

# The World Trade Organization in the Context of Free Trade Zones

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## Abstract

Free trade zones have been established based on the Law on the Administration of Special Economic Zones of the Islamic Republic of Iran to achieve specific objectives outlined in Article 1 of that law. The World Trade Organization (WTO), in turn, was established based on an agreement ratified by approximately 150 countries in 1995, and Iran holds observer status in this organization. In terms of objectives and outlook, these two entities (WTO and free trade zones) share commonalities in areas such as investment, production, export, import, respect for rights, job creation, the elimination of unemployment, and the removal of production subsidies. However, they also have fundamental differences in their structure, organization, and scope of operation. In pursuit of their shared goals, actions such as downsizing the government, reducing bureaucracy, facilitating investment, creating infrastructure, utilizing favorable environments, and ensuring political, economic, and social stability are necessary. Conversely, factors such as governmental instability, unfavorable environments, the existence of bureaucracy, failure to employ competent human resources, and the lack of preparation of skilled workforces hinder the achievement of the objectives behind the establishment of free trade zones.

**Keywords:** Free Trade Zone, World Trade Organization, Development, Investment, Common Objectives.

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## 1. Introduction

In recent years, we have witnessed the establishment of free zones under various titles and objectives, including free trade zones, industrial free zones, and special economic zones, among others. These zones are not limited to Iran but are also observable in other countries, including those in the Persian Gulf region. At times, free zones are formed jointly between several countries. Alongside these, an organization named the World Trade Organization (WTO) has been established, whose aim is the removal of many trade barriers and tariffs and the liberalization of trade. Therefore, it is necessary to examine the relationship between these two entities: whether they are interconnected and whether their goals and demands are aligned. Furthermore, the logical nature of the relationship between them must be addressed. To achieve this aim, internet sources and existing laws extracted from relevant articles have been used in this paper. The proposed hypotheses are as follows: that free

zones are a prelude to accession to the WTO and serve no other objective; hence, all their goals are shared, and they yield identical results. However, in our country, free zones have not received adequate scientific attention, primarily due to the limited successes of these entities over the past periods, as well as the incidental and case-specific activities of free zone organizations and the repetition of the experiences of previous zones. It is hoped that the present examination will contribute, however modestly, to the improvement of the free zones' status. To present the matter, we will first provide a brief overview of free zones and the WTO, followed by a discussion of their specific objectives, a description of their points of divergence and convergence, and finally, an examination of the factors contributing to the success or failure of free zones in achieving shared objectives.

## 2. General Overview

In this section, a brief discussion will be presented on the WTO and free zones, including their history and objectives, as the connection between them is fundamentally rooted in their objectives.

### 2.1. Free Zone

The law governing free zones does not provide a comprehensive definition, merely listing the objectives of free zones (Iranian Free Zones Act) (Algivary & Velentina, 2021). Internationally, however, a free zone is described as a secured port or non-port area that is exempt from some national regulations and benefits from advantages such as tax exemptions, customs duty exemptions, the absence of excessive foreign exchange, administrative, and regulatory formalities, and facilitation and acceleration of export and import processes through attracting foreign investment and transferring technology to assist the development of the mainland (Yemmen & Marzouki, 2024). Priority within this definition is given to the acceleration and development of exports, followed by imports.

Historically, non-modern free zones date back to the era of the Greek city-states and Roman rule in Europe. However, the most comprehensive and modern free zones emerged in 1888 at the Port of Hamburg, Germany (Algivary & Velentina, 2021), and in 1965, the first export processing zone was established in Kandla, India, later followed by similar zones in South Korea and Taiwan (Chao et al., 2017). In Iran, free zones formally appeared in 1970 with the enactment of the "Law on Exemption from Customs Duties and Charges for Goods Imported for Use, Consumption, and Sale in Certain Islands of the Persian Gulf." Ten years later, the Revolutionary Council designated Kish Island under this law, and later Qeshm Island and Chabahar Port were similarly included. Following the enactment of related laws, such as the Law on the Establishment and Administration of Special Economic Zones of the Islamic Republic of Iran and specific laws for each zone, the number of free zones in Iran has grown to 39, with more than 100 additional zones introduced to the Islamic Consultative Assembly for approval (Funes et al., 2020).

Globally, more than 850 free zones have been established, the majority of which are in China and Russia, with China alone hosting approximately 180 free zones (Yemmen & Marzouki, 2024).

### 2.2. Objectives of Free Zones

Although each free zone established worldwide and in Iran has specific stated objectives, the Free Zones and Special Economic Zones Law enumerates the following goals, which have been generally reiterated in the specific laws of each zone: (a) support of economic activities, (b) establishment of international commercial relations, (c) stimulation of regional economies, (d) production and processing of goods, (e) transfer of technology, (f) non-oil exports, (g) creation of productive employment, (h) encouragement of domestic and foreign investment, (i) re-export, (j) foreign transit, and (k) transshipment of goods.

Given the scope of this article, a detailed explanation of these objectives is omitted (Larrea-Paredes et al., 2023); however, some of them will be referred to in subsequent discussions.

### 2.3. *The World Trade Organization and Its Objectives*

Following World War II, to expand commercial, political, and economic relations among countries, the General Agreement on Tariffs and Trade (GATT) was created in 1947. However, many countries were not members. In 1995, the World Trade Organization (WTO) replaced GATT, encompassing a broader scope.

Unlike GATT, which was limited to trade in goods, the WTO includes trade in goods, trade in services, and intellectual property rights. Both institutions aim to manage multilateral trade relations, facilitate access to various markets, eliminate barriers to international trade, and harmonize trade rights across different countries (Chao et al., 2017).

The key objectives of the WTO include the management and supervision of the 28 agreements concluded among its members, providing a forum for multilateral trade negotiations, establishing a mechanism for dispute resolution, reviewing and evaluating members' trade policies, cooperating with other international organizations in managing the global economy, and assisting developing and transitional economies in benefiting from the system (Zayats, 2020).

The organization also aims to oversee service agreements, copyrights, and intellectual property rights, and ensure continuous monitoring and control of intergovernmental trade agreements (Bekauri, 2022).

Principles governing the WTO include non-discrimination between members, trade liberalization, fair trade, transparency, and special and differential treatment for developing countries (Vinogradova, 2024; Yemmen & Marzouki, 2024).

The WTO operates at three levels:

- The Ministerial Conference, the highest decision-making body, which convenes every two years. The first Ministerial Conference was held in 1996 in Singapore (Zayats, 2020).
- The General Council, which operates through three bodies: the General Council proper, the Dispute Settlement Body, and the Trade Policy Review Body (Acharyya, 2023). Some sources refer to these as the General, Executive, and Sectoral Councils (Murphy & McLarney, 2018).
- The third level comprises specialized trade bodies that report to the General Council.
- The organization's subsidiary bodies are active in fields such as trade, development, industry oversight, and information dissemination. Its headquarters is located in Geneva, Switzerland, staffed by approximately 700 employees under the supervision of an administrative officer.
- Informal meetings alongside formal sessions among member states can significantly strengthen trade and political relations (Meyer, 2016).
- Iran obtained observer status in the WTO in 1998, approximately two years after the organization's establishment. However, it has yet to achieve full membership. Most recently, Iranian authorities received approximately 700 questions concerning the conditions for accession, to which comprehensive responses have yet to be provided. In the region, most neighboring countries have already joined the organization. Given that countries like Russia (which recently became a member), China, and Iran have faced challenges in joining, it appears that the accession process has shifted from a legal to a political process, sometimes used to exert pressure on non-member states.
- Nevertheless, it can be said that developed countries are the principal founders of the WTO, using it to expand their trade and access the consumer markets of developing countries. Meanwhile, developing countries, including Iran, are disadvantaged. Developing countries often lack economic and industrial infrastructure and merely serve as markets for the cheap industrial products of developed nations.
- Countries like Iran, with emerging industries requiring government support, are particularly vulnerable. WTO membership restricts the ability to protect domestic industries against foreign competition.
- To prepare industries for global competition, entities such as free trade zones, industrial, intellectual, and special economic zones have been established (Bekauri, 2022).
- These free zones may operate domestically or regionally, such as the East Asian Free Trade Areas, the European Union, or NAFTA in South America (Murphy & McLarney, 2018), which will be further discussed below.

### 3. **Free Zones as a Prelude to Accession to the World Trade Organization:**

As previously mentioned, one of the objectives of free zones is accession to the World Trade Organization (WTO). In this regard, it seems necessary to mention several points. If the objectives of free zones, as previously discussed, are compared to those of the WTO, a considerable degree of alignment can be observed: the encouragement and development of industry aimed at the export of industrial goods, the expansion of international trade, comprehensive development support, the promotion of foreign investment and assessment of its returns, job creation and unemployment reduction, elimination of excessive customs, monetary, and administrative formalities, fostering national development, removing anti-developmental factors, knowledge exchange, skill transfer, poverty alleviation, equitable distribution of wealth and energy across various global regions, and the spread of technology, among others. Before elaborating on some of these points, the differences between these two entities will be discussed ([Larrea-Paredes et al., 2023](#); [Šaćirović, 2023](#)).

### *3.1. Differences Between Free Zones and the World Trade Organization:*

Before addressing the convergences between the WTO and free zones, it is essential to note that there are undeniable and significant differences between the two institutions, which are briefly mentioned as follows:

#### *3.1.1. Structural Differences:*

Free zones are established based on domestically enacted legislation, while the WTO is formed based on the collective consensus of its member states ([Vinogradova, 2024](#)).

The decision-making bodies in these two entities differ entirely; decisions for free zones are made solely by the government and ruling authorities. In other words, as the principle of territorial sovereignty governs legal principles, the central government maintains sovereignty over the entire geographic territory ([Murphy & McLarney, 2018](#)). Free zones are not exempt from this rule, although such sovereignty may be less pronounced compared to other national regions. In contrast, in the WTO, decisions are made collectively by member countries, where the majority opinion prevails over the minority ([Acharyya, 2023](#)).

Free zones have a centralized secretariat within the country and a director general in each zone, along with a number of deputies, managers, and lower-level staff. Domestic policies, particularly those planned by the Council of Ministers, are implemented at the zone level [22]. However, the WTO operates through specific tiers and decision-making councils, as previously described.

#### *3.1.2. Differences in Scope of Operation:*

The authority and power of free zones are limited in two ways: first, the goals and freedoms of free zones apply only within the geographic boundaries of the zone itself ([Islam & Bhandari, 2023](#)). Beyond the customs gates of a free zone, general national rules and non-free relations govern individuals and traders. Thus, free zones cover a very limited area.

Second, free zones are still subject to internal public order constraints; that is, although certain freedoms exist, they are not absolute. Internal public order rules, along with national, social, and political values, must be observed within the zones ([Vinogradova, 2024](#)).

Third, the intended effects of free zones are confined within the political borders of the country and do not extend beyond. However, multinational free zones, as previously mentioned, are exceptions to this limitation. Moreover, WTO constraints apply only when member states have utilized reservations regarding the organization's rules.

Although there are more differences between the two institutions, since the objective of this article is not to conduct a detailed comparison, further discussion on this matter will be avoided.

### *3.2. Common Objectives*

The common objectives between the WTO and free zones have already been enumerated. Some of these will be elaborated upon here:

### 3.2.1. *Reform of Trade Tariffs*

The reform or elimination of trade tariffs is an objective of both the WTO and free, special, and economic zones. By removing or reducing certain tariffs, the conditions for the export and import of goods are facilitated, bringing the global trading system closer to that which existed prior to the heavy involvement of governments or private merchants. Nevertheless, a review of the WTO and free zone regulations reveals that the complete elimination of tariffs is not the consensus among all nations; rather, achieving a final desired balance is the goal (Irwin, 2020).

### 3.2.2. *Reform of Economic Infrastructure*

One of the primary objectives of the institutions under discussion is the increase of exports. To achieve this, internal economic programs and structures must be reformed, which in turn leads to increased gross national product (GNP) and a higher share of countries in global trade. Currently, our country holds a slightly above 0.5% share in global trade, reflecting a weak role. Given that domestic economic structures are still relatively underdeveloped, free zones can significantly contribute to their improvement (Vinogradova, 2024).

### 3.2.3. *Reform of Production Structures:*

Modern global production seeks to reduce costs, increase efficiency, and offer prices compatible with the purchasing power and needs of various social strata. Domestic structures in Iran lack these characteristics. Opening national borders without preparation would lead to the isolation of domestic production. Therefore, it is necessary to foster limited and selective competition between domestic and foreign products through export and import activities within free zones, allowing domestic producers to gradually align themselves with WTO objectives over time (Algivary & Velentina, 2021; Vidigal, 2021).

### 3.2.4. *Establishment of Supportive Institutions*

The rights of producers and consumers must meet acceptable global standards. By implementing WTO regulations in free zones through trial and error, governments can evaluate the domestic cultural response to foreign standards and the localization process. Through this approach, accession to the WTO can be facilitated more tangibly (Larrea-Paredes et al., 2023; Šaćirović, 2023).

Some argue that experimentally implementing WTO rules in free trade zones and extending the results to the entire mainland is incompatible with the original objectives of establishing free zones and practically impossible, given the significant differences between free zones and the mainland (Vidigal, 2021).

However, this view is not entirely convincing. Firstly, the unrestricted movement of individuals to free zones and the conduct of regular trade and purchases demonstrate internal consumer preferences. Secondly, free zones are established across different regions of the country, encompassing diverse ethnic and local characteristics, thereby providing a comprehensive picture of domestic expectations. Thirdly, even partial implementation of WTO rules in smaller zones offers valuable experience that is preferable to having no experience at all (Larrea-Paredes et al., 2023).

### 3.2.5. *Increasing Employment and Reducing Unemployment*

If a free zone is strategically located and its objectives fully implemented, and if its managers avoid single-dimensional governance, the expansion of trade and industrial relations will inevitably lead to increased demand for labor and job creation. Even if the development of the free zone remains unidimensional, some employment generation will still occur, though it will be relatively lower compared to balanced zones (Yemmen & Marzouki, 2024).

### 3.2.6. *Increasing Foreign Investment*

Foreign investors generally avoid high-risk ventures and are less inclined to invest in environments where domestic legal frameworks differ significantly from internationally accepted systems. Free zones, however, do not bind themselves entirely to national laws and offer higher assurances to foreign investors compared to the mainland. Advantages such as tax exemptions, the application of WTO regulations, investment guarantees, facilities often exceeding those found abroad, elimination of administrative bureaucracy, removal of general restrictions (including ownership limits), all contribute to enhancing investor confidence and generating significant economic, industrial, and production transformations (Zeiler, 2022).

### 3.2.7. *Creating Opportunities for Joint Investment:*

At times, domestic and national investors find internal markets unsuitable for securing their capital, as many Iranian investors currently have investments abroad, particularly in the Persian Gulf states. Factors such as prohibitions or restrictions on profit-taking, import and export limitations, and heavy tariffs, or incompatibility between capital needs and available facilities, contribute to this trend. Free zones provide a suitable platform for merging foreign and domestic industries and promoting joint investments (Šaćirović, 2023).

### 3.2.8. *Prohibition of Subsidy Grants*

WTO member states are prohibited from granting subsidies aimed at lowering domestic production costs for export purposes, although subsidies for research and development are permitted (Zayats, 2020). Similarly, in free zones, incentives for promoting exports are implemented, such as tax exemptions and banking and financial incentives, which can significantly aid in boosting exports.

## 4. **Factors Influencing the Achievement of Free Zones' Objectives in Accession to WTO Rules:**

Depending on circumstances and conditions, free zones may succeed in achieving their objectives or may not attain significant success. It must be noted that free zones pursue numerous and diverse goals, though the present discussion focuses only on those objectives that align with those of the World Trade Organization (WTO). Below, the factors influencing the success and failure of free zones are outlined:

### 4.1. *Factors Contributing to the Success of Free Zones:*

The primary causes and factors influencing the success of free zones are briefly presented:

#### 4.1.1. *Political, Economic, and Security Stability:*

For investors and actors within free zones, the assurance of their capital and investment is of paramount importance. Therefore, it is necessary, firstly, that the laws governing free zones be comprehensively codified and relatively harmonized with globally recognized rules, including those of the WTO. Secondly, the stability of these laws must be guaranteed, and arbitrary or unprofessional amendments, annexations, or regulations altering the essence of the governing laws must be avoided. Naturally, amendments aimed at enhancing the protection of investors' rights and providing greater facilities and privileges are entirely acceptable (Acharyya, 2023).

The existence of peace and tranquility within the region and the country, coupled with low-intensity international relations and adherence to international commitments, plays a fundamental role in attracting foreign investment (Algivary & Velentina, 2021).



#### 4.1.2. *Favorable Strategic Location:*

The selected location must possess strategic characteristics from multiple perspectives. First, the neighboring country or countries must have acceptable and appropriate economic, commercial, and industrial conditions that align with the objectives of the free zone. For example, establishing import-priority free zones in Afghanistan or Iraq would be less efficient since these countries lack strong domestic industries, and merely more expensive goods would be imported. Similarly, the autonomous region of Nakhchivan, surrounded by Armenia, lacks the market features necessary for an effective full-scale free zone.

Second, a physically appropriate space suitable for investment activities must be provided. Establishing industrial free zones in mountainous areas would be inefficient; thus, flat, spacious environments should be considered.

Third, the geographical scale of the region must correspond with its function, and political or regional interests should be set aside in favor of scientific findings.

Fourth, the selected area must offer various transportation facilities—air, land, rail, and maritime—to attract different types of trade activities. Even though not all regions can provide every mode of transportation (for example, Kish lacks railway facilities and Maku lacks maritime facilities), efforts must be made according to the region's potential. Finally, access to modern communication facilities such as the Internet, telecommunication, and global connectivity is indispensable ([Zaker Khahifard & Sadeghi, 2020](#)).

#### 4.1.3. *Availability of Infrastructure and Facilities*

Infrastructure can be assessed in two ways:

1. The region should have particular industrial capacities or multiple industries. In mining regions, industrial free zones can prioritize reducing extraction and production costs through foreign investment.
2. Technical, industrial, and physical facilities should be constructed by the regional organization; for commercial free zones, building commercial warehouses, necessary hangars, and essential facilities is vital.
3. Easy access to markets by creating bazaars and market centers and providing facilities for citizens to travel to and from these markets.
4. Reducing restrictions on domestic and foreign individuals to visit free zones and enabling the conclusion of commercial contracts for personal, commercial, or industrial purposes ([Shirafkan Lamsou & Khandani Rafsanjani, 2012](#); [Zarrin Jouye Alvar et al., 2018](#)).

#### 4.1.4. *Economic Freedoms*

Economic freedom for traders must be ensured in various areas:

(a) There should be no restrictive laws limiting traders' autonomy. For instance, Article 968 of the Civil Code restricts the parties' freedom in determining the governing law for contracts, and such laws must be reformed.

(b) Governmental intervention in free zones should be minimized so that traders are not bound by domestic regulations.

(c) The transfer of capital between free zones must be facilitated, and national interests should be prioritized over regional interests. Moreover, international trust should be preferred over short-term national interests. Of course, it is evident that the complete withdrawal from the region would eliminate all the privileges and priorities created ([Zaj, 2023](#)).

#### 4.1.5. *Availability of Skilled Workforce:*

This condition is important for several reasons:

First, individuals entering the free zone as traders or industrialists must have sufficient expertise. Those who enter merely to exploit the region's privileges without long-term goals will neither succeed themselves nor contribute to the success of the zone.

Second, the internal management of the free zones must employ qualified and efficient personnel to remove obstacles to international investment and activities.

Third, trade, investment, and the establishment of factories require an efficient workforce within the region; the absence of such potential would deter investors.

Fourth, free zone management teams must possess a broad and open mindset, avoiding unilateral and single-dimensional management approaches and adopting proper organizational structures.

#### *4.2. Factors Leading to Inefficiency in Free Zones:*

Factors contributing to the inefficiency of free zones in joining the WTO and integrating into the global village are summarized below:

##### *4.2.1. One-Dimensional Movement Toward Imports:*

Unfortunately, the greatest problem facing Iran's free zones is their transformation into import markets. Based on statistics, exports from free zones are often negligible or zero (Panahifar, 2021; Zaker Khahifard & Sadeghi, 2020). This results from both the improper use of environmental capacities and short-sighted, one-dimensional management. Meanwhile, many Iranian goods such as pistachios, saffron, shrimp, agricultural products, handicrafts, and certain industrial goods hold significant value on the global market but are instead exported by neighboring Persian Gulf countries with modern packaging.

##### *4.2.2. Lack of Suitable Physical Environment:*

Essential facilities like water, electricity, telecommunication, gas, digital connectivity, and basic investment infrastructure (industrial facilities and strategic site selection) are often inadequate. These deficiencies stem from the government's failure to invest properly in free zones before and after their establishment. Simply put, attracting investment requires initial provision of necessary facilities and then promoting the available capacities to attract investors, a strategy successfully adopted by Persian Gulf states (Zaker Khahifard & Sadeghi, 2020).

##### *4.2.3. Lack of Connection to Global Markets:*

Domestic market isolation, the existence of sanctions, unfair competition among countries, and remoteness from consumption hubs all hinder free zones' success. Another key reason is the lack of competitiveness between domestically produced goods and imported foreign goods. If domestic goods are not supported in global markets, free zones will fail to achieve their comprehensive objectives (Shirafkan Lamsou & Khandani Rafsanjani, 2012; Zarrin Jouye Alvar et al., 2018).

If the factors contributing to the success of free zones are absent or reversed, inefficiency inevitably follows, thus they will not be repeated here.

Finally, Iran has not recognized many intellectual property rights laws and has not acceded to related conventions. This is critical because one of the fundamental objectives emphasized by the WTO at the Singapore Ministerial Conference was the recognition and enforcement of intellectual property rights (Rahmani et al., 2021). This failure can also be considered one of the barriers to the expansion of free zones and foreign investment in Iran.

## **5. Conclusion**

Free zones are established in various countries with multiple objectives, one of which is preparing for membership in the WTO. To achieve this goal, countries must identify the WTO's objectives, align them with their internal cultures, legislate accordingly, and, if necessary, amend their domestic regulations. They must also strengthen domestic production, observe international standards, and enable domestic products to compete with foreign goods through cost reduction and productivity enhancement. Barriers and deficiencies must be addressed, and the use of efficient and visionary management is critical.

In Iran, in addition to the above, it is also essential to reform economic and industrial structures, reduce government intervention in commercial affairs, and privatize major industries as much as possible, accelerating the implementation of Article 44 of the Constitution.



## Authors' Contributions

Authors contributed equally to this article.

## Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

## Ethical Considerations

All procedures performed in this study were under the ethical standards.

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## Conflict of Interest

The authors report no conflict of interest.

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