

## A quick recipe for embezzlement

*Rangpur Medical College case lays bare fault lines of procurement policy*

IT came as no surprise that there was yet another case of misappropriation of public funds in the name of non-existent needs for medical equipment—taking place at the Rangpur Medical College in June 2018—but what had us rolling our eyes is the extraordinary swiftness with which this particular case was executed. Normally, it takes several months to complete a tender process. But on this occasion, as an investigation by the Anti-Corruption Commission (ACC) has revealed, it took just 10 days for those involved in the scam to embezzle Tk 4.49 crore! This entailed selecting a bidder, issuing a work order, passing the bill, submitting it to the district accounts officer, and finally withdrawing the money—all within the space of these 10 days. Among the accused is the college principal, who allegedly went ahead with the purchase without any approval from the Directorate of Health. This is a blatant act of abuse of power. Unfortunately, it's also quite the norm these days.

We have often reported such cases in which public officials connived with unscrupulous bidders to embezzle taxpayers' money in the name of purchasing goods for public institutions including hospitals. Often they exploit a need—real or artificial—for supplies of various kinds in these institutions. We have seen several high-profile cases in recent times in which insanely inflated rates for supplies were provided to maximise profits for the embezzlers. These people are clearly emboldened by their political connections, and lack of transparency and accountability in the public procurement system. Adding to their sense of impunity is our fast-crumbling criminal justice system, which often leads to shoddy investigations and consequently low conviction rates. This is a cycle that has all but crippled the public administration—and it needs to be reversed. The government must adopt a zero-tolerance policy for corruption which has emerged as the single biggest challenge to growth in Bangladesh. It should establish transparency and accountability as the guiding principles in the administration.

## People being conned with fake job offers

*Scammers must be brought to book*

FOR many people, a job in the Customs department is a dream come true. Taking advantage of the massive unemployment situation amongst graduates in the country, this paper has found a number of people who have been conned out of their savings with the promise of a job in Chattoogram Customs. The sophistication of the racket is an eye-opening experience. Victims of the scam have even been visited by representatives claiming to be policemen to verify the documentation they submitted as part of their application. The whole act is geared towards winning the trust of the victim to the point when money is transferred to a certain account, which is basically bribe money that would ensure their placement.

This racket came to light only when these people went to join their positions in Customs offices where they found out that their documents, including the health certificate issued from the Civil Surgeon's Office in Lalmonirhat for one person hailing from that area, were clever forgeries. What is interesting here is that they all had to go through written and verbal examinations and these were held in government schools to give the air of legitimacy. This paper has talked to several young men, who had sold their ancestral property and/or borrowed the money to pay for the services rendered by these conmen.

The police need to undertake an investigation into this matter seriously and catch these con artists even if no victim files a case of their own accord. The police must also try to find out if there are any criminal elements within the customs department who have colluded with these conmen to dupe young people. The lure for a government job will always be high for the unemployed and given the level of sophistication this criminal syndicate has displayed, we can be sure that this is only the beginning of their nefarious activities. The law enforcement authorities have a responsibility to file cases against such criminals to protect public interest and bring the perpetrators to justice.

# RTI: How do we compare with the rest of the world?

SHAMSUL BARI and RUHI NAZ

WITH some 130 countries around the world having adopted Right to Information (RTI) laws, we now know a great deal about how citizens use this law in a variety of social, political and economic contexts—in as rich a variety of ways as there are cultures and peoples on this planet.

In the older democracies, where RTI and similar laws have been around for a while, studies show that the focus of the law has now shifted to online availability of most such information. In some countries, national, provincial, and local governments have begun to usher in "open government" mechanisms, making their information available proactively through online platforms. As a result, the requirement of submitting formal RTI requests to concerned public authorities is becoming redundant.

However, where the law is of more recent vintage and formal requests for most information are necessary, studies are focused more on understanding the balance between a citizen's demand for information and the ability or willingness of public bodies to supply them. These studies try to understand what motivates citizens to use the law and how public officials relate to them. Some studies try to measure if any change is taking place in the traditional secretive mind-set of public officials; others focus on whether the authorities treat people with greater deference and whether citizens are becoming more comfortable in applying the law.

A recent angle examines the effect of growing authoritarianism in many countries on the operation of RTI law. Are public authorities in such countries disregarding or downplaying the law? Are citizens becoming more wary about submitting sensitive RTI requests? Has the fear of retaliatory measures by the authorities increased? In short, how important is democracy for the success of RTI?

Knowing how RTI laws are used worldwide helps us in Bangladesh assess our own progress with the law. We know from the growing literature on the subject that RTI is globally viewed as a tool for citizens to hold public authorities accountable and keep government as transparent as feasible. It is premised upon the view that citizens are the owners of all powers of the state in a democracy and, therefore, public authorities must be accountable to them. Public officials have the responsibility to disclose any information, with few exceptions, that citizens may seek. Most research and advocacy work on RTI seek to answer two questions: what information do citizens seek, and how does this information link

to the public interest?

The studies show that the law is used for more reasons than accountability-seeking purposes alone. Many information requests are focused primarily on private and, what some scholars have described as "micro-political goals", as distinct from what we think of as public interest, or "macro-political" uses of the law.

Under the "public accountability model" citizens, particularly in more stable democratic societies, generally seek information that is useful for political mobilisation and oversight, linked to issues of importance to the larger public. In low-and-middle-income democracies where corruption and inefficiency are widespread, activists, journalists, and

little potential for publicity or demand-making on behalf of collective goals and unlinked from issues of public attention." Such information is largely used to solve private problems, either in the business sector, such as navigating regulations, pursuing government contracts; or for individuals, such as accessing government benefits. While these uses are important, they also are the type of information normally available on government websites. A legitimate question that arises here is why should such information be obtained through the time-consuming RTI process. RTI enthusiasts everywhere must ponder on the question.

From the global perspective, demand for public accountability-generating information is the rule rather than the

of all, the RTI regime in Bangladesh is yet to take off the ground in a meaningful way.

On basis of the models discussed above, we could perhaps say that the "iceberg model" applies to the situation of Bangladesh. Some use of the law has, of course, taken place here over the years. In the earlier years the users were largely from the lowest rungs of our society and rural communities who were motivated by NGOs to use the law to obtain benefits under government programmes. In more recent years, a small number of people from the middle class and some RTI activists have sought to use the law for limited public interest issues. At this rate, the law may continue to limp forward but the basic objective of the law, which



political workers use the law primarily to obtain evidence of government performance and decision making. There are case studies showing successful use of information, disclosed under RTI, in campaigns to demand better public services or denounce corruption.

The law is also used to seek non-exempted personal information available with public authorities on candidates seeking election, which may be used to incite the public against them. Demand for publicly relevant information is feeble in newer or weaker democracies, where a greater share of citizens is not used to democratic politics.

Publicly-relevant information has been described by some to be only the "tip of the iceberg," with the majority of applications being of a more mundane nature. Under this so-called "iceberg model", citizens seek information mainly "for private, micro-political goals with

exception. It also seems that the main obstacle facing many RTI regimes is not demand but supply. There are deficiencies in most situations both in the response of public offices to people's demand for information and in the instruments of dispute resolution between demand and supply sides, such as Information Commissions.

Unfortunately, no serious academic study on the operation of RTI in Bangladesh is known to have been undertaken yet. The law is yet to draw more in-depth attention from academia, the socially alert educated class and civil society in general. Whether it is general apathy towards governance issues, lack of faith in the commitment and preparedness of public authorities towards the law, fear of retaliatory measures by irate recipients of sensitive RTI requests, lack of awareness of the population generally, or a combination

is to establish people's oversight on the performance of public bodies, cannot be achieved.

For RTI to succeed truly in Bangladesh, motivated and educated social and political advocates must pick up the baton. Equally importantly, the Information Commission must play the shepherding role provided to it under the law. Having gained the middle-income country status recently, Bangladesh should now be able to prove itself to be a country where citizens feel encouraged and motivated to use RTI to advance "public, macro-political goals". The government has made a formal commitment to make that happen under Goal 16 of the UN sponsored SDGs, only citizens can provide the proof.

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# Climate crisis: 'Dorian' brings home new urgencies

POLITICS OF CLIMATE CHANGE



SALEEMUL HUQ

THE devastation caused by Hurricane Dorian in the Bahamas over the last week or so has illustrated quite clearly that even though the Caribbean has a well-developed early warning

system for hurricanes and is also a part of the Caribbean Catastrophe Risk Insurance Facility (CCRIF), that deals with the residual impacts of such hurricanes, it was not immune to the havoc wreaked by the Category 5 hurricane.

As of now, the confirmed death toll has crossed 50 and thousands still remain missing. Many thousands have had to be moved from the worst hit islands to other parts of the country.

At the same time, the scientific community has been able to quite quickly establish that the enhanced severity of Dorian, and particularly its remaining stationary over the Bahamas, could reasonably be attributed to the fact that the sea surface temperatures were higher than normal and this in turn could be attributed to human induced climate change.

This is indeed a tragedy that illustrates the phenomenon of loss and damage from human induced climate change that is now a reality and not just something to deal with in the future.

This issue is relevant for the upcoming negotiations in the 25th Conference of Parties (COP25) under the Framework Convention on Climate Change (UNFCCC) to be held in Santiago, Chile in December this year.

In COP19 held in Warsaw, Poland the UNFCCC created the Warsaw International Mechanism (WIM) on Loss and Damage, which then had an Executive Committee develop first a two-year work programme and then a five-year rolling work programme.

The five-year plan is now coming to an end and at COP25 parties will have to decide whether to continue with the WIM and if so, whether to change its mandate to cover more activities.

The original mandate for the WIM was to refine our understanding of what constitutes loss and damage due to climate change and differentiate rapid onset impacts, like hurricanes and floods, from slow onset impacts, like sea level rise. Also to differentiate between economic and non-economic loss and damage. It also did some excellent work on defining risks from different climatic impacts in different parts of the world.

One of its recent initiatives which was to set up a task force on potential forced displacement due to climate change with experts from different institutions and areas of expertise. This task force report was submitted to COP24 in Katowice, Poland

cases but quite inadequate in others, particularly in helping the poorest and most vulnerable communities who can least afford to pay the premium for such insurance.

This is where the example of Dorian becomes so critical as the Bahamas were well adapted to normal hurricanes and are part of a climate change insurance scheme but nevertheless, suffered severe loss and damage in terms of lives lost, homes destroyed and livelihoods lost for many thousands of citizens, many of whom will become permanently forcibly displaced. The insurance is extremely unlikely to help those most affected.

Thus going into COP25, the Least

have its own funding arm like the Clean Development Mechanism (CDM) and the Climate Technology Centre and Network (CTCN), which are also mechanisms set up under the UNFCCC. Another option would be to enable some of the existing financial mechanisms such as the Green Climate Fund (GCF) or Adaptation Fund to open a window for supporting the victims of climate change impacts.

A third possibility would be to set up a task force or expert group such as the one for climate migration which worked very well, and task it to come up with ways to raise and manage additional funds for loss and damage.

Such a task force could be mandated to explore both potential sources of funding as well as channels, for managing any additional funds that may become available. One of the options could include reviving the proposal by the LDC group for an International Air Passenger Adaptation Levy (IAPAL) and redirecting it for loss and damage. This proposal which consists of a USD 10 levy per international economy class ticket would raise between USD 5 and 10 billion a year.

The Chilean presidency of COP25 is well aware of the need to have a successful outcome on the review of the WIM in Santiago this December and this role could then be passed on to the incoming COP presidency from the UK for COP26 to be held in Glasgow, Scotland in December 2020.

A successful outcome on the WIM review will however require all parties to join with an open mind and accept the need to do more than what has been done so far. The greater global changing narrative of climate emergency has become more relevant now, as loss and damage from human induced climate change is what makes it an emergency.

The government of Bangladesh is also preparing to develop a two-year pilot programme to examine the feasibility of setting up a National Mechanism on Loss and Damage, which would allow the country to support the victims of climate change impacts in the future.

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A tropical storm warning was issued for the northern Bahamas, ravaged by Hurricane Dorian.

PHOTO: AFP/FILE / ANDREW CABALLERO-REYNOLDS

last year and was very well received.

One of its mandates was also to explore possible sources of innovative finance to support victims who suffer from loss and damage from climate change. This aspect of their mandate has remained confined to insurance as the only tool which has been explored in pilot form around the world, including the CCRIF in the Caribbean. However, the experience with such insurance tools has shown them to be useful in some

Developed Countries (LDCs) group together with the African and Small Island Developing States (SIDS) and Latin American countries are joining forces to argue for a renewed mandate for the WIM that enables it to quickly explore possible ways of seeking and deploying additional finance, beyond insurance, to support the most vulnerable countries and communities get support after they suffer loss and damage due to climate change.

One option would be for the WIM to

## LETTERS TO THE EDITOR

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### Looking forward to a win?

Whenever our cricketers have underestimated their opposition, they have had to face the consequences—be it Canada, Hong Kong, Afghanistan or even Kenya.

The first mistake our cricketers made in the case of Afghanistan was preparing the pitch to suite the spinners. Afghanistan has one of the best spin attacks in the world now; everyone is aware of it. How come our cricket experts ignored this fact while doing their homework? If they had prepared the pitch to suite pacers, then Mustafiz and the other pace bowlers could have torn through the Afghan batting lineup.

Our pacers looked so out of sorts against an amateur test team, thanks to the lack of foresight of our cricket gurus. I hope our cricketers and cricket experts do their homework next time and learn how to exploit the opposition's weaknesses, because this is the only way they are going to win. When India toured last, Bangladesh played 4 pacers and the play worked perfectly. Underestimating the opposition or taking victory for granted will only lead to loss and shame.

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