

FORGO S-400 SYSTEM, U.S. TELLS INDIA

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“We urge all of our allies and partners to forgo transactions with Russia that would trigger sanctions under CAATSA. The Administration has indicated that a focus area for the implementation of CAATSA Section 231 is new or qualitative upgrades in capability – including the S-400 air and missile defense system,” the official said.

The waiver provisions may not apply to India in this deal, the spokesperson indicated. “There are strict criteria for considering a waiver. The waiver is narrow, intended to wean countries off Russian equipment and allow for things such as spare parts for previously-purchased equipment,” said the official.

Extensive consultations

Meanwhile, Indian sources said India and the U.S. have had extensive consultations on the deal and the decision does not come as a surprise to the Trump administration. “The U.S has been pressing India for scaling down its defence cooperation with Russia, while India has been clear about its intentions regarding the S-400 deal,” an official said.

The State Department said recently that India has ordered defence equipment worth \$18 billion from the U.S, and the administration is unlikely to stall it all under sanctions. There could be strong statements from the U.S, in continuation with its line, but sanctions are extremely unlikely according to both official and unofficial sources.

Neil Bjorkman, Vice-President of Legislative Affairs at the U.S.-India Strategic Partnership Forum (USISPF), who spearheads lobbying for waiver from CAATSA for India, said: “The U.S. Government does not want India to buy the S-400 from Russia but we predict that the Trump Administration will ultimately allow the go-ahead with the purchase without sanctioning India. U.S. Secretary of Defense Mattis spent a lot of political capital for India and the waiver authority was approved by the lead Republicans and Democrats on the Armed Services Committees. Is it a blank cheque for India? No. But was the law designed to allow India to receive the waiver? Absolutely.”

“It is difficult to predict what the President will do, but it is safe to assume that no interest group in the U.S. wants to impose sanctions on India and reward Russia. The purpose of CAATSA is to punish, and not reward, Russia,” said Benjamin Schwartz, head of the U.S.-India Business Council's Defense and Aerospace programme.

The waiver option

“I believe the administration would like to use the waiver authority,” said Richard Rossow, Wadhvani Chair in U.S.-India Policy Studies at CSIS. Mr. Rossow, however, thinks that “if Congress tightens sanctions against Russia, there is a chance that the S-400 agreement could be reviewed further down the road.”

There is also no specific trigger points mentioned in CAATSA for sanctions, and the administration can delay the decision without announcing any waiver.

The question of presidential waiver arises if and only when the State Department moves ahead with a plan to impose sanctions on India. Sanctions against India are not something that the

State Department, Pentagon, White House or the U.S. Congress want.

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