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ORIGINAL CONTRIBUTION

A Critical Analysis of Commercial Frauds in the International Supply Chain with Available Remedies in Pakistan

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Abstract— Due to the result of globalization, international trade and supply chains have rapidly been witnessed across the borders, which has forced the law makers and jurists to develop legal framework for the issues arising out of fraud involved in transaction of supply and chain. However, World Trade Organization (WTO) has been playing a dominant role in policing the issue of commercial fraud in the supply chain by providing guidelines and mechanism to the member states for the enactment within the national laws. Consequently, Pakistan as a developing country has brought a number of legal reforms in its national legislation and has made attempts in tackling the issue as per the guidelines provided by WTO but such reforms have proved to stillborn for its ineffectiveness in dealing with commercial fraud in the international supply chain. Therefore, this study highlights the disputes arising in the supply chain and explores the reasons for the ineffectiveness of existing mechanism to resolve these conflicts at the national level by critically analyzing existing laws in light of the International Trade Law (ITL) and IL. In this context, this study highlights the major issues and suggest factor which can be incorporated into existing laws. This study suggests that there should be a proper mechanism and legal framework which identify the fraud in the supply chain and international trade which can be possible by bringing reforms to the existing laws of Pakistan.

Index Terms— International trade, International trade transactions, Supply chain, Commercial frauds, Economic crisis, World trade organization

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Introduction

Supply chain in the International Trade has always been prone to falling into a fabricated net due to the involvement of too many people globally increasing complexities. When one trading route involves third parties at various levels like agents, distributors, partners, resellers, manufacturers, etc., that path becomes vulnerable to a variety of misconduct, contempt, and corruption (Aalim, 2021). Along with it come policies of different jurisdictions, laws, procedures, and security reinforcements of varying countries; some can be developed while some are developing. It all creates a pool of confusion where a slight breach and corrupt leak can happen at any time leading to commercial fraud in the supply chain mechanism (Wong, 2018). Officers working in any department involved in trading are habitual of rechecks by the companies involved due to this fear of fraud while taking care of risk management. Additionally, the increasing number of contracts in the digital time zone, and volume of trade disputes give rise to applications collected at the remedy department (NTC/TDRO).

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Supply chain frauds are of various natures, mainly, they constitute intellectual property theft, fraudulent payments, multiple forged invoices, inventory fraud, misstatement of inventory items knowingly, quality assurance misgiving, bribery, and favoritism by preferring one bidder or letting low-quality goods go. Economic sanctions are altered to favor one's motive like disabling a ship's tracking system, making false stops, and constantly changing ship's routes to avoid detection of illegal goods.

Pakistan's Trade Policy has been trying its best to counter these modernized supply chain frauds, which had increased in the Covid-19 times, where it has become so easy to fool in the name of the third party from another country (Karim, 2018). Under its Strategic Trade Policy Framework (STPF) of 2015-2018, it has extensively worked upon regulating National Tariff Commission effectively as per the WTO Obligations.

NTC is the local remedial body available to domestic as well as international exports/importers for monitoring and solving their all grievances. The NTC was established under the National Tariff Commission Ordinance, 2002 to conduct investigations and enforce trade defense measures under the specific laws relating to anti-dumping actions, countervailing and safeguard measures. This ordinance was later repealed to conform to the WTO Standards and a new National Tariff Commission Act of 2015 was made. Pakistan was trying to build its international commercial image and boost its economy by consenting to WTO Rules. Foreign businesspeople would go to NTC for filing a complainant application and in case they aren't satisfied with the specific determination (ruling against them), then they carried the right of appeal to the Appellate Tribunal. Local Laws of Pakistan regarding trade provides many remedies for fraud in the supply chain through different legislation.

However, even in the existence of these regimes and bodies fraud in the supply chain increases with the time the business sector of Pakistan losses loss due to corruption. In the recent era of the e-commerce system, it is tough to end the fraud in the supply chain and redress this issue because of lacunas in existing laws. As these laws are not scoped up with modernization so it needs time to review the existing laws and bring reform according to guidelines provided by international laws.

Objectives of research

The article aims to address the dearth of literature by the detailed academic study of International Law and guidelines provided by the World Trade Organization related to the international supply chain. The detailed objectives of the research are as follows:

- To examine the Trade Remedy Laws in Pakistan, specifically the Draft Act of TDRA, 2017 to highlight the loopholes in the current Commercial Frauds Resolution mechanism of Pakistan.
- It also examines why trade disputes have a dearth of mechanisms for effective and quick judgments by exploring the reasons for the ineffectiveness of existing mechanisms.
- This research aims to examine the factor that can be added to the existing mechanism and inspect the hurdle for Parliament of not passing the TDRA bill as an Act.

Commercial Trade and Supply Chain-a Conceptual Framework

International trade or supply chain is not a new concept rather the same could be traced back to old times. The definition provided in Black's Law Dictionary is worth mentioning here. The supply chain may be defined as a network of bodies or institutions or entities which are either directly or indirectly connected or for series to serve the same customer, hence, the supply chain may comprise of raw material providers, manufacturing unit or industry, warehouses for storage, transportation companies, distributors and retailers.

Supply chain or international trade is not restricted merely to the extent of shipment from one state to another state rather it involves the entities from raw material supply to delivery of the refined product. Therefore, the trading route involves third parties at various levels like agents, distributors, partners, resellers, manufacturers, etc., and that path becomes vulnerable to a variety of misconduct, contempt, and corruption (Aalim, 2021). Fraud in trade has severe implications for businessmen, auditors, regulators, investors, and the general public as well. In the recent era, certain high-profile frauds have been uncovered which significantly had made a negative impact on the stock markets and economies worldwide causing an overall loss of confidence in the business transactions. It has been observed that financial frauds have also contributed negatively having been a cause of bankruptcy of many organizations and it is a problem that has been identified globally (Abbasi, Albrecht, Vance, & Hansen, 2012).

General tariffs, rates, and barriers

The general tariffs and rates of the products or cargo are different due to the risk of supply chain crimes including supply chain fraud. The more vulnerable product or cargo is to the risk of fraud in the supply chain, the more inflation will be in the rates of such product or cargo as compared to the general tariff of the same. Certain incidents of food supply chain fraud have been observed in a recent era which elaborated the impact of such supply chain fraud on the confidence of consumers as well as the financial issues faced by the business

entities involved in the business of food (Lotta & Bogue, 2012). As a consequence of food supply chain fraud, a severe economic crisis was observe-concerning to consumers as well as business stake stakeholders deviating preferences regarding price, profits, and subsequent rates.

With the globalization of technological advancements, economies, and businesses, financial fraud allegations increased the attention of internet auditors and controls consequently making the business transactions more complex. Fraud is one of the most challenging elements for the whole business world which is increasing with time (Repousis, Lois, & Veli, 2019).

The general tariffs of goods and cargo may vary from state to state based on the trade relations and treaties for trade among the trading states. Further, the rates of goods and products vary due to the imposition of customs duties, taxes levied by the governments of trading states, and the vulnerability of goods and cargo to the risk of fraud and other crimes as well. It has been observed at the international level that fraud in the supply chain is a hindrance and a barrier depreciating the interest of entities in the international commercial transactions in particular and shaking trust, confidence, and reliability of using such goods or cargo by the consumers in general.

If states would be reluctant to enter into international commercial activities, it is a two-way disadvantage for importing as well as exporting states. Importing state has to face challenges to maintain the living standard of its citizen if it fails to meet the needs and demands of goods or cargo in its state consequently facing political and governance challenges leading to depletion of the economy and heading towards economic crisis within the state. On the other hand, the exporting state has to either abandon the production of bulk goods or products if it fails to export at the required scale leading to an excess of products or goods in the state and unemployment caused due to abandonment of production. The excess of products or goods in a state would lead to the loss, reducing income and consequently leading to an economic crisis eventually. As consequence, the states would be compelled to indulge in dumping to reduce losses to be incurred defeating the purpose of the whole international trade regime. Therefore, commercial fraud in the supply chain is a barrier to international commercial activities and a challenge that needs to be addressed effectively through collective international efforts otherwise the whole international community is under threat to collapse concerning the international trade regime determined under the World Trade Organization established by the United Nations Organization for smooth international trade activities.

Commercial fraud in supply chain

In international trade transactions, a Letter of Credit (LC) is of utmost importance as it pertains to payment of sale consideration of the goods or cargo. The LC is a vital commercial transaction document issued by a bank on behalf of the buyer to the seller ensuring or guaranteeing the payment of consideration and the same is used as a fundamental document in international commercial transactions for more than 150 years (Mugarura, 2010). The Banks play the role of a bridge between the buyer and seller from different states across the borders having the least information about each other and the LC is issued for securing the confidence of parties to the international commercial transaction, hence, the documents about the commercial transaction provided to the Banks for issuance of LC are subjected to rigorous examination by the Banks before issuance of LC. However, fraud is an exception to the payment of consideration to the seller by the Bank issuing LC i.e., Bank may refuse to honor LC if some fraud is identified on part of the parties to the international commercial transaction.

In a landmark case "Banco Espanol de Credit State Street Bank & Trust Co Ltd", the credit sought an inspection certificate to make sure that the goods are in conformity with the order, and in response, the beneficiary of LC provided a certificate about 10% percent sample holding that the whole stock conforms with the term and conditions of contract. The court in case LC resorted to a substantial compliance rule that if the Bank dishonors LC on basis that the certificate provided was based on stock sheets instead of order forms then the court may resort to knowing the fact that whether the deviation is to substantially undo or undermine the sale contract. Banks and their customers have been observed to be abusing the compliance standards to evade their obligations.

However, in another case of "United City Merchants (Investments) v. Canada" the principle of independence or autonomy has been established which provides that the LC is a document independent of the transaction to be carried out. As LC is issued merely based on documents provided alone and issued on relying such documents only after examining the same with scrutiny to the extent of only compliance of documents with the terms and conditions of credit. If the documents for the transaction provided are complying with the terms of the credit and LC is issued, then the Bank must honor the LC (Mugarura, 2014).

It is an admitted fact that banks play a fundamental role in international trade transactions and consequently in the economic development of a state being considered the backbone of the economic system of the state. With the widening of economic developmental regimes, the implications have also been increasing rapidly as the banking sector is under continuous threats of fraud having a negative impact and shaking the confidence and trust of customers (Younus, 2020). The threats of fraud to the banking system, despite the detection and control system employed, embark on a question on the law enforcement failing to trace the culprits effectively. Since the LC is a contract independent of the contract of sale or purchase under the autonomy principle, commercial fraud is committed in the supply chain through different tactics adopted by the parties to the commercial transaction through the benefit of loopholes in the LC mechanism. As an illustration, different scenarios for the commission of commercial fraud are provided herein under:

- Sale contract entered into by the parties for the sale of 50 laptops however only 30 laptops were shipped.
- Sale contract was entered into between the parties for the purchase of 80 Black Cell Phones but 80 White Cell Phones were shipped.
- The parties to a sale contract entered into the transaction for 100 IPod but in reality, no goods are shipped.
- The date of shipment mentioned on the Bill of lading is different from the actual date of shipment (Aladwan, 2020).

Types of frauds in Pakistan

Fraud and corruption are increasing with the development of E-Commerce which increases business risk. The different types of frauds observed across borders include:

- Mass marketing frauds including lotteries etc.
- Phishing frauds attempting to acquire personal details of the victims for purpose of identity fraud.
- Credit card frauds to use the same fraudulently in different states.
- Telecommunication frauds acquiring the fraudulent use of mobile phones etc. for illicit activities.
- Fraud in purchasing through the use of cyberspace e.g. internet purchasing scams.
- Taxation frauds.
- Fraud against the corporations and institutions operating internationally (Button, 2011).

Trade Dispute Settlement Mechanisms in Pakistan

United Nations Organization, General Agreement on Tariff and Trade (GATT) was established in 1948 and Pakistan became a member of it. Later on, GATT merge into the newly established World Trade Organization (WTO) in the year 1995 and Pakistan became a member of the WTO by the time of establishment. Pakistan since its independence remained friendly in its foreign relations but in international trade transactions, it is not only the states which are always a party to a transaction but mostly the private entities are parties to the international trade transactions or commercial transactions. Hence, a dispute arising out of international commercial transactions could not be resolved by diplomatic means. To provide dispute resolution mechanisms, international instruments have also been concluded. Pakistan, being a state with a high sense of responsibility towards its international commitments, has been observed to make efforts and particularly providing a mechanism for international trade dispute resolution which was being amended from time to time to make it in conformity with the developing international law and guidelines issued from time to time by the concerned international body i.e. earlier GATT and now WTO. The trade dispute mechanism in Pakistan is discussed in the context of legislative development hereunder.

Dispute resolution regimes

Being a member of GATT and then WTO, Pakistan was under obligation to bring its national law concerning international trade in conformity with the guidelines of the international designated forum. Pakistan has made the following efforts to address the problem of trade disputes.

The national tariff commission act 1990

The National Tariff Commission Act 1990 was passed by the Parliament of Pakistan which was aimed to constitute the National Tariff Commission and deal with the ancillary matter. Under the said Act, a National Tariff Commission was established which was obliged to perform certain functions including advising the Government of Pakistan regarding tariffs and providing other assistance for purpose of provision of protection and improving the competitiveness of indigenous industry and promotion of exports from Pakistan. The national tariff Act was enacted in 1990 to control trade activities. Under this Act, an autonomous body was established by the Government of Pakistan to deal with trade and tariff matters. National Tariff Commission Rules, 1990 were formulary with NTC Act 1990, and the rules m, made thereunder were much evasive in provisions and were ineffective to provide the detailed mechanisms concerning international trade activities rather practically were not sufficient to resolve the disputes of international commercial transactions effectively. Due to practical implications, the parliament attempted to make an effort to pass another legislation to provide better statutes to cater to emerging situations and to reform the National Tariff Commission established earlier under NTC Act, 1990. (National Tariff Commission Rules, 1990)

National tariff commission act 2015

The National Tariff Commission Act 1990 was repealed by the freshly enacted legislation i.e. National Tariff Commission Act 2015. Under the NTC Act, 2015, the functions of the National Tariff Commission were amended by giving more explanation to the functions entrusted

earlier through the repealed NTC Act 1990 however concerning international trade, the Commission has been additionally entrusted to perform functions concerning international trade and other ancillary matters which may be assigned under the trade remedy laws or any other law in force (National Tariff Commission Act, 2015). In addition, thereto, the Commission is obliged to assist the Federal Government at the WTO dispute settlement body in respect of trade remedy laws, trade agreements, etc. Moreover, the NTC Act 2015 provided a time limit for the completion of inquiries, investigations, and adjudication upon the matters by the Commission to enhance the efficiency of the Commission. (National Tariff Commission)

The aim of the Commission, besides those provided specifically under the law, is to administer the trade remedy laws by Pakistan's international obligations and to form a research-based organization so to advise the Government in matters falling under the domain of the National Tariff Commission. The process of investigation by the NTC is provided by which the NTC ends the process by sending a report comprising recommendations to the Ministry of Commerce (National Tariff Commission, 2015). However, the law and procedure presently enforceable are silent about the remedy against fraud in international trade transactions.

Trade organizations act 2013 and 2015

Trade Organizations Act, 2013 has also been passed but the said Act is to regulate and register the Trade Organizations providing the licensing authority and deal with the matters related thereto. Moreover, the Trade Development Authority of Pakistan Act, 2013 has also been enamored to the establishment of the Trade Development Authority but the same is entrusted with the functions identical to that of the NTC including promotion of exports, etc.

The National Tariff Commission Act 2015 was not effective enough to deal with the international trade disputes which led to the establishment of the Trade Dispute Resolution Organization (TDRO). As no dedicated and effective department for the resolution of international trade disputes was available, therefore, to overcome the discrepancies in the earlier prevailing trade dispute resolution mechanism, a dedicated government body i.e., TDRO was established to deal with and resolve the international trade disputes which were approved by the Cabinet in 2013 (Zahid and Umer).

Trade dispute resolution bill 2017

To provide effective and comprehensive legislation for the resolution of international trade disputes, the task of laying a draft of a new bill was assigned to the Ministry of Commerce which was tasked to draft the bill keeping in view the inputs and concerns of all stakeholders to make the legislation practically effective and efficient. Consequently, a bill titled Trade Dispute Resolution Act 2017 was drafted to provide a speedy mechanism for the resolution of international trade disputes including transactions made through e-commerce. However, the said bill is still pending in the shape of a draft and could not attain the status of Act of Parliament either for the one reason or another even though the mechanism provided under the proposed TDRO Act, 2017 seems effective concerning commercial fraud in international supply chain and international trade transaction as it is based on guidelines provided by WTO and international law. A comprehensive enforcement mechanism has been provided in the proposed draft bill because the said bill was prepared in consultation with stakeholders to provide remedy practically effectively (Trade Dispute Resolution Act, 2017).

Anti-dumping, subsidies & countervailing measures

For purpose of dealing with international trade activities, the earlier NTC Act 1990 or presently NTC Act, 2015 was not a statute only which operates alone rather it simultaneously operates with other relevant statutes including the law of anti-dumping duties and subsidies, countervailing measures. In pursuance of Article VI of GATT, 1994 and implementation following regimes enacted to address the issue.

The anti-dumping duties ordinance 2000

The Anti-Dumping Duties Ordinance 2000 was passed to provide a mechanism for the determination and imposition of anti-dumping duties and to deal with matters related thereto (The Anti-Dumping Duties Ordinance, 2000). A product is considered to be dumped if such a product is introduced into the market of Pakistan at a price lesser than the normal value of such product in that market. Since dumping depreciates the domestic industry and is usually backed by unfair trade practices coupled with monopoly-like aims, therefore, for the competitiveness of the market and in the consumer's best interest, dumping is discouraged by imposing anti-dumping duties. In the mechanism provided under the Anti-Dumping Ordinance, 2000, it was the National Tariff Commission that was authorized to initiate an investigation on a written application fulfilling the criteria provided to bring the mechanism in motion.

Anti-dumping duties legislations

Since the situations and scenarios change with the passage of time and developments in the world, the need to amend the laws emerges to deal with the situations not covered under the previously enacted statute. Consequently, the Anti-Dumping Duties Act, 2015 was passed repealing the earlier enactment i.e. Anti-Dumping Duties Ordinance, 2000 (The Anti-Dumping Duties Act, 2015). Presently, the Anti-Dumping Duties Act, 2015 is in the field and enforced in Pakistan. Needless to mention here that the law and procedure provided end with the determination of anti-dumping duties to be imposed on investigated goods or products however does not provide any remedy against commercial frauds committed in international transactions. Further, even the procedure of determination of anti-dumping duties comprises 365 days i.e., one year as per law whereas practically it may extend to an unbound period.

Concerning countervailing measures aspect, the Countervailing Duties Ordinance, 2000 was passed on January 03, 2001, to provide the mechanism for determining and imposing the countervailing duties (The Countervailing Duties Ordinance, 2000). Countervailing duty is a duty or cost imposed on the import of such goods in the country which are being subsidized by the exporting country either on manufacturing or production of such products or goods or subsidizes the transportation expense incurred on the export of such goods which cause injury to the domestic industry of the importing country i.e., Pakistan. It was the function of NTC to have a check on such goods and impose countervailing duties determined by the Commission. Subsequently, in the year 2015, the Countervailing Duties Act, 2015 was passed to reform and repeal the Countervailing Ordinance, 2001. However, the statute and the mechanism provided regarding countervailing duties at the most determines countervailing duties to be imposed whereas it does not have any concern with the dispute resolution of international trade disputes. Be that as it may, be, the process of countervailing investigation itself is a time taking the process beyond a reasonable time frame i.e. one year as targeted under the procedure but practically it is also not time-bound "strict sense".

Safeguard Measures

In Pakistan legislation was passed with the title Safeguard Measures Ordinance, 2002 to specify the framework for the imposition of safeguard measures and procedures to investigate and determine the injuries caused by the products imported into Pakistan and other matters connected therewith (Safeguard Measures Ordinance, 2002). Safeguard measures were ought to be determined by the NTC to deal with the import of products in such a bulk quantity which is a threat to cause injury or cause injury to the domestic production and products in competition. The procedure provided under safeguard measures ordinance 2000 ends at determining the safeguard measures at the most and its publication. Moreover, even the process of determination expands to the period of 120 days i.e., 04 months as expected by the prescribed procedure however the same is not usually done within the stipulated time.

The Safeguard Measures Ordinance, 2002 is unable to provide the procedure to deal with frauds and disputes concerning the international supply chain rather it only deals with the precautionary measures to protect the domestic industry from injury by the imported products. Later on, during the year 2015, like other related laws of NTC, the Safeguard Measures Ordinance, 2002 was also amended through Safeguard Measures (Amendment) Ordinance, 2015 however such amendment was not in respect to enhancing its functions or mechanism as such (Safeguard Measures (Amendment) Ordinance, 2015).

While going through the legislation discussed hereinabove related to the international trade, it has been observed that the law including the repeal laws and the presently enforceable laws, there is a dearth of mechanisms to deal with the fraud in the commercial supply chain and to resolve disputes arising out of international trade transactions. The laws are only providing precautionary measures to protect the domestic industry and enhance the competitiveness amongst the domestic industry. In this modern era of globalization, mere protecting domestic industry is not sufficient rather the domestic or municipal law is required to provide a detailed mechanism for resolution of disputes arising out of international trade transactions including the fraud in the international commercial supply chain.

Critical Analysis of Local Trade Laws in Light of International Legal Framework

The well-developed countries in the world are not only developed in the context of infrastructure or technology only rather they are also well developed from a legislation perspective as well. The legislation and its effective implementation play a vital role in the development of a state. Financial fraud has long-lasting impacts on the economy of any state. Counter corruption and fraud in the supply chain help in the development of a state. Developed states i.e. the United States emphasized the development of an automated mechanism to detect financial fraud (Abbasi, Albrecht, Vance, and Hansen, 2012). Though the mechanism developed could not deliver the ideal results but helps improve the efficiency of detecting financial fraud. To understand the role of international bodies concerning trade including WTO, mechanisms provided under UNCITRAL, for states to adopt these measures for settlement of trade disputes especially the commercial fraud in the international supply chain. However, these measures depend on the will of the states to adopt and enforce by enacting them in their municipal laws.

International agreements on trade

Free Trade Agreements (FTAs) are entered into by states to promote the trade activities between the states party to such agreements however the bilateral FTA may harm the trade relations with states other than that party to FTA hence the bilateral FTA depreciates the morale to further enter into multilateral FTAs (Levy, 1997). Similarly, the North American Free Trade Agreement (NAFTA) concluded with Europe to cope with the trade barriers between the regions was backed by the concept of trade liberalization but several questions were raised on NAFTA regarding its ultimate objectives and impacts on the trade activities with other states under multilateral FTAs.

Since trade activities of a state are significant in respect of the economy, it has been observed that Australia has attempted to fill in the gaps in its trade policy by FTA with the EU and its multilateral trade approach in WTO on rule-based trade order promoting trade activities with largest trading states to compete in trade in the neighboring region (Drake-Brockman, 2018).

The United States ruled a concept of concrete countermeasures which primarily focus on the legitimate flow of the supply chain of oil and the activities parallel to that legitimate supply chain flow in respect of oil theft (Soud, 2020). Needless to mention that the oil and gas industry adopts modern tools to keep an eye on the illegitimate activities going parallel to the oil supply chain but concrete countermeasures are required to be adopted to discourage the theft and fraud in the supply chains. Under the fuel integrity program, different techniques are suggested to differentiate the fuel supplied through the legitimate supply chain and the fuel supplied through fraud and theft parallel to the supply chain including the fuel marking technique. Fuel marking technique includes the molecular stamping of fuel categorizing intended supply to a particular jurisdiction and after clearing customs and paying taxes so that the regulatory bodies may identify the legitimate supply chain and the supply chain drawn by fraud through identification of adulteration in fuel as well. The fuel integrity program has been found successful in different states hence is an effective exercise adopted by different states.

While considering the efforts made by the other states worldwide, Pakistan seems to be reluctant regarding international trade in respect of legislation, policies, and countermeasure programs. In this era, the economy of a state is directly dependent upon its involvement in international trade which is subject to the effectiveness of the legal framework provided by a state. Mere declaring a year to be the year of blue economy or year of the economy up-gradation is of no use unless some fruitful efforts are not being made by the state. The present era is an era of competition in international trade and the stability of a state in the international community is based on the economy of that particular state. Even the states with conserved international trade policies have diverted from the past policies and have been seen to be framing new flexible trade policies to have international trade relations with those states which were reluctant to have friendly relations. Now, the international trade is not merely a means to meet the needs of individuals or states or export the products produced in bulk to generate limited revenue to get rid of stocks beyond expected needs rather it has been transformed into the competition of having more and more international trade activities so to generate maximum revenue to survive with stability in the international community. International trade has become a tool for the stable survival of the state in this world.

Guidelines Provide by WTO under UNCITRAL

WTO under UNCITRA in early 2002 UNCITRAL first considered the problem of fraudulent practices and pay attention to the fair trade practice with the technology development and emergence of e-commerce system. United Nations Commission on International Trade Law (UNCITRAL) was established by the resolution of the General Assembly of UN in the year 1966 to harmonize and unify the international trade law (Suy, 1981). The Commission established sought the assistance of the lawyers, the business community through the International Chamber of Commerce, etc. to formulate rules to regulate the world trade and the lawyers provided legal aid by providing the clauses to be incorporated in the contracts of standard forms. The Commission adopted UNCITRAL Conciliation Rules in 1980 to provide a mechanism for settlement of disputes arising out of trade in out-of-court settlements through an independent conciliator. The Commission also adopted UNCITRAL Arbitration Rules in 1976 to provide an option to the parties to dispute so that they may resolve the dispute through arbitration in a manner as provided by the arbitration rules if they wish to do so. Further, the United Nations Convention for Recognition and Enforcement of Foreign Arbitral Awards 1958 was adopted at New York Convention to enforce the arbitral awards in respect of the settlement of disputes arising out of international commercial activities.

In general, international commercial transactions are undertaken under the umbrella of an international contract in which one party to the contract belongs to one state and the other belongs to the other state. Since the international law protects the sovereignty of states in general, the individual of a state cannot be subjected to the law of another state by force, therefore, the contract itself is treated as law as its terms and conditions are agreed upon by the parties are binding on parties to the contract. In international contracts, the governing law and the dispute resolution mechanism are usually provided which is agreed upon by the parties and in case of any conflict, the rules of conflict of laws are applied to decide which law is binding and applicable to the given situation (Deshpande, 1989). Mostly the contracts have an arbitration clause as a mechanism to resolve the disputes, if any, arising out of such contract, however, even though the agreement of arbitration is a contract, the arbitration clause is remedial whereas the rest of the contract is substantive.

As per the provisions of Model Law on the international commercial arbitration adopted by UNCITRAL in 1985, the national law of

arbitration of a state does not apply if the arbitration is not taking place within the territorial jurisdiction of that state, hence the place of arbitration is mentioned in the international commercial contracts for the reason that it is of utmost importance in respect of the application of arbitration law.

Arbitration is the leading forum approached by the parties to the dispute arising out of international commercial transactions and is preferred by the parties to dispute for the reason that the resolution of the dispute through arbitration is speedy and efficient except where the arbitral awards are not enforceable in a particular case (Bull, 2019). The increasing trend of opting for arbitration in disputes of international trade activities can be assessed from the fact that in Asia, the Singapore International Arbitration Centre entertained 452 fresh cases in the year 2017 whereas 297 fresh cases were entertained by the Hong Kong International Arbitration Centre in the year 2017 and majority of the cases have been administered by the respective arbitration center. In addition, thereto, the innovation brought in the arbitration procedure makes it expeditious in the resolution of disputes like Rule 5 of Singapore International Arbitration Centre Rules provides that the dispute to be resolved expeditiously by concluding the arbitration within 06 months of constituting the tribunal if the disputed sum does not exceed $6 million and also enables the tribunal to conclude the arbitration summarily with reasoning for doing so.

WTO played a vital role in enhancing the trade activities amongst the states by promoting negotiations amongst the member states, agreements, and making decisions through consensus of member states for which the member states' parliaments also ratify the same to comply with states' international obligations (Global Trade Rules, WTO). WTO aimed to ensure smooth trade flow and a predictable environment for trading entities and for that purpose, member states are required by WTO to have transparent trade policies so that the global trade activities may flourish freely.

China appear as a prominent state for export which entered into WTO for its agricultural sector which had the impact of great concern on the Chinese government as China made commitments for free trade in agriculture after it acceded to WTO in respect of the agricultural sector which was a substantial deviation from its previously enforced agricultural policy of self-sufficiency coupled with restrictions on food imports (Chen & Duncan, 2008; Ziauddin, 2010). However, China had taken such a step after thorough research on the impact of such accession on the economy as well as on the independence of China in respect of food commodities.

TDRA compliance with international standards

It is used to be argued that an efficient dispute resolution mechanism contributes to a more favorable trading climate which consequently attracts foreign investments and fair trading rules are not enough to promote economic development unless such rules are practically enforced (Baumgartner, 2019). Therefore, dispute resolution has a vital role in economic development as well as in promoting international commercial activities. The judicial system and its efficiency play important role in developing the trust in the enforcement of law and the trading parties involved in commercial activities trust more to invest in a state where the judicial system is more efficient, e.g. Dubai has been categorized as Global Leader in the year 2018 due to Dubai International Financial Centre (DIFC) courts due to its autonomy. The improvement in the dispute resolution mechanism shall be considered the gateway to the economic development of a state and the key element is the time consumption in the resolution of the dispute through the dispute resolution mechanism.

TDRO established in Pakistan provides its mission statement as to provide the speedy dispute settlement to build up and promote the confidence of the business community by enhancing the trust of foreign business entities with their counterparts in Pakistan to ensure a friendly environment for business in the country. TDRO was established as an attached department with the Federal Ministry of Commerce under the Strategic Trade Policy Framework 2015 especially to assist the fraud in the international trade activities by establishing a comprehensive database system regarding high-risk areas of fraud and disputes in the prevailing international markets (Jam, 2010; Khan, 2012; Zahid & Umer, TDRO). It is evident from the mission statement and mandate of the TDRO that it is similar to the objective of WTO which sets the international standards from time to time in respect of the international trade activities to enhance the international commercial transactions worldwide.

Trade Dispute Resolution Act 2017 (TDRA) bill has been drafted covering all the disputes arising out of import and export of goods including those executed through e-commerce either in full or partial. The bill though has not attained the status of law by getting passed by the Parliament but the same is discussed here as a proposed draft for enactment prepared by the Ministry of Commerce in consultation with the stakeholders to propose a comprehensive mechanism for resolution of disputes arising out of international trade transactions. The application of TDRA has been enumerated under section 3 of the said draft. Trade dispute for application of TDRA has been defined as any complaint or dispute about import and exports of services and goods including the dispute regarding the carrier of the goods, import and export of goods through the e-commerce means having nexus with the territory of Pakistan wither as a whole or in a part transaction (Trade Dispute Resolution Act, 2017). It is evident from the application of TDRA as provided by the draft bill that the proposed draft aims to cover all the disputes arising out of international commercial transactions including those conducted using e-commerce so that it could be effective to resolve disputes of all nature as apprehended by the trading parties.

Further, TDRA bars the jurisdiction of ordinary courts and tribunals in respect of matters falling under the jurisdiction of TDRA to be dealt with. The bar on the jurisdiction of the courts and tribunals other than those to whom TDRA extends specifically is of vital

significance for the reason that most of the time, the delay in adjudication of a subject matter is caused due to concurrent jurisdiction of more than one judicial forums and by placing such bar, the subject matter could be adjudicated by the judicial forums designated by special law more efficiently.

Moreover, the draft of TDRA proposed to constitute a special Commission under the proposed bill to be known as Trade Dispute Resolution Commission (TDRC) and if the parties agree that the disputes between them shall be resolved by the TDRC, then such disputes shall be resolved as per the provisions of TDRA. The bare of the provision implies that it has drawn the analogy from the principles of application of international law which applies to the parties which agree to the application of such instrument or law on the subject. Even the International Court of Justice (ICJ), International Criminal Court (ICC), and other international tribunals entertain to adjudicate the subject matter only if the parties to the subject matter agree to the jurisdiction of these judicial forums.

Another distinct feature of the TDRA proposed bill is regarding the qualification of the members of the TDRC. The proposed bill of TDRA provides that the members of the TDRC shall be holding professional qualifications or Masters level qualifications in the field of international trade, Economics, Trade, and Tariff, Commercial or business law, or international commerce or trade-related fields with professional experience of at least ten years in the respective field. The significance of the said provision is that the TDRC proposed to be established shall not only be a statutory body but the same shall be professional, experienced, and qualified in the relevant field to perform functions of the TDRC professionally to make the performance of the mechanism effective and efficient. This provision depreciates the concept of appointing members of statutory bodies on a political basis or other irrelevant and arbitrary pick and choose. If the discretion is left to be open to the Government by law, then such discretion has been successively observed to be exercised whimsically on a favoritism basis which ultimately hurts the autonomy and efficiency of the statutory body. The body of individuals with relevant qualifications and professional experience could only be able to deliver the aim of the establishment of such a body.

The TDRC is empowered to take into account the quantum of claim, nature of the claim, complexity of the stance of the parties to the dispute and then to allocate the same for resolution and settlement in a way that firstly allows the parties to resolve the dispute through negotiations with 30 days and if negotiation fails, then to assess the quantum of claim which if acquires the minimum benchmark for filing of the suit before the commercial bench of the High Court, then refer the dispute to the said bench. However, if the quantum of claim in dispute is less than the benchmark to refer the dispute to the commercial bench of the High Court, then the TDRC may seek the consent of parties to reefer the dispute to Conciliation or arbitration under the provisions of TDRA, however, the TDRC may impose a time limit for resolution of the dispute and if such time limit expires then the matter will revert to the TDRC unless the time limit is extended by TDRC or by the consent of parties. Time limit is an element that catches the confidence of the parties to pursue a mechanism for the resolution of their disputes. Even the depreciation of confidence of the general public in the judicial system of Pakistan is due to the unlimited time taking procedures. Therefore, due to such a time-bound mechanism, it seems that the proposed bill of TDRA if gets enacted and enforced as per its provisions could achieve the mandate and purpose of TDRA in the nominal period.

The proposed TDRC itself would be bound by the provisions of TDRA to reach its final determination within four months and in all circumstances shall not take more than six months from the date of initiation of proceedings. TDRA though provides discretion to TDRC but that discretion is also restricted by the provisions of TDRA and would not be the absolute discretion. Further, the proposed TDRC would also be empowered to pass interim determination where it is apprehended that the final determination would take time and if interim determination would not be passed, a party to dispute would be suffering irreparable damage then after affording an opportunity of hearing to the other party, an interim determination could be granted by the TDRC directing the party to dispute to do or refrain from doing any act or omission. Such power of interim determination or order is essential to be provided by the law to the adjudicating forum in the interest of justice as allowing to do wrong until it is declared as wrong defeats the principles of justice and shakes the confidence of the party to dispute to invoke the mechanism of dispute resolution.

Further, it has been provided in the TDRA that if parties fail to appear at the date notified by TDRC about a complaint filed before it for resolution of the dispute, the TDRC may proceed to pass its final determination which would be binding on the parties. Such bounded provision significantly counter steers the delaying tactics advanced by the parties to delay adjudication on a matter in the usual course of judicial proceedings to gain time. When the law is comprehensive in its provisions to achieve the objective and purpose of the enactment, the mechanism gains the confidence of the parties in dispute and more the dispute resolution mechanism is reliable, the commercial transactions take place with more confidence hence leading to the promotion of international trade activities.

Critical analysis

International law is not binding on states' enforcement of international laws based on states' will. However, it provides suggestions and guidelines for the development of national laws across the globe. Moreover, it plays a role as support or base of any legislation within the states or among the relation between the states.

This study discussed in the above chapters about ITL and local laws of Pakistan on trade dispute settlements. Therefore, it analyzed that International Trade Law (ITL) provides a model of law based on the modern system for states with empowering the member states to

enact these laws in their municipal legislation. ITL is a vehicle for modernization and harmonization which can be negotiated according to state situations as Article 6 of GATT deals with the use of electronic communication systems. Whereas, even in the existence of model laws of ITL local enacted laws of Pakistan are lacks the provisions for electronic communication systems and do not cope with the requirements of the modern era.

International law through WTO and conventions under UNCITRAL in its 4th session (A/40/17) para 360, simply stated that local laws of states over international trade should be in form of recommendations that can be adapted according to the situation and nature of fraud instead of providing any single legislation over an issue. Whereas Pakistani regimes (Mentioned above in chapter 2, under subheading 2.2) are a dearth of multiple remedies or solutions over an issue, and instead of providing multiple solutions it only provides general and limited solutions for multiple issues.

Moreover, International law on trade emphasizes the text of the contract among the parties to settle disputes in international trade or supply chains as it suggests that the mode of settlement and jurisdiction over dispute must be decided by the parties and mentioned in the text of the contract. Moreover, UNCITRAL provides rules and techniques for executing a contract for states and individuals of states and also provides a specimen of contract in its annexure VI. Whereas, in Pakistan even with the existence of many laws as explained in chapter two any specimen or technique for individuals or companies of the contract is an important factor in the ineffectiveness of existing regimes and causing failure of available dispute settlement mechanisms.

In 2009 UNCITRAL adopted a practice guide on the issue of cross-border insolvency which provides aspects of cooperation and coordination on this issue and suggests states adopt the protocol in their bilateral agreement to tackle cross-border insolvency as the result of fraud or corruption. However, in the existence of this guide, there is still no bilateral agreement concluded specifically on this issue nor local legislation discussed briefly over the issue.

Furthermore, ITL provides clear suggestions and guidelines for trade dispute settlement mechanisms in articles 4 to 22 in clear wording and without any ambiguity. Further, it also empowers the states to introduce their process according to their needs. But unfortunately local regimes of Pakistan dearth the proper dispute settlement mechanisms in any one single legislation however, different regimes provide a different forum. Moreover, ITL provides enforcement mechanisms of arbitration awards in international trade disputes however local laws only deal within the jurisdiction of Pakistan over national dispute settlements.

GATT in Article 1, emphasizes the relation of trade among the states without any discrimination and promotes friendly relations among states in the context of trade however it also provides privileges under the umbrella of the most favored nation to some extent. But on other hand, local regimes of Pakistan specifically in the national tariff commission Act 2013 and 2015 as discussed above discriminate among the nation. Moreover, these laws provide extraordinary privileges to the cotton and rice industry of states in the name of inherited rights which is also another discrimination in the industry. I focused on speedy remedies by providing limitations for each step of dispute settlement (article 22.2 of GATT) whereas the process of dispute settlement in Pakistan is based on prolonged phases and a delayed Litigation system. Moreover, ITL provides solutions for litigation started in case of less time frame and also recommends a solution on expiry of limitation of filling a claim. Furthermore, ITL recommends deciding the cases and imposing judgment on the party which is using a delaying tactic, and where it seems that the conclusion of litigation takes time then courts are empowered to grant interim relief. However local regimes of Pakistan lack provision on these issues. However, TDRO contains provision it which are discussed above.

WTO in its 4th session of (A/40/17) while dealing with electronic communication systems sets standards concerning developing a comprehensive system of the database for the collection of information regarding trade which helps in the deduction of fraud in the supply chain. Whereas existing enacted laws fail to provide any assistance over it but draft Act of TDR 2017 contra ins strategy for developing database specifically for deduction of fraud by Strategic trade policy framework 2015.

Conclusion

From the discussion made hereinabove, it is evident that the fraud in international commercial transactions is not a simple phenomenon rather it has multidimensional aspects regarding its commission and execution in the international supply chain. It is malpractice done by using different tools therefore the first question to deal with it is to identify the commercial fraud in the international supply chain. One of the reasons season for first identifying the commercial fraud in the international supply chain is that it complex nature activity practiced using modern technology means and advancement and it needs a technical approach with knowledge of modern internet technology as well to detect the commercial fraud due to infringement of intellectual property rights in such an advanced way which makes difficult to detect commercial fraud. The concept of Supply Chain Risk Management evolved in 2004 getting the attention of the states worldwide as the commercial fraud in the supply chain has shown its impact on the economy of states.

It has also been observed that commercial fraud in the international supply chain is not restricted to the extent of importer or exporter rather it is such malpractice that could take place even at any stage of the transaction ranging from shipper end, port of origin, on loading of goods or products, during its carrier transaction, on offloading of goods or products or on destination port or at any transit port and so on. Since fraud is a crime that is admittedly an act coupled with a bad intention to cause wrongful loss to another party therefore

commercial fraud in the supply chain to some extent also includes the dumping and veiling of products or goods by exporters into the importer state.

Regarding the legislative regime on the international trade in Pakistan, the same is evasive enactments majorly comprising of different phases which are detailed discussed. The first phase was the year 1990 in which the NTC Act was passed and rules were formulated thereunder for the establishment of the NTC to perform certain functions but the same was more restricted to the extent of enhancing competitiveness and securing the interests of domestic industry. NTC Act, 1990 was an evasive one in general which does not provide any mechanism of dispute resolution arising out of the international commercial activities connected with Pakistan rather was a sort of semi regulator to control the international trade activities which may cause harm or injury to the domestic industry or market. In the second phase of Pakistan's legislation regarding trade activities, the Anti-Dumping Duties Ordinance, 2002, Countervailing Duties Ordinance, 2002 and Safeguard Measure Ordinance, 2002 were promulgated which later on were adopted by the Parliament in Pakistan. Under these statutes, the prime statutory body was the NTC.

NTC was entrusted with the power to investigate the fraud, determine the safeguard measures, and impose the same to protect the domestic industry and production interests. NTC was also obliged to recommend the ministry of Commerce in matters falling under the mandate of these statutes. However, the legislation made in the second phase was also evasive and silent to provide the mechanism for dispute resolution arising out of the international trade activities conducted having nexus with individuals or entities within Pakistan.

Regarding the legislation in the context of the trade-related matter, the third phase comprises of Trade Organizations Act, 2013, Trade Development Authority of Pakistan Act, 2013, NTC Act, 2015, Anti-dumping Duties Act, 2015, Countervailing Duties Act, 2015 and Safeguard Measures Ordinance (amendment) Ordinance, 2015 were enacted. The Trade Organizations Act, 2013 was merely relevant only to the regulations of the trade organizations in Pakistan including registration, licensing, etc. Trade Development Authority of Pakistan Act, 2013 was enacted to establish the statutory body i.e. TDA with the objective which is similar to the NTC already established under NTC Act, 1990. Further, NTC Act, 2015, Anti-Dumping Duties Act, 2015, Countervailing Duties Act, 2015, and 2015 amendments made to Safeguard Measures Ordinance 2002 through an Ordinance were enacted to reform and repeal the earlier statutes enacted in the first phase but in contents, the enactments in 2015 have merely changed the name, and that too only to the extent of only year. No progressive or substantial reform has been made through the aid enactment. However, the only significant reform which has taken place is the establishment of the trade Dispute Resolution Organization (TDRO) established after approval of the cabinet under the umbrella of Trade Policy Framework 2015.

On one hand, Pakistan is a member of WTO and earlier was a member of GATT but even after the lapse of more than two decades since being g member of WTO whereas, on the other hand, the legislation in Pakistan regarding international trade activities note up to the mark. Internationally, different states including the US, China, Australia, etc., have been observed to have a keen interest in legislation, policy-making, and countermeasures programs about the international commercial activities to enhance the international commercial transactions and simultaneously develop regulatory regimes and countermeasure programs to protect the interests of their trading entities and consumers from commercial fraud, etc. Pakistan is lacking far behind in regulating the international trade and provision of dispute resolution mechanisms for disputes arising out of international commercial activities. The legislation in Pakistan though in the preamble of every statute incorporates compliance with international obligations under GATT/WTO but the provisions of enactments are far away from compliance with the international standards.

Further, the only significant proposed draft of TDRA, 2017, which has not attained the status of statute or Act of Parliament to be enforced as law, is much better than all the previous legislation on the subject. The perusal of the proposed draft of TDRA, 2017 led to the conclusion that it proposes the provision of a comprehensive and efficient mechanism for the resolution of disputes arising out of international trade activities which is the first international trade dispute resolution mechanism ever proposed in the legislative history of Pakistan.

Recommendations

- The proposed draft of TDRA, 2017 must be taken up for consideration and processed to be passed as an Act of Parliament on an urgent basis so that the business community's confidence may be restored and improved to achieve the national policy of economic growth.
- It is also recommended that the international trade activities involve technical and technological aspects as well therefore the professional and skilled persons should be taken on board for promoting the international trade transactions and Spring reform in existing regimes according to new techniques of the trade.
- It is also recommended that since the terms and conditions of the international contracts govern the relation of parties to such contracts, a designated program should be initiated by the government to let the business community aware of the importance of the terms of the international contracts executed by them. The government of Pakistan should also take interest in providing assistance and facilitation to the international business community legal aid as well and assure the diplomatic relations and foreign

affairs with other states are of such nature that the states should cooperate in the enforcement of the adjudicated matters if the same is to be enforced in other states. Strong mutual coordination is an important element in making the dispute resolution mechanism effective otherwise if the dispute resolution mechanism would only be determined rights and liabilities and no work would be performed on its enforcement beyond the territory of Pakistan and in the territory of other states, then it would lead the mechanism to be inefficient though that howsoever the mechanism is comprehensive in adjudication.

- It is further recommended that business community friendly and stable trade policies may be formulated so that the business community in Pakistan invests in the international trade with full confidence and without any apprehensions of issues which are usually faced by the business community due to variable policies adopted by the government in the short spa an of time. The trade policies should be based on long-run applicability and the successive governments should keep in mind the interests of the state and its business community while bringing any change to the trade policy. The confidence of the business community is the backbone of the economy of a state and shaking their confidence causes deterrence which leads the business entities to invest in other states having stable and business-friendly trade policies as the whole world is like a common pool for the business community. The economically well-developed states though keep a check on the foreign investments but they do provide firm policies to attract the investors and business communities from all over the world to enhance their economic growth. Therefore, it is the need of the hour that Pakistan should also be firm, stable, and consistent in respect of its trade policies to promote the national economy.

REFERENCES

Abbasi, A., Albrecht, C., Vance, A., & Hansen, J. (2012). Metafraud: a meta-learning framework for detecting financial fraud. Mis Quarterly, 36(4), 1293-1327.

Bull, C. (2019). An Effective Platform for International Arbitration: Raising the Standards in Speed, Costs and Enforceability. In *International Organizations and the Promotion of Effective Dispute Resolution*. Brill Nijhoff, Leiden, Netherlands.

Cho, S. (2003). The nature of remedies in international trade law. *U. Pitt. L. Rev., 65*, 763.

CRS (2022). Trade Remedies: Antidumping. Retrieved from https://crsreports.congress.gov/product/pdf/R/R46296

ITD (2009). Trade Remedies: A Tool Kit. Retrieved from https://www.adb.org/sites/default/files/publication/27526/trade-remedies-toolkit.pdf

Jam, F. A., Akhtar, S., Haq, I. U., Ahmad-U-Rehman, M., & Hijazi, S. T. (2010). Impact of leader behavior on employee job stress: evidence from Pakistan. *European Journal of Economics, Finance and Administrative Sciences, 21*, 172-179.

Jam, F. A., Mehmood, S., & Ahmad, Z. (2013). Time series model to forecast area of mangoes from Pakistan: An application of univariate ARIMA model. *Acad. Contemp. Res, 2*, 10-15.

Khan, T. I., Jam, F. A.., Anwar, F., Sheikh, R. A., & Kaur, S. (2012). Neuroticism and job outcomes: Mediating effects of perceived organizational politics. *African Journal of Business Management, 6*(7), 2508-2515.

Soud, D. (2020). Downstream Oil Theft: Countermeasures and Good Practices Concrete Countermeasures Report, Atlantic Council P. Available at http://www.jstor.com/stable/resrep24588.5.

Suy, E. (1981). Achievements of the United Nations Commission on International Trade Law. The International Lawyer, 15(1), 139.

Lotta, F., & Bogue, J. (2015). Defining food fraud in the modern supply chain. Eur. Food & Feed L. Rev., 10, 114-122.

Drake-Brockman, J. (2019.) An Australian perspective on the Australia-EU free trade agreement. Potential Benefits of an Australia-EU Free Trade Agreement, Key Issues, and Options. Adelaide, Australia: University of Adelaide Press.

Button, M. (2012). Cross-border fraud and the case for an "Interfraud". *Policing: An International Journal of Police Strategies & Management, 35*92), 285-303. https://doi.org/10.1108/13639511211230057

Younus, M. (2021). The rising trend of fraud and forgery in Pakistan's banking industry and precautions taken against. *Qualitative Research in Financial Markets*.

Aalim, M. (2018). Supply Chain Management Issues and Challenges in Pakistan' (Scribd). available at https://www.scribd.com/document/268585547/

CIPE (2014). Multinationals Discuss Issues with Supply Chain Compliance in Pakistan. Available at https://www.cipe.org/blog/2014/05/27/multinationals-discuss-issues-with-supply-chain-compliance-in-pakistan/

Mugarura, N. (2014). *The Letter of Credit, its resilience and viability in securing international commercial transactions*. London, UK: Global Action Research and Development Initiative Limited.

Wong, P. L. (2018). Supply Chain Fraud: Common Examples and Risk Management Best Practices. available at https://www.linkedin.com/pulse/supply-chain-fraud-common-examples-risk-management-best-pei-li-wong

Philip I. & Levy, (1997). A Political-Economic Analysis of Free-Trade Agreements. *The American Economic Review, 87*, 506.

Karim, S. (2014). Trade Policy Reforms in Pakistan, Southern Illinois University Carbondale Open SIUC. Retrieved from https://opensiuc.lib.siu.edu/cgi/viewcontent.cgi?article=1717&context=gs_rp

Repousis, S., Lois, P., & Veli, V. (2019). An investigation of the fraud risk and fraud scheme methods in Greek commercial banks. *Journal of Money Laundering Control, 22*(1), 53-61. https://doi.org/10.1108/JMLC-11-2017-0065

Deshpande, V. S. (1989). The applicable law in international commercial arbitration. *Journal of the Indian Law Institute, 31*(2), 127-135.

Aladwan, Z. (2020). The implementation of the fraud exception rule: A comparative study. *Journal of Financial Crime, 27*(3), 977-993. https://doi.org/10.1108/JFC-02-2020-0016