



Digitising Borders

Electronic Trade Facilitation Act

LAW VISION

Why Bangladesh urgently needs an Electronic Trade Facilitation Act

An Electronic Trade Facilitation Act will be a lot more than just a change in rules for Bangladeshi traders, it will completely improve how trade works. By replacing queues and paperwork with a single digital platform, the Act will usher in transparency, speed, sustainable growth, and thereby ensure competitiveness as the country graduates from its LDC status.

FUAD M KHALID HOSSEN

Bangladesh's trade has doubled in a decade, yet border trade formalities remain manual, redundant, and outdated. While peers digitise, Bangladesh risks falling behind without urgent reform. An Electronic Trade Facilitation Act (ETFA) would legally compel every border agency to adopt online systems, embed transparency, curb corruption, and align procedures with international standards.

Currently, an array of regulatory agencies, customs, port authorities etc. oversee parts of border trade formalities. With ministry-specific paperwork, fees, and data formats, consignments ping-pong between checkpoints, causing delays and undercutting exporters already racing to meet global deadlines. Hundreds of scattered Acts, ordinances, and rules underpin this maze, of which many are archaic and internally disconnected. Overarching legal and quasi-legal instruments like the Customs Act, 2023 and Import Policy Order cover only fragments of trade and ignore data-sharing, e-payments and risk-based clearances.

The urgency to enact an ETFA is growing because Bangladesh is set to graduate from its Least Developed Country (LDC) status in 2026. In addition, the country must meet its WTO TFA Category C commitments between 2025 and 2030. Bangladesh may fast-track passing the ETFA to take advantage of the remaining grace period and prove its competence to meet high international standards as soon as it graduates from LDC.

The use of risk-management (RM) tools is an important element of trade facilitation. A study by the USDA BTF Project titled "Quantifying the Benefits of Risk-Based Clearance," shows

that introducing RM tools could reduce customs release times by 40–81%. Yet reforms are stalled because the Ministry of Commerce (MoC) can only request, not require, agencies to digitise. Similarly, the National Trade Facilitation Committee (NTFC) issues non-binding advice, so its decisions on second testing and RM remain largely unimplemented. Likewise, the Bangladesh Single Window (BSW), envisioned to link 19 border agencies, keeps missing rollout deadlines because no statute obliges participation as such. The ETFA can fix these gaps by granting the NTFC statutory authority, empowering the MoC to enforce deadlines, and compelling every regulator to join and use the BSW.

In effect, the ETFA will reboot Bangladesh's trade regime with an "electronic by design" mandate. As an umbrella law, it will merge the scattered facilitation measures, obliging all the border agencies to operate on interoperable platforms like the Bangladesh Single Window. Every permit, certificate, payment, and inspection must flow online which eradicates paper trails and reduces delays and grafts. Standardised risk-based rules deliver quick clearance, especially for perishables, through pre-arrival data, post-clearance audits and formal inter-agency groups that unblock bottlenecks. The prospective Act will override the conflicting statutes and clarify the grey areas. It will also oblige the MoC to publish an annual, agency-level Trade Facilitation Review to keep reforms on track. By cross-linking existing Advance Rulings and Authorised Economic Operator provisions in the Customs Act, 2023, ETFA can knit every process into a trusted digital highway for trade.

Moreover, the ETFA will provide institutional strength and transparency by

upgrading the NTFC to a statutory body with an adequately staffed secretariat and budget and thereby enable it to give binding decisions. It will also mandate prompt WTO notification of any new or amended trade rules, keeping businesses and partners fully informed and ensuring predictable, trustworthy trade.

Bangladesh can fast-track reform by mirroring proven innovations of global pioneers. The US Trade Facilitation and Trade Enforcement Act (2015) mandated agency automation and risk-based inspections. South Korea's Electronic Trade Facilitation Act (2005) created a fully digital single window. Countries such as Mauritius, Nigeria and Zambia followed the suit. Each model rests on an umbrella statute, compulsory digitisation, shared data platforms, and binding accountability-pillars that reduces time and cost to trade and keep the country competitive in business.

To conclude, the ETFA will be a lot more than just a change in rules for Bangladeshi traders, it will completely improve how trade works. ETFA automates filings and e-payments, ending office visits, cash fees, and paper forms. Data-driven "Green Lanes" then speed trusted traders' cargo avoiding demurrage and sharpening supply-chain planning. A public portal, tariffs, rules, service timelines, and a live release tracking dashboard, cuts information costs and lets businesses challenge delays. By replacing queues and paperwork with a single digital platform, the Act will usher in transparency, speed, sustainable growth, and thereby ensure competitiveness as the country graduates from its LDC status.

The writer is a Trade Facilitation and Policy Reform Specialist.

LAW LETTER

The silent crisis of tort law in Bangladesh

ALPHIMRAN CHOWDHURY

Although tort law has great potential to ensure accountability and remedy for quotidian civil wrongs, it is largely disregarded and neglected in Bangladesh. The result of such neglect has slowly yet surely become a crisis, siphoning the rule of law and restricting the access to justice for the masses. Thousands of incidents such as road accidents, unsafe workplace conditions, environmental pollution, and institutional negligence remain without civil remedies. Victims are either unaware of their right to compensation or face difficult legal and procedural hurdles if and when they intend to claim the same.

Several factors contribute to this crisis in Bangladesh. First, unlike many other jurisdictions, Bangladesh does not have a codified tort legislation. By and large, this body of law relies on rules of common law from the British colonial period. These rules are scattered across court judgments and patchwork of statutes and are therefore inaccessible to most practitioners, let alone the public. Lacking clear legal rules, the



courts struggle to handle tort cases, and judges do not wish to leave binding precedents either.

In addition, Bangladeshi legal education does not accord adequate significance to the laws of tort. Tort is normally taught as a secondary theoretical subject in most law schools, divorced from practice. Young lawyers graduate with little or no knowledge about how to litigate tort cases.

Additionally, there remains in-built inertia within our institutions as well. The family and property cases already clog the civil courts. There are no tort benches, nor any procedural innovations to accelerate or make tort litigations cheaper. Finally, public awareness is pitifully low. Most citizens are unaware that they can claim damages for the negligent behavior of drivers, faulty products, sloppy doctors, and rogue officials. In the absence of legal literacy campaigns and affordable legal assistance, tort law remains in lofty legal textbooks, divorced from day-to-day legal battles.

The lack of an effective regime of tort law has serious social consequences. Victims have

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to bear the economic and emotional costs of harm caused to them by others. Hospitals can get away with malpractice suits. Factories have the freedom to pollute rivers without fear of litigation. Institutions can indulge in overt negligence without being held responsible for civil damages. In such context, accountability diminishes, and the people lose faith in the legal system as a whole. This gap is particularly tragic in low-income and rural areas, where tortious harms continue to destroy lives and livelihoods. A small injury resulting from an out-of-control construction site or tainted water supply can leave a family destitute, with no recourse to law.

Tort law guarantees justice for the voiceless, the victims, and the wronged. However, in Bangladesh, it is mired in silence — neither used in courtrooms nor discussed in policymaking circles. If justice is to be more than an empty constitutional slogan, the state must awaken to this long forgotten crisis. Bangladesh may start by passing an exhaustive Tort Law Act laying down wrongs, liabilities, and procedures specific to the social and legal milieu of Bangladesh. Strengthening tort law will not only protect individual rights but also foster a culture of responsibility and civic obligation, two essential ingredients for any democratic society.

The writer is law student at the University of London, freelance contributor and social worker.

BOOK REVIEW

On 'Intellectual Property Law: Text, Cases and Materials'

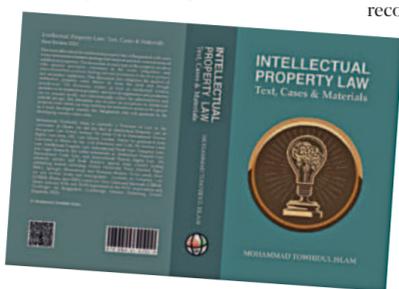
MOHAMMAD FOYSAL

Intellectual property (IP) law remains a relatively unexplored area in Bangladesh. From judicial pronouncements to academic scholarships, there is an evident scarcity of authoritative and critically analytical literature on this subject. Yet, this field seeks greater consideration, as Bangladesh is potentially poised to be a battleground for IP due to its nuanced IP law issues surrounding the graduation from its Least Developed Country status in 2026 and legal alignment with international instruments such as the TRIPS Agreement.

Against the backdrop of a dearth of legal literature on IP in Bangladesh, the book titled 'Intellectual Property Law: Text, Cases and Materials' authored by Professor Mohammad Towhidul Islam is a timely contribution. This book has painstakingly addressed all basic concepts of IP law through a comprehensive casebook approach blending statutory texts and judicial pronouncements from both home and abroad alongside the author's analytical insights.

This book contains thirteen chapters. The first two chapters

deal with the introduction to IP law and its development detailing definitions, nature, classification and reasons for the protection of IP and key international instruments and their status in the context of Bangladesh. Chapters 3 to 6 discuss



core areas of IP law namely Patent, Industrial Design, Trademarks and Copyright. Each of this chapter illustrates all basic concepts of the aforementioned areas and contains references to relevant international and national statutes, case-laws and exceptions to the general rules. The remaining seven chapters deal with some specific and contextual areas such as Geographical Indications (GI), Plant Varieties Protection, Traditional Knowledge and Cultural Expression

and so on. Similar to the preceding chapters, these chapters also discuss rudimentary ideas and practices and engage in critical discussions of IP issues of Bangladesh. For instance, chapter 7 critically assesses the GI regime of Bangladesh and furnishes recommendations for a more robust GI protection regime considering the overlapping GI claims from the neighbouring countries.

This book is perfectly crafted from a Global South perspective, especially emphasising on the perks and challenges faced by Bangladesh marked by its critical transition from an LDC to a developing country. The citation of a substantial number of legal authorities—case laws and statutes—from both international and several domestic jurisdictions brings a comparative legal perspective, which paves the way for creating a qualitative value judgement among various IP law regimes. Each chapter of this book is logically devised and enumerates both the conceptual foundations and nuanced legal discussions making room for advanced legal debates. Another highlight of this book is that it addresses IP law issues both conceptually and theoretically.

This book is not drafted targeting a particular segment of readers, rather keeping in mind a vast readership ranging from students to academicians to practitioners. For students, it introduces them to the basics of IP law and provides them with food for thought and encourages engagement in thought-provoking conversations. As for academicians and legal researchers, it serves as a reliable authority for both conceptual and theoretical analysis of the Bangladeshi IP law regime. For practitioners, it could be a day-to-day guide. Overall, it is one of its kind and offers value to a wide audience.

To sum up, this book is indeed a tremendous addition to the rather scarce existing legal literature on IP law in Bangladesh. It holds significant promise for shaping academic discourse and practical understanding in this field. Through the upcoming editions, it is expected that the author will further enrich the book by incorporating more domestic judicial decisions and providing a deeper critical analysis of Bangladesh's overall IP law regime, particularly through an assessment of legislative enactments and judicial pronouncements.

The writer is an LLM candidate at the University of Dhaka.