



Unified field theory

Opposition parties need to agree on a political agenda and a tactical alliance to defeat the BJP

A string of defeats is the common thread holding the Opposition parties together against the Bharatiya Janata Party ahead of the 2019 Lok Sabha election. Ideological divides have been papered over and tactics reworked in the quest to stop the BJP from getting a second consecutive term. The post-poll alliance stitched together by the Congress with the Janata Dal (Secular), which allowed for the swearing-in of JD(S) leader H.D. Kumaraswamy as Chief Minister, provided the occasion for a show of hands in unity in Bengaluru. But more significant than winning over the JD(S) was the presence of Bahujan Samaj Party leader Mayawati on the front stage. Former Congress president Sonia Gandhi, still the most respected leader in her party, seemed to share a special moment on the dais with Ms. Mayawati. Of course, the ground for the coming together of the Congress and the BSP was set much earlier, when the BSP announced support for the Samajwadi Party in the Lok Sabha by-elections in Gorakhpur and Phulpur constituencies. If the success in the two by-elections presented a rational argument for a larger pre-poll alliance, the BSP's loss in the Rajya Sabha election following the cross-voting engineered by the BJP gave an emotional edge to Ms. Mayawati's determination to stop the BJP in the next election. An SP-BSP-Congress-RLD alliance will have the look of a *mahajot* in Uttar Pradesh, and galvanise Opposition parties elsewhere to make the most of any anti-BJP sentiment.

But the real test for a Congress-led Opposition is to generate an agreed policy programme that will have the support of all the disparate groups. Some of these parties share nothing more than an antipathy to the BJP, while others have allied with the BJP in the past. In many cases, electoral rivalry, and not ideological dissimilitude with the BJP, is the reason for fighting it. Crucially, parties such as the Trinamool Congress and the Telangana Rashtra Samithi are not yet ready to accept the leadership of the Congress in a broad coalition of anti-BJP parties. The TRS has the Congress as its main rival in Telangana, and the Trinamool could possibly be arrayed against an alliance of the Left and the Congress in the next general election. Even the newly formed alliance of the Congress and the JD(S) could run into difficulties on seat-sharing as the two parties are the principal rivals in the southern parts of Karnataka. And the Left will be fighting the Congress in Kerala even if it is amenable to seat adjustments with it in other States. Thus, building a viable alternative to the BJP is far more difficult than coming together for a swearing-in ceremony and raising hands in unison. The Congress will need to show leadership as also a willingness to step back and accommodate smaller, regional players in yoking together an alliance of this nature.

Missed opportunity

A series of avoidable mis-steps led to the unravelling of the Trump-Kim summit

American President Donald Trump's abrupt decision to call off his planned June 12 meeting with North Korean leader Kim Jong-un in Singapore has not only dashed hopes of a breakthrough but also heightened risks of a confrontation on the Korean peninsula. It brings a very unusual spell of diplomacy full circle. Unlike the standard practice of announcing landmark summits after working out an understanding on the agenda through quiet diplomacy, Mr. Trump accepted Mr. Kim's invitation in March and let it be known to the public immediately. That was surprising given the acrimony in both Mr. Trump's and Mr. Kim's public utterances over the past year. Once Mr. Trump had cleared the summit proposal, North Korea also moved fast, making a series of gestures meant to smoothen the path for the meeting. In end-April, there was a summit between Mr. Kim and South Korean President Moon Jae-in at a border village in the demilitarised zone. The North pledged to halt nuclear and missile tests, and released three Korean-Americans. And, hours before Mr. Trump cancelled the summit on Thursday, it dismantled its Punggye-ri nuclear test site – critics say it was already inoperable, but that was a symbolic gesture nonetheless.

The United States should have taken into account these steps by the North rather than harp on the rhetoric. It could also have made some goodwill gestures to lighten the air, such as cancelling a joint military exercise with South Korea. But it went ahead with the military drill, with Pyongyang slamming both Washington and Seoul even as preparations for the summit were under way. Besides, Mr. Trump's new National Security Adviser, John Bolton, angered the North Koreans by suggesting that Mr. Kim could follow the 2003 Libyan disarmament model. This was followed by Vice President Mike Pence's threat that Mr. Kim could meet the same fate as Muammar Qadhafi – who was killed by rebels after a NATO-led invasion in 2011 – if he failed to reach a deal with the U.S. This triggered the unravelling of the summit, with the North once again warning the U.S. of a nuclear showdown. Despite the setback, hopes for an eventual one-to-one meeting still exist. In a letter to Mr. Kim, Mr. Trump said the North was welcome to return to talks if it changed its attitude towards the U.S. Pyongyang also issued a conciliatory response, saying that it hoped the U.S. President would reconsider his decision to “unilaterally” cancel the summit. Both Mr. Trump and Mr. Kim should keep in mind the larger goal of de-escalation of tension, if not outright denuclearisation, on the peninsula and work to reschedule the summit. The only sound way to address the Korean nuclear crisis is diplomacy.

Tipping point in West Asia

So far, Iran's response to U.S. provocation has been rhetorical but President Rouhani has little room for manoeuvre



RAKESH SOOD

The long-standing Palestinian-Israeli conflict in West Asia has been overshadowed by new flashpoints in the region, both internal and external, since the Arab Spring. The fight against the Islamic State and its offshoots, beginning with Iraq; the Syrian conflict that has drawn in the U.S., Russia, Iran and Turkey; renewed skirmishing between Israel and Iran across the Golan Heights; and the civil war in Yemen where the involvement of Saudi Arabia and Iran has heightened tensions, exposing old regional fault lines. Growing drumbeats of a wider conflict can threaten to overturn the boundaries imposed after World War I.

U.S. withdrawal

To this volatile mix, new uncertainty was added on May 8 when President Donald Trump announced that the U.S. was walking out of the Joint Comprehensive Plan of Action (JCPOA). A flurry of diplomatic activity followed with Iranian Foreign Minister Javad Zarif visiting Beijing, Moscow and Brussels. In Brussels, he met the E-3 (France, Germany and U.K.) Foreign Ministers and the European Union (EU) High Representative Federica Mogherini to explore how the deal could be salvaged. This was followed by a summit in Sofia later in May where the EU leaders directed the European Commission to activate the Blocking Statute which forbids European companies from complying with the extra-territorial effects of U.S. sanctions. It also asked the European Investment Bank to set up

a special purpose vehicle to protect European companies' investments in Iran.

Conceived in 1996, the Blocking Statute was a response to U.S. legislation imposing extra-territorial sanctions on companies engaging with Cuba. It empowered the EU to sequester assets of U.S. companies in Europe, equivalent to the penalties imposed on European companies. Eventually, the stand-off was resolved by introducing a waiver. The difference is that in 1996, the Clinton administration was sympathetic to the EU stand but in 2018, the Trump administration is prepared to be tougher than the U.S. Congress!

This is clear from U.S. Secretary of State Mike Pompeo's speech at the Heritage Foundation on May 21 that unveiled a dozen conditions for Iran to fulfil including a permanent end to uranium enrichment, unfettered access for the inspectors, end to missile proliferation, ending support to Hezbollah, Hamas, Houthi rebels (Yemen), Shia militias (Iraq) and Taliban and complete withdrawal from Syria. It is not a Plan B but an ultimatum, with no room for dialogue or diplomacy.

Rationale for the Iran deal

Moreover, it throws down the gauntlet not just to Iran but also to its European partners. Many Europeans have expressed support for curbing Iran's missile proliferation and testing and finding a way to extend nuclear enrichment restrictions beyond the 15-year timeframe set by the JCPOA. However, rather than walk away while Iran remains in full compliance with its obligations, the E-3 and EU would like to preserve the JCPOA and build upon it. On the other hand, the Trump administration would like to tear up the JCPOA and push Iran to negotiate a new deal under pressure of stronger sanctions.

The push for JCPOA had come



ALB

with the realisation by the Obama administration that Iran had successfully accelerated its uranium enrichment programme after the slowdown caused by the Stuxnet attack in 2009. By November 2013 when negotiations began and Iran agreed to freeze its programme, it was in a position to produce enough highly enriched uranium (25 kg) for one nuclear bomb within three months.

After Libya, Iraq and Afghanistan, kinetic options were off the table and there was no appetite for regime change. Post-Arab Spring, Barack Obama felt that the U.S.'s West Asia policy of dual containment served Israeli and Saudi interests but restricted American options in the region. He concluded that the JCPOA with its stringent verification provisions would slow down Iran's nuclear programme, freezing it for 15 years, with accompanying sanctions relief strengthening the moderate elements in Iran represented by President Hassan Rouhani, and consequently increasing U.S. diplomatic options.

In the Trump administration, Defence Secretary Jim Mattis, Chairman of the Joint Chiefs of Staff Joseph Dunford, former Secretary of State Rex Tillerson and former National Security Adviser H.R. McMaster had pushed for retaining the JCPOA but with the induction of Secretary Pompeo and NSA John Bolton, the shift in the

U.S. approach is apparent.

A coalition of the willing

Mr. Pompeo's speech questions the achievements of the 1979 Iranian revolution and is a barely veiled suggestion for regime change. His speech is reminiscent of the then U.S. Vice President Dick Cheney's speech in August 2002 when he made the case for a pre-emptive strike against Iraq because Saddam Hussein was a leading sponsor of terrorism, had lied and cheated about his nuclear programme, had oppressed his people who deserved a life of dignity and freedom and was behaving like a bully seeking regional domination. In March the following year, the U.S. invaded Iraq.

Saudi Arabia and Israel had applauded Mr. Cheney's speech then and today support Mr. Trump's decision to dismantle the JCPOA. For both countries, the U.S. policy of dual containment (of Iran and Iraq) was a security bonus. They perceived the JCPOA as a move towards ending Iran's isolation and Israeli Prime Minister Benjamin Netanyahu and Saudi Crown Prince Mohammed bin Salman are Mr. Trump's original cheerleaders.

Since 2015, Saudi Arabia has been engaged in a costly adventure in Yemen heightening tensions with Iran. In Syria, Iran has built up its presence by bringing in Shia militias and Islamic Revolutionary Guard Corps advisers to support the Syrian army, leading to growing tensions with Israel. Earlier, Israeli forces would strike weapons locations or convoys in Syria intended for strengthening Hezbollah. Since February, there has been an escalation targeting Iranian efforts to build infrastructure close to Golan Heights. After the U.S. announced its decision to withdraw from the JCPOA, Iran retaliated with a rocket barrage on Golan Heights resulting in a massive Israeli response targeting

more than 70 Iranian targets inside Syria.

A critical point

So far Iran's response has been rhetorical but Mr. Rouhani has little room for manoeuvre as hardline elements in Iran critical of the deal are gaining ground. He is waiting to see if the Europeans, together with Russia and China, can save the JCPOA that has enabled oil exports to grow from 1 million barrels a day in 2015 to 2.6 million, and permitted access to western goods and technologies in sectors such as oil exploration, aviation, etc. In an address to Iranian officials, Supreme Leader Ayatollah Khamenei said he expected the E-3, Russia and China to take up the matter in the UN Security Council, for the E-3 to stop criticism of Iran's missile tests and regional behaviour and ensure concrete economic guarantees.

However, the signs are not promising as large European companies cannot afford U.S. sanctions; Total and Airbus are already pulling out of their multibillion dollar deals. Iran does not want to be accused of killing the JCPOA but soon it will need to decide how long it will continue to abide with its intensive inspections regime. The day it issues that warning or ratchets up its responses in the region towards Israel and Saudi Arabia, it might be the proverbial straw that breaks the camel's back. Just as it is more difficult to verify Iran's full compliance with the Nuclear Non-Proliferation Treaty without the JCPOA's enhanced verification provisions, it is more difficult to justify going to war with Iran when it is in full compliance with JCPOA. The U.S. decision may just have tipped the balance.

Rakesh Sood is a former diplomat and currently Distinguished Fellow at the Observer Research Foundation. E-mail: rakeshsood2001@yahoo.com

The RERA report card

A year after the real estate legislation came into effect, the follow-up in many States has been dismal



SATVIK VARMA

It is a year since the Real Estate (Regulation and Development) Act, 2016 (RERA) came into effect (May 1). But stocktaking presents a dismal picture as far as its implementation and expected benefits are concerned. There is still a long way to go before the real estate sector operates in an “efficient and transparent manner and protect the interest of consumers”, as set forth in the statute's preamble

A record of extremes

Only 20 of the 28 States (the Act is not applicable in Jammu and Kashmir) have framed the rules stipulated under RERA to carry out its legal mandate. In some States such as Uttar Pradesh, the Act's provisions have been watered down in favour of builders by altering the definition of “on-going projects” which need registration under RERA. There is also a dilution on the penalties for non-compliance.

Similarly, the speedy dispute redress mechanism envisaged by the

Act is yet to take shape. Apart from Maharashtra, only Punjab and Madhya Pradesh have appointed a permanent regulatory authority (to be established within a period of a year). To ease the transition, RERA allows State governments to designate an existing body as the regulatory authority until a permanent one is established. This has resulted in 13 States working with only a designated regulatory authority. West Bengal is yet to even designate a regulatory authority.

Additionally, only six States have set up the online portal contemplated by the Act. In the North-eastern States, RERA has been challenged on certain constitutional grounds – of land belonging to the community and autonomous councils.

In contrast, Maharashtra, which has established both the regulatory authority (Maharashtra Real Estate Regulatory Authority, or MahaRERA) and the appellate tribunal, has shown that with earnest action, the Act and the establishment of the permanent regulator can have a positive impact in reassuring real estate purchasers. MahaRERA's online portal has led to builders registering projects and a high degree of compliance in terms of registration by real es-



GETTY IMAGES/ISTOCKPHOTO

tate agents. This along with fast track adjudication of consumer complaints has made the MahaRERA an example of how other States need to implement the Act.

Focus on the consumer

Besides procedural compliances, implementation of the Act eventually needs to focus on consumer interests. In these efforts, rudimentary compliance must be eliminated and practicality adopted. For example, in U.P., a large number of new projects are concentrated in Ghaziabad or Gautam Budh Nagar/Noida. However, even though the Act provides for State governments to establish more than one regulatory authority, the interim regulator designated in U.P. is located in Lucknow. This

has led to consumers being inconvenienced as they need to travel to Lucknow to file their complaints.

One of the most notable provisions of the RERA is the requirement to keep 70% of funds received for a project in a separate escrow account, a step to prevent a diversion of funds which usually happens and in turn results in project delays. Perhaps because of this stipulation and the overall ill-health of the real estate sector, many developers are now facing insolvency proceedings under the new Insolvency and Bankruptcy Code (IBC). Most of these pertain to projects which are not registered under RERA. And while the Insolvency Law Committee has proposed to treat home buyers as unsecured financial creditors, the insolvency process has many other complexities which can tie up consumers for much longer than they may have bargained for. There also appears to be a potential conflict developing between the IBC and RERA which needs to be checked as it would be against consumer interests.

To overcome some of these challenges, there is heightened interest in real estate investment trusts. Many promoters hope that the crunch they now face due to credit freezes from banks may get

resolved by cash flows from institutional investors in the form of these trusts.

RERA also provides for the regulation and maintaining of records of real estate projects, the objective being to facilitate the growth and promotion of a “healthy, transparent, efficient and competitive real estate sector”. Given that the Central government is keen to curb black money, a large part of which has its origins in or finds its way into real estate, it needs to ensure that States give full effect to RERA.

Some course correction

Recently, the Central government notified June 30 as the date by which all States have to do away with dilutions and bring in all incomplete projects within the ambit of RERA. This date is also the deadline by when permanent regulators have to be formed and for the websites of all States to become functional.

One hopes that in due course, developers will recognise that they can no longer operate with impunity by arbitrarily escalating costs of construction or missing timelines without being held responsible.

Satvik Varma is a litigation counsel and corporate attorney based in New Delhi

LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

It's a no from Trump

U.S. President Donald Trump perfectly fits the definition of the word “unpredictable”. At a time when the world was heaving a sigh of relief and looking forward to the denuclearisation of the Korean peninsula, Mr. Trump has now thrown a spanner in the works and brought us all back to square one. Just as the rest of the world took the initiative to move forward after the U.S. pulled out of the Paris Agreement, it must now mirror this act and keep North Korea firmly on the path to de-escalation (“Trump calls of summit with Kim”, May 25).

TALA B. RAGUNATH,
Thanjavur, Tamil Nadu

■ Mr. Trump's abrupt decision to call off the Singapore summit is unfortunate as it shuts off the only viable option of

reconciliation with North Korea. With defiance no more an intelligent option, Kim Jong-un understood the necessity of holding out an olive branch. The changing attitude of North Korea was deeply appreciated but it now looks as if we have come to a grinding halt.

N. VIJAI,
Coimbatore

Mending ties

It is good that India is taking the initiative to restore the earlier warmth and proximity with Russia (Editorial – “The Russian ride”, May 25). In today's fluid global situation it is essential to move with the times and reset bilateral ties with important world leaders. India has to realise the futility of its apparent tilt towards the U.S., especially under the leadership of a completely undependable Donald Trump.

VIJAI PANT,
Hempur, Uttarakhand

'Challenge accepted'

The Prime Minister's acceptance of cricketer Virat Kohli's “fitness challenge” only shows a lip-sided priority to public issues. One has never heard of his reactions to important national issues such as the fuel price increase, the Cauvery issue, Assembly elections or even the trouble in Thoothukudi. Strangely, it is left to others in the BJP to express their opinion. Is it because the Prime Minister is not kept posted with the latest developments or does he think it is undignified to comment on “trivial” issues? He is a powerful speaker on public platforms, especially when it concerns elections. His predecessors were not loquacious but still voiced their reactions wherever due.

People have the right to expect the Prime Minister's reactions on important issues where silence is not always golden (“Fitness

challenge turns into ‘fuel challenge’”, May 25).

V.N. GOPAL,
Chennai

Problems and partners

It is long overdue that India tackles the issue of alarming air pollution (“Clean Air India Initiative” launched”, May 25). However, these kinds of foreign collaborations should be an integral part of ‘Swachh Bharat Abhiyan’, right from the beginning. One waits to see whether these start-up campaigns will be able to deliver on their promises.

SATVIK MALHOTRA,
Ludhiana, Punjab

An innings ends

A.B. de Villiers won many a heart with everything that he did on the cricket field. With his leadership qualities and astounding batting and fielding, the South African dynamite could effortlessly spark a range of emotions (“Sport” page, “An innings

that could have continued”, May 25). In bidding farewell through a simple and straight-from-the-heart message on social media, he has invoked all of these again. It would be hard to imagine that ABD will retire without having another crack at winning the elusive World Cup. We will remember him as one of the gentlest and most graceful souls to have graced the game as well as one of the most creatively destructive batsmen who invoked fear in the hearts of the opposition.

R. SIVAKUMAR,
Chennai

CORRECTIONS & CLARIFICATIONS:

The group photo of the people at the launch of a book in New Delhi (that was published along with the report – “Invite Pakistan Army chief for talks: Dulat”, May 24, 2018) wrongly identified one of the dignitaries in it as the former ISI Director-General Asad Durrani. Actually it was K.M. Singh, former Intelligence Bureau Chief. Mr. Durrani's videotaped statement was played at the event.

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: readerseditor@thehindu.co.in; Mail: Readers' Editor, The Hindu, Kasturi Buildings, 855 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers' Editor are on www.thehindu.com