

Lack of actionable evidence biggest barrier to prosecuting influentials

Iqbal Mahmood, chairman of the Anti-Corruption Commission, in an interview with Eresh Omar Jamal of The Daily Star, talks about corruption in the country and how the ACC and the society at large can fight against it.

In a views-exchange meeting on September 28, you had said that the Anti-Corruption Commission (ACC) "cannot bring influential people to book for graft as they retain documents while holding posts." Is this a systemic or procedural problem, or is it because of some other reasons? Doesn't the ACC have any mechanism to get access to those files?



Iqbal Mahmood, chairman of the Anti-Corruption Commission.

We do have a mechanism, but the problem is that you need to know where the corruption is happening first. When we know about a complaint then we have a process to intervene. When someone in power is involved in corruption, we do not know that he is involved as we do not receive any information or evidence to suggest that that is the case. Without evidence, we cannot just go after him arbitrarily. Usually, it is only when they leave their posts that we receive any allegation against them. If we do find something specific after having received a complaint, then we go after him and try to ensure that we get access to the necessary files and also start the process of investigation.

What about the allegation that cases filed against influential people are themselves selective and are often withdrawn or not filed based on partisanship?

I must disagree with this notion.

Our decisions and actions are not based on partisanship. We are an independent body and discharge our duties as per rules and laws and our own conscience. Regarding influential people, there are times when we simply do not receive any complaint against them. Can you as a free press publish all the reports that you get? You are not an island unto yourself, neither are we; we're a part of the system. We have to deal with the same constraints that you do. I should remind you of the idea of "self-censorship." Just like you, we cannot

do many things whether we like it or not. At times, there are rumours about certain powerful individuals being involved in corrupt practices. But we are constrained by the legal system which needs credible evidence. Only perception would not work before the court of law. We have to prove their involvement in court, so the evidence that we present must be credible.

What progress has the ACC made in regard to some of the more high-profile cases of corruption such as the ones involving financial scams in the BASIC Bank and Bangladesh Bank?

We have filed 54 cases in regard to the issues involving the Basic Bank. Banks are allowed to extend loans, so we cannot interfere in this. Our concerns centre on loans that are based on fraudulent documents and fake properties. There are more cases involving the BASIC Bank that are in the pipeline. As far as the Bangladesh Bank's case is concerned, it is out of our jurisdiction. If the Central Investigation Department (CID) finds BB officials being involved, only then can we take action. We are yet to hear from the CID, BB, or the government. If we receive any information, we will surely look into it. That said, we are keeping a close eye on the CID investigation and the moves of the BB.

What has been the biggest drawback when it comes to investigating and prosecuting influential people for corruption?

The biggest drawback would be the lack of credible information and evidence, although that does not apply to all cases. It is also not true that we have not prosecuted any influential individuals. Many of them—I do not want to name any—are facing trial, or are already under investigation or in jail.

In its Half-Yearly Report-2016, Transparency International, Bangladesh, reported that some 67.8

percent households were victims of corruption while 58.1 percent said that they had to pay bribe. Don't these figures indicate that corruption in our country is extremely high?

Of course, I agree that corruption is very high, but I do not know the methodology that they used to come up with the figures that you are referring to. However, we are trying to find that out. At times they go with what their perception is. But I would like to point out that many of the sufferers are those who are poor. Those giving bribes are relatively poor people. It is the people in rural areas that are often the worst hit by corruption. The ACC is trying to focus its attention on helping these people. The big fish usually do not pay bribes, rather they loot public resources under what are win-win situations for them. While I have to admit that corruption is high, I must also say that it is currently decreasing, albeit slowly; the decreasing trend should be positively looked at. This is also supported by a recent TIB Corruption Perception Index report about Bangladesh.

What is your opinion about how the public currently view the ACC and are you satisfied with it? What can be done to instil greater confidence in the public's mind when it comes to the ACC and its role?

I believe that the public still does

not have full confidence or trust in the ACC. But people do have high expectations from it and the current ACC administration is trying to live up to that, although that is not an easy task. The question is how well we can respond to their hopes and expectations! I would not say that I am happy with what the ACC has achieved so far. But we are looking forward to doing better and to gaining people's trust through our deeds. And I must confess that I am quite happy that people expect so much from us! That only makes us want to do better. Therefore, I am optimistic as I look forward to implementing our strategic plan. I must emphasise again that we need your (the media's) help and that of the public on such a difficult journey. We also need the support of the government, political parties and all the other stakeholders. We need a consensus to successfully fight against corruption. We often speak of having a "so called zero-tolerance policy" against corruption, yet we often fail to come to a consensus which helps no one. The ACC will only survive if it can gain and hold onto public trust. That alone can be our safeguard. Our allegiance always lies with the people, not with anyone else. That is why, we must have the public on our side before anyone else. That will only be possible once we have their trust.

PROJECT SYNDICATE

Intellectual property for the 21st-century

JOSEPH E STIGLITZ, DEAN BAKER, and ARJUN JAYADEV

WHEN the South African government attempted to amend its laws in 1997 to avail itself of affordable generic medicines for the treatment of HIV/AIDS, the full legal might of the global pharmaceutical industry bore down on the country, delaying implementation and extracting a high human cost. South Africa eventually won its case, but the government learned its lesson: it did not try again to put its citizens' health and wellbeing into its own hands by challenging the conventional global intellectual property (IP) regime.

Until now, The South African cabinet is preparing to finalise an IP policy that promises to expand access to medicines substantially. South Africa will now undoubtedly face all manner of bilateral and multilateral pressure from wealthy countries. But the government is right, and other developing and emerging economies should follow in its footsteps.

Over the last two decades, there has been serious pushback from the developing world against the current IP regime. In large part, this is because wealthy countries have sought to impose a one-size-fits-all model on the world, by influencing the rulemaking process at the World Trade Organization (WTO) and forcing their will via trade agreements.

The IP standards advanced countries favour typically are designed not to maximise innovation and scientific progress, but to maximise the profits of big pharmaceutical companies and others able to sway trade negotiations. No surprise, then, that large developing countries with substantial industrial bases—such as South Africa, India, and Brazil—are leading the counterattack.

These countries are mainly taking aim at the most visible manifestation of IP injustice: the accessibility of essential medicines. In India, a 2005 amendment created a unique mechanism to restore balance and fairness to patenting standards, thereby safeguarding access. Overcoming several challenges in domestic and international proceedings, the law has been found to comply with WTO standards. In

Brazil, early action by the government to treat people with HIV/AIDS resulted in several successful negotiations, lowering drug prices considerably.

These countries are fully justified in opposing an IP regime that is neither equitable nor efficient. In a new paper, we review the arguments about the role of intellectual property in the process of development. We show that the preponderance of theoretical and empirical evidence indicates that the economic institutions and laws protecting knowledge in today's advanced economies are increasingly inadequate to govern global economic activity, and are poorly suited to meet the needs of developing countries and emerging markets. Indeed, they are inimical to providing for basic human needs such as adequate health care.

The central problem is that knowledge is a (global) public good, both in the technical sense that the marginal cost of someone using it is zero, and in the more general sense that an increase in knowledge can improve wellbeing globally. Given this, the worry has been that the market will undersupply knowledge, and research will not be adequately incentivised.

Throughout the late twentieth century, the conventional wisdom was that this market failure could best be rectified by introducing another one: private monopolies, created through stringent patents strictly enforced. But private IP protection is just one route to solving the problem of encouraging and financing research, and it has been more problematic than had been anticipated, even for advanced countries.

An increasingly dense "patent thicket" in a world of products requiring thousands of patents has sometimes stifled innovation, with more spent on lawyers than on researchers in some cases. And research often is directed not at producing new products but at extending, broadening, and leveraging the monopoly power granted through the patent.

The US Supreme Court's 2013 decision that naturally occurring genes cannot be patented has provided a test of whether patents stimulate research and innovation, as advocates claim, or impede it, by restricting access to knowledge. The results are unambiguous:

innovation has been accelerated, leading to better diagnostic tests (for the presence of, say, the BRCA genes related to breast cancer) at much lower costs.

There are at least three alternatives for financing and incentivising research. One is to rely on centralised mechanisms of direct support for research, such as the National Institutes of Health and the National Science Foundation in the United States. Another is to decentralise direct funding through, say, tax

Developing economies should use all of these approaches to promote learning and innovation. After all, economists have recognised for decades that the most important determinant of growth—and thus of gains in human development and welfare—is technological change and the knowledge it embodies. What separates developing countries from developed countries is as much a gap in knowledge as a gap in resources. To maximise global social welfare, policymakers should

first, reflected in their opposition to provisions recognising intellectual property rights associated with traditional knowledge or biodiversity.

The widespread adoption of today's stringent IP protection is also historically unprecedented. Even among the early industrialisers, IP protection came very late and often was deliberately eschewed to enable for quicker industrialisation and growth.

The current IP regime is not sustainable. The twenty-first-century global economy will differ from that of the twentieth in at least two critical ways. First, the economic weight of the economies such as South Africa, India, and Brazil will be substantially higher. Second, the "weightless economy"—the economy of ideas, knowledge, and information—will account for a growing share of output, in developed and developing economies alike.

The rules relating to the "governance" of global knowledge must change to reflect these new realities. An IP regime dictated by the advanced countries more than a quarter-century ago, in response to political pressure by a few of their sectors, makes little sense in today's world. Maximising profits for a few, rather than global development and welfare for the many, didn't make much sense then, either—except in terms of the power dynamics at the time.

Those dynamics are changing, and emerging economies should take the lead in creating a balanced IP system that recognises the importance of knowledge for development, growth, and wellbeing. What matters is not only the production of knowledge, but also that it is used in ways that put people's health and welfare ahead of corporate profits. South Africa's potential decision to enable access to medicine may be an important milestone on the road toward that goal.

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credits. Or a governmental body, private foundation, or research institution can award prizes for successful innovations (or other creative activity).

The patent system can be thought of as awarding a prize. But the prize impedes the flow of knowledge, reduces the benefits derived from it, and distorts the economy. By contrast, the final alternative to this system maximises the flow of knowledge, by maintaining a creative commons, exemplified by open-source software.

strongly encourage the diffusion of knowledge from developed to developing countries.

But while the theoretical case for a more open system is robust, the world has been moving in the opposite direction. Over the last 30 years, the prevailing IP regime has erected more barriers to the use of knowledge, often causing the gap between the social returns to innovation and the private returns to widen. The powerful advanced-economy lobbies that have shaped that regime clearly put the latter

A WORD A DAY



LAGNIAPPE

NOUN

Something given as a bonus or extra gift

CROSSWORD BY THOMAS JOSEPH

- ACROSS**
- 1 Nick and Nora's dog
 - 5 Romantic dozen
 - 10 Like a good cake
 - 12 Tony winner Worth
 - 13 Yard sur-render
 - 15 Yellow-stone grazer
 - 16 Game official
 - 17 Pinnacle
 - 18 Researches
 - 20 Entice
 - 21 Franklin, religiously
 - 22 Copied
 - 23 Poultry purchase
 - 25 Rotunda topper
 - 28 Cuzco people
 - 31 Some nest eggs
 - 32 Looked lewdly
 - 34 Broadcast
 - 35 Heckler's cry
 - 36 Horseshoe shape
 - 37 Hooch container
 - 40 "The Waste Land" poet
 - 41 Strong suit
 - 42 Gathers
 - 43 Courts
- DOWN**
- 1 Really stoked
 - 2 Made grimy
 - 3 Amuse
 - 4 Be inquisitive
 - 5 Jazz phrase
 - 6 Smeltery supply
 - 7 Lamponed
 - 8 Concert bonus
 - 9 Oozed
 - 11 Opera's Stratas
 - 14 Chuck Yeager, for one
 - 19 Bad habits
 - 20 Joust need
 - 24 Singular publication
 - 25 Nanny's nappy
 - 26 Baltimore player
 - 27 Oldest Brady daughter
 - 29 Jockey Eddie
 - 30 Handles
 - 33 Hockey feints
 - 35 Wagers
 - 38 "Keystone" character
 - 39 Near the ground

BEETLE BAILEY BY MORT WALKER

WHAT ARE YOU LOOKING AT?
THERE'S A LITTLE BRIGHT LIGHT ON THE CERES ASTEROID
NOBODY KNOWS WHAT IT IS
MAYBE IT'S THE FLASHLIGHT I LOST

BABY BLUES BY KIRKMAN & SCOTT

HEY GUYS! WHATCHA WATCHING?
SOME BADLY DIRECTED ANIMATED MASHUP WITH A BUNCH OF D-LIST VOICE ACTORS AND A BOX OFFICE TOTAL THAT WOULDN'T EQUAL MY ALLOWANCE.
ARE THE KIDS LOVING THE DVD I BOUGHT THEM?
LET'S SAY THE MAGIC HAS WORKED OFF.

YESTERDAY'S ANSWER

S	L	I	D	M	U	T	E	S
P	A	N	E	I	S	O	M	E
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T	U	N	I	S	I	A	E	L
S	P	E	C	I	A	L	R	O
S	C	O	T	S	B	E	R	T
P	A	V	E	R	I	D		
A	P	E	R	E	B	I	R	T
C	U	R	O	B	S	C	U	R
E	L	A	P	A	I	A		
R	E	T	A	I	L	T	A	C
T	E	R	N	S	E	L	K	S