

Reprint

ISSN 1997-2571 (Web Version)

# Journal of Innovation & Development Strategy (JIDS)

*(J. Innov. Dev. Strategy)*

---

Volume: 5

Issue: 3

December 2011

---

*J. Innov. Dev. Strategy 5(3):107-113(December 2011)*

**EXPORT TRADE LAW CONTENTS AND ITS ADAPTATION STATUS IN BANGLADESH**

M.A.R. MAZUMDER AND M.S. AMIN



**GGF**  
Nature is Power

An International Scientific Research Publisher  
*Green Global Foundation*®

Publication and Bibliography Division

100 Leeward Glenway

Apartment # 1601

M3c2z1, Toronto, Canada

E-mails: [publication@ggfagro.com](mailto:publication@ggfagro.com), [editor@ggfagro.com](mailto:editor@ggfagro.com)

<http://ggfagro.com/ejournals/current/issues>



JIDS\*\* issn 1997-2571, HQ:19-10 central place, saskatoon, saskatchewan, s7n 2s2, Canada

## EXPORT TRADE LAW CONTENTS AND ITS ADAPTATION STATUS IN BANGLADESH

M.A.R. MAZUMDER<sup>1</sup> AND M.S. AMIN<sup>2</sup>

<sup>1</sup>Ph D Scholar, American World University, USA; <sup>2</sup>Ex Dean, Hajee Mohammad Danesh Science and Technology University, Dinajpur-5200.

Corresponding author & address: Md. Ahmedur Rahman Mazumder, E-mail: royalunited55@yahoo.com

Accepted for publication on 1 December 2011

---

### ABSTRACT

Mazumder MAR, Amin MS (2011) Export trade law contents and its adaptation status in Bangladesh. *J. Innov. Dev. Strategy* 5(3), 107-113.

A study was conducted on the Trade Law contents and its adaptation status in Bangladesh. The material used was a FGD guideline. The present government planning materials were taken as helping materials to prioritize the adaptation need of the vital legal tools required for domestic and international trades. The results of the study mentioned here show that the agro-industrial products dominated the trades of Bangladesh for export. According to the results 49 to 72% of the respondents stated agro-industrial products as the dominant trade items for export in the country, the mean value being 61%. This due to the fact that the country is originally agricultural and export of agro-industrial commodities like jute, leather, tea and similar trade item dominate the sector. As a professional group basis the non-classified clients and lawyers highly prioritized the agro-industrial products as they are related to the legal aspects of import events both for the domestic and international trades. The other professionals group mainly consist the intermediary business service providers and related industries. The results show that legal side of farmer rights is very poor and weak. About 79% of the regulations have no legal and administrative base. About 71% materials are notifications based on very old conventions and perceptions which can not protect the interest of the farmers. It has been found that about 67% of the farming issues in China are bound by some sort of laws and regulations, while the figure is 43% in case of India, but the figure found for Bangladesh is 13-20% varying according to Ministries, being higher for land ministry though it has origin of Indian documents. The findings of the study and the recommendation made as regards law content adaptation for biological issues from these studies suggests immediate legal reformations for increasing exports.

**Key words:** export laws, adaptation, trade laws, technology

---

### INTRODUCTION

The Trade Law Contents and its Adaptation Status is known to be very much important for all country's development and the Bangladesh is not an exception. Bangladesh is basically an agricultural country characterized by low export and high import (Bhattacharya 2005; CEDA 2003; Halim 2001 and SSOQ 2004). This type of trade business covering eximport package, rules and regulations for the purpose mainly control the winning status, environmental safety and options of adaptations under changed situations. Recently Bangladesh Government has formed a legal reformation commission who reported that the legal aspects of domestic and international trade on the Bangladesh part are extremely weak. Farming and Processing: With support from external agencies and generous incentives from the Government, the shrimp sector has expanded rapidly over the past two decades. More than 1 million workers and traders may be engaged in the entire shrimp production chain, and shrimp represent close to 5 percent of Bangladesh's exports. Despite its promise as an export sector, shrimp processing is vulnerable to food safety and quality issues, and shrimp farming is also associated with environmental damage, displacement of landless and land-poor farmers, and hazardous conditions for workers. In the process of globalization and local adaptation in international trade law, the Asia Pacific Legal Culture and Globalization series explores intersecting themes that revolve around the impact of globalization in countries on the Asia Pacific Rim and examines the significance of legal culture as a mediator of that impact. Selective adaptation describes a range of localized responses to external regulatory standards. In the absence of absolute normative consensus, selective adaptation suggests a spectrum of possibilities for implementation of non-local standards, based on varying degrees of conformity among local and non-local norms. In the context, described here, an attempt has been made here to study the Trade Law contents and its adaptation status in Bangladesh. The specific objectives of the study were to: i. to identify the major trade items of the country's export, ii. to know the legal back up of the export business items; and iii. to prioritize the adaptation need of the legal tools required for export trades.

### MATERIALS AND METHODS

The method use to identify the major trade items of the country was a selective survey involving respective professional. The material used was a questionnaire. The guideline of the questionnaire was name and identity of the respondent and pertinent questions to have specific and quantifiable answers. The answers were then compiled and analyzed systematically and findings of the results are extracted. The details of the questionnaire are given in the appendices. The method use to know the legal back up of the business items of the country was a type of focus group discussion involving respective professional. The material used was a FGD guideline. The present government planning materials were taken as helping materials to prioritize the adaptation need of the vital legal tools required for domestic and international trades. The list of the legal counseling and service firms for their explanations and adaptations interpretations of mechanisms of trade Law content Articles are briefly mentioned here.

**Law Firms studied:** The law firms were: i) Legal Steps Chamber M. Moksadul Islam Trademarks, Copyrights, Patents, & Intellectual Property Law Firm, ii) The Lawyers & Jurists Civil, Criminal, Corporate, Insurance, Banking & Land, iii) Amir & Amir Law Associates, iv) ABM Doulah & Doulah P-153/2, Rd-2/2, Mirpur-12A Finance, Corporate & Litigation Practices in Bangladesh, v) Amicus Curiae, Barristers & Advocates 2B, House 88, Rd. 17/A Block E, Banani Corporate & Business Law Firm, vi) House-69, Road-12A, Dhanmondi Legal Advise and Assistance, vii) Bhuiyan Islam & Zaidi House 29, Road 9/A Dhan Corporate, Securities, Banking & Finance and Commercial Litigation, viii) Chencery Chambers Meherba Plaza 15th Floor 33, Topkhana Road Law Firm, ix) Farqui & Assoc Suit: 503, Rose View Plaza 185 C. R. Dutta Road, Kataban, x) Farukh Rahman, Barrister-at-Law & Advocate Tomizuddin Mansion F-100; xi) S. S Ahmed and Associates Banking, Foreign Investments and Business, xii) Hasan & Khan Associates Suite No. 10-B, Saiham Skyview Tower, 45 Bijoy Nagar, Laws of Securities, Intellectual Property, Employment & Labour, xiii) Islam and Associates 1st Floor 30 Court House Street Corporate, Civil, Criminal and Immigration Lawyers, Counsel Perjowar Center, Level-5 Suit -G31-34, 22, Court House Street, Kotwali Law Firm, xiv) Law Chambers of Chowdhur & Hyders, Room 4, Meherba Plaza 33 Topkhana Corporate and Banking, Criminal and Constitutional Lawyer, xv) Khan & Partners City Heart, Suite # 5/8, 67 Naya Paltan, Legal Reliance Suite - 1B, House- xvi) Road - 141, Gulshan-1, Phone: 0088(0)2 9890961 Civil litigation, xvii) M M H & Law Associates Gulfesha Plaza 69 Outer Circular Road Suite 8D Boro Moghbazar Law firm, xviii) M Barristers & Advocates Suite -5, 12th Floor, Mahtab Centre 31 Bijoyogor, xix) Moinul Chowdhury Associates Suite NO.7-Q, Meherba Plaza 33, Topkhana, xx) S Alam & Assoc56, Purana Paltan, Estern Trade Centre, Room 8 Coy, Tax, Trademark, NBR, VAT, Criminal, Civil, Real Estate & Foreign Investment, xxi) S Ahmed and Associates 166/1 Mirpur Road, Kalabagan Civil Litigation, Foreign Investment, Business & Family Law Firm, xxii) SAF and Associates House 40, Road 3A Dhanmondi RA Criminal and Civil Lawyers and Immigration Law Firm in Bangladesh, xxiii) The Law Associates 203 Concord Tower, 113 Kazi Nazrul Islam Avenue, xxiv) Legal Empiricism 521 New Eskaton Road Hasan Holdings, Law Firm, The list of other business and industrial establishment were too big from which short lists were made randomly for studies.

**RESULTS AND DISCUSSION**

*Trade items of the country: Export*

The major trade items of the country are identified as a main part of the survey. The summary results are given here. The results of the study mentioned here show that the agro-industrial products dominated the trades of Bangladesh for export. According to the results 49 to 72% of the respondents stated agro-industrial products as the dominant trade items for export in the country, the mean value being 61% (Fig. 1 and 2). This due to the fact that the country is originally agricultural and export of agro-industrial commodities like jute, leather, tea and similar trade item dominate the sector (Fig. 3, 4 and 5). As a professional group basis the non- classified clients and lawyers highly prioritized the agro-industrial products as they are related to the legal aspects of import events both for the domestic and international trades. The other professionals group mainly consist the intermediary business service providers and related industries.

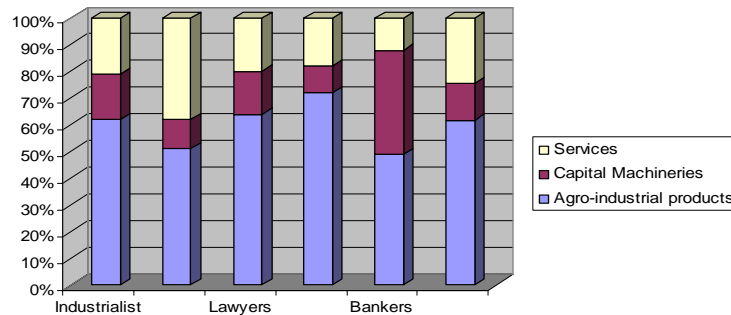


Fig. 1. Percent respondents named trade items of Bangladesh: Export- profession based

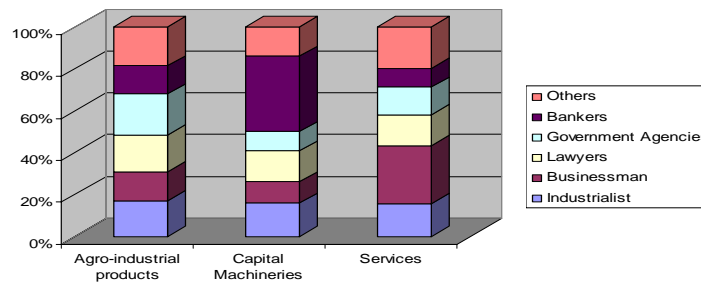


Fig. 2. Percent respondents named trade items of Bangladesh: Export- item based

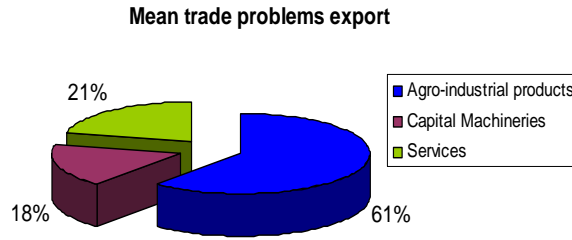


Fig. 3. Mean trade related problems Export- item based

The results interpreted here are in line of the recommendations made by many organizations and researchers (GAA 2005; GOB 2005).

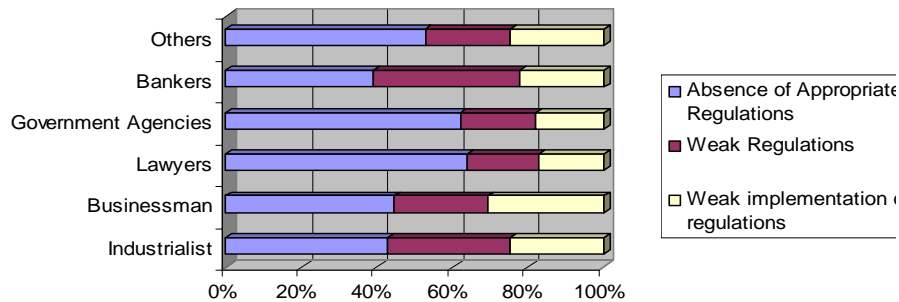


Fig. 4. Problems of agro-industrial trade items

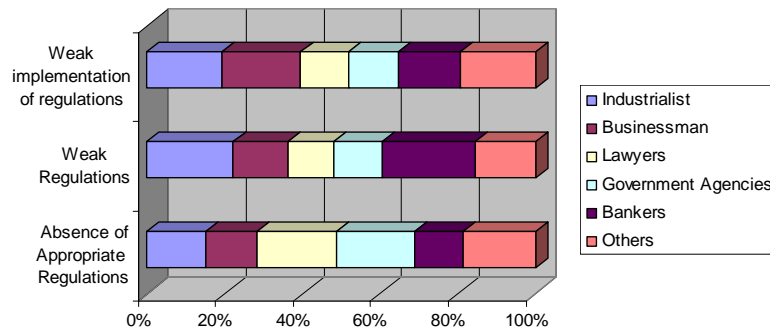


Fig. 5. Problems of agro-industrial trade items as per systems

**Trade Regulatory Documents**

The results collected in the form of legal documents as per title are presented and discussed here. There were 54 regulatory materials were collected and suited for the purpose of conducting the study and to interpret the findings of the results. The results in summarized forms as per type of regulation, discipline, ministry and others are also presented in this chapter. The results show that legal side of farmer rights is very poor and weak. About 79% of the regulations have no legal and administrative base. About 71% materials are notifications based on very old conventions and perceptions which can not protect the interest of the farmers. It has been found that about 67% of the farming issues in China are bound by some sort of laws and regulations, while the figure is 43% in case of India, but the Figure found for Bangladesh is 13-20% varying according to Ministries, being higher for land ministry though it has origin of Indian documents (Fig. 6 and 7).

**Law and adaptation contents**

Law and adaptation content articles summarized from the studies are given here. As international agricultural trade increases, international law becomes more important to agriculture and food production. For the purposes of this overview, "agriculture" includes all activities related to farming, including food production and distribution, which were: i. Summary of the WTO Interim Report in EC-Biotech (Saha 2003); ii. Managing Carbon in a World Economy: The Role of American Agriculture (11) iii. Do European Union Non-Tariff Barriers Create Economic Nuisances in the United States ; iv. Revising Seed Purity Laws to Account for the Adventitious Presence of Genetically Modified Varieties: A First Step Towards Coexistence, v. European Union Food Law Update, vi. Biodiversity and the Law: The Culture of Agric and the Nature of Nature Conservation (Hasan 2003, CAC/RCP 2004); vii. Biodiversity and the Law of Nature Conservation in Great Britain (Syed 2005); viii. Legal Liability Issues in Agricultural Biotechnology (Hasan 2003); viii. International Agriculture

Biotechnology: Food Security/Aid, ix. International Law Reports (Agriculture and Food) (Government Accountability Office-GAO) Commission for Environmental Cooperation: Publications and Information Resources European Union Publications: Food and Agriculture Publications.

**Agricultural Export Regulatory Documents as per Ministry/Sector**

It appears that as per numbers of Acts and Ordinances, M/O Fish and Livestock has secured the highest position among all the legal documents and has got 8 Acts and 7 Ordinances. Whereas MOA Agriculture has got only 4 Acts and 1 Ordinance. On the contrary No. of Rules and Policies are higher under MOA-4 Rules and 5 Policies. It is also evident that this two sectors have more attention over others. Such a type of situation is very much weak as described by many researchers including BIMSTEC (2004), SAARC (2005), Islam (2003) in the Asia and the developed world (Hasan 2004).

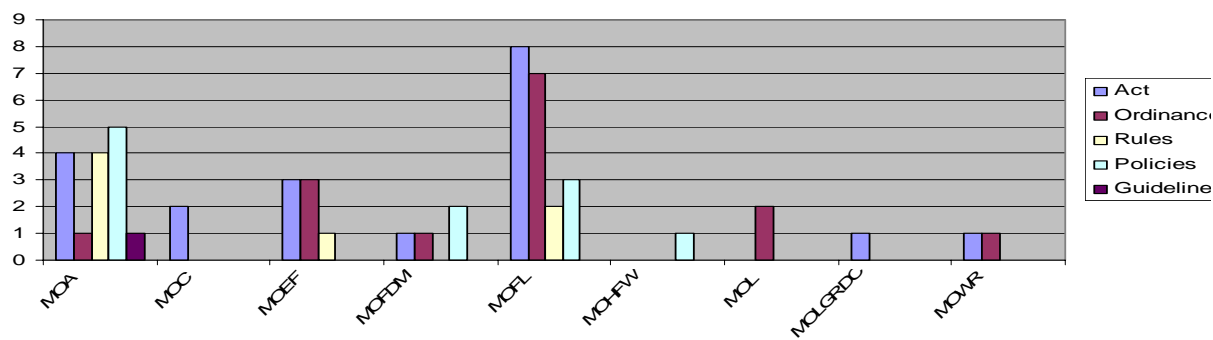


Fig. 6. Ministries as per Acts and other regulatory materials

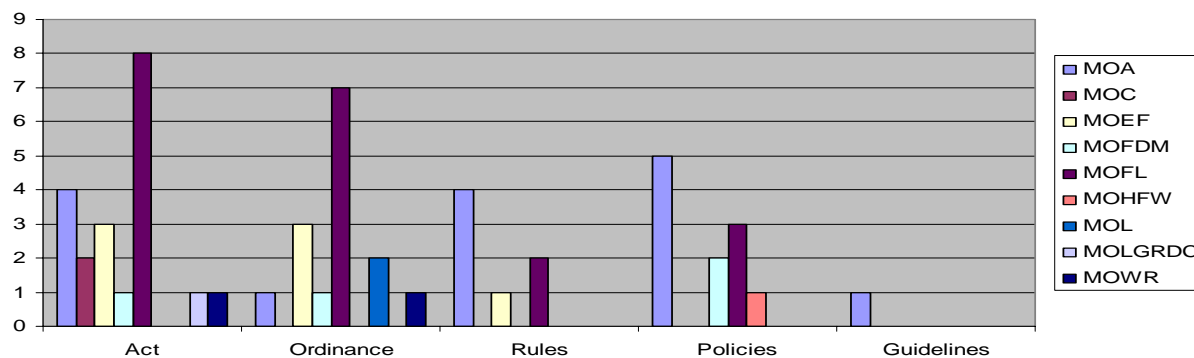


Fig. 7. Acts and other regulatory materials as per type and Ministry

**Agricultural Regulatory Documents as per Type**

The results collected in the form of legal documents as per type are presented (Fig 8, 9 and 10) and discussed here. It appears from the table that out of 54 legal documents related to different sector of Agriculture, number of Acts are 20, ordinance 15, Rules 7, Policies 5, Guidelines 1.

**National Law and Policy Frameworks for Export**

The National Strategy for Accelerated Poverty Reduction (NSAPR), approved by the Government in October 2005, provides a comprehensive policy framework for reducing poverty and pursuing equitable development. The NSAPR, which synthesizes a wide range of law and policy initiatives, aims to reduce poverty through four strategic channels: (1) economic growth initiatives, including private sector investment, employment generation, and trade; (2) pro-poor sector initiatives, including agriculture and rural development, small and medium-sized enterprise (SME) development, infrastructure development, and development of information and communication technologies (ICT); (3) strengthening of social safety net programs; and (4) human development programs related to education and vocational training, health care and food safety, water, and sanitation.

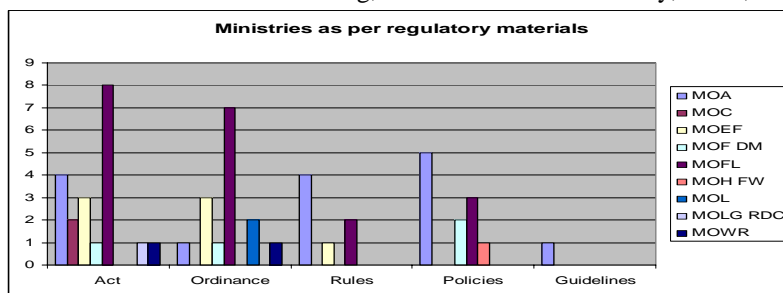


Fig. 8. Performance of Ministries as per regulatory materials

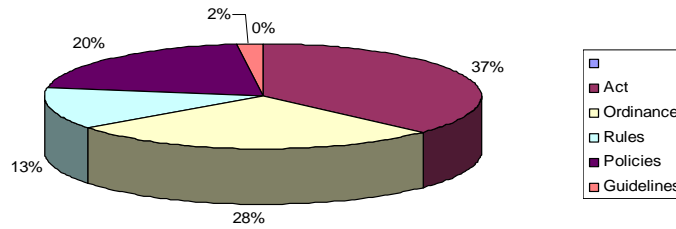


Fig. 9. Proportions of materials in different ministries

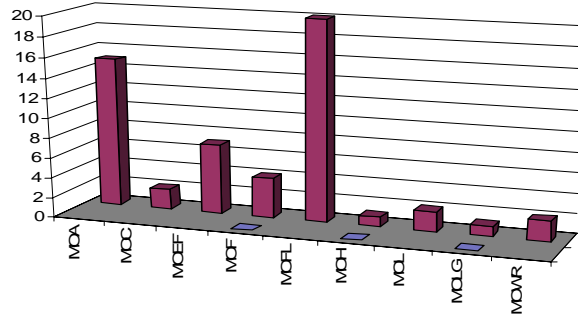


Fig. 10. Ministry wise regulatory materials

**Lawfulness of the Pesticides**

Worldwide pesticide use has increased over the past twenty years as a result of technical developments in agriculture and the promotion of agricultural development in the Third World. Since the 1970s, world pesticide sales have grown to nearly eighteen billion dollars per year, 10 with annual growth in earnings averaging approximately twelve percent. Use of Increasingly Sophisticated Technology. Numerous international organizations and governments are engaged in efforts to encourage industrialization in the Third World. Both multinational development banks (MDBs) and governmental programs such as the U.S. Agency for International Development (USAID) have funded numerous Third World development projects, 17 particularly in agriculture, which accounts for approximately twenty-five percent of all loans awarded by the World Bank. Intense agricultural development aimed at equipping with resources to produce foods for domestic consumption and export use is commonly referred to as the green revolution. The green revolution has provided many incentives to multinational corporations (MNCs) involved in agribusiness to locate manufacturing facilities and to target sales of their agricultural products to the developing countries. Pesticide use is estimated to result in 500 thousand cases of human poisoning every year. Approximately five thousand of these poisonings result in fatalities. Because pesticides are largely unregulated and conditions for farm workers are grossly unsafe, the occurrence of human poisonings is thirteen times the number of poisonings in the U.S., and the percentage of deaths resulting from pesticide poisoning is greater than the worldwide average. Moreover, statistics regarding injury and death from pesticides underestimate the actual number of cases. Many pesticide-related illnesses go undetected or misdiagnosed because of inadequate medical resources, or because certain pesticide-related illnesses only develop many years after the initial pesticide poisoning.

**Agricultural Regulatory Documents as per Origin**

It appears from the table that out of 54 legal documents, 34 legal documents (Table 1 and Fig. 11) were enacted or made in Bangladesh Period, 12 legal documents were made/enacted in Pakistan Period and 8 legal documents were enacted/made in British period. This tables indicates that concern is constructing agricultural legal frame work is increased rapidly over the time. Similar findings were reported by several workers and organizations (Bhattacharya 2005; GOB-UN 2005; and Raihan 2005) and recommended legal reformations under fully approved Acts under the supervision of the technical ministries.

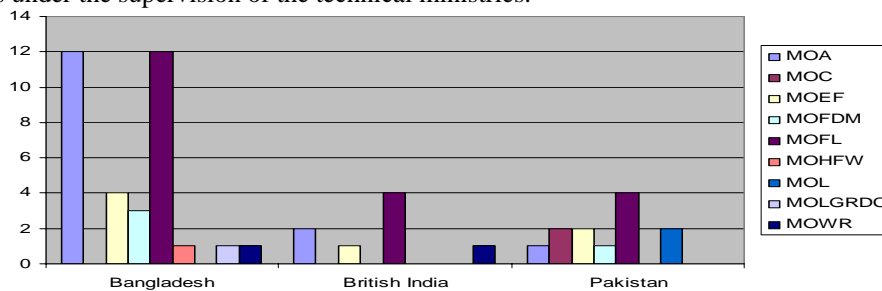


Fig. 11. Agricultural Regulatory documents as per country of origin

Table. 1. Bangladesh's Main Trading Partners and Trade Agreements/Arrangements

Country/Region	Exports(%)	Imports(%)	Main Trade Agreements/Arrangements (in addition to WTO Agreements)
United States	39.4	4.3	US Generalized System of Preferences
European Community (EC)	43.0	12.3	Cooperation Agreement Between the EC and Bangladesh; EC Generalized System of Preferences (2006–15)
East Asia	7.0	49.6	Asia-Pacific Trade Agreement; BIMSTEC
South Asia BIMSTEC	--	16.3	South Asia Free Trade Area Agreement;
Middle East	2.1	3.9	Trade Preference System for the Organization of the Islamic Conference
Others	8.5	13.6	Various

## CONCLUSION

The findings of the study and the recommendation made as regards law content adaptation for biological issues from these studies suggests immediate legal reformations for increasing exports. The major trade items of the country are summarized and mentioned here with recommendations. Results showed that 49 to 72% of the respondent stated agro-industrial products as the dominant trade items for export, the mean value being 61%. Agricultural Export Regulatory Docs as per Ministry and Types: As per numbers of Acts and Ordinances, and types, M/O Fish and Livestock has secured the highest position among all the legal documents and has got 8 Acts and 7 Ordinances, Whereas the MOA has only 4 Acts and 1 Ordinance. On the contrary No. of Rules and Policies are higher under MOA - 4 Rules and 5 Policies. Out of 54 legal documents related to different sector of Agriculture, number of Acts are 20, ordinance 15, Rules 7, Policies 5, Guidelines 1. Agricultural Regulatory Documents as per Origin: It appears from the table that out of 54 legal documents, 34 legal documents were enacted or made in Bangladesh Period, 12 legal documents were made/enacted in Pakistan Period and 8 legal documents were enacted/made in British period. This tables indicates that concern is constructing agricultural legal frame work is increased rapidly over the time.

## REFERENCES

- Bhattacharya D (2005) Environmental Impact of Structural Adjustment Policies: Labour, Environment, Agriculture, Export and Trade Negotiations, CPD.
- BIMSTEC (2004) Bay of Bengal Initiative for Multi-Sector Technical and Economic Cooperation, BIMSTEC Summit Declaration.
- CAC/RCP (2004) Codex Alimentarius Commission. Code of Practice for Fish and Fishery Products. CAC/RCP 52-2003, Rev. 1-2004.
- CEDA (2003) Government of Bangladesh. Fifth Periodic Report of Bangladesh [to the Committee on the Elimination of Discrimination against Women. CEDAW/C/BGD/5.
- GAA (2005) Global Aquaculture Alliance. Best Aquaculture Practices. nd. [www.gaalliance.org/bap](http://www.gaalliance.org/bap)
- GOB (2005) Unlocking the Potential: National Strat for Accelerated Poverty Reduction.
- GOB-UN (2005) Country Team. Millennium Development Goals: Bangladesh Progress Report.
- Halim S (2001) Feasibility Study for the Shrimp Component of the Fourth Fisheries Project: Women and Children Study. DFID.
- Hasan SR (2003) For a Safe Environment. In Human Rights in Bangladesh 2002, ed. Hossain H, 85–97. Dhaka: Ain -O- Salish Kendra.
- Hasan SR (2004) The Right to a Safe Environment: Civil Society Initiatives and Legal Interventions Ain -O- Salish Kendra.
- Islam MS (2003) Impacts of Shrimp Farming on the Socioeconomic and Environmental Conditions in the Coastal Regions of Bangladesh. *Pak J of Biol Sci.* 6, 2058–67.
- Raihan (2005) Liberalizing Trade in Services: Negotiating Strategy for Bangladesh. Centre for Policy Dialogue Paper 47.
- SAARC (2005) Limited Multilateral Agreement on Avoidance of Double Taxation and Mutual Administrative Assistance in Tax Matters.

Saha M (2003) Commercial Shrimp Culture Violates Rights. In Human Rights in Bangladesh 2002, Hameeda Hossain, 307. Dhaka: Ain -O- Salish Kendra.

SSOQ (2004) Shrimp Seal of Quality Org. Shrimp Seal of Quality, Certification Standards.

Syed IA (2005) Review of Commercial Laws of Bangladesh. JICA.