

## **Speech to be delivered by the Hon'ble Chief Guest**

**Mr. Justice A.F.M. Abdur Rahman.**

At the seminar held in commemoration of  
WORLD FAIR TRADE DAY-2015.

Hon'ble Special Guest Mr. Md. Manzur Hasan Bhuiya, Joint Secretary, Ministry of Commerce, Mr. Ali Ahmed, CEO, Bangladesh Foreign Trade Institute, Mr. Kei Kawano, Country Representative Japan External Trade Organization (JETRO) and President, Japan Bangladesh Chamber of Commerce & Industry (JBCCI) and Dr. Toufiq Ali, CEO, Bangladesh International Arbitration Centre (BIAC).

The Hon'ble designated discussants Mr. Shah Abdus Salam, Founder and CEO, Development wheel (DEW), Mr. AKM Abdullah, Senior Financial Sector Specialist, World Bank, Mr. A.M. Mahbub Chowdhury, Advisor Port and Shipping, BGMEA and Mr. Shamin-Ul-Huq, Managing Director, Maersk Bangladesh Ltd.

The distinguished audience. Ladies and Gentleman.  
Assalamualaikum and Good afternoon.

While it's my great privilege to attend this august occasion as chief guest, hosted by 'Rahmans Chambers' in commemoration of the World Fair Trade Day 2015, nevertheless it's a great pain for me that no room has been left for the chief guest to touch upon any point on the subject, as the hon'ble designated discussants and the hon'ble Special Guests in their deliberation, as to the affairs of fair trade and world fair trade day, has exhaustively expressed and accordingly I am unable to make points and to deliver a meritorious speech.

However, pursuant to my decade old experience in the bench of the High Court Division, connected with commercial matters, especially VAT and Customs matters, Company matters, Admiralty matters and the Income Tax jurisdiction, I may be able to make some points on the object and scheme of the Fair Trade and Fair Trade Day as floated by the World Fair Trade Organization (WFTO), the Netherlands.

Practically Fair Trade indicates fairness in the trading, either in domestic level or in the International trade. World Fair Trade Organization (WFTO) dealing on the subject has formulated the definition of Fair Trade as an International trading partnership based on dialogue, transparency and respect, that seeks greater equity in International Trade and contributes to sustainable development by offering better trading condition, securing the rights of marginalize producer and worker-specially in the south. The World Fair Trading Organization (WFTO) further asserted that fair trade is more than just trading, while it proves that greater justice in world trade is possible. In their version the WFTO also highlighted the need for change in the rule and practice of conventional trade and shows how a successful business can also put people first and as such the concept of fair trade is a tangible contribution to the fight against poverty, climate change and economic crisis in the developing countries, like Bangladesh where weaker manufactures of garments fails to obtain its rightful share in sale price from the stronger European and American Fashion Buyer.

The World Fair Trade Organization aims at to improve the livelihood of disadvantaged traders and producers in developing countries by linking and strengthening these capacity of the marginalized producer with the help

of the organizations that offer just alternative to unfair trade structures and practice, who by their own activity become members of WFTO. Accordingly WFTO members shares code of practices which are as follows;

1. Commitment to fair trade.
2. Transparency in trade relation.
3. Highlighting of the ethical issues.
4. Working condition of the producers.
5. Equal employment opportunities.
6. Concern for peoples livelihood.
7. Concern for the environment.
8. Respect for producers cultural identity, and
9. Education and advocacy.

This code of practices defines the working relationship in between the Fair trade organization and the stake holders. In these respect WFTO prescribes 10 principles for the Fair Trade Organization to follow in the day to day works. These are;

1. Creating opportunity for economically disadvantaged producer.
2. Transparency and accountability.
3. Fair trading practice.
4. Payment of fair price.
5. Ensuring no child labour and force and forced labour.
6. Commitment to non discrimination gender equity and women  
Economic Empowerment and freedom of association.
7. Ensuring good working condition.
8. Providing capacity building.



9. Promoting fair trade.

10. Respect for environment.

All these principles become the charter of the WFTO which was adopted by the World Fair Trade Organization to treat it as a single international reference point for fair trade. It provides concise explanation of fair trade principle and the two main routes by which these principles can be implemented. It also sets out common vision, definition of fair trade and core principles to be observed worldwide.

The World Fair Trade Organization (WFTO) intends that the people awareness as to the fair trade shall bring the whole world into one harmonized commercial condition, where the marginalized producer as well as the Multinational Companies will enjoy the similar privilege and as such WFTO encourages people's awareness through seminars, symposiums and workshop around the world. To that end in view World Fair Trade Fair day has been floated to be observed on the second Saturday of May of every year. It is the published principles of WFTO that it values the people's awareness works done in the field of fair trade, with intention to provide freely acceptable information to everyone who is interested in learning more about fair trade and its impact on many different spheres which practically will be beneficial to the fair trade movement to help WFTO tackle current challenges and bring fair trade as a global solution, now and in the future. That is the aim of this seminar as organized by Rahmans Chambers, which is discharging its duty as Fair Trade Organization in the field of law and legal issue.

In the aforesaid light of fair trade dealings, the Bangladesh situation is required to be examined for the development of the fate of the marginalized

producers on every aspect. In Bangladesh practically vast of these marginalized producers are micro, small and medium sized enterprises, which are widely formed as 'Single member business entity' as against the joint stock companies. These are the proprietorship enterprise or at best partnership firm's only regulated for its conduct by the terms of its trade licence or formation document respectively. The United Nations Commission on International Trade Law (UNCITRAL) in its twenty third session of its working group, made a draft model law for the micro, small and minimum sized enterprise specially for 'single member business entity' in respect of its formation, capital, organizational structures and re-structure, dissolution and winding up which is required to be adopted in Bangladesh in order to achieve a harmonized status in respect of these entities.

Primarily the business law which regulates the commercial transaction in Bangladesh is the age old "Sale of Goods Act 1930", which is equally applicable both for the 'Single member business entity' as well as the companies. This piece of statute has lost its efficacy due to passage of time and further that this legislation is not applicable to International sale of goods. Considering this sort of situation elsewhere in the world, the core legal body of the United Nations, working in the field of international trade law, named The United Nation Commission on International Trade Law (UNCITRAL), formulated modern, fair and harmonized rules on commercial transactions which to be followed by the member states at the time of making laws on commercial affair, which includes;

1. Conventions, model laws and rules which are acceptable worldwide.

