



A fresh deadline

Devise a viable Cauvery scheme soon, stop disruptive protests

The Centre cannot continue to evade its legal obligation to create a mechanism to implement the Supreme Court's final verdict in the Cauvery dispute. This was the broad message conveyed by the court on Monday when it admonished the government for failing to frame a scheme within the six-week time limit given earlier. For the Centre, it was embarrassing to be asked to demonstrate its *bona fides* by submitting a draft scheme for the court's consideration by May 3. The court's frustration was evident, as the Bench headed by the Chief Justice of India was surprised and disappointed that the Centre had not put a scheme in place or sought an early clarification. It is obvious that a decree on the sharing of water requires a mechanism to give effect to it. It is an evasion of responsibility on the Centre's part to set off a round of litigation just to determine the nature of such a mechanism. At the same time, it is easy to understand the reluctance of the Bharatiya Janata Party-led government at the Centre. It clearly fears that framing a scheme may adversely affect its prospects in Karnataka, which goes to the polls next month. In the conflict between duty and electoral considerations, the BJP has chosen the latter.

It is a matter of satisfaction that the apex court has indicated that it will pass a binding order soon. The Centre should redeem itself by complying with the latest order. Meanwhile, the ambiguity over whether 'scheme' refers to or differs from the 'Cauvery Management Board' envisaged in the Cauvery Tribunal's order has caused great disquiet in Tamil Nadu. This raises the question whether the court should have allowed an element of ambiguity in its judgment by referring to a 'scheme', while not expressly modifying the portion of the Tribunal's order that talks of a 'Cauvery Management Board' and a 'Cauvery Water Regulation Committee'. This is why even the court's appeal for peace has not assuaged sentiments in Tamil Nadu, where tempers are soaring in some quarters. Unfortunately, a fringe has taken centre stage, focussing almost their entire protest on the Indian Premier League tournament. As a political tactic, threatening a hugely popular cricket tournament is bound to attract national attention. If this is what some of the protestors wanted, then they have succeeded in their objective, even if this has come at the cost of some disruption. However, targeting the IPL is irrational. If the premise is that fun and entertainment are inappropriate in this time of crisis, why pick on one tournament alone? Moreover, IPL matches have nothing to do with the Cauvery dispute; more importantly, they have nothing to do with either the Centre or the State. Choosing a soft target may bring high visibility, but it makes no sense to mix a serious inter-State dispute with sport and entertainment – certainly not in a disruptive and violent manner.

Fifteen years after

The architects of the Iraq war are yet to be held to account

Fifteen years ago, on April 9, a few weeks into the U.S.-led invasion of Iraq, a 39-foot statue of Saddam Hussein in Baghdad's al-Fardous Square was brought down under the watch of American troops. It was an iconic moment that highlighted more than just the end of the Ba'ath party's decades-long reign. Within a month, U.S. President George W. Bush had declared "mission accomplished" in Iraq. But one and a half decades later, the country is still fighting the ghosts of the destructive war. The war, which began on March 20, 2003, had no legitimate basis, being founded on misleading intelligence information, if not downright lies. The U.S. did not have a UN mandate to use force against Iraq. Repeated attempts by the Bush administration to get Security Council approval failed. But the U.S. went ahead with forming an international coalition that included the U.K., and attacking Iraq, citing mainly two reasons – that the Saddam administration possessed weapons of mass destruction and that it had ties with al-Qaeda. Both claims turned out to be false. The occupying troops failed to find any weapon of mass destruction in Iraq, while al-Qaeda in Iraq was actually founded after the invasion. The post-war management of Iraq was disastrous. The U.S. first disbanded the Iraqi military, leaving tens of thousands of soldiers jobless overnight, which posed a security threat. There was no coherent strategy to stabilise post-Saddam Iraq or to address the sectarian power struggle to fill the vacuum.

It is difficult to see what the U.S. and its allies achieved from a war that killed hundreds of thousands of Iraqis and displaced millions. More importantly, by destroying the state apparatus in Iraq, Washington threw a multi-ethnic, multi-religious country into utter chaos. It was in this chaos that Abu Musab al-Zarqawi found the fertile ground to build his terrorist empire which, after his death and under the leadership of Abu Bakr al-Baghdadi, transformed itself into the Islamic State of Iraq and Syria. In effect, the war got rid of a ruthless dictator, but left the country in a worse and much more dangerous situation – in fact, in disarray and perpetual violence. Iraq now has a functional government, but with deepening sectarian and ethnic fault lines. Despite the humanitarian and political tragedy that is still unfolding, none of the architects of the war has been taken to task. No action has been taken even based on the U.K.'s Chilcot report, which took apart the arguments used to justify the war. The Iraq war will remain a reminder of not only one of the greatest humanitarian catastrophes of the century but also of a grave failure of the international system.

A new beginning with Nepal

Pragmatism has finally taken root in Delhi and Kathmandu – project implementation will be the test



RAKESH SOOD

It is a long-standing tradition that Nepali Prime Ministers make Delhi the first foreign port of call after taking over. The only exception was Maoist leader Pushpa Kamal Dahal 'Prachanda' in 2008 who visited China first and found his tenure cut short months later when his coalition collapsed, forcing him to resign and adding a touch of superstition to the tradition. Prime Minister K.P. Sharma Oli maintained the tradition during his state visit to India last week. Perhaps not on account of superstition but because as a pragmatic politician, he knows which controversies are best avoided. His earlier nine-month tenure as PM in 2015-16 had seen relations with India hit a new low, and it made eminent sense to begin his second term on a positive note. From all accounts, the visit went well but it will take pragmatism and patient nurturing on both sides to restore the trust and confidence.

Contentious years

Nepal's political transition began nearly three decades ago when it adopted a new constitution in 1990 which ushered in multiparty democracy. However, stability eluded Nepal with a spreading Maoist insurgency. In the process, the gains of democracy were eroded. After a decade-long insurgency, which claimed 15,000 lives, followed by a reconciliation, an interim constitution was introduced and the ground prepared for yet another exercise in constitution drafting. This seven-year exercise finally produced a new constitution in 2015. Nepal abolished

its 250-year-old monarchy and emerged as a federal republic. During these decades, political instability prevailed with 25 Prime Ministers in 27 years!

Last year, 2017, was a year of elections in Nepal. Local body elections were held after a gap of 20 years. This was followed by the elections under the new constitution for the national parliament (the House of Representatives and the National Assembly) and the seven Provincial Assemblies which concluded earlier this year. Finally, on February 15, Mr. Oli began his second tenure as Prime Minister. Unlike the first tenure, which began on the sour note of the Madhesi agitation against the new constitution, this time he has come to power with convincing election victories.

In the local body elections, Mr. Oli's party – the Communist Party of Nepal (Unified Marxist-Leninist), or UML – won the Mayor/Council Chair's position in 294 out of the 753 local bodies. In most of the seven provinces, UML leaders are Chief Ministers. Together with the Maoists with whom the UML had announced an electoral alliance last year, Mr. Oli has a convincing majority of 174 in the 275-strong House of Representatives. In the Upper House, which has a strength of 59, the alliance has 42 seats. All this puts Mr. Oli in a comfortable position at home. He is shrewd enough to realise that his campaign rhetoric of Nepali nationalism with overt shades of anti-Indianism needed to be modified, and by observing the tradition of visiting Delhi, he was signalling the shift.

A rethink in Delhi

In New Delhi too, there has been a growing realisation that time had come to make a new beginning with Nepal. Prime Minister Narendra Modi's visit in August 2014 had marked a new high in relations,



but Mr. Oli's nine-month tenure in 2015-16 was marked by acrimonious exchanges. India's openly stated reservations on the new constitution in support of the Madhesi cause and the economic disruptions caused by the undeclared blockade had fuelled anti-Indianism which Mr. Oli cleverly exploited by donning the mantle of nationalism and making significant electoral gains. Last year, on December 19, when the UML's election victory was clear, Mr. Oli visited Rasuwagadhi on the Nepal-Tibet border and announced that it would be upgraded as a road and rail hub between China and Nepal. The message was not lost, and the following day Mr. Modi telephoned Mr. Oli to congratulate him on his election success. This was followed up with a couple more phone calls and Foreign Minister Sushma Swaraj's visit to Kathmandu to convey an invitation even before he was sworn in as Prime Minister.

Compared to the Joint Statement issued in August 2014 at the time of Mr. Modi's visit, the latest one is much shorter and talks about strengthening relations on the basis of "equality, mutual trust, respect and benefit". Difficult issues, including a review of the contentious 1950 Treaty, recruitment of Nepali nationals in the Gurkha regiments of the Indian Army, resolving the fallout of the 2016 demonetisation exercise

which has left the Nepal Rastra Bank holding a stock of Indian currency, long-pending hydel projects like Pancheshwar, resumption of the SAARC summit process which remains stalled since 2016 after Jaish-e-Mohammed militants attacked the Army base in Uri, and the need for an inclusive political process, do not find any mention. Yet it is a step forward from Mr. Oli's last visit in February 2016 when there was no Joint Statement. There is a realisation in Delhi that cultural and historical ties between the people in both countries are important but just as for India, globalisation offers new openings to Nepal too. China's ambitious Belt and Road Initiative offers Nepal an option that may end up carrying unacceptable baggage but at least appears attractive at first.

Project implementation

For decades, India has been Nepal's most significant development partner. Yet the pace of project implementation has been slow, leading to significant time and cost overruns. To be fair, both India and Nepal share the responsibility for this and political instability in Nepal hardly helped.

The idea of four Integrated Check Posts (ICP) on the India-Nepal border to facilitate movement of goods, vehicles and people was mooted 15 years ago and an MOU signed in 2005. While preparation of surveys and project reports moved slowly on the Indian side, acquisition of land by the Nepali authorities got held up leading to delayed construction. As a result, only the Raxaul-Birgunj ICP has been completed and was inaugurated last week. During this time, the cost of the project went up fourfold.

The two Prime Ministers also witnessed the ground breaking ceremony of the Motihari-Amlekhgunj cross-border petroleum pro-

ducts pipeline, a project for which the MOU between the two governments was signed in 2004. It took another three years for the Indian Oil Corporation and the Nepal Oil Corporation to sign the follow-up MOU, eight years to convert it into an agreement and three more to begin the works. Its implementation within the 30-month time-frame will require proper project monitoring by both sides.

More examples abound with the hydro-electric sector being the prime example. Misperceptions about the unequal agreements relating to the Kosi barrage (1954) and Gandak barrage (1959) have grown over the years preventing any development in this sector. Nepal's installed hydel capacity is less than 700 MW while it sits on a hydel potential of over 80,000 MW and has to import electricity from India during the lean season. Given that over 60% of the Ganga waters come from Nepal's rivers (Sarda, Ghagar, Rapti, Gandak, Bagmati, Kamala, Kosi and Mechi) and 80% of these flows take place in monsoon months, the imperative for effective water management for both irrigation and power generation is evident, and yet this sector has languished for decades.

Pragmatism led to the visit taking place and the unscripted one-on-one meeting between the two leaders would have helped in clearing the air about key concerns on both sides. What is now needed is effective delivery on the pending projects, the remaining ICPs, the five railway connections, postal road network in the Terai and the petroleum pipeline so that connectivity is enhanced and the idea of 'inclusive development and prosperity' assumes reality.

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A register by the people

The draft National Forest Policy identifies threats to forests, but does not provide systems for public involvement



NEHA SINHA

India recorded a marginal increase in forest cover, according to the India State of Forest Report 2017. Around the same time this report was released, the Ministry of Environment, Forest and Climate Change released a draft National Forest Policy, 2018, which calls for increasing forest cover, involving communities in forest management, and creating plantations for industrial use. Before formulating such a policy, a question that needs to be asked is, how much forest cover does India actually have?

Growing and losing forests

The State of Forest Report says that forest cover had increased in India by 0.21% in 2017 from 2015, and that some areas had become 'Very Dense Forest' in this period. At the same time, the Ministry it-

self admits that between 2014 and 2017, India lost, or legally diverted, 36,575 hectares of forest area towards 1,419 development projects. So, two things are clear: even if forest cover is being increased, it is also simultaneously being lost, and new forest may also be subsequently lost.

Crucially, the claim of new forests being created is questionable. In several consecutive forest reports, an absence of ground truths has meant that areas that look green, such as tea estates and commercial plantations, have been counted as forests. Environmentalists stress that it is difficult to believe that India's forest cover has become more dense in the last two years simply because this process takes much longer. The point is that there is a need to create mechanisms to calculate our actual forest cover and natural wealth, and this should form the basis for a forest policy. For this, we need a more rigorous integration of the forest policy with other existing environmental legislation and policy. This, in turn, will help decentralise information on forests.

The Biological Diversity Act,



2002, calls for setting up a Biodiversity Management Committee in each local body. The Committee will prepare People's Biodiversity Registers (PBRs), with tribals as members or people living in natural areas not classified legally as forest. The Registers entail a complete documentation of biodiversity in the area – plants, food sources, wildlife, medicinal sources, etc. They are meant to enable the creation of local biodiversity funds for conservation, and aid in decision-making.

A good PBR will not just be a powerful text, it can also help to trace how habitats are changing, and to understand and estimate parts of our forests. Being a bottom-up exercise, it is also a means of understanding the overlap of

cultural and natural biodiversity. For instance, several Endemic Birds Areas, like in the Western Ghats, are those where tribals like the Todas live. These communities have specific ways of interacting with the environment and have helped conserve it in a sustainable way. Outside protected forest areas which are under immediate threat, PBRs will help identify forests that require conservation.

A golden chance of setting up a system of efficient natural area monitoring will be lost if PBRs and Biodiversity Management Committees are not integrated into the heart of the draft Forest Policy. The policy should take forward an existing legislation to achieve that elusive blend of tradition and modernity and also create digitised maps with truths from the ground.

Decentralisation

Traditionally, the view of forests in India has been that of a natural resource which requires management and effective commercial use. This is a largely centralised, government-run exercise. Forests are managed by forest departments, and their estimation and

range is calculated by government agencies. While the draft Forest Policy talks about increasing forests, including for commercial purposes, through public-private partnerships, it does not create a mechanism for including those who live around forests.

The draft identifies threats to forests but does not provide systems for community involvement. It says: "The various threats to Forests due to encroachments, illegal tree felling, forest fires, invasive weeds, grazing, etc. will be addressed within the framework of the approved Working Plan/Management Plan and also by ensuring community participation in forest management." A major concern is that existing forests should not be used for industrial use, as diversion is one of the biggest threats to forests. A move towards decentralisation of forest wealth – wealth which is beyond commerce and embraces cultural values and oft-forgotten knowledge – will provide transparency as well as an actual and felt recognition of our heritage.

Neha Sinha is a wildlife conservationist

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.

Death in custody

What are people supposed to do when those who are meant to protect them abuse them? ("Rape victim's dad dies in custody", April 10). People elect MLAs who promise them welfare. And the prime duty of the police is to protect people. It is simply shocking that in Unnao, Uttar Pradesh, the father of a rape victim died in custody for demanding that the rapists be punished. India has laws and courts, a police force and a democratic set-up. Yet, all of these seem to fail when it comes to protecting the vulnerable.

UNNIKRIISHNAN MANGALASSERI, Malappuram

SC on Cauvery

Though the Supreme Court has reprimanded the Centre for failing to frame a scheme and has directed it to do so by May 3, it has

unwittingly provided an opportunity to the Centre to drag out the issue in the face of the Karnataka polls ("Cauvery: SC slams Centre's inaction", April 10). The Centre will most probably either seek more time under the pretext of maintaining law and order in the poll-bound State or frame a draft scheme ensuring that the sentiments of the Kannadigas are not hurt. Even if the court reviews and suggests amendments, the elections would have concluded by then.

V. SUBRAMANIAN, Chennai

The root cause behind the Cauvery issue is the perpetual election mood that persists in our country. Every ruling party is reluctant to take crucial decisions that could disturb their vote banks. The Centre's inaction in the

Cauvery issue is perhaps because of its aspiration to unseat the incumbent in Karnataka. But are we content with our elected representatives' low productivity? It is high time we have simultaneous elections to ensure maximum governance.

UTKARSH AGRAWAL, Allahabad

Political theatrics

Both Congress and BJP leaders are busy resorting to various forms of gimmickry to demonstrate their commitment to the Dalit cause ("Congress fast beset with controversies", April 10). While BJP president Amit Shah was recently photographed eating with a Dalit family in Odisha, Congress leaders were caught eating a sumptuous breakfast in Karnataka before a fast to promote "social harmony". It is time leaders actually

stood in solidarity with marginalised people rather than indulge in theatrics that only trivialise serious issues such as the Supreme Court judgment on the SC/ST Act. Political parties must form a cell to identify the victims of caste prejudice and ensure that such cases are given a fair investigation. Most importantly, this should be done without fanfare.

S.K. CHOUDHURY, Bengaluru

Building trust

India needs to do more to win back the trust of Nepal, especially in view of its support for the Madhesi and its so-called "big brother" attitude towards its neighbour ("The Nepal reset", April 10). Given Nepal's growing affinity with China, India must treat its neighbour as an equal. Moreover, India must earnestly take up all its

bilateral projects with Nepal and refrain from issuing statements which may fan anti-India sentiments in Nepal. More ground action and verbal restraint are required.

VIJAI PANT, Hampur

The government has repeatedly talked about its 'Neighbourhood First' policy. But India's relations with its neighbours have been sliding rather than showing improvement. On the other hand, China has made deep inroads into all the South Asian countries

including Nepal. In this context, the Nepal Prime Minister's visit to India is significant. With India-Nepal relations having multiple dimensions such as historical, social, cultural, economic and geopolitical, there should never have been a trust deficit. Hopefully, this deficit will be bridged. Lots of announcements have been made in this visit. These projects need to be executed on a war footing.

SHAMBHOO YADAV, New Delhi

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CORRECTIONS & CLARIFICATIONS:

>>In the report headlined "SC breather for Centre disappointing" (April 11, 2018, some editions), the name of the CPI(M) State secretary has been erroneously mentioned as K. Balasubramanian. It should have been K. Balakrishnan.

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, Kasturba Buildings, 859 & 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