

Research Article

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Responsible Active Participation of International Trade Actors to Make Human Rights Effective

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ABSTRACT

In the legal-economic context of international trade, today's globalized world has encountered a digitalization challenge. Digitalization has changed international trade, rules, actions, etc. It also accelerated globalization, and globalization not only facilitated the consumption of products around the world but also spread problems such as the COVID-19 pandemic. This study explores various aspects of international actors that may help make human rights effective in international trade. The consumer and the producer need a new legal-economic system of international trade functions in a comprehensive and sustainable manner in favor of the needs of the global digital society.

In today's globalized world, we constantly face the challenges that result from digitalization, which affect the way in which all social actors interact. In the context of international trade, we outline governments, organizations, companies, and the people as its main actors, identifying the governments as those who must create, develop, and monitor the conditions in which the economic activity develops, always under rules that allow the other actors to obtain the maximum possible benefit, in all aspects, and thus, the companies, whether individuals or groups, carry out

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their productive and commercial activities aimed at satisfying the needs of people. In the digital global society, we have identified the people in their role as consumers, the main recipients of the commercial mechanism that is primarily implemented so that they get what they “need to live.”

This universe of consumption is so enormous that regulating and controlling it is a massive task, given that States must address their commercial role within the coexistence of markets - material or digital - whether local, national, or international, -multilateral or regional-, multiplying the problems that have to be taken into account so that the trade system works in a constant, effective and timely manner.

Such performance is perceived as corresponding to a living entity that reacts to the internal and external factors that enable it, in this case, the interests, objectives, and goals of the various groups of people involved, that is, all people in the world, since they have needs as providers or recipients of products and services.

Until now, the results of globalization have consolidated at the end of the last century as the prevailing system for international economic relations is not entirely positive, and several of its statements are being questioned, especially after what happened with the COVID-19 pandemic. On the one hand, the system contributed to the distribution of vaccines but made it evident that the commercial interdependence of products and services between States develops in an environment of imbalance and disadvantage, circumstances that revealed the deficiencies of the economic system, particularly after the negative effects of actions such as border closures and isolation measures that proliferated during the pandemic. On the other hand, the deep commercial interrelation between States meant that the virus reached all parts of the world faster, and only those localities that were not part of international trade networks were able to get rid of it.

The pandemic also showed that we are not prepared for this type of situation, neither as people, nor as companies, nor as States, and that the model of society where the market economy prevails, explicitly - USA - or implicitly - China -, which is sustained by individualism are not healthy societies, because they do not have physical, economic, or social balance; above all, in terms of human health and that of the planet; a situation which is much more serious in poor States, that are the big losers of the pandemic, since it was not only about the management of the health emergency but also the effects of this, such as the consequences that many people continue to face, after the physical, emotional, economic and social damage left by the virus, of which we have been aware over the last three years.

In this context, we must highlight the role of legal-economic institutions that have a predominant part in the respect, protection, guarantee, and promotion of human rights, which must be directed to achieving their effectiveness not only discursively but materially, and actively because these are essential for the formation of a new digital global society, healthy and responsible for its future.

Therefore, a new question arises: *What would be the most effective way to address the needs of the global digital society that have been reconceptualized in the post-pandemic environment and, at the same time, consolidate the legal and material effectiveness of human rights in the legal-economic context of international trade?*

Based on a critical analysis of the legal-economic system that regulates international trade, we consider the need to define and propose actions in which its actors, actively, in their constant interaction, can reconceptualize their means and purposes to achieve the advance of international trade itself for the benefit of all people, as well as the planet; and at the same time achieve the effectiveness of human rights that are the foundations for the consolidation of a digital, strengthened, sustainable and responsible global society.

In the first section, we briefly present what is related to today's globalized world in the legal-economic context of international trade, from the origins of the consolidation of globalization to the post-pandemic moment in which we are currently immersed, identifying some of the positive and negative points of such legal-economic system that we consider the most relevant and highlighting in parallel the digitalization process that results in the current global digital society. In the second section, we focus on the description of the main actors in international trade, highlighting some of the ways in which they have interacted under the old paradigms and how to redefine the role of some of them, whose active participation is crucial for the consolidation of new paradigms of production and consumption, that can have an impact on the formation of a strengthened digital global society prepared to face global problems – climate change, scarcity of resources, migrations, wars, organized crime, pandemics, etc. - to come.

Finally, we identify the actions that actors must carry out within the legal-economic context of international trade in favor of the formation and consolidation of human rights as the driving axis of international trade, whose effectiveness is essential to achieve a digital global society with a future.

Today's Globalized World in the Legal-Economic Context of International Trade

Background to the Globalization Process that Was Born in the 90s

International trade is a human activity with a multidimensional approach; in other words, it combines economic, legal, social, cultural, environmental, and technological actions, to name a few; its origins date back to ancient times, and it arises as part of the same reason in all these territories, which consists of the existence of surpluses of some products and the need for other goods that are lacking, all to satisfy needs; this activity, which has become indispensable for humanity, has been a driver of transcendental changes in the conception of the world since it has always been related to the development of concepts and inventions, and other social constructions. Since the 19th century, economic liberalism has prevailed as the economic theory that predominates over the functioning of international trade, promoting free trade without barriers that were consolidated until after the Second World War with the emergence of legal-economic institutions that would regulate until currently the international economic relations, which have been implemented with the help of international organizations such as: United Nations Organization (UN), International Monetary Fund (IMF, 2023), World Bank (WB, 2023), and the GATT¹ (now World Trade Organization –WTO, 2024), among others.

¹ In 1947, the GATT was signed, an essential instrument for the expansion of trade in goods, which promoted the reduction of tariff barriers between Member States, especially in manufactured products. Likewise, it established legal institutions that shaped the content of other multilateral and plurilateral trade agreements to sustain the international legal-economic order to this day, a result of the establishment of the WTO in 1995, transcending the regulation of services, intellectual property and a consolidated dispute resolution system, also defining the direction of digital

But it will be from the nineties, with the emergence of the Washington Consensus, in which certain policies were identified, such as the bases or criteria that had to be implemented by States to be able to join international trade, such as: budgetary discipline, tax reform, reduction of the budget deficit, increase in real interest rates, flexible exchange rate, trade liberalization, openness to receive foreign direct investment, privatization of state-owned companies and public service sectors, deregulation, promotion of fair competition, intellectual property rights protected by an efficient legal system, and the prevalence of freedom and democracy as political principles (Tamames, 2010, p. 58), these policies becoming the pillars on which the conditions for the global functioning of international economic relations would be built.

The above carried to the relocation of production processes, which has to do with the internationalization process of companies and with the international movement of producers, business people, capital, and even workers, and that is an essential element for the consolidation of the global market of products and services, in which the so-called national interests are diluted in deregulated and private transnational interests, which led to the homogenization of economic, legal, political, social and even cultural aspects, in every corner of the planet.

Globalization in these years is positioned as the hegemonic concept of world economic development, resulting in greater interdependence and economic and cultural integration of States, which not only includes commercial relations but also financial ones -material and virtual- as well as communications and technological development, which had been happening rapidly and with increasing depth.

This was the predominant scenario until 2020, when with the COVID-19 pandemic, several paradigms of this trend collapsed, which necessarily led to an awakening of global society, asking itself: *What type of society does it want and need to be in the face of the shocks that arise from global problems?*

When we talk about the process of globalization, and the change in its paradigms, we must assume that, despite having resulted in economic growth in the States in which it has been applied, it has also had a negative effect on the increase in discrimination and economic marginality, that has been identified by specialists as a greater gap between rich and poor people around the world.

Furthermore, there are States in which democratic policies are being strongly questioned and fought by groups of their own citizens; privatizations have not achieved the expected results in competition, and deregulation has taken a step back – States have increased their regulatory control, disguising it as facilitation and accessibility, with the proliferation of automated systems and self-management of procedures that end up excluding people rather than including them-, and all this has worsened after the 2020 pandemic.

Another observation we make is to concentrate on the interaction between governments-companies that have been establishing consumption patterns without a direction toward sustainability, health or the balance between the production of goods, the provision of services,

Regulation, highlighting that some of these institutions require improvements that respond to a global digital society. It should be noted that, in the case of Mexico, the implementation of these legal institutions has integrated it regionally and placed it as the 13th world economy by the year 2022, consulted at: <https://datosmacro.expansion.com/paises/mexico>

and human rights; this lack of perspective led to millions of deaths around the planet due to the pandemic and the subsequent proliferation of physical and mental illnesses in millions of people today.

In the same way, we identify a serious weakness of the globalization system, consisting of the lack of values, which directly disrupts human rights, for example, the statement that globalization works to promote consumption that is “more favorable” to people. In this regard, we can now, after years of applying the system, recognize that although international trade exchanges promote the importation of those products that lead to lower prices for consumers, either because the production costs in their country of origin allow these prices, or because by entering the markets they promote greater competition, which leads to a “better and greater” offer, *ergo*, lower prices, allowing consumers to access better quality and lower priced products; today we know that this statement is true to a certain extent and under certain conditions, but without taking into account its collateral effects, such as job loss and environmental damage.

Furthermore, globalization leads to individualism that has had partial results in relation to social well-being, even with respect to the economic growth and development of States, since there is a direct relationship between the lives of people and the economic development of the societies in this sense, people as active subjects of international trade make “choices” that have to do directly or indirectly with the production of goods and services, such as: working, investing, producing, trading and consuming goods and services, as well as, carry out financial and banking acts, among others.

In the ideal world, these choices can lead people to better living conditions, indirectly to greater social well-being. But to choose, you must have certain basic "conditions", one of which is a solid legal system that promotes respect and protection of human rights because it is through its exercise that you have access to good nutrition, a decent job, truthful and useful information, to education with comprehensive and functional training aimed at obtaining greater personal well-being and that contribute to society; to individual and collective security, to substantive and opportunities equality, and to the freedoms, rights, and principles that must be integrally incorporated into the functioning of international trade so that this activity is in favor of all people in the world, to the make human rights effective.

Post-pandemic Globalizing Process – Digitalization

During the first years of the 21st century, we have experienced a slowdown in international trade due to various crises, which have had to do with problems - some that have become global - such as financial crises², terrorist attacks³, variations in oil prices; the concentration of trade flows at the regional level⁴; the consolidation of new economic blocks⁵, the emergence of new terrorist groups⁶, humanitarian crises⁷; epidemics or pandemics⁸; natural disasters⁹; transnational organized crime¹⁰; and migration¹¹.

² The financial crisis of 2008, known as the Great Recession – due to the collapse of the US real estate market; and the 2020 coronacrisis.

³ September 11 – terrorist attack on the Twin Towers in New York-, massacres in Russia and Iraq, attacks on schools, mosques, to name a few.

⁴ China, USA, Germany and Japan

⁵ The BRICS is made up of Brazil, Russia, India, China and South Africa.

⁶ The Islamic State, Boko Haram, to name a few.

⁷ Yemen, Syria, Afghanistan, Haiti, Lebanon, Ukraine, Somalia, Ethiopia, among others.

In this panorama, full of difficulties, international trade has been a contributor to these problems, but at the same time, it has represented, in some cases, the solution to them, as we saw with what happened in the COVID-19 pandemic regarding the way vaccines were produced, marketed and distributed around the world.¹²

The COVID-19 pandemic revealed a fragile society - malnourished in all physical and mental aspects - that also inherited digitalization as a form of socialization and under which the entire life system of the planet is affected, whether due to natural disasters, due to other effects of climate change itself - what happens with the planet's electromagnetic field - since the problems that arise because these natural phenomena have an impact on the survival of societies as we know them.

The measures taken by States against the pandemic, such as the closure of borders and isolation or social distancing actions, led international trade to some of the lowest levels in the history of global society¹³. Companies did not produce goods or could not market them, altering the functioning of international production and supply chains; restrictive or protectionist actions on trade in goods and services led to a halt in the activity of companies in strategic sectors such as transportation, tourism and services in general; and, the production of certain merchandise such as those related to medical products had to be redefined internally to be able to face the health needs of each State; as for the fiscal deficits of the States, these were contained by public debt; and the loss of jobs was balanced by economic support measures and tax exemptions.

It should be noted that many of these actions could only be carried out by the rich States; the others did what they could to be able to face the health crisis mainly with respect to the other correlative crises such as employment, taxes, food security, professional and educational development, and the attention to other health issues, such as other diseases -cancer, AIDS, depression, etc.-, the actions were less of a priority, at least, during the most critical moment of the pandemic.

On the other hand, during the years 2020 and 2021, there was a proliferation of companies that provide digital services, making products and services accessible (UNCTAD, 2022), which allowed the development and consolidation of a digital economy that continues to advance, but it has devastating consequences for the planet, because although consumers now have everything accessible “at their home’s door”, goods continue to move physically, many of them causing a carbon footprint and overexploitation of raw materials - such as those intended for the packaging of said products.

The consolidation of the digital era is a legacy of globalization, which leads us to ask new questions regarding the forms of consumption and their effects on people's lives and on the planet itself; this is understood as “the penetration of the Internet” in all aspects of the life and development of people, companies, organizations and governments; has deepened as new

⁸ Cholera outbreaks in Africa, Ebola in Africa (2014-16) and the COVID-19 pandemic.

⁹ Tsunamis, forest fires, earthquakes, floods, droughts, water shortages and decreased biodiversity.

¹⁰ Human trafficking, organ trafficking, arms trafficking and drug trafficking.

¹¹ For reasons of violence and climate change.

¹² See. https://www.wto.org/spanish/tratop_s/covid19_s/covid19_s.htm

¹³ Similar levels were already present in the 2008 crisis, but they were not worldwide, unlike this crisis, which did impact all countries, source: (UNCTAD, 2022, p. 6), consulted at: https://unctad.org/system/files/official-document/0sg2022d1_en.pdf

technologies speed up, facilitate and simplify their existence, causing radical social change, now even with more transcendent effects with the emergence of artificial intelligence (AI).

The restructuring of global society after the pandemic has not been easy, but by 2022 we had a rapid economic recovery, almost reaching the levels of international trade flows prior to the pandemic, and it is evident that digital markets have been essential to have obtained these results, since they have facilitated international business for both individuals and companies, becoming a field of real and continuously growing commercial development.

Now, given the new trends and circumstances in which international trade is carried out, thanks to the digitalization of the economy and life in general, we note that the legal-economic system has been an essential element for its maintenance and consolidation, but the same, must reflect the needs of the new global digital society in a context of sustainability and effectiveness of human rights so that it continues to be the key to the survival of humanity, and with it, achieve what the theory of globalization early promise, consisting of the fact that people's quality of life would be better by implementing such economic system, although now ensuring that it is implemented within an environment of equality, freedom and justice, to materialize the famous passage from 19th century from *free trade* to *fair trade* of the 21st century (Stiglitz & Charlton, 2005).

With the pandemic, the sick and weak global society could not cope with the virus and the lack of effectiveness of human rights around the world became evident since, on the one hand, everything revolved around the survival and health of people, essential human rights, and, on the other hand, legal obstacles arose to the application of the government measures to combat the pandemic that implied the contrast of public and private interest, and with it, between the rights of individuals and the survival of society itself.

In this regard, we must always keep in mind that human rights are attributes or guarantees inherent to human beings, recognized and protected through national and international legal instruments, that are universal, indivisible, interdependent, and progressive (Donnelly, 2011); those who during the pandemic were systematically violated by governments through actions to respond to the health crisis, which may or may not be justified; but these events suggested that the realization or materialization of these rights is not negotiable and that to affirm that the social conditions within a State are dignified and humane, the exercise of these rights cannot be paused as happened with the COVID-19 pandemic. COVID-19 (Dell'Orsi, 2021).

The Actors of International Trade: Governments, Organizations, Companies, and People

In this new digital global society characterized by virtual communication, electronic commerce, electronic transactions, remote work, and e-learning, the effective application of human rights cannot be lacking since these are immersed in all material or digital human activity.

Human rights are not only an essential part of people being human beings, but they make people better economic actors, whether they are producers, consumers, investors or workers. Its identified economic dimension - such as work, food, education, housing, health, and social security, or the provision of goods and services - shows the relationship between human rights and the market, a link that can foster the promotion of peace, tolerance, and development, through

legal protection - competition, intellectual property, consumer rights - of these rights against the abuses of public and private powers, where the freedoms themselves are protected, including economic freedoms - work, property, and development (Petersman, 2012).

Now, globalization, as the legal-economic system that leads to the digital global society, must direct and consolidate the work of governments at the national and global level toward the legal effectiveness of human rights, which requires the active participation of companies and consumers.¹⁴

In this context, governments have the responsibility to contribute to the formation of a comprehensive digital global legal-economic order, which allows the complete fulfillment of people through the promotion and protection of their human rights – such as the rights to self-determination, non-discrimination, substantive and access to equal opportunities; to free and dignified work; to social security; to an adequate standard of living, including healthy nutrition, decent clothing and housing, and continuous improvement of living conditions; to the highest possible level of physical, mental and social health; to education; at the information; and, to the benefits of culture, scientific and technological progress, to mention a few.

Furthermore, governments as actors in international trade determine economic, industrial, and commercial policies through actions aimed at maintaining and expanding national productive activities in the global marketing scenario. Its actions include the negotiation, subscription, and approval of international instruments (treaties or trade agreements) that facilitate and promote trade negotiations with other States or international organizations; international commitments that must be aligned, in turn, with government actions whose main objective is the effectiveness of human rights, so that they are conceived as an essential part of the economic cycle of international trade (Hernández Ramírez, 2017).

All this not only focuses on legal activity at the international level but also on the creation, application, and interpretation of laws by the bodies that conform to each State, functions and activities that are constitutionally supported and that shape the institutional framework that is aimed at achieving the goals of each society, for example, in the case of Mexico, human rights, defined in the first article of its political constitution, are not only recognized rights but are constitutional principles that establish the guidelines to achieve their effectiveness, which must be an axis for the implementation of government actions, for example, those related to international trade (Hernandez Ramirez, 2021).

Also, States establish relationships with organizations that are essential since both actors are part of the legal-economic institutional structure of international trade; therefore, we make reference to these types of entities and highlight some such as international financial organizations like -the International Monetary Fund, World Bank, Inter-American Development Bank-; the multilateral international organizations – United Nations, World Trade Organization, Organization for Economic Co-operation and Development, World Health Organization, International Labour Organization, World Customs Organization-, which have a substantial task in identifying the best state and regional practices, which increasingly recognize the need to

¹⁴ [Hernández Ramírez \(2024\)](#). Actors of Digital International Trade: Towards Responsible Legal Practice Mexico experience, Mexico. (In press)

promote international trade by monitoring that national and international activities are done respecting and protecting human rights.

Another important actor in international trade are companies (individuals and legal entities), understood as units of production, marketing, and distribution of goods and/or services based on capital and that seek to obtain economic benefits (profits), which, apart from their obvious economic function, they have a social function, being generators of satisfaction for society, employment, capital, and they are also promoters of social changes, because when they make changes or innovations in their policies and means of production and marketing, can and should be directed mainly towards caring for the health of people and the planet.

In this way, companies are a fundamental piece in the construction of a sustainable digital global society, where they are promoters of the effectiveness of human rights as part of a virtuous circle of production-consumption, which requires that legal orders be transformed and improved, so that they provide and define the principles and duties that serve so that companies manage to resume that social function which we mentioned and they focus on the creation of healthy and sustainable products, through processes that are also friendly to the planet, so that their activity really favors the organization of a strong and motivated society that can face all the challenges that are to come, and thus configure a life in balance between people and the environment.¹⁵

Finally, we have natural persons as actors in international trade when they carry out actions such as producers, importers, exporters, service providers or investors, highlighting their role as consumers and workers since all these activities are closely immersed in the processes of production, marketing, and distribution of goods and services locally and internationally.

For us, the consumer has an active social function since he not only limits his action to the simple act of consuming products and services but now also becomes a contributing regulator of the market functioning, being the true reviewer of prices and quality of goods/services offered in material and digital markets; this work requires rights that empower and deepen their actions, which are essential for the improvement of the production-consumption process because it is in this role when they can become aware that their needs must be in line with sustainability and the health of people, society and the planet.

That is why it is important to insist that the new “digital global society” recognizes its role in shaping parameters that serve to ensure that human rights, whether as an idea, belief, knowledge or social practice, are the guiding axis in all the aspects that together are part of the lives of functional people, and then, we can talk about the effectiveness of human rights.

Active Participation in Favor of the Principle of Effectiveness of Human Rights in the Legal Economic Context of International Trade

With the previous analysis, in response to the original approach of this dissertation, it is essential to know and understand the legal-economic framework of international trade to identify the legal instruments that are part of the regulatory frameworks applicable in each State and in each market; once identified, propose some of the actions that each of the international trade actors

¹⁵ Alarming fact: international trade in 2022 had crude oil, refined oil, integrated circuits, oil gas and cars as its main products, most of them polluting goods. <https://oec.world/es/profile/world/wld#latest-trends>

could carry out, for now, we will only refer to some that we consider the most important in general.

On the part of government actions, to proceed to the internal implementation of the legal-economic framework- whether as sending or receiving entities within the dynamics of international trade - are technically and materially harmonized with the consolidation of the principle of effectiveness of human rights in every State and the world.

This, also as an action by each government, requires permanent legal processes of negotiation and implementation - assimilation and application of the rules - that contribute to the development of international trade itself in a context of effective human rights; in order to do so, confronting the conceptual and ideological fragmentation of the old paradigms of globalization, where its pillar ideas, such as democracy and the market economy, have ceased to be functional to provide a concise and precise response to the global problems that afflict the current global digital society, previously analyzed.

We must point out that during the development of international trade, the “Law”, has been an indispensable piece that has contributed to the definition of the systems and regulatory concepts that regulate international economic relations – whether financial, commercial, investment, tax, cooperation and/or development -, given that, through these legal norms, the conditions of stability, connection and trust that are required in the relationships between governments, companies, organizations and people as actors in international trade have been created ([Hernández Ramirez, 2018](#)).

It is also appropriate to remember that, in matters of well-being and public policy, these international trade actors are the basis of the social structure itself and that, through standards, their economic and commercial activities are regulated at the national and international level in this context, we want to emphasize that as an essential part of the legal-economic system, there are rules that establish means to resolve conflicts that arise between said actors, in a peaceful and alternative manner, such as negotiation, conciliation, mediation and/or arbitration; this regulatory subsystem has been developed and consolidated in the field of international trade law - multilateral and regional - in the various areas of application, like goods, services, intellectual property and currently, it has been implemented by some States, as a good practice that is has been transformed into mechanisms that guarantee the access to justice human right¹⁶, which is an essential element in the development of sustainable and responsible international trade.

The above leads us to ask ourselves: *What would be the most effective way to address the needs of the global digital society that have been reconceptualized in the post-pandemic environment and, at the same time, consolidate the legal and material effectiveness of human rights in the context of legal-economic in the international trade?*

The analysis previously developed and the previous considerations lead us to identify the most effective way to address the challenges and needs that are the result of a post-pandemic reconceptualization, *the responsible, active participation of each of the actors in international trade*, which will serve States to achieve an economic cycle, in which their productive sectors - of

¹⁶ See. DECREE by which the General Law of Alternative Dispute Resolution Mechanisms is issued and the Organic Law of the Judicial Branch of the Federation and the Organic Law of the Federal Court of Administrative Justice are reformed and added. Published in the Official Gazette of the Federation on January 26, 2024.

goods or services - and their consumers, use legal institutions in the most suitable way to respect and protect human rights, becoming a permanent element of the legal -economic framework of international trade, and with it, achieve its own human rights effectiveness, ensuring the development of a sustainable digital global society by taking responsibility for itself.

This results in the affirmation that the actors of international trade must operate under the principle of the effectiveness of Human Rights, which is based on the identification of viable legal institutions that conform to the multilateral international legal-economic order that allows achieving this goal (Hernandez Ramirez, 2017).

In this sense, it should be said that the effectiveness of human rights has to do with the role of social actors in the formation and functioning of legal institutions and social practices that allow the operation of rights both in public and private relations, where governments, not only through their executive, legislative and judicial functions, are responsible for creating and applying the law in favor of human rights, but obligating themselves to ensure that they are respected by all social actors; in the case of this dissertation, with respect to the other actors in international trade - organizations, companies, and consumers-, the government has to be attentive to observing and transforming, if necessary, its content and providing the conditions for its exercise since the rules can be perfected and must be adapted to the needs of societies, such as the ones of the current global digital society.

Therefore, it is essential that the government's actions must be constant when monitoring the formation and modification of the legal-economic institutions of international trade, such as international treaties - commercial and human rights -, laws and judicial precedents (Hernandez Ramirez, 2021) that assimilate the needs of these international trade actors, such as companies and consumers so that they are consistent with human rights as a mechanism to achieve effectiveness.

Thus, we recognize the importance of the binomial -company-consumer-, where the company is the axis of the production, marketing, and distribution of products and services; its role as an actor in international trade is fundamental in this global digital society by deciding to promote the effectiveness of human rights through its economic activity, with the generation of satisfiers for society that are healthy for humans and sustainable, with the best and truthful information on the product or service that enlightens the consumer.^{17 18}

To achieve the above, it is necessary to recognize that people are autonomous and free human beings who are part of the economic cycle immersed in international trade and whose human rights are affected by the decisions made by other actors in international trade, such as governments, organizations and companies, since the latter, when they set important or transcendent guidelines in decision-making that affect the daily lives of consumers – what to consume, when to consume, where to consume, how much to consume, even why to consume.

¹⁷ See. <https://www.gob.mx/promosalud/acciones-y-programas/etiquetado-de-alimentos>

¹⁸ See. The Food Tech. "This is how front labeling has advanced in Latin America to promote healthy diets", (2023) <https://thefoodtech.com/nutricion-y-salud/asi-ha-avanzado-el-etiquetado-frontal-in-latin-america-to-promote-healthy-diets/#:~:text=Seg%C3%BAAn%20the%20cited%20study%2C%20them,all%20have%20entered%20in%20force>

For his part, the consumer, as an actor in international trade, must be in charge of directing its operation by actively participating, in principle, by reviewing the quality and prices of products and services and also by demanding that they comply with new characteristics that become more in line with this approach to a healthy and sustainable digital global society.

Consequently, consumers as part of all types of families or social circles must have the best information available, which is useful, truthful, and accessible, both in their home, educational, and work centers, as well as in any public space and digitally, allowing them to build, through their active participation, a different society, which stops consuming in an automatic and destructive way to their health and that of the planet.

This requires certain conditions, such as having access to useful and true information, as well as quality products and services, in addition to the fact that they are generated taking care of the planet and people; it is important to recognize that these conditions have not been consolidated at this time, since the digitalization of people's lives - in fields such as training, work, socialization, consumption, creation and entrepreneurship, even entertainment, to name a few -; it directly affects that autonomy and freedom to decide what is best for people, given that, we are exposed to an excess of information, misinformation and a deficit in its quality that needs to be redirected.

We must even highlight that currently, the incursion of people who obtain income through activities they carry out through the internet or social networks -youtubers, tiktokers, coaches, entrepreneurs, among others-, who disclose information that may have no basis, or whose origin is unknown, when sharing ideas, beliefs or knowledge that is in some cases dysfunctional, because they do not reflect reality, although they begin to constitute an alternate reality, which often causes the recipients of that information to divert their decision-making towards what is shared with them, despite the fact that this may go against common sense, and the coherence or congruence that should exist between the needs and the way in which they are satisfied, that has generated confusion in the actors.

With the actions proposed above, we would avoid the sick and unmotivated society generated by the original globalization, from which an easy and digitalized world was created that has left aside the comprehensive and functional training of people, violating human rights - individually and collectively.

In effect, the new society requires new products and services resulting from sustainable production processes, which in turn promote and respect the access, exercise, and materialization of human rights of people in the world, which allows the development of a society with comprehensive and functional training, healthy and aware of their destiny.

Corollary

This globalization process must evolve so that, based on new paradigms, it is determined that the effectiveness of human rights is the maximum goal of the legal-economic system of international trade that is implemented by the digital global society, thereby achieving this, it is from this system that sustainable subsistence of people and the planet is reached.

Starting from the experiences obtained after the COVID-19 pandemic, which taught us that the digital global society can function in harmony and as a team if efforts are combined to develop a

life in order with nature and with the values that lead to the sustainability of people's lives, being participatory and responsible for themselves and others.

Due to the above, we consider that the legal-economic system that regulates international trade can be a great contributor to solving collective problems around global public goods, such as climate change, the care of biodiversity, combating terrorism, the consumption of narcotics, and corruption, and now, even pandemics, all problems that are closely linked to the economic measures of the States, which must be faced efficiently, through actions that strengthen the international and regional cooperation of the States, and internally with the coordinated, participatory and conscious work of their international trade actors – governments, organizations, companies, and people – supported by the human rights effectiveness approach.

The effectiveness of human rights, consisting of the formation and functioning of legal institutions and social practices that allow the operation of rights in public and private relations, becomes the principle and methodological tool that will allow the global digital society to achieve its goal of sustainable development and that of the planet.

The legal nature of human rights, being universal, indivisible, interdependent, and progressive, consolidates them as effective tools to regulate the behavior of people in a comprehensive and functional way; they define and direct the behaviors aimed at the active and co-responsible participation of governments, organizations, companies and people as actors in international trade, becoming not only the origin but the ultimate goal of any human activity, this characteristic makes the effectiveness of human rights inseparable from the development of international trade itself (Donnelly, 2011).

Consequently, this makes actions aimed at achieving the effectiveness of human rights the condition in which the legal-economic system of international trade functions in a comprehensive and sustainable manner in favor of the needs of the global digital society.

References

- Dell'Orsi, G. (2021). Solicitud de medidas cautelares urgentes ante el tribunal constitucional federal alemán contra disposiciones del gobierno de baviera relativas a la covid-19. *Revista de Derecho y Salud*, 5(6). <https://revistas.ubp.edu.ar/index.php/rdys/article/view/299>
- Donnelly, J. (2011). La construcción social de los derechos humanos, GERI- UAM. [The social construction of international human rights]. *Relaciones Internacionales*, 17, 153–184. <https://doi.org/10.15366/relacionesinternacionales2011.17.006IMF>, (2023). *Annual report 2023*. <https://cdn.sanity.io/files/un6gmxxl/production/5e4df7c81e6b37f55db8734b200a94f85bc4670d.pdf>
- Hernández Ramirez, L. (2017). *Evolution of international trade mexico – united states of america nafta-tpp: challenges and opportunities*. Xvi International Business & Economy Conference (IBEC) - Chile 2017, Available at SSRN: <https://ssrn.com/abstract=2921017>
- Hernández Ramirez, L. (2018). *North America international business in the 21st century: alternative legal strategy, Mexico case*. [Paper presentation]. International Business and Economy Conferences, xvii International Business & Economy Conference (IBEC) – San Francisco 2018. <http://dx.doi.org/10.2139/ssrn.3132913>
- Hernández Ramirez, L. (2021). Implementation of human rights and the mandatory precedents in foreign trade, legal effectiveness: Mexico case. *Archives of Business Research*, 9(12), 153–164. <https://doi.org/10.14738/abr.912.11382>

- Hernández Ramirez, L. (2024). Actors of digital international trade: Towards responsible legal practice Mexico experience, Mexico. (In press)
- Petersman, E. (2012). *Human rights and international economic law: common constitutional challenges and changing structures*. European University Institute, EUI working papers, Florence. <https://cadmus.eui.eu/handle/1814/21434>
- Stiglitz, J. E., & Charlton, A. (2005). *Fair trade for all, how trade can promote development*. Oxford, New York.
- Tamames, R., Huerta, B. (2010). *Integración económica en las Américas (II)*. ALALC, ALADI, CAN, G-3, MERCOSUR, ALACSA . [Economic integration in the Americas]. En Estructura Económica Internacional (21a ed.). Madrid, España: Alianza Editorial.
- UNCTAD. (2022). *How digital connectivity facilitates inclusive global trade*. <https://unctad.org/news/how-digital-connectivity-facilitates-inclusive-global-trade>
- World Bank (WB). (2023). *A new era in development*. Annual report 2023. <https://www.worldbank.org/en/about/annual-report/world-bank-group-downloads>
- WTO, (2024). *Annual report 2023*. Ginebra. https://www.wto.org/english/res_e/publications_e/anrep23_e.htm

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Conflict of Interests

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