

Bangladesh in CPI 2011: Could it be better?

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THE Corruption Perceptions Index (CPI) 2012 was released by Transparency International (TI) on December 5. On a scale of 0-100, Bangladesh scored 26, and has been ranked 13th from the bottom, the same as in 2011. Counted from the top, Bangladesh has descended by 24 positions to 144th among 176 countries included in the index compared to 120th among 183 last year.

Introduced in 1995, the CPI provides international comparison of countries in terms of perceived prevalence of political and administrative corruption. It is a survey of surveys conducted by reputed international organisations that bring out assessment of business people, business analysts, investors, investment analysts and country experts.

The data used in the index relate to perception of prevalence of corruption and bribery in the public sector; conflict of interest; likelihood of countering corruption from petty to grand; unauthorised payments collected in delivering government functions, justice, executive, law enforcement and tax collection; government's anti-corruption efforts and capacity to control impunity.

As a part of a continued process of achieving higher excellence in methodology and presentation, TI has changed the scale from the previously used 0-10 to 0-100. Only such sources that provide data allowing comparative picture are considered. No data generated at national level, such as data from TI-Bangladesh's research or for that matter those of any other national chapter of TI, is included in CPI.

To be included in the index at least three international surveys on the country concerned with comparable data must be available, for which the number of total countries included in the index varies from year to year. In 2012 Maldives, for instance, is not included for shortage of surveys related to that country.

The index is produced by TI's Research & Knowledge department guided for methodological excellence by a panel of international experts in the relevant field. This year's panellists were from Department of Statistics and Political Science of Columbia University, Methodology Institute and Department of Government of London

School of Economics & Political Science, European Commission Joint Research Centre, Italy, Harvard Business School, Dow Jones and Standard & Poor.

CPI 2012 is based on data from 13 international surveys. Data for Bangladesh came from seven sources, namely, Bertelsmann Foundation Transformation Index, Economist Intelligence Unit Country Risk Assessment, Global Insight Country Risk Ratings, Political Risk Services International Country Risk Guide, World Bank Country Performance and Institutional Assessment, World Economic Forum Executive Opinion Survey and World Justice Project Rule of Law Index. Data period was January 2011 to September 2012.

In the same position with the same score as Bangladesh this year are Cameroon, Ukraine, Congo Republic, Syria and Central African Republic. Among seven South Asian countries included in the index Bangladesh's position from the top is 6th. The highest position has been taken like previous years by Bhutan with a score of 63 and ranked globally at 33rd position from top. The next is Sri Lanka (score 40/rank from top 79), India (36/94), Pakistan and Nepal (27/139). Afghanistan, with a score of 8 and ranked at the very bottom of the list together with Somalia and North Korea, is the only South Asian country doing worse than Bangladesh.

Countries that have performed worse than Bangladesh are: Sudan, Myanmar, Uzbekistan, Turkmenistan, Iraq, Venezuela, Chad, Burundi, Haiti, Equatorial Guinea, Zimbabwe, Libya, Laos, Angola, Tajikistan, Cambodia, Yemen, Guinea, Kyrgyzstan, Guinea-Bissau, Paraguay, Eritrea, Papua New Guinea, Syria, Congo Republic and Ukraine.

Countries perceived to be least affected by corruption are: Finland, New Zealand and Denmark having scored 90, followed by Sweden, Singapore, Switzerland, Norway, Australia, the Netherlands, Canada, Hong Kong, Japan, Qatar, UAE, Iceland, Luxembourg, Germany, Barbados, Belgium, UK, USA, Uruguay, Chile, and France.

No country has scored more than 90. Many OECD

countries like Germany, Belgium, UK, USA, Japan, France, Austria, Spain, Italy have scored less than 80. As many as 124 countries out of 176 (two-thirds) scored below 50. 67 countries scored less than the global average of 43. Corruption clearly remains a global problem.

Corruption therefore is no monopoly of developing countries like Bangladesh, though for us it remains a more critical challenge than in developed countries. It may be recalled that Bangladesh was earlier placed at the bottom of the list for five successive years from 2001-2005. In 2006, 2007, 2008, 2009, 2010, 2011 Bangladesh was ranked no 3, 7, 10, 13, 12, and 13 respectively. Bangladesh is one of the 31 countries that have this year worsened their score compared to 2011, and among 57 countries which have fallen in rank counted from the top. In South Asia, Bangladesh is the only country other than Afghanistan where the score has fallen.

The key question is whether we could have done better. Factors that may have contributed to such disappointing result include growing deficits in delivery against the government's electoral pledges against corruption and a procession of high profile corruption

allegations like Padma Bridge, Railway scam, stock market, Hall-Mark and Destiny.

Grabbing of land, river and water bodies by the powerful has continued unabated. The high and mighty have failed to keep the commitment to disclose income and asset. The government initiative to curtail the independence and effectiveness of the Anti-Corruption Commission (ACC) has not served the purpose.

Questionable stance of ACC on some high profile corruption cases, whether under pressure or for their own weakness, has added to the perception of an ineffective institutional capacity to control corruption. Large-scale withdrawal of criminal and corruption cases under political consideration turned out to be a frustrating instance of undermining of the rule of law.

Looking ahead, Bangladesh's prospect of doing any better in CPI will depend on the capacity of the government to fulfil its own anti-corruption election pledges without fear or favour, and to challenge impunity.

Engaging communities to confront child marriage



The United Nations in Bangladesh and The Daily Star have joined hands to raise awareness on violence against women, as part of the UN Secretary General's global UNiTE campaign. This is part 3 of a series of articles that will appear in The Daily Star until December 10, focusing on the context, the policy interventions, and the actions needed in combating violence against women in Bangladesh.

PASCAL VILLENEUVE

BANGLADESH is rated as the country with the highest incidence of child marriage globally, after Niger and Chad. Almost one-third (32.3%) of women aged 20-24 were married by age 15 years according to Multiple Cluster Indicator Survey (MICS) 2007. The same study indicates that at least 66% were married by the age of 18 years, despite the fact that 46% of these women had a secondary education. Although comprehensive figures are not available, many children are even married before the age of 15 years such that at least 5% of married women aged 20-24 years women had given birth by the age of 15 years.

Child marriage is a violation of the rights of children to education, the opportunity to develop to their fullest potential while, at the same time, creating opportunities for exploitation, violence and abuse. Furthermore, child marriage deprives children of their childhood time to learn and play.

Deeply entrenched social norm

Child marriage in Bangladesh can be seen as a social norm for families across all ethnic groups. The preference for conformity is believed to be driven by the fact that everyone expects the "bride price" to increase as the girl gets older or that everyone believes that the likelihood of sexual abuse increases exponentially from puberty onwards, especially for poorer households where several family members live in one-roomed homes. Dowry, therefore, exerts a strong economic pressure on parents to conform to early marriage.

Child marriage in Bangladesh compares very closely with the Female Genital Cutting (FGC) scenario in many parts of Africa. There are common elements of (i) chastity and virginity linked to family honour and the fear of rejection by one's society if s/he does not conform; (ii) inter-marriage between families and, in some communities, a strong issue of interdependence which means a family cannot decide if they want to stop the practice. On the other hand, FGC is controlled in large part by women, as mothers and grandmothers make all the arrangements and the "cutter" is often a woman, whereas child marriage is in the domain of fathers, uncles and male elders of the

family. The men identify potential grooms and handle all cash or material transactions.

Community engagement and empowerment

Unicef supports the government of Bangladesh to implement a three-pronged approach to tackle child marriage. The Empowerment of Adolescents project provides both adolescent boys and girls with life skills including leadership and negotiating skills, in addition to knowledge on the basics of HIV/AIDs, sexual and reproductive health.

The second is to create conditions for greater enforcement of the 1929 Child Marriage Restraint Act and the 2011 Child Policy. It includes profiling and publicising "positive deviants," to let the nation know that over 33% of Bangladeshi married women marry after 18 years. This is seen as a useful approach to deconstruct what people think and believe others expect them to do regarding the marriage of their daughters.

The third component seeks to engage communities to reduce the incidence of child marriage in the 20 most deprived districts where the United Nations agencies focus their activities. Members of Ward Development Committees and local leaders are mobilised to facilitate peer group discussions and community dialogue against child marriage. Collective community action includes entertainment education using the popular animated cartoon character, Meena: "Too Young to Marry" is a film in which she uses the opportunity to bring new awareness on the harms of child marriage and benefits of delayed marriage.

Looking beyond legislation

Evidence shows that resorting to legislation only is simply not enough when attempting to address a social norm that is deeply entrenched. One needs to start with small peer group dialogues to isolate the key values of target groups, (social networks of fathers, religious leaders, traditional leaders, adolescent girls and boys, mothers).

Community dialogue will be gradually phased in using guidance from a core group of change agents. It will be key to achieving results of increased social learning, including the strategic importance of public declarations. In communities where a public oath is almost sacred, this event often signals a point of no return for all who participated and subscribed to the public commitment.

In conclusion, it is safe to state that Bangladesh is one country that has demonstrated that legislation, policy and resources are simply not enough to address entrenched social norms like child marriage. Unicef supports the renewed vigour of the government to pay closer attention to broader social norms and factors that encourage or inhibit child marriage. Several efforts are already underway to implement at scale a continuum of activities aimed at influencing individual and household behaviour, communities in which social relationships occur and the broader society, and thus create the necessary enabling environment for an end to child marriage in Bangladesh.

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Time to enact Geographical Indication Law

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WHEN it comes to "Branding of Bangladesh," one would promptly and logically link it to Cox's Bazarworld's longest natural sandy unbroken sea beach to the Sundarbansthe largest mangrove forest in the world! Well, this makes sense. They are Bangladesh's identity to the rest of the world. There are things, such as "Tequila" or "Champagne," which identify their respective countries of origin. Cox's Bazar and Sundarbans are natural heritage sites that are among the Seven Wonders of Nature.

Tequila, champagne, Scotch whisky, Roquefort cheese, Darjeeling tea, Kolapuri *chappal*, Cashmere wool, Havana cigar are some examples of Geographical Indications (GI). So what are the Bangladeshi products or goods that could identify or represent Bangladesh as a brand to the global market? Dhakai *jamdani*, *nakshikantha*, *Fazlee aam* (mango) from Rajshahi or *hilsha* fish from Chandpur, etc. could represent Bangladesh, like tequila and champagne represent their countries of origin.

So where does the disparity lie? Conceptually there is no disparity. Tequila, champagne, etc. and Dhakai *jamdani*, *nakshikantha*, *Fazlee aam* do belong in the same league. Legally, disparity does exist. Tequila, champagne, Havana cigar, Darjeeling tea, etc. are registered and protected GIs while the Dhakai *jamdani*, *nakshikantha*, *Fazlee aam* etc. are not because we do not have a Geographical Indications Act.

GIs associate goods or products with a certain territory, or a region or locality in that territory, and establish a link between quality, reputation or characteristics and the locality. GIs are a kind of intellectual property that is associated with culture, geography, heritage and traditional practices of people and countries. The foremost reason for securing property rights for GI goods or products is that they are produced in a certain geographical region, which has unique geo-climatic characteristics. The geo-climatic characteristics coupled with traditional practice and skills create a unique value for the goods or products, thus goods or products originating from another region are bound to be different.

However, the predominant idea behind providing protection to GIs is to allow the producers of the GI goods or products, which are located in that designated territory, to exclude others from using the same. Thus, considering the commercial potential, GIs require adequate legal protection. Otherwise the risk of misrepresentation or being falsely used by dishonest commercial entities will exist. Absence of appropriate legal protection encourages illegitimate competitors to have a free ride on the reputation of those goods or products. Such unethical and unfair business practices are detrimental for the legitimate producers' interest, resulting in loss of revenue, deception of consumers, and damage to the established reputation of the goods or products associated with the GI. To this extent, the need for protection of GIs is very significant.

GIs, however, are subjected to both national and international laws. The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) 1994

Erosion of institutional capacity to control corruption and promote accountable governance is manifest in a weakened parliament due to boycott and conflict of interest, politicised administration and law enforcement, budgetary provision of whitening black money and undermined public procurement rules. Many of these lead to a concern of policy capture by corruption. Question arises whether in the arena of policies decisions and actions of national interest those who are committed to control corruption are being increasingly overpowered by those who benefit from it directly or indirectly.

Looking ahead, Bangladesh's prospect of doing any better in CPI will depend on the capacity of the government to fulfil its own anti-corruption election pledges without fear or favour, and to challenge impunity. There is no option but to strengthen institutional and policy structure for ensuring accountable governance. Much depends on effective Parliamentary and parliamentary committees.

If the experience of Padma bridge project offers any lesson, strengthening the ACC is indispensable rather than keeping it under pressure of further curtailing independence and effectiveness. Much can be achieved by enforcing the Right to Information Act and Whistleblower Protection Act and promoting the culture of disclosure and openness.

Equally important are judicial integrity and rule of law and promotion of higher standards of professionalism in public service including law enforcement agencies, which must be liberated from partisan political influence. No less crucial is transparency and accountability in public procurement. The range of commitments made as a state party to the UN Convention against Corruption has opened huge opportunities to be availed, particularly in terms of repatriation of stolen assets.

Nearly a year before the forthcoming general elections, the best our leaders can do is to look back at their pledges for 2008 elections and determine a checklist of key deliverables, for which it may not be too late.

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laid down the requirement of maintaining the minimum standard of protection which the WTO member states are bound to comply with in their respective national legislations. However, the obligations urged by the TRIPS Agreement encouraged many member states to have their own national legislation on GI.

India's sleep was awakened by the famous "Basmati" case between India and the US, where the US Patent and Trademark Office (USPTO) granted patent to a US company (Ricetech) for a new plant variety that is a cross between American long grain and Basmati rice. Basmati is a long grain aromatic rice that originates from the sub-Himalayan region of the Indian sub-continent. Ricetech used the names "Texmati" and "Kasmati" to market the US version of Basmati. India and Pakistan, while disputing Ricetech's patent rights, claimed that Basmati was a GI too. Absence of appropriate legal framework caused this dilemma. India could have protected the GI sign over Basmati had it enacted a law in proper time. However, it learnt from the mistake and enacted a GI Act in 1999.

So where does Bangladesh stand? India has registered our products, like Dhakai *jamdani*, *nakshikantha* and *Fazlee aam*, and is having a free ride on our centuries-old reputation and distinctiveness. TRIPS mandates a country to enjoy protection of GI at the international level only if it has GI protection under its

national legislation. Bangladesh has created a list of 73 food and non-food products that deserve the status of GI. Nevertheless, none of these products or goods is protected as GI--due to absence of a GI law. The proposed Geographical Indications Act has been in draft shape since 2003. To avail legal protection, the deserving Bangladeshi products or goods must, at first, be registered as GI, but this cannot happen in the absence of a

legal framework.

There are other compelling reasons too. Protection of GIs has far-reaching implications. "Protection through geographical indications can help promote rural socio-economic development and assure higher economic returns" (Jena and Grote, 2010; Rangnekar, 2004). Therefore, in order to localise economic control, it is imperative to assure property rights to the producers of traditional goods or products.

GI products are generally originated from agricultural, fisheries, handicrafts, etc., and are produced by the rural community; hence the economic advantage gained through commercialising the GI rights goes to the poor. GIs enumerate community engagement. The right of the GI goods or products is always granted to a group of producers. Exploiting GI requires quality control and marketing of the products, which help increase the flow of income, improve producers' skill and enhance employment opportunities. GIs thus help to reduce poverty and stimulate regional economic growth.

Last but not the least, GI legislation is not only about enhancing the socio-economic benefit of our rural community or about reducing poverty, it is also important for revitalising our centuries-old culture. It is better to be late than never.

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