

Essay

The Wrinkle in US-India Strategic Alignment

Walter Lohman

Quite a few statements from the new American presidential administration confirm that although there will be adjustments, strategic competition with China remains the framework for US foreign policy in the Indo-Pacific. The question is where US-India relations fit into this vision. As obvious as the answer may be in the abstract, there are complications, notably around human rights issues, and India's relationship with Russia. Washington and New Delhi will have to navigate these successfully if they are to maximize value in what has been for 20 years, an ever-burgeoning partnership.

The China Challenge and India

Individuals make policy. The personnel Biden has appointed to his administration, most notably Jake Sullivan as National Security Adviser and Kurt Campbell as Coordinator for Indo-Pacific Affairs, are demonstrably concerned about China's growing challenge to US interests abroad. Other names pointing in the same direction include Ely Ratner, currently Special Assistant to the Secretary of Defense and likely the next Assistant Secretary of Defense for Indo-Pacific Affairs, as well as Laura Rosenberger and Rush Doshi on the National Security Council China accounts.

These officials have written in explicit terms about the strategic challenge posed by China and the US response. Most of them served in an Obama administration that was insufficiently alarmed by Chinese ambitions. But times have changed. China has changed. China has become more aggressive abroad and repressive at home. With "Made in China 2025" and the coercive legal framework Beijing created in the mid-2010s to facilitate it, the threat that China poses to U.S. economic strengths has dawned on a broad range

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of American politicians, officials, and policy experts. Campbell and Ratner themselves combined in 2018 to write an extensive examination in *Foreign Affairs*, about how American foreign policy had gotten China wrong and how to fix it.

The US Congress is on the same page. There has been nothing like the current Congressional mood regarding China since the aftermath of the Tiananmen Square massacre in the early to mid-1990s. During the Trump years, Congress initiated several bills with margins so great that the President had no choice but to make virtue of the necessity of signing them. These bills involved substantive reaction related to events in Hong Kong and Xinjiang, as well as Taiwan policy.

On Information and Communications Technology (ITC) over the last four years, Congress has driven the tightening of legal frameworks around inbound Chinese investment and export controls. Similarly, although the Trump administration justifiably garners credit for the US get-tough approach on Chinese ITC companies, the US Congress

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has operated on an equally tough parallel track. Among other things, it enacted a far-reaching ban on government procurement of Chinese product content; imposed new legal requirements for Chinese companies listing on US capital markets; conditioned the removal of Huawei from the entity list that restricts Chinese purchase of American-made components; and joined in pressuring American allies to exclude Huawei from their 5G networks. The fact that the same party controls both Congress and the Presidency means little given that Majority leader Chuck Schumer, and especially Speaker Nancy Pelosi, are themselves China hawks.

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Obstacles on the Path

Prominent members of Congress have lent their voices to concerns about the current human rights situation in India. This has been an issue for many of them, particularly on the left since Narendra Modi's election in 2014. Their complaints, however, have found fertile ground in the 2019 change in Jammu and Kashmir's status and the accompanying political crackdown, as well as in the citizenship amendment act that provoked a cycle of massive protest and government reaction. The annual report of [Human Rights Watch](#), a

closely monitored source of information on Capitol Hill, puts these issues in the context of a range of perceived abuses, particularly against religious minorities. Another influential source, Freedom House, has described developments in India under Modi's government as "alarming departures from Democratic norms." In addition, there is now reaction in Washington over New Delhi's handling of farmer protests. That many of these reactions have been coupled with calls for social justice has only fueled their salience in today's political environment.

All told, although concerns have begun to ebb, India has greater resonance on Capitol Hill than it has since the passage of the Civil-Nuke Deal in 2008. Members have expressed concerns for human rights and the situation in Kashmir through letters, statements, hearings, and proposed legislation. The list of members behind these initiatives skews left, including Representatives Pramila Jayapal, Ilhan Omar, and Rashida Thlaib, and Chairman of the Senate Foreign Relations Committee (SFRC) Bob Menendez; but Republicans have weighed in, too. Most notably, in 2019, Todd Young (new Ranking Republican on the SFRC subcommittee that covers South Asia) and Lindsey Graham (Ranking Republican member of the State and Foreign Operations Appropriations Subcommittee) sent a letter to President Trump highlighting their concerns about Kashmir.

Whereas in the mid-2000s, the fight on Capitol Hill was over how far the US should go to accommodate India as a partner, of late, it has been about damage control. Whereas back then, the fight brought to the fore the power of the Indian diaspora; today, the community is deeply divided and offering Capitol Hill allies opposing advice, thereby degrading its influence. On balance, this has left Republicans friendlier to India's strategic value and Democrats more critical on human rights.

For its part, judging by the readouts of Biden's call with Modi and Secretary of State Blinken's calls with Minister of External Affairs Jaishankar, the Biden administration

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appears closer to Republican views. It is important to remember, however, that Democrats control Congress and all the committees of jurisdiction on these issues. It remains to be seen whether they will position themselves as soldiers carrying out the Democrat administration's policies on China and India, and therefore, as an ally of like-minded Republicans, or look for ways to distinguish

themselves as a force. Without major new developments in India on these sensitive issues, they are most likely to opt for the former and the administration will be able to keep US-

India relations on an even keel.

Russia -A Wrinkle

But there is a wrinkle - Russia. India appears intent on taking delivery of the Russian S-400 air defense system. If it does, the only path to avoiding sanctions under the Countering America's Adversaries through Sanctions Act (CAATSA) goes through Congress. There is waiver authority under CAATSA to apply in just this sort of situation, where strategic priorities conflict. It is a very tight legal authority, however. Given the current environment around US-Russia relations and especially anti-Russia sentiment on Capitol Hill, no President is going to utilize it without at least tacit approval from Congress. After all, the US has already imposed sanctions on NATO ally Turkey for the same transgression. A waiver becomes more problematic in a Congressional atmosphere regarding India dominated more by concerns over human rights than its strategic value.

Director of the Brookings Institution's India Project Tanvi Madan has said "imposing sanctions (even symbolic) on India for the S-400 purchase would be one of the (worse) moves the US could make, wiping away two decades of India-US progress just as it's (ramping up) its competition with China." And yet, despite the obvious meeting of minds between Washington and New Delhi on the China challenge, it is a distinct possibility.