

Why the WTO Members May have an Obligation to Use Trade-Restricting Measures to Help Others

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The question examined here is one not often asked: is there a situation in which a positive duty to impose trade regulations to advance social policies may exist? Unlike analyses that posit whether such regulations must (or ought to) be allowed by a particular treaty regime within the broader international legal system, the issue brought up here is based on a state's obligations toward the international community. The topic is approached by a background in the concept of "beneficence" as examined through the philosophical lens of ethics and then turned legal by looking at a similar problem in private law: the topic of duty to rescue. In public international law, the idea of duties of states is just beginning to be studied, but there are signs that lend support to the hypothesis that in limited situations, there may indeed be a legal obligation for a state to act to either rescue individuals from peril or to stop harm from occurring. A full realization of this duty would be a leap forward in the creation of a true international community based on law.