

FOR MORE THAN A WAIVER: ON INDIA-US GLOBAL STRATEGIC PARTNERSHIP

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The announcement by Russia that supplies of the S-400 Triumf system to India have already begun has set the stage for Russian President Vladimir Putin's visit in early December. It has also thrown down the gauntlet to the U.S. that threatened sanctions against India. The deal for the air defence system was signed in 2018 during Mr. Putin's visit then. In 2017, the U.S. had passed its Countering America's Adversaries Through Sanctions Act (CAATSA) that provided for economic and travel sanctions against countries and officials that transacted significant military and intelligence contracts with Russia, North Korea and Iran. The Modi government has, justifiably, paid little heed to U.S. warnings that the sanctions — slapped on China and NATO partner, Turkey, for buying the S-400 — could also be used against India. In contrast to its cave-in on similar U.S. threats over the purchase of Iranian oil in 2019, Government officials have asserted that the deal is an essential part of India's defences at a time of challenges on its eastern and western frontiers. In order to protect advance payments for the S-400 from U.S. strictures, India and Russia conducted their transfers through a rupee-rouble system. With the first parts of the system now delivered, and the first squadron delivery likely to be completed by December-end, the die is cast.

The U.S. has a choice not to allow the S-400 delivery to turn into a showdown with India. U.S. President Joe Biden has been authorised by the Congress to waive sanctions if the waiver is found to be in American "vital national security interests", or, that India would reduce its future dependence on Russian weaponry. While it is unlikely India would give assurances on the latter, it is easy to argue, as many U.S. Congress representatives have done in a proposed amendment to CAATSA, that India is a prized U.S. partner — of the Quad, the Indo-Pacific and in countering China. Sanctions will cause a rift in India-U.S. ties, and could spur India towards Russia. Above all, the U.S. must recognise that its unilateral sanctions, which are not U.N. endorsed, undermine the multilateral system. The subjective and whimsical manner in which these sanctions were used, withdrawn and then reimposed against Iran, for example, do not inspire confidence in them. For India, acceding to such sanctions amounts to becoming a party to a bilateral dispute, and challenges the nation's principles of sovereignty and strategic autonomy. Rather than trying to reason with the U.S. for an exceptional waiver to its domestic law, New Delhi must make it clear to Washington that the law should be abandoned, as it negates the very "rules-based international order" that is the foundation of the India-U.S. global strategic partnership.

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