

CAATSA, A STICKING POINT: ON COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT

Relevant for: International Relations | Topic: India - USA

Expectations have been high in the run-up to the much-delayed [inaugural '2+2' dialogue](#) between India and the U.S. on September 6. These range from the likely signing of the Communications Compatibility and Security Agreement, which is meant to provide a legal framework for the transfer of communication security equipment from the U.S. to India, to the possible announcement of several high-end defence deals worth billions of dollars. And yet, some statements from Washington over the last week have come as a reality check. They open the possibility of the 2+2 dialogue becoming just another high-optics engagement, one that fails to address the structural issues that could adversely affect the deepening strategic partnership between India and the U.S.

One such issue, which has emerged as a major friction point and has the potential to derail the relationship, is the Countering America's Adversaries Through Sanctions Act (CAATSA). India had made it clear that it would go ahead with the S-400 Triumf missile system deal with Russia even as U.S. sanctions loom large. Earlier, when U.S. officials expressed concern over the S-400 sale, they had assured India that a way would be found by the Trump administration to shield friends and allies from sanctions. However, recent statements show a change in tone. Randall Schriver, Assistant Secretary of Defence for Asian and Pacific Security Affairs, said in a sharp remark in Washington that he "can't guarantee a waiver will be used for future purchases." He said that there was an "impression that we are going to completely protect the India relationship, insulate India from any fallout from this legislation no matter what they do. I would say that is a bit misleading. We would still have very significant concerns if India pursued major new platforms and systems [from Russia]." He also added: "Russia is not a country you want to have a strategic partnership [with]." Surprisingly, despite sharing a close strategic relationship with Russia, India chose to remain silent instead of making it clear that it would take its policy decisions in line with its interests.

The S-400, wrote strategic analyst Ashley Tellis in an article recently, presents a "serious risk to the evolving U.S.-India strategic relationship". It must be resolved "even if it is admittedly an imposition on India."

The U.S.'s change in tone and expectations directly impinge on India's core national interests and interfere in its policymaking. Several officials have stressed this point on different occasions. While making the decision to purchase the S-400 air defence systems in July, Defence Minister Nirmala Sitharaman had said, "We have made it clear that CAATSA is a U.S. law and not a UN law." Asked if the law applied to India, she said, "Of course it does not."

Then there are practical considerations — the Indian military is heavily reliant on Russian equipment in many areas. Given the specific requirements of the military, the services will continue to choose Russian equipment, although they are also now diversifying their inventory. Several U.S. officials and experts have suggested that India should procure alternatives from the U.S. Speaking at the NATO summit in July, U.S. President Donald Trump, while calling on other partners to share greater financial burden, said that "the United States makes by far the best military equipment in the world: the best jets, the best missiles, the best guns, the best everything." While Mr. Trump made a good pitch to export more U.S. weapons, selecting a military platform, especially something as complex as air defence systems, is not an isolated effort; military equipment cannot just be procured ad hoc. India has its own due diligence to follow regarding what suits it best and what it needs the most. The best product may not always be what is needed. The product that gives the best value for money and performs well under

Indian conditions is what is procured. While the U.S. may expect India to do more for the support rendered by it at various levels, India's defence cooperation doesn't fall in that ambit.

The India-U.S. relationship has moved past the stage of the usual rhetoric of extolling "large democracies". Given that India is a rising power looking for a greater say on the global stage, the U.S. should be sensitive to its core interests. The onus is on the U.S. to find a way out on CAATSA if it is really serious about taking forward the strategic partnership. Given that the 2+2 format involves talks at the highest levels, it is an opportunity for India and the U.S. to address the issue now and prevent it from escalating further.

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