

## Prices during Ramadan

*The rising trend causing concern*

As a matter of fact, prices of certain essentials have been on the rise before the customary consumer concern centred on the month of Ramadan set in. The step that the government have taken in the meanwhile relates to fixing prices of edible oil at the factory gate and those of sugar and meats like beef and mutton. The price of bottled soyabean oil has been left unfixed. And, sellers have reportedly made it known that bottled edible oil will be pricey, because its supply to the market has been reduced, presumably by the dealers.

Although consumers are apprehensive of price hike in sugar and edible oil, the wholesalers and business leaders have admitted to 'no deficit' in the market; and if the mill owners keep their production and supply at normal levels, they see no reason why there will be jacking of prices of sugar and edible oil.

Most market monitoring reports point to good stock position. Unsurprisingly though, price differential at between wholesale and retail levels continues to be substantial. While stocks are estimated to be much better compared to that in the corresponding period of last year, the common phenomenon between the two years is the gap between the wholesale and retail prices, a ready ammunition for wholesaler and the retailer to trade blame as happened last year. There is another constant to contend with: the runaway prices as soon as a commodity leaves the grower and change hands through a network of middlemen and extortionists before reaching the consumer. As for the imported stuffs, on which the dependence is critical, distribution mechanism is key to stabilisation of supplies and prices. That's where, experts believe, TCB has a role, it is hardly in a position to live up to.

On a sideline, a few hundred makeshift kuchcha markets have sprung up in the metropolis as a measure of abundant supply of seasonal vegetables; yet no sign of their prices coming down!

The government's food procurement drive in the thick of boro harvest has failed to produce the desired outcome. So the decision to import wheat from Russia, but drought in that country and heavy rains in Canada have led the former to ban export and left the latter without surplus wheat to export respectively. Rice prices have been under pressure for some time and now the import crunch as far as wheat goes. Thus, building a buffer stock remains a food security challenge. We need to be in a comfort zone there, something the government should plan ahead for.

## Tragedy of a deep social malady

*Human rights agencies should work together to address the issue*

THE suicide attempt by a mother in Kamalapur area in the city and subsequent deaths of her son and daughter leave us marooned with the question: what psycho-social factors had worked in collusion to push a mother to the path of self-destruction in a manner that was most horrific? We know there is no straight answer to explain the complexity of the situation but social thinkers and researchers ought to find out why there is a sudden increase in the tendency to take one's own life, particularly by married women, that again after killing their own children. By no means it is a healthy sign for a nation that aspires to build a just and peaceful society for every citizen.

We guess time has come to take a long look at the institution called marriage and what happens in its name across the swathe of the land. Under-age marriage, demanding dowry from bride's father, acid throwing for not getting the desired dowry, setting wives on fire for refusing to accept a divorce, marrying for the second time without the permission of the first wife, not giving alimony to wife and children as per court's decision are some of the diseases that are eroding the institution in this country. Brides from poverty-stricken families in the rural areas earn no respect or sympathy from their husbands and are treated as veritable slaves by the in-laws. Verbal and physical abuse remains a daily feature in their conjugal life, which often pushes them towards the edge.

It is distressing indeed that though reports of brutality on women and children within a marriage have been coming to the media for decades together, yet no social organisation or community leaders or the social welfare department of the government has taken any effective measure to put an end to them. This is an area that has been grossly overlooked by the politicians as well.

We strongly recommend establishing a helpline for distressed women who may access it for receiving counselling by a qualified psychologist or a competent counsellor. Such help might instil reason in their heads and divert their focus from taking their own lives to something constructive. Basically it involves awareness building of what they can latch on in case of an emergency. There is also a greater role for the media to play in informing the nation about the incidence of violence on women and children and at the same time sensitising the community people about the worth of women in society as daughters, wives and mothers.

## Intellectual property issues: Fact and myth

Technology is a vital component of industrialisation and growth. Historically, countries have explored every avenue to obtain technology, imitate and/or reverse engineer and gradually develop indigenous capacity. It is only when they have reached a fairly sophisticated level of technological development that they can consider providing intellectual property protection.

TOUFIQ ALI

THE well-publicised visit of the Director General of the World Intellectual Property Organization (WIPO) to Bangladesh from July 19-21 has revived a myth that intellectual property protection is good for Bangladesh's development prospects. Having been, for many years, at the forefront of Bangladesh's efforts at the international level to protect our interests on intellectual property matters, I find it important that the facts be placed before the public.

### Definition of intellectual property

Intellectual Property (IP) refers to inventions, literary and artistic works, and symbols, images and designs used in commerce. IP is generally divided into two categories: (a) Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indication of source; and (b) Copyright, which includes literary and artistic works such as novels, poems, plays, films, musical works, drawings, paintings, photographs, sculptures, architectural designs, etc.

For industrial property, the basic multilateral agreement is the Paris Convention; for matters of copyrights, the basic agreement is the Berne Convention. Bangladesh became a member of the Paris Convention in 1991, and of the Berne Convention in 1999.

WIPO administers several other agreements, many of which deal with specialised topics. The fundamental feature of these agreements is that they provide guidance for domestic legislation based on national needs; in case of dispute, the domestic courts rule.

The Trade In Intellectual Property Rights (TRIPS) agreement of the World Trade Organization (WTO), which came into force on January 1, 1995, changed the whole landscape of IP. It laid down detailed, compulsory, common standards for all countries, and handed over its enforcement to the dispute settlement system of the World Trade Organization (WTO). With one act, individual national interest and the primacy of domestic laws and courts was swept aside, in favour of the WTO system.

As per TRIPS agreement, developed countries were to apply the new rules

from 1996; developing countries from 2000 (except for product patents, which could be applied from 2005); and, LDCs to apply them from 2006.

However, in 2001, LDCs were able to get an extension of the transition period for pharmaceutical products till December 31, 2015; and, in 2005, an extension of the transition period for all other products till June 30, 2013.

The special arrangement for the LDCs was obtained after the most difficult negotiations in the WTO, where Bangladesh led the negotiations on behalf of the LDCs. The option for further extensions has been left open. It will require considerable negotiating capability to obtain further extensions.

### IP application in selected countries

There are many lessons we can learn from history, particularly from the experience of the developed countries in the 19th century and the emerging economies of East Asia in the 20th century.

Between 1790 and 1836, as a net importer of technology, the US restricted the issue of patents to its own citizens and residents. Even in 1836, patent fees for foreigners were fixed at ten times the rate for US citizens. Until 1891, US copyright protection was restricted to US citizens.

Despite subsequent relaxation, severe restrictions remained in force. For instance, all books sold in the US had to be printed in US typesets. In was only in 1989 that these restrictions were removed, allowing the US to join the Berne Copyright Convention (roughly 100 years after the UK).

In the 1880s, Swiss industrialists did not want a patent law because they wished to continue to use the inventions of foreign competitors. This opposition was maintained in spite of the fact that the Swiss were themselves enthusiastic patentees in other countries.

Switzerland did eventually adopt a patent law, with various exclusions and safeguards; chemicals and textile dyeing were excluded from patent protection (two areas where the Swiss still excel). In Holland, from 1869 until 1912 no patents were issued, to allow for rapid absorption of foreign technologies.

The best examples in recent history

are in East Asia, which used weak forms of IP protection tailored for the stage of their development. Throughout the critical phase of rapid growth in Taiwan and Korea, between 1960 and 1980, both emphasised the importance of imitation and reverse engineering as an important element in developing their indigenous technological and innovative capacity.

Korea adopted patent legislation in 1961, but the scope of patenting excluded foodstuffs, chemicals and pharmaceuticals. The patent term was only 12 years. It was only in the mid-1980s, particularly as a result of action by the US under Section 301 of its 1974 Trade Act, that patent laws were revised, although they did not yet reach the standards to be set under TRIPS.

A similar process took place in Taiwan. In India, the weakening of IP protection in pharmaceuticals in its 1970 Patent Act is widely considered to have been an important factor in the subsequent rapid growth of its pharmaceutical industry, as a producer and exporter of low-cost generic medicines and bulk intermediates.

### Financial transfers to developed countries

Developing countries, taken as a whole, are net importers of technology, mostly supplied by the developed countries. Econometric models have been constructed to estimate the global impact of applying the WTO's TRIPS agreement (i.e. globalising minimum standards for IP protection). The World Bank estimates (in 2001) that developed countries are beneficiaries, in terms of the enhanced value of their patents, with the benefit to the US estimated at an annual \$19 billion. Developing countries would be the net losers.

The effect of applying patent rights globally will benefit very considerably the holders of patent rights, mainly in developed countries, at the expense of the users of protected technologies and goods in developing countries. Between 1991 and 2001, the net US surplus of royalties and fees (which mainly relate to IP transactions) increased from \$14 billion to over \$22 billion (US Department of Commerce figures).

### Conclusion

The lesson from history is that countries adapted IPR regimes to facilitate technological learning and promote their own industrial policy objectives. Because policies in one country impinge on the interests of others, there has always been an international dimension to debates on IP.

With the advent of TRIPS, the policy space available to developing countries has been reduced sharply. Countries no longer are allowed the opportunity of following the paths so successfully

adopted by the US, Switzerland, Korea or Taiwan in their own development.

They can no longer follow a process of technological learning, in which they progress from imitation and reverse engineering to establishing a genuine indigenous innovative capacity. The world does not provide a level playing field for the late-comers.

Countries need to use the IP system in broader human and institutional contexts. Most of the OECD countries started with "flexible" systems. They became more IP sophisticated as they became technologically and culturally more advanced. IP is not the condition to become developed, but the outcome of a particular development path (OECD countries, and more recently China, India).

In other words, industrialised countries developed their IP regimes in the context of checks and balances that allow the system to operate beneficially. But this requires continuous changes and adjustments. And, these checks and balances do not exist in most developing countries (skilled personnel, academics, courts, competition authorities, etc.).

Having reviewed the newspaper reports on his visit, it appears the Director General of WIPO never actually said that intellectual property protection was beneficial for Bangladesh's economic growth. In fact, at a press conference, when asked for his personal opinion, he replied that as the Director General he was obliged to take the position of his Organization -- it was enough indication of his views.

He knows, only too well, all the issues I have outlined above! I have no doubt that, despite all this, some interested quarters in Bangladesh will continue to advocate the position that IP protection is necessary.

LDCs, including Bangladesh, have transition time before applying the TRIPS provisions; till 2016 for pharmaceutical patents, and till mid-2013 for all others. The LDCs fought very hard in the WTO for these extensions of the transition time; let that hard-earned achievement not be wasted.

We should try to develop the local technological capacity and institutions that will enable us to benefit from IP, and only after we have done that should we apply protection. Until such time, which will be in decades if the experience of other countries is any guide, we should negotiate to have our TRIPS transition period extended.

To apply IP protection of the TRIPS standard, as suggested by some developed countries, would have severe adverse consequences on the prospects for rapid economic growth.

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## Build the ground zero mosque

The debate over whether an Islamic centre should be built a few blocks from the World Trade Center has ignored a fundamental point. If there is going to be a reformist movement in Islam, it is going to emerge from places like the proposed institute. We should be encouraging groups like the one behind this project, not demonising them.

FAREED ZAKARIA

EVER since 9/11, liberals and conservatives have agreed that the lasting solution to the problem of Islamic terror is to prevail in the battle of ideas and to discredit radical Islam, the ideology that motivates young men to kill and be killed. Victory in the war on terror will be won when a moderate, mainstream version of Islam -- one that is compatible with modernity -- fully triumphs over the worldview of Osama bin Laden.

As the conservative Middle Eastern expert Daniel Pipes put it: "The U.S. role (in this struggle) is less to offer its own views than to help those Muslims with compatible views, especially on such issues as relations with non-Muslims, modernisation, and the rights of women and minorities."

To that end, early in its tenure the Bush administration began a serious

effort to seek out and support moderate Islam. Since then, Washington has funded mosques, schools, institutes, and community centres that are trying to modernise Islam around the world. Except, apparently, in New York City.

The debate over whether an Islamic centre should be built a few blocks from the World Trade Center has ignored a fundamental point. If there is going to be a reformist movement in Islam, it is going to emerge from places like the proposed institute. We should be encouraging groups like the one behind this project, not demonising them. Were this mosque being built in a foreign city, chances are that the U.S. government would be funding it.

The man spearheading the centre, Imam Feisal Abdul Rauf, is a moderate Muslim clergyman. He has said one or two things about American foreign policy that strikes me as overly critical - but it is stuff you could read on *The*

*Huffington Post* any day. On Islam, his main subject, Rauf's views are clear: he routinely denounces all terrorism -- as he did again last week, publicly. He speaks of the need for Muslims to live peacefully with all other religions.

He emphasises the commonalities among all faiths. He advocates equal rights for women, and argues against laws that in any way punish non-Muslims. His last book, *What's Right With Islam Is What's Right With America*, argues that the United States is actually the ideal Islamic society because it encourages diversity and promotes freedom for individuals and for all religions. His vision of Islam is bin Laden's nightmare.

Rauf often makes his arguments using interpretations of the Quran and other texts. Now, I am not a religious person, and this method strikes me as convoluted and Jesuitical. But for the vast majority of believing Muslims, only an argument that is compatible with their faith is going to sway them. The Somali-born "ex-Muslim" writer Ayaan Hirsi Ali's advice to Muslims is to convert to Christianity. That may create buzz, but it is unlikely to have any effect on the 1.2 billion devout Muslims in the world.

The much larger issue that this centre raises is, of course, of freedom of religion in America. Much has been written

about this, and I would only urge people to read Michael Bloomberg's speech on the subject last week. Bloomberg's eloquent, brave, and carefully reasoned address should become required reading in every civics classroom in America. It probably will.

Bloomberg's speech stands in stark contrast to the bizarre decision of the Anti-Defamation League (ADL) to publicly side with those urging that the centre be moved. The ADL's mission statement says it seeks "to put an end forever to unjust and unfair discrimination against and ridicule of any sect or body of citizens."

But Abraham Foxman, the head of the ADL, explained that we must all respect the feelings of the 9/11 families, even if they are prejudiced feelings. "Their anguish entitles them to positions that others would categorise as irrational or bigoted," he said.

First, the 9/11 families have mixed views on this mosque. There were, after all, dozens of Muslims killed at the World Trade Center. Do their feelings count? But more important, does Foxman believe that bigotry is OK if people think they're victims? Does the anguish of Palestinians, then, entitle them to be anti-Semitic?

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