

# Buying an S-400 Triumph Air Defense System

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In September of 2017 Turkey<sup>1</sup> signed a 2.5 billion dollar contract to buy S-400 Triumph air defense systems from Russia. Being a NATO member, the US was none-too-pleased with the news and has voiced disdain for the choice openly and repeatedly. When asked about the strategic meaning of the deal in a February 2018 interview with the Washington Post, Sergei Chemezov head of Rostec, cheekily replied, “The S-400 is not an offensive system; it is a defensive system. We can sell it to Americans if they want to”.<sup>2</sup> Part of Chemezov's joke pivots on the Cold War assumption that the prospect of the US purchasing an air defense system is absurd. The US manufactures exceptionally capable air defense systems. Frustration at Turkey is based on the expectation that a NATO ally would procure NATO-approved products for the sake of diplomacy and systems interoperability. If, however, the US wanted to take up Chemezov's offer it would have to clear a few hurdles.

## Export control by FSTEC

The S-400 system is manufactured by Almaz-Antey Air and Space Defense Corporation. Almaz-Antey has two ways of selling products to foreign customers. The primary path is through the larger export control organization Rosoboronexport. Additionally, they are permitted to sell, “as an independent subject of military-technical cooperation...” under a numbered license which is probably issued by Rosoboronexport. The specific details and terms of that license are unknown, so it isn't clear exactly what kind of legal barriers exist that would prevent Russia from selling weapons to US concerns. Given that Russia was selling Mi-17s to the US through a subsidiary of the Carlyle Group between 2008 and 2013,

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<sup>1</sup> In 2018, Türkiye was officially written “Turkey” in English-language documents.

<sup>2</sup> (Troianovski 2018)

to the tune of almost half a billion dollars, it is likely they would be ready and willing to do so again given the state of their economy and China's increasingly competitive trade.

The legal body that governs Rosoboronexport and therefore Almaz-Antey is the “Federal Service for Technical and Export Control of Russia (FSTEC).” They list among their powers a number of specific provisions relating to export control, missile technologies, weapons and military equipment, state secrets, etc. Any US agent working with local procurement would likely need contacts at FSTEC, Rosoboronexport, and Almaz-Antey.

### NATO would object

The US State Dept voiced its “concern” about the Turkish purchase of the S-400 in November of last year, specifically on the grounds that undermined NATO interoperability.<sup>3</sup> Turkish President Erdogan responded that Turkey has a right to purchase any self-defense equipment it needs, and that the US was applying a double-standard in light of the deal to allow Cyprus to give the precursor system, the S-300 to another NATO ally, Greece, years earlier.<sup>4</sup> The US recognizes the strategic importance of Turkey as a NATO member, and has been measured in its indignation. NATO Secretary General Jens Stoltenberg responded to a Turkish journalist who asked about this apparent double standard that what Turkey buys for self-defense is a “national decision,” and that Turkey appears to be in dialogue with the US to potentially buy Patriot missiles, or EUROSAM as an alternative.<sup>5</sup>

One would expect that if the US were to reach out to Russia and begin negotiating the purchase of an S-400 system, other NATO member countries would be scratching their heads about the interoperability problem as well, especially if there was an expectation that the system was to be deployed somewhere in defense of NATO territory. The US being the heavyweight among equals in NATO, other member countries would have to seriously rethink their procurement models, force structure, training, etc. Discussing the ramifications of that decision, (to buy in order to deploy), is beyond the scope of this memo. Suffice it to say that NATO members may not be able to stop the US from signing a deal, but that deployment of one's former/not-so-former adversary's heavy weaponry would confuse

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<sup>3</sup> (Heather Nauert 2017)

<sup>4</sup> (Bryen 2018)

<sup>5</sup> (Weinberger 2010)

and perhaps weaken the alliance. It is more plausible that the US would try to acquire one to use as an OPFOR training tool—something they did clandestinely during the Cold War.<sup>6</sup>

## *US sanctions may or may not be import barrier*

The most serious actual barriers for the Department of Defense are the sanctions that have been applied to Russian entities in response to the invasion of Ukraine and the seizure of Crimea, and in response to support for Bashar Al Assad in the Syrian war.

The Office of Foreign Assets Control has a website specifically for searching through sanctions lists. The same lists can also be explored through the “Consolidated Screening List” at [export.gov](http://export.gov). Given that the S-400 system is produced by Almaz-Antey, exported through Rosoboronexport, which is part of the technology collective Rostec, searches for those terms at either list will tell you which program of sanctions they are under.

Almaz-Antey is listed as controlled by Executive Order 13661 (EO13361). Executive Order 13661 was first issued under President Obama March 16 of 2014. It's the first of a series of EOs to appear in 2014 in response to Russian interference in the Donbas and Crimea regions of the Ukraine. Rosoboronexport and Rostec are first named in EO13662 which first appeared eight days after 13661 on March 24, 2014. To make a long boring story about how an Executive Order becomes a law, both of these Obama era sanctions are covered under CAATSA. CAATSA, or "Countering America's Adversaries Through Sanctions Act" is an even more rigorous body of sanctions issued August 2, 2017. Section 231 is targeted at "the defense or intelligence sectors of the Government of the Russian Federation." The State Department keeps a handy web page with a short list of Russian defense and intel agencies named specifically in CAATSA Section 231(d).

Interestingly, Rosoboronexport, but not Almaz, nor Rostec, are named as targets of sanctions issued by George W. Bush in April of 2006 and extended in 2008 through two executive orders. Also interesting is that the 2008 sanctions were likely the work of John Bolton. Rosoboronexport was removed from the "Iran, North Korea, and Syria Nonproliferation Act" in 2010.

The nonproliferation sanctions levied against Rosoboronexport in 2006 created only a small barrier for the US Army as they attempted to rebuild forces in Iraq and Afghanistan. The US was seeking to build Afghan air transport capability in the mid 2000s and ran into an ironic

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<sup>6</sup> (Weinberger 2010)

snag. The Afghanis were well-versed in flight and maintenance of Soviet build Mi-17s, but not at all with US made helicopters. Facing the hurdle of trying to retrain and equip them, or buy Russian equipment, the Army favored the latter. Through a US intermediary, the Army was able to secure a no-bid contract worth \$322 million for MI-17s through Kazan. Kazan was apparently not under Rosoboronexport at the time. The helicopters were then transferred to the United Arab Emirates for military retrofitting.<sup>7</sup> Despite off-on again sanctions against Russian defense contractors, “the Pentagon has paid more than \$1 billion to buy Russian military helicopters,” since 2001 8.

### *Where there's a will, there's a waiver*

US firms have been getting around federal sanctions on doing business with Russia since at least the interwar period. It is perhaps novel that the US Department of Defense would be forced to buy helicopters for Afghanis, thirty years after it was spending billions to train and arm Afghani mujahideen to shoot them down. America's relationship with Russia has never been completely opaque, logical, or consistent and likely never will be. The sanctions regime that is in place currently is targeted at changing specific behavior in specific regions of the world and in emerging “gray” zones competition. The US and Russia do collaborate successfully in other areas of domestic and international concern. Should there be an unexpected warrant for the United States to purchase an S-400 system, say for an ally or for red-teaming purposes, there is evidence to suggest that they will find a way to exempt a Russian defense agency in such a way as to purchase one without having to abandon the entire sanctions regime. What is unknown is what Russia will refuse to sell to a willing and wealthy buyer.

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<sup>7</sup> Sharon Weinberger broke a number of stories between 2008 and 2011 for Wired.com about how these deals were made and the consequences in Congress. See References for additional Weinberger pieces.

## References

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