

AMERICAN MILITARY COMPANIES AND THE UNITED STATES FOREIGN POLICY

Piotr Pawlikowski

INTRODUCTION

Private security companies appeared on the military and political scene mainly at the beginning of the 1990s. They are legal, registered entities acting on the provisions of the national regulations with the internal structures similar to the commercial corporations. They are also answerable to their shareholders and are bound by the terms of the signed business contract.¹

Such firms offer a wide spectrum of military services, provided mainly by the former special forces soldiers. Their activity includes usually military training, especially for special and security forces, security services, VIPs (mainly from royal families and governments) protection, protection of the oil and mining installations on the areas spread across by civil war and military equipment supplying. All those companies deny official direct involvement in ongoing conflicts, both international and internal.

Most of the companies are formed by retired military high officers or high officials, so they have strong personal and professional links to governments and militaries of their home states. They also often work for their home or foreign governments.² In many cases their best, long-term clients are the governments of the home states in which they are registered. The legality of their activities and the cooperation with the home governments provide usually special licensing procedures that must be applied to every company contract with the foreign government. Providing military assistance, security companies offer services that were previously reserved for the governments. Those companies have filled the gap in the international market created by the increasing reluctance of Western governments and multilateral organisations to intervene directly in the civil conflicts.³ Some of those firms work for large corporations with extensive economic interests.

¹ There is no legal definition of such entities. According to the author, they are called "private security and military-advisory groups", "military companies" or "private international security companies". Special Rapporteur of the UN Commission On Human Rights in his *Mercenaries Report of 14 March 1997* called them "security companies". All those terms describe more or less the idea of such companies activity and will be simultaneously used in this article.

² Juan Carlos Zarate, *The Emergence of a New Dog of War: Private International Security Companies, International Law, and the New World Disorder*, *Stanford Journal of International Law*, vol. 34, No. 1, 1998, Winter, p. 76.

³ David Shearer, *Private Armies and Military Intervention*, Adelphi Paper, 1998, pp. 24–34.

Current international law regarding mercenaries does not apply to security companies. They do not fall within the definition of mercenaries and their activities are not banned by international norms.⁴

ACTIVITY OF THE US SECURITY COMPANIES

Currently several US companies offer military and security services abroad, and some of them provide military training on the contracts with foreign governments. The best known and the most successful companies are Vinnell Corporation, acting mainly in Saudi Arabia and Military Professional Resources Incorporated, active in the Balkans, Europe. According to their officials, no American company provide combat units and take direct part in the fights in the civil or international war.

Vinnell Corporation is a subsidiary of Virginia-based BDM International Inc. (BDM) BDM is controlled by Carlyle Group, a firm headed by, *inter alia*, James Baker – former Secretary of State and Frank Carlucci – former Secretary of Defence.⁵

During the War in Vietnam the company employees supported American forces building military bases. But reportedly they were also providing security for retreating US forces.

Since 1975, after the US withdrawal from Southeast Asia, Vinnell has trained the Saudi Arabian National Guard, which protects members of the royal family and oil installation.⁶ Currently about 1,000 company employees train 75,000 soldiers of the National Guard in the new weapons use, tactics and logistical operations. According to some observers in 1979 Vinnell helped the Saudi monarchy to regain possession of the Grand Mosque at Mecca, which was occupied by the opposition forces. There are also allegations that since the Vietnam War Vinnell has provided extralegal means of achieving US security purposes in the Middle East and Central America while avoiding the official US involvement.⁷

It is worth noting that Vinnell Corporation and other US private military companies are currently training every branch of the Saudi Arabian armed forces. **BDM International**, the owner of Vinnell Corp., is the leading provider to Pentagon of specialised training in information technologies, information warfare, special and intelligence operations. On the contract with the Saudi government BDM trains Saudi Arabian Royal Air Force and Royal Land Forces and helps to develop Saudi com-

⁴ According to Article 47 of the Protocol I of 1977 to the Geneva Conventions of 1949, a mercenary is any person who fulfils all the following conditions: is specifically recruited locally or abroad in order to fight in an armed conflict; does, in fact, take direct part in the hostilities; is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that party; is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict; is not a member of the armed forces of a party to the conflict; and has not been sent by a state which is not a party to the conflict on official duty as a member of the armed forces.

⁵ Ken Silverstein, *Privatising War: How affairs of state are outsourced to corporations beyond public control*, The Nation, 28 July, 1997.

⁶ Vinnell Corporation official Internet site: www.vinnell.com

⁷ J.C. Zarate, *op.cit.*, p. 104.

puter software and maintain their equipment. **Booz-Allen & Hamilton**, co-operating with the US Navy and the Marine Corps, trains the Saudi Marine Corps. **Science Applications International Corporation** (SAIC) supports the Saudi navy and air defence systems and **O'Gara Protection Services** provides protection for the members of the royal family and also provides Saudi special forces with security training.⁸

Military Professional Resources Incorporated was created in 1987 by eight former US Army senior officers. MPRI is controlled by a 14-member Board of Directors and a group of corporate officers. Chairman of the Board and the Chairman of the Executive Committee is retired Major General Vernon B. Lewis, Jr. President and Chief Executive Officer and Chairman of the Executive Committee is retired General Carl E. Vuono.⁹ MPRI has over 400 employees and among them many former high-ranking US military officers and also draws its workforce from a database of more than 6,000 former military professionals. The company has very strong relations with the US governmental departments and agencies and, according to MPRI officials, operates only in the areas approved by the US State Department. Almost 90 percent of MPRI's clients are based in the United States. These include Department of State, Office of the Secretary of Defence and the US Army.¹⁰

The company offers basic military training, equipment, force design and management, professional development, organisational and operational assistance, quick reaction military contractual support and democracy transition assistance programs for the military forces of emerging republics.

MPRI has signed several international military contracts with the United States government for missions abroad and with the foreign governments directly. In February 1992 (on the contract with the Department of State) the company provided humanitarian supplies and equipment to the countries of the former Soviet Union and also worked with Taiwanese and Swedish armed forces. Reportedly, in January 1996 MPRI negotiated a contract with the Angolan government to train Angolan Army and police forces, but the firm denies any involvement in that country.¹¹ In 1996, the firm negotiated with the Sri Lankan government a contract to train special commando unit against the "Tamil Tigers", but finally the government withdrew from negotiations.¹²

⁸ Kevin O'Brien, *Military-Advisory Groups and African Security: Privatised Peacekeeping?* International Peacekeeping 5, 3 (Autumn 1998), pp. 78–105.

⁹ The Board contains an Executive Committee composed of four directors who can independently act for the Board on all but major financial decisions. The Board is also subdivided into Committees on finance, ethics and quality control, business development, and public relations and political affairs. See MPRI official Website: <http://www.mpri.com>.

¹⁰ Other clients are: Advanced Research Projects Agency, The U.S. National Defense University, Office of the Joint Chiefs of Staff, U.S. Army War College, Headquarters Department of the Army Deputy Chief of Staff for Operations and Plans, Headquarters Department of the Army Deputy Chief of Staff for Logistics. See: David Isenberg, *Soldiers of Fortune Ltd.: A Profile of Today's Private Sector Corporate Mercenary Firms*. The report was published on the Centre for Defense Information official Website: <http://www.cdi.org>, November 1997.

¹¹ D. Shearer, op.cit., p. 62.

¹² J.C. Zarate, op.cit., p. 111.

The most controversial was the MPRI activity in the Balkans, during the war waged by the former Yugoslavia countries. The company, with the approval of the US government, acted mainly in Croatia and Bosnia-Herzegovina.

On the contract signed in September 1994 with the government of the Republic of Croatia and approved by the US State Department government, MPRI employees were to retrain and reorganise the Croatian army into the democratic Western-oriented professional troops (Democracy Transition Assistance Program – DTAP). From 1996 the company also advised the Croatian government how to construct a civilian-controlled army and organise new structures of the Croatia's Ministry of Defence. The United States government approved those contracts as a part of the United States – Croatian Military Cooperation Agreement of 1994. According to that contract MPRI was to democratise the Croatian military and reorganize army to the NATO standards professional organization. DTAP program included training of officers and civilian officials in the areas of leadership, management and civil-military operations within a democratic framework. The US State Department approved the DTAP contract on condition that MPRI did not provide battlefield strategy, tactical and weapon training or otherwise violate the 1991 United Nations Security Council arms embargo on Yugoslavia (e.g. by direct military assistance).

The fact is that when Croatian government hired MPRI in September 1994, the Serbs occupied about 30% of the Croatian territory. Soon after the company began the Croatian forces training, the Croats succeeded in regaining their territory. In May 1995, the Croats retook areas held by Croatian Serbs south-west of Zagreb and then recaptured the western Slavonia region. Very controversial was the alleged company's involvement in the preparation and conduction of the "Operation Storm" in August 1995. In this operation Croat forces, within a week, recaptured the Serb-held Krajina region, creating about 120,000 Serb refugees. The Croat troops during the offensive used typical US army style attack (e.g. integrated air, artillery and infantry movements, and the use of the modern techniques to destroy Serbian command and control networks). MPRI, supported by the Croatian and the US governments, denies any involvement in the offensive operations and violation of the arms embargo.¹³ By November 1995, the Croatians had recaptured almost all of their territory and had come to occupy about 20% of Bosnia.

General Framework Agreement for Peace in Bosnia-Herzegovina, signed on 21 November 1995 in Dayton, USA, (Dayton Accords) ended the war in Bosnia-Herzegovina. According to the Dayton Accords Bosnia-Herzegovina remains one country consisted of the Croat-Muslim Federation and the Bosnian Serb Republic. Each part has its own constitution, parliament, president, government, police and army. According to the United States idea, to secure balance of power and peace between those two parts of Bosnia-Herzegovina, the Bosnian army, comprised of Muslims and Croats, was to be trained and equipped enough to be able to defend Bosnian Federation from the attacking Serbs. In May 1996, the Bosnia-Herzegovina government, with the US State Department's assistance, chose MPRI to reconstruct, integrate and build up the Federation Armed Forces (FAF) on the "Train and Equip" program monitored by the US State Department and controlled by the Federation

¹³ J.C. Zarate, *op.cit.*, pp. 106–108.

government.¹⁴ The "Train and Equip" program received \$103 million dollars worth of surplus US military equipment and financial aid from a number of Islamic countries (such as Brunei, Kuwait, Malaysia, Saudi Arabia, and the United Arab Emirates) totalling \$140 million dollars.

On the contract signed on 16 July 1996 185 MPRI employees worked to reconstruct the Bosnian troops into a modern, professional fighting forces in compliance with the NATO standards. Unlike its contract in Croatia, MPRI is specifically tasked with teaching combat skills to create the Bosnian Army a self-sufficient and fully operable force capable of providing security for the Federation and stability for the region and to be able to deter against the ground attack by the Bosnian Serb Army.¹⁵ According to the contract, the company is limited to train the FAF in defence tactics only. The main purpose of the "Train and Equip" program is to secure peace in Bosnia-Herzegovina by strengthening the Muslim-Croat troops to balance the Bosnian Serb forces when the international troops (SFOR) are removed from this country. The opponents of this program warn that the strengthening of the FAF may renew violence in this region. The modernised, trained and well supplied Bosnian army may try to recapture territory lost to the Bosnian Serbs in 1995 and break down the provisions of the 1995 Dayton Accords.¹⁶

Since 1998 MPRI conducts in Republic of Macedonia the "Stability and Deterrence" program. This program is also supported by the US administration and focuses on assisting the Macedonian armed forces in improving their military capability to deter armed aggression and defend Macedonian territory. The company employees provide the Macedonian Army the immediate and mid-range sustained assistance required to develop viable organizations and systems, and sustain fundamental military competencies.¹⁷ The aims of the "Stability and Deterrence" program are similar to the aims of the "Train and Equip" program that was realized in Bosnia-Herzegovina.

AMERICAN MILITARY COMPANIES AS THE INFORMAL TOOL OF THE US GOVERNMENT FOREIGN POLICY

American private security companies, founded usually by retired military high officers or high officials, have strong personal and professional links to US government and US Army. They must also obtain special license (official approval) from the US State Department in order to work for foreign governments. Because of that such firms may represent for foreign, contracting governments an opportunity to obtain US military assistance that is impossible to get by the official way for political or tactical reasons. On the political and military stage they may also be considered a quasi-official US military bodies, whose activities represent informal support by the US government.

¹⁴ Other competing firms were Science Applications International Corporation of San Diego, CA and BDM International Inc. of McLean, VA., see: J.C. Zarate, *op.cit.*, p. 109.

¹⁵ D. Shearer, *op.cit.*, p. 60.

¹⁶ D. Isenberg, *op.cit.*

¹⁷ www.mpri.com

From that point of view such companies are used as an informal tool of the USA foreign policy. MPRI activity in the Balkans (Croatia, Bosnia-Herzegovina and Macedonia) is a part of such US policy.

Sometimes official introduction of the US troops into specific region is unwelcome or untenable because of the political reasons. US forces have also maintain strict neutrality, like during the civil war in the former Yugoslavia. US participation in the NATO-led Implementation Force (IFOR) and, later, Stabilisation Force (SFOR) in Bosnia-Herzegovina made direct US military assistance under the Dayton Records impossible. On the "Train and Equip" program MPRI offered military training and expertise consistent with NATO standards. European allies of the United States, that were against the strengthening of the Croat-Muslim Army, had given it little support. On the contract, the company was accountable to the Bosnia-Herzegovina government only and not to the US State Department. But the program allowed US administration to have a direct control over the peace process in that country. As some observers state, supporting the "Train and Equip" program, "The United States used MPRI as a political and military tool in promoting its clear interest in Bosnia" and "MPRI presence in Bosnia supports US policy with someone else's money".¹⁸ Similar situation happened in Saudi Arabia. US private military companies, acting in Saudi Arabia and training every branch of the Saudi Arabian armed forces, in effect "have turned the Saudi security apparatus (...) into a private subsidiary of the Pentagon". In 1995 a small company called Ronco was authorised to do de-mining work in Rwanda, which was barred by the United Nations embargo from receiving any military supplies. Ronco was actually importing small-scale military equipment, including explosives and armoured vehicles, and with the Pentagons approval this equipment was turned over to the Rwandan military.¹⁹

Thanks to the security companies there is no need for the US forces direct involvement in the armed conflict or the United States official participation in such armed conflict may always be denied in the case of any complication. The question about the direct participation of the US soldiers and MPRI workers in the fights during the civil war in the former Yugoslavia seems to remain without any answer forever. Both United States and Croatian governments, as well as MPRI, deny any involvement of the company's employees and American soldiers in the preparation and conduction of the "Operation Storm" in Croatia in August 1995 and the alleged violation of the arms embargo. According to the critics of the US policy in the Balkans, the US administration by allowing MPRI to train the Croatian forces helped in fact Croatians to violate the United Nations arms embargo. Accepting the MPRI Croatian contract at the crucial moment of the Balkan civil war United States strengthened its new European ally and at the same time retained its claim of neutrality.²⁰ The activity of US government in Croatia resulted in the destabilisation of the balance of balance in that part of the Balkans.

Moreover, the use of the private US companies is cost-effective as such companies services are cheaper than the US or international troops activity and they are usually founded by the government that hire the company. First contract signed by

¹⁸ D. Shearer, op.cit., pp. 60–61 and J.C. Zarate, op.cit., pp. 106–108.

¹⁹ K. Silverstein, op.cit.

²⁰ *Croatia: Tudjman's New Model Army*, Economist, Nov. 11, 1995, p. 48.

Vinnell Corp. with the government of Saudi Arabia in 1975 was worth \$77 million, the current contract is worth about \$170 million. The total cost of the package, to train, equip and modernise the National Guard is estimated to cost \$5.6 billion. The total cost of the MPRI contract in Bosnia-Herzegovina is estimated at \$50 million.²¹ Utilisation of the services provided by the private military entities seem also to be the best way to avoid personal losses of the American soldiers that are always possible during the intervention in the armed conflict area.

Security companies obtain official approval for the contracts with the foreign governments from the State Department. Activity of such companies allows the US administration and Pentagon to achieve the goals of the US foreign policy without the need to achieve the approval US Congress, although Congress may sometimes control such activity. The Vinnell Corp. Saudi contract came under the Senate Armed Services Committee scrutiny on its policy implications. Finally Congress allowed the company to realise the contract with the Saudi Arabia.²² Government conducts sometimes foreign policy according to US Congress decisions. The "Train and Equip" program realised in Bosnia-Herzegovina is consistent with the Congress decision of July 1995 to lift the arms embargo against Bosnian Muslim forces.

CONCLUSION

American military companies act in different parts of the world as an element of the foreign policy conducted by the US administration. Their services bring less costs and lower political risk than may occur if the US military were directly involved.

But some of the US security companies claim, they would like to work for the international community and institutions such as the United Nations. The events that took place in the former Yugoslavia prove that the UN forces consisting of the State-members troops (like UNPROFOR) are unable to carry out the humanitarian or peace operation on their own. UNPROFOR peace forces, acting in Bosnia-Herzegovina, were allowed to use their weapon only in the case of direct personal danger of the soldiers and in result they were not able to conduct their duties – disarming of the fighting troops. It seems that all that leads to the idea of the international permanent reaction forces consisting of the well-trained and equipped professionals like security companies.

On the basis of a well-prepared national and international regulation, strictly controlled and totally accountable, security companies would act as the internationally supported peace-enforcement forces. They might fulfil an important role in the peacekeeping and peacemaking forces, that cannot be provided by the official UN forces. It is worth noting that the American private military companies, with the US government approval, worked for international community. In 1994, the MPRI provided 45 employees to guard the Serbian-Bosnian border to enforce the UN embargo on supplying the Bosnian Serbs with the arms and fuel. In addition the American soldiers on the international observer mission monitoring the Serb pull-out

²¹ J.C. Zarate, *op.cit.*, and D. Isenberg, *op.cit.*

²² J.C.Zarate, *op.cit.*, p. 103.

from Kosovo, Albania were replaced by the Virginia-based company DynCorp employees in 1998.²³

Such companies, utilised in the proper way, may not only realise the foreign policy of the United States government, but may also be efficient tools in the hands of the international community.

²³ US using mercenary firm to screen Kosovo pullout, bares report, Indian Express, Sunday, November 1, 1998.