will be demand on the world markets for the IT-industry, pharmaceuticals, biotechnology, so, these industries need help from the state. The support of the entrepreneurial, scientific and trade capacities will encourage production of high-tech products with innovative technologies. And hereinafter it will ensure for these products the highest possible markets distribution. But also Ukraine needs strong changes in political life. After five years in the WTO we must have strong position in negotiations of tariff trade barriers. This is the first step for the “place under sun” in regulated of WTO issues.

In conclusion, I would like to note that only a country with an effectively working government and well-developed industry can stand against powerful corporations, to withstand disputes settlement and defend their point of view in the WTO, while developing their independence and economic situation. Right now I know only one such country – China.

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NEW WAYS OF POLISH CRIMINAL LAW – A FEW REMARKS ON GENERAL IDEAS OF UNDERGOING CHANGES

It is trivial to say that most of the legal systems, if not all of them, are constantly experiencing the process of change. It is even possible to say that in a different moments of a time-span, one can observe and analyze different version of the same legal system [1, p. 33–34]. Changes that occur in the certain legal system over time can vary between themselves, based on various factors such as: the scale of the proposed amendment or way of affecting the social life. Suffice to say, that some of the can carry a grave importance and some do not.

Currently the Polish criminal law is undergoing a process of major change. It affect both part of this area of law. Firstly, the so-called “material” one, which defines the principles of criminal liability, the catalog of crimes and possible way of reaction to them. Secondly, the so-called “formal” one, which consists of procedural regulations. In the rest of the paper I will refer to those parts of criminal law as “material criminal law” and “formal (or procedural) criminal law”.

The abovementioned changes in Polish criminal law consists of series of amendments to the Polish Criminal Code and the Polish Code of Criminal Procedure. Part of those amendments are already enacted [2] while part of them is un-

¹⁴ Елена Полищук. Постсоветские страны проиграли от вступления в ВТО: [Электронный ресурс]. – Режим доступа: