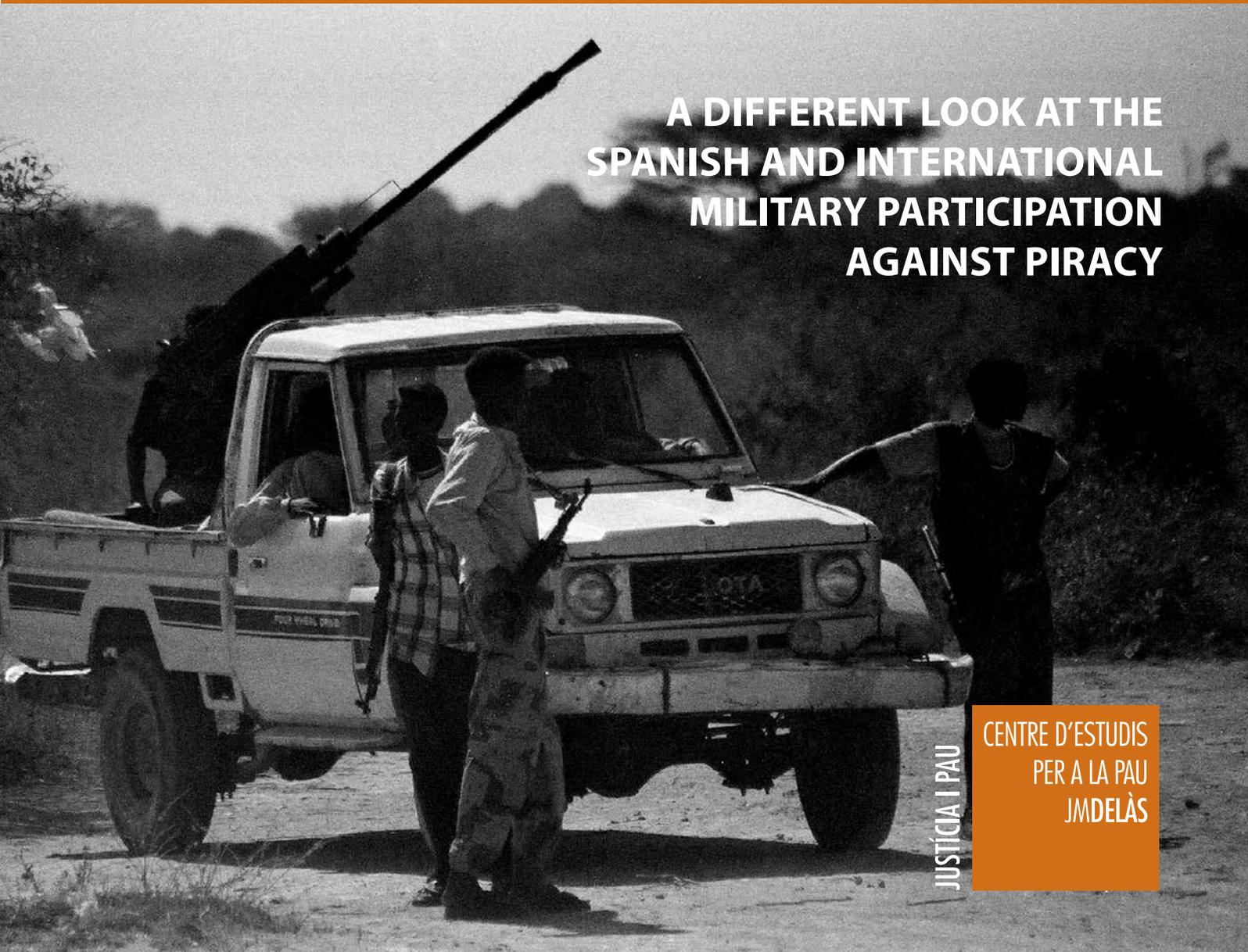


# PIRACY IN SOMALIA: AN EXCUSE OR A GEOPOLITICAL OPPORTUNITY?

A DIFFERENT LOOK AT THE  
SPANISH AND INTERNATIONAL  
MILITARY PARTICIPATION  
AGAINST PIRACY



JUSTÍCIA I PAU

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REPORT

n. 13

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and international military participation  
against piracy

**Loretta P. Martin**  
**Teresa de Fortuny**  
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Barcelona, october 2012



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### EXECUTIVE SUMMARY

Much has been said in the media of the damage that piracy off the coast of Somalia has caused to the Spanish tuna fishing fleet. And, therefore, of the need for Spain to participate actively in Atalanta, the EU anti-piracy operation. The purpose of this report is to question this need and, even more, the foreign interference in the area.

The report has four parts. The first contextualizes the phenomenon of piracy off Somalia. The second states the great number of military operations in the area and the involved countries. Hence, the geostrategic and geopolitical importance of the region follows. The third focuses on the role of Spain, its interests and involvement. Finally, the fourth part contains the reasons why we believe that the interference and foreign military interventions in the area not only have not benefited the Somali people, but are very counterproductive. The data analysis does not corroborate the official discourse. For example:

- A great emphasis has been placed on the danger to the Spanish tuna fishing fleets off the coast of Somalia. But in reality, the highest number of piracy attacks is concentrated in the Gulf of Aden, an important strategic line for trade, world navigation and regional and global geopolitics.
- The Horn of Africa is a very important geostrategic location. The fact is shown by the international military presence in the area: eight joint military operations, 21 unilateral ones and 50 countries with military deployment.
- Operation Atalanta has not reduced the number of piracy attacks.
- Military intervention is prioritized over other ways of intervention (diplomatic measures, accountability for the damaged caused by the foreign intrusion, global piracy treatment, responsible fishing, promotion of civil cooperation...).

Spain has participated and participates in several of these joint military operations; prominently in the Atalanta and EUTM operations (which did not obtain any votes against in the Congress of Deputies). It also has, apart from the fishing interests, international political reasons: commitments to allies, visibility and gain of international clout. International military intervention in Somalia is highly questionable. We have found at least ten reasons to reject it:

- It seeks to satisfy the interests of the participating countries, not those of the Somali population
- International contribution in Somalia is militarised
- Foreign meddling has caused the plundering of resources and threatens the food sovereignty
- The likely illegal Spanish fishing has not been recognized nor anybody has been held responsible for it
- There is an environmental disaster that has enjoyed total impunity
- The military measures are not efficient to combat piracy
- There is an armament revitalization going on in Somalia
- Somali militiamen training can be counterproductive
- Somalia is being remilitarized, turning the country into a new haven for private security companies
- Those people that once were a threat to the population are being legitimized and supported.

## Acronyms and concepts

### Acronyms

<i>Official</i>	<i>Meaning</i>
AI	Amnesty International
AMISOM	African Union Mission in Somalia
ARS	Alliance for the Re-liberation of Somalia
AU	African Union
CENTCOM	US Central Command
CSDP	Common Security and Defence Policy
CTF	Combined Task Force
EU	European Union
EUNAVFOR	European Union Naval Force
EU NAVCO	European Union Naval Coordination Cell
EUTM	EU Somalia Training Mission
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organization of the United Nations
ICU	Islamic Courts Union
IMO	International Maritime Organization
NATO	North Atlantic Treaty Organization
MAEC	Ministry of Foreign Affairs and Cooperation (Spain)
MSCHOA	Maritime Security Centre Horn of Africa
NSC	NATO Shipping Centre
ODA	Official Development Aid
PACI	MAEC Annual Plan for International Cooperation
TFG	Transitional Federal Government
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UKMTO	UK Maritime Trade Operations
WFP	World Food Program

### Military vessels/facilities

AOE	Fast combat support ship
AORH	Replenishment oiler
AOT	Transport oiler
ATF	Tugboat
CG	Guided missile cruiser
CVN	Nuclear-powered aircraft carrier
DDG	Guided missile destroyer
FFG	Guided missile frigate
FFH	Helicopter carrier frigate
LHD	Amphibious helicopter dock ship
LPD	Amphibious assault vessel
LSD	Amphibious landing ship
MCM	Mine Countermeasures
MHO	Minesweeper vessel
PBC	Patrol boat coastal
PFC	Fast patrol boat coastal
SSN	Nuclear-powered attack submarine

## PIRACY IN SOMALIA: AN EXCUSE OR A GEOPOLITICAL OPPORTUNITY?

A different look at the Spanish and international military participation against piracy

**Loretta P. Martin · Teresa de Fortuny · Xavier Bohigas**

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### INTRODUCTION

The aim of this work has been to delve, insofar as possible, into the issue of piracy in the so called “Somali waters” and into the foreign participation regarding this phenomenon. The starting point was the impression that the international response was basically military and was aimed at the satisfaction of their own interests, not those of the Somali population. The question we intended to answer was whether this response was responsible, and from which viewpoint it was so. Namely, to understand the logic of international participation and, more importantly, its consequences.

The impression conveyed by the media is, to some point, similar to the official position of the Ministry of Defence. There are not differences nor significant tensions perceived between them. Surprisingly, there are no noteworthy differences inside the Spanish Parliament either: no deputy ever voted against the way the Spanish State participates in all matters related to Somalia and piracy. Moreover, all the world seems to agree when explaining the reasons of this participation: piracy harms the international maritime traffic, hinders the delivery of humanitarian aid to Somalia, threatens the work of the foreign fishing fleets and is a limitation to transform Somalia into a responsible country able to provide a decent life for its population. Its alleged links to international terrorism also represent a local, regional and international threat that needs to be eradicated. The suitable forms of solving all these problems are essentially military, following the official logic that there is no development without security.

Is this the real situation? What is being done, exactly? Are the reasons for foreign participation and, more specifically the Spanish participation, the ones above mentioned? What are the consequences of this course of action? Is it responsible? Who wins and who loses in piracy? And with the military response? Here are some of the questions we will try to answer in this report, always from a critical and independent viewpoint. Apparently, there is consensus in Spain regarding these issues. However, the complexity and controversial nature of these matters (everything related to the concept “Somalia” seems this way) makes us suspect that not all important factors and all the truth has been placed on the table. It is this report’s intention, therefore, to give the widest point of view possible about the piracy phenomenon in the context of the Gulf of Aden and Somalia.

As for the methodology, the report aims to cover the recent history related to piracy until late 2011, date up to which all the data has been updated. The main information sources are official, provided both by governments and international institutions, but there are also journalistic, academic and military sources. All are clearly referenced. The data is, thus, official, although the interpretations belong to a large extent to the authors for the report. We also tried to elaborate a report as graphic as possible, with the purpose of making the complex concepts and dynamics understandable, without falling into oversimplifications and without speculations based on unjustified arguments. It is

not our intention to be right in every shown point, but to give a deeply worked outlook, independent from economic, political or military interests. We want to know if what Spain is doing there answers to responsible attitude towards them and also towards us, and if it helps to make the world a more human place to live.

Like many other introductions, these lines have been written at the end of the report, so we already know its conclusions. However, this report has no specific section for conclusions. The reason is that the conclusion is one: **The foreign military participation is hypocritical, counterproductive, irresponsible and reprehensible.** It is hypocritical, we believe, because it intends to disguise geopolitical interests with humanitarian arguments (like, for example, the protection of the World Food Programme convoys), and because the goal is not the improvement of the lives of Somalis, despite being this the alleged excuse. It is counterproductive, among other reasons, because, on the one hand, rather than eradicating piracy, it encourages it, as well as it boosts the business of hijackings (pirates work in global networks), and on the other hand, foreign interference and military occupations usually strengthen armed resistance groups, that can increase their nonrepresentative power and control large areas, as evidenced by the Al Shabbab case. It is irresponsible, among other reasons, because it is producing a new wave of militarization and it is arming and militarily training those who will be a threat to the country, or also because Somali waters are still being used as dumps for extremely polluting wastes (we should ask, in addition, about the quality, in terms of health, of the tuna fish from these waters). And it is condemnable because everything we say in this report is known, as it is known that there are other ways to help the Somali people. These other ways are intentionally omitted, simply because the Somalis are no more than a secondary objective when it comes to talking about Somalia.

Altogether, we found at least ten important reasons that lead us not only

to distrust the goodness of military operations in the region (and of Spanish participation) but to directly condemn them.

These reasons are:

- The military interventions seek to satisfy their countries' interests, not those of the Somali people (contrary to what is often said)
- International contribution to Somalia is militarised, forgetting other ways
- Foreign interference results in the theft of resources and threatens Somali food-sovereignty, and to our knowledge, no one has been held responsible nor have measures of compensation for the damage been implemented
- Regarding the likely-illegal Spanish fishing, it has not been recognised, nor has anyone been found responsible
- There has been an environmental catastrophe in Somalia that has enjoyed total impunity
- Military measures are not efficient for combating piracy
- A revitalization of arms is occurring in Somalia
- The training of Somali militia does not comply with basic standards and could be counterproductive
- There is a re-militarisation of Somalia going on, turning the country into a new haven for privated security firms
- Those who were a threat to the population (and could be again) are being supported and legitimised

Therefore, what needs to be done is:

- To immediately withdraw all Spanish military participation in the region
- To adopt a non military involvement model in Somalia, condoning the possible external debt generated with the donations of arms (and other mechanisms), adopting an appropriate policy to host Somali refugees and fostering cooperation between civil society in our country and the Somali one
- To stop funding private interests with public funds (for example, the payment of private security aboard the tuna ships)
- To provide an occupational alternative for those Spanish fishers that

work in the area, in case they can not work in other zones in a sustainable and responsible way

- To conduct a study of the impact caused by Spain and the tuna fishing fleet of Spanish capital, and to establish suitable mechanisms to repair the damage done, and
- To ask the Spanish government for an active policy in order to adopt the mentioned ideas in a global way

We well know that these proposals will not be carried out under the current conditions. The geopolitical interest that the Gulf of Aden and the Horn of Africa represent is evident, and we know that two of the most commonly used ways to influence and maximize the self-interest are the military presence to show muscle and the collaboration with more powerful military allies, which can subtract influence to others and increase their own and share a piece of the cake with minor partners or reward this collaboration with concessions in future international forums. We know that the present system works this way and that it is militarized, and we also know that the Spanish government is no exception to these predatory, selective and unfair practises. However, this does not stop us from addressing this problem,

denouncing the injustice and dwelling on the fact that, if we want, there are other much more fair ways of doing international relations.

Thus, this report is structured into four parts. The first provides a general contextualization on Somalia and its surroundings and a concrete analysis of the piracy business and dynamics. We briefly analyse why this phenomenon has occurred and we detail who participates in this business, and who wins and who loses with this reality. In the second section we address in detail the geopolitical interests in the region and the militarized answer provided by the fifty countries that participate, as well as an overview of the different military operations. The third chapter is dedicated to the Spanish participation, and we address both the tuna fishing activity and the military participation, the present one and the past one, as well as the state of the Spanish public opinion about this matter. Finally, the fourth chapter includes the ten mentioned reasons through which we allow ourselves to question all these military operations and to qualify the foreign military participation as hypocritical, counterproductive, irresponsible and reprehensible.

## **PART 1. CONTEXT: PIRACY IN SOMALIA**

### **1.1. Brief recent chronology related to piracy (2008-2011)<sup>1</sup>**

#### **2008**

**16 April.** The TFG authorises foreign military intervention to combat piracy (after refusing it).

**2 June.** Resolution 1816 of the UN Security Council.

**24 August.** U.S. CentCom establishes the Maritime Security Patrol Area.

**9 September.** It is reported that Yemen will deploy 1,000 soldiers and 16 ships to discourage piracy and will establish three antipiracy centres in Hodeida, Aden and Mukalla.

**15 September.** EU NAVCO is established to co-ordinate EU activities.

**3 October.** Resolution 1838 of the UN Security Council, calls for naval and aerial deployment to combat piracy; it welcomes the EU initiatives.

**9-10 October.** NATO decides to assign Standing NATO Maritime Group 2 to antipiracy duties.

1. Sources: *The Military Balance* annual reports (various years); news agencies; various articles.

**Mid October.** The Indian navy starts to patrol the Gulf of Aden and Russia sends a frigate (antipiracy patrols).

**8 December.** The EU naval operation is approved (Atalanta).

## 2009

**January-March.** Start of the naval operation 'Combined Task Force 151' (antipiracy duty). "Official" withdrawal of the Ethiopian army.

**April-June.** Confrontations between TFG and al-Shabaab militia. The armed group Hizbul Islam backs al-Shabaab. The group Ahlu Sunna Waljama'a backs the TFG. In Brussels there is an international conference to strengthen the TFG (23 April).

**July-September.** Intense escalation of violence. Ethiopian and US military operations. Increase of AMISOM by 5,000 more soldiers from Uganda and Burundi.

**October-December.** Kidnapping 2<sup>nd</sup> of October of the fishing boat Alakrana, freed in mid November. The EU and Seychelles reach an agreement that states that the Atalanta troops can be deployed in the archipelago. Increase in attacks more on the Indian than African coast. Twelve month extension of the 2008 authorisations granted by the Security Council to enter Somali waters.

## 2010

**11 March.** NATO extends operation *Ocean Shield* to the end of 2012.

**1 April.** Kenya announces that it will stop bringing Somali pirates to trial, though the trials continue.

**27 April.** Resolution 1918 of the UN Security Council. Calls for all states to criminalise piracy in their national legislation. Unanimously approved.

**6 May.** Russian Special Forces assault the Liberian-flag *Moscow University*. Russian officials announce that ten pirates let free on a boat 300 miles from the coast died.

**22 June.** The Netherlands announces the first deployment of a submarine in antipiracy operations, as part of operation *Ocean Shield*, between September and November.

**26 August.** French politician Jack Lang is named special adviser to the UN on legal issues regarding piracy in Somalia.

**November.** The largest ransom ever known is paid on the 7<sup>th</sup>: \$9.5m for the release of the *Samho Dream*, a South Korean tanker hijacked in April (The Greek tanker Irene SL now holds the record, \$13.5m in 2011).<sup>2</sup> On the 23<sup>rd</sup>, resolution 1950 of the UN Security Council extends the EU NAVFOR mission by another year. The same day, ten Somalis are brought to trial in Hamburg for the attempted hijacking of the Container ship *Taipan* in April. First trial of this kind in Germany in 400 years.

## 2011

**January-March.** Confrontations between al-Shabaab and the TFG and the armed forces of Kenya and Ethiopia. In Mogadishu, TFG and AMISOM (8,000 soldiers) district-by-district offensive with heavy weapons. An AU report reveals that Erik Prince (founder of Blackwater) finances the presence of the Saracen security company in Somalia to carry out missions against piracy and against al-Shabaab, protection of Puntland leaders and training of Somali troops.

**April-June.** Confrontations between al-Shabaab and AMISOM along with the TFG militia, mainly in Mogadishu and the borders with Ethiopia and Kenya. According to the IMO, pirate attacks had increased by 50% in the first quarter of the year compared to 2010 and were increasingly violent.

**July-September.** Enormous food and humanitarian crisis. Confrontations in Mogadishu between al-Shabaab and AMISOM and pro-government militias. Withdrawal of the insurgency in the capital. Presence of AMISOM more conspicuous and deployment of mercenaries and military advisers of private security firms.

2. Nick Hopkins (2012): "Outgunned Somali pirates can hardly believe their luck", *The Guardian*, 8 May.

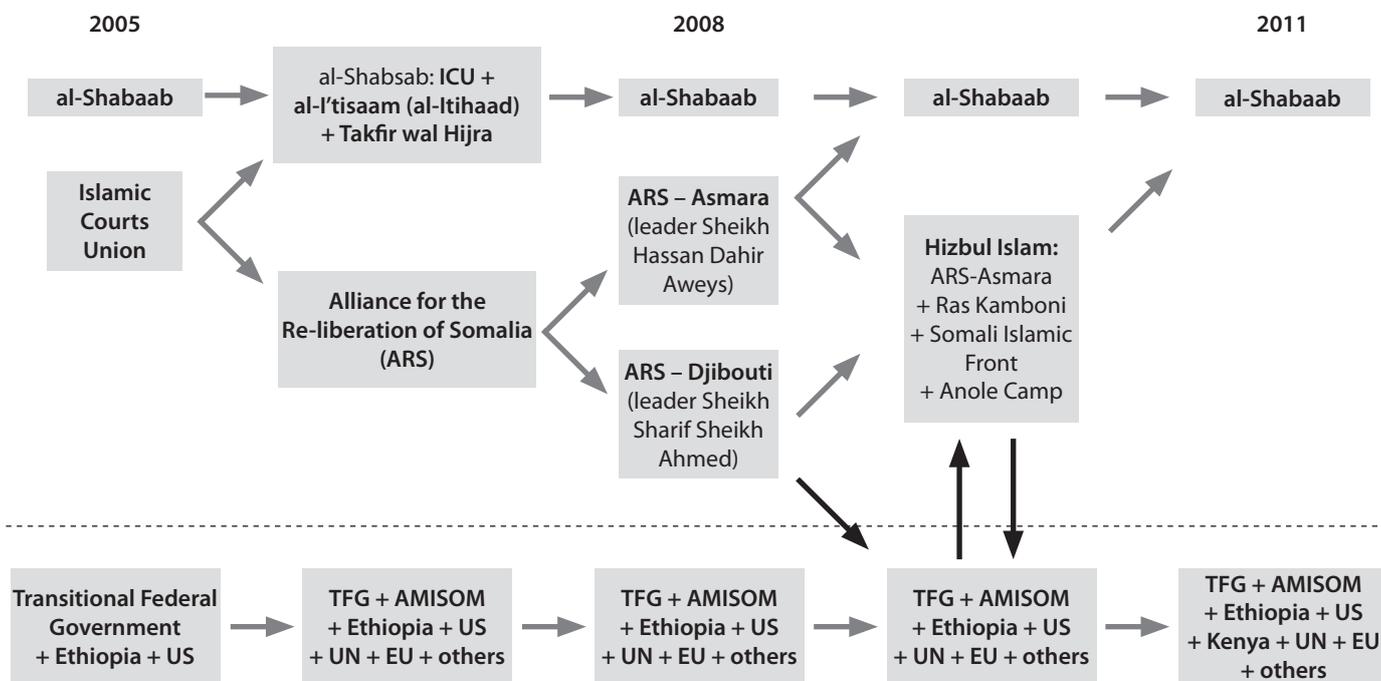
## 1.2. Political situation in Somalia: armed conflict

### 10 facts which characterise political life in Somalia

1. Armed conflicts since 1991.
2. Absence of state apparatus since 1989.
3. Considerable foreign interference due to geostrategic importance.
4. The culture of violence is deeply rooted after years of armed conflicts.
5. Somalia is an internationally recognised failed state that includes, moreover, two de facto states (Somaliland and Puntland), which are not recognised.
6. The Transitional Federal Government only controls the capital and the surrounding area. Practically absent in the rest of the country.
7. Military presence of the African Union (AMISOM).
8. Multiplicity of armed groups of insurgents, often labelled "al-Shabaab", despite their diversity.
9. There are five regions claimed by many to form "Greater Somalia": the former Italian, British (northern border) and French (Djibouti) colonies, the north-east of Kenya and the Ethiopian region of Ogaden. The influence of Kenya, and especially Ethiopia, is therefore very important.
10. There has been an arms embargo since 1992 which is systematically violated.

### 10 facts which characterise socioeconomic life

1. Recurring humanitarian crisis since 1990. It is one of the most vulnerable regions in the world.
2. Almost permanent drought. There are only two rivers.
3. Community solidarity is very important. Society organised in clans.
4. The population is one of the most homogeneous in the world with respect to ethnicity, language and religion.
5. The insecurity has led to the introduction of strict social norms, but has also encouraged creative conflict resolution mechanisms.
6. Most of the population is pastoral and agriculture is only relevant in some regions (centre-south).
7. Fishing is a basic resource for many people.
8. Its maritime waters have been used for years as a hazardous and radioactive waste landfill.
9. The Somali Diaspora is very important, especially in Kenya and Ethiopia but also in EU member states and Canada.
10. The presence of humanitarian organisations in Somalia is very low, due to the high risk of insecurity.



### 10 myths about Somalia

**1. "The fundamental problem in Somalia is the clan".** Armed conflicts need factions which indicate who the enemy is, and "the clan" has often been pointed to as the key identifying factor (due to the high ethnic, religious and linguistic homogeneity). However, the fact is that community and clan solidarity, in the absence of a state, is the reason why the humanitarian situation is not much worse. The clan, for the vast majority of the population,

rather than an element of conflict, is a protective factor (politically, socially and economically) in a context of profound insecurity.

**2. "Spain, the EU and other countries are training the army and the police".** Rather than an army or police force, we should be speaking about "pro-government militias". The government now has "police officers" and "soldiers" who are the same people who before were "terrorists" with the ICU and, before that, members of the militias of *warlords*. It is no coinci-

**The Gulf of Aden is a strategically important line for global trade and shipping: 20,000 vessels pass through it annually, 20% of global trade and 30% of the total volume of oil supplied to Europe\***

dence that the UN estimates that 80% of military material transferred to the pro-government forces is diverted to undesirable destinations.

**3. "al-Shabaab is the successor to the Islamic Courts"**. It is true that many former members of the Courts can be found in the Transitional Federal Government (TFG) as well as in al-Shabaab. For example, of the two most visible heads of the Islamic Courts, one is the current president of the TFG (Sheikh Sharif Sheikh Ahmed), while the other led a group hostile both to the TFG and al-Shabaab (Hassan Dahir Aweys). While links with al-Shabaab also exist (for example, Dahir Aweys' group was recently assimilated by al-Shabaab, despite their differences), the Courts, with a moderate version of political Islam, enjoyed a popular legitimacy that al-Shabaab does not.

**4. "The opposition to the Transitional Government is al-Shabaab"**. There are numerous armed groups in Somalia, many followers of former warlords. There are, for example, various non-governmental militias that help the TFG to combat other groups. The media and political discourses, due to ignorance and/or interest, often mask different realities under the label "al-Shabaab". In Somalia there are multiple armed groups, including clan militias, militias associated with military leaders, armed forces affiliated to the TFG, armed forces which fight the TFG, armed criminal gangs, with different levels of alliance and dynamic divisions between each other.

**5. "Anarchy reigns in Somalia"**. The armed violence in Somalia doesn't affect the entire Somali territory. The situation in some parts of the country corresponds to very different dynamics, in the north, for example, in the de facto states of Puntland and especially Somaliland. Even a part of the southern third of Somalia continues to live as it used to, in many places it would be best to speak of overly strict social norms rather than anarchy.

**6. "Ethiopia entered Somalia in 2006 but left in 2009"**. For Ethiopia, Somalia is a matter of domestic politics; from this derives its permanent interference. The Ethiopian forces have never left Somali territory (their visibility, however, has undergone changes). Ethiopia was the first defender of the TFG, which it

controls and to which it continues to lend support in various forms (troops, military training, arms, etc.).

**7. "Somalia is a forgotten country"**. The population and its critical situation have indeed fallen into obscurity but the country itself is central in the geopolitical context. There are at least 50 countries, amongst them the most powerful, with an armed presence in the region of the Gulf of Aden. All these have something to say regarding Somalia and act accordingly.

**8. "The foreign military presence in Somalia is authorised by the sovereign government"**. The bombardments carried out by Ethiopia and the US used to be justified with the argument that Somalia lacked sovereignty as a state, against international law. Today the total opposite is done. It must be remembered that the establishment of the TFG in 2004 as well as the election of the various government bodies were a façade co-ordinated by the international elite to favour the Somali elite, without the participation of civil society or local representative structures.

**9. "Somalia is an al-Qaida base"**. Without denying the international connections of al-Shabaab and other armed Somali groups and recognising the sympathy for al-Qaida of some of the combatants (not all), the motivations and methods of these groups are genuinely pan-Somali and have little to do with global objectives. It is necessary to understand political Islam, as practised by al-Shabaab and others, on the basis of internal and pan-Somali, not internationalist, factors. In fact, even the US estimates the influence of al-Qaida in Somalia to be low, in recognising in diplomatic cables (filtered afterwards) that "the statements of Somali officials about thousands of foreigners seem exaggerated" and that "there is little proof of significant links of direct support to al-Qaida, in financial or military terms"<sup>3</sup>

**10. "AMISOM is a peace-keeping force"**. It does not comply with the conditions of only using force in self defence and of being accepted by the factions in conflict. It is not a UN

\*Miguel Salvatierra (2010): *El Próspero Negocio de la Piratería en África*, Madrid, Los Libros de la Catarata, p.15.

3. Jean-Philippe Rémy (2010): "WikiLeaks: les Etats-Unis minimisent l'influence d'Al-Qaida en Somalie", *Le Monde*, 10 December.

force, but rather an AU one. AMISOM is simply another part of the conflict. It follows clear geopolitical logic, it fights unceasingly with the various insurgent groups, is responsible for numerous abuses and excesses and has caused numerous civilian casualties.

### 1.3. Current situation of maritime piracy in the Somali region

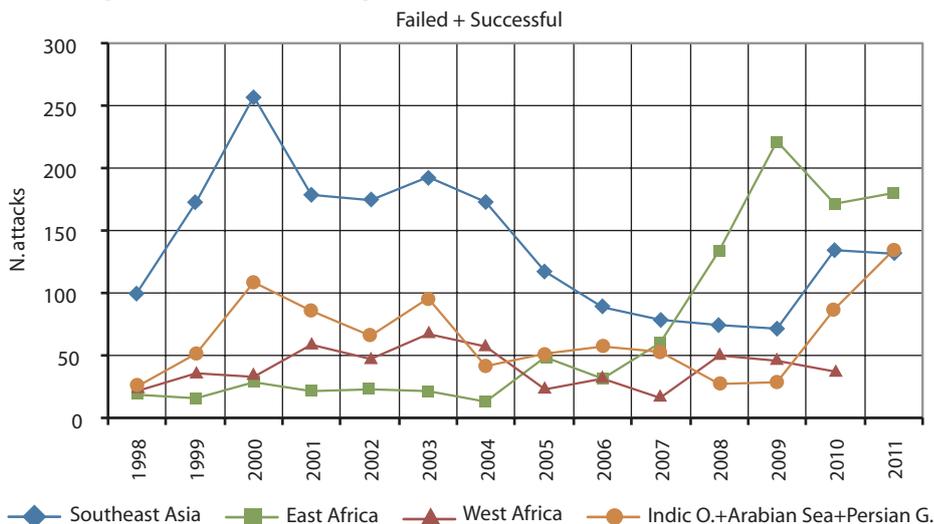
Until 2007 the number of pirate attacks in south-east Asia was higher than that of east Africa. However, they didn't receive any media coverage.

The number of pirate attacks in south-east Asia has dropped since 2004, thanks to diplomatic negotiation between the states in the region. The IMO proposes that the same strategy be used to resolve the piracy problem in east Africa.<sup>4</sup>

The annual number of attacks in east Africa starts to rise in 2005. In 2006 there is a notable decrease (government of the Islamic Courts Union). From 2007 it begins to increase again, significantly so in 2008 and 2009.

We divide the region of east Africa into three subzones: the Gulf of Aden (including the Red Sea), the maritime zone east of Somalia (limited by the coast of Somalia, latitude 12° N, 2°S and longitude 65° E) and the maritime zone south of Somalia (see above map).

**Graph 1. Total number of pirate attacks in different areas of the world**



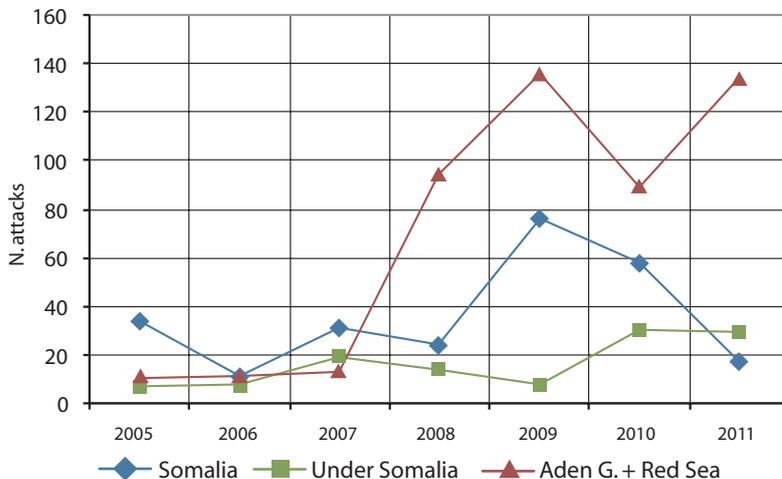
Produced by the authors using data from the IMO, International Maritime Organization, [www.imo.org](http://www.imo.org). L'IMO considers east Africa to be much larger than our proposal (limited to the east at longitude 65E). As a result, the number of attacks in this area is much higher for the IMO than for us. This discrepancy is reflected in the difference between the IMO's total value for 2011 and the sum of our twelve monthly values for that year.



**Piracy in areas other than east Africa did not generate any international military response**

**The Gulf of Aden is a strategically important line for global trade and shipping: 20,000 vessels pass through it annually, 20% of global trade and 30% of the total volume of oil supplied to Europe\***

**Graph 2. Pirate attacks in the three subzones into which we have divided east Africa**



4. International Maritime Organization (IMO): "Piracy in waters off the coast of Somalia"

\*Miguel Salvatierra (2010): *Op. Cit.*, p.15.

Since the UN Security Council has become involved with piracy on the coasts of Somalia the number of attacks has shot up (See graph below)

Resolution 1816 (UN Security Council, 2nd of June 2008) **expressed worry over the increase of pirate attacks off the Somali coast. This statement is surprising when the IMO data is scrutinised:**

2008	February	March	April	May	Total
Gulf of Aden	3	2	4	6	15
East of Somalia	0	1	3	3	7

There were in fact more attacks in 2007 and they didn't cause any alarm.

2007	April	May	June	July	Total
Gulf of Aden	2	0	1	3	6
East of Somalia	3	6	4	6	19

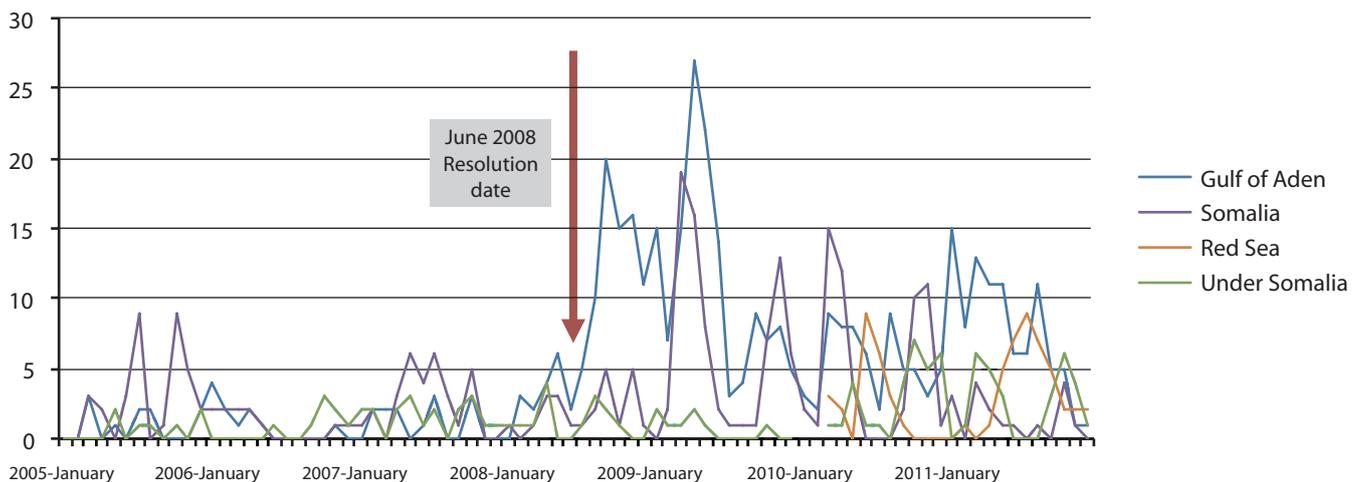
This is even more shocking if one considers that the high number of attacks in 2007 came after a period of eight months (June 2006-February 2007) in which there were only four attacks in all of east Africa.

2006-2007	June 06	July 06	Set. 06	Oct. 06	Nov. 06	Dec. 06	Jan. 07	Feb. 07	total
Gulf of Aden	0	0	0	0	0	1	0	0	1
East of Somalia	0	0	0	0	0	1	1	1	3

The period of a near total lack of attacks coincides with the time during which the Islamic Courts Union (ICU) controlled a significant part of the country

From June 2008 onwards the increase in attacks is truly remarkable

Graph 3. Monthly growth in the number of pirate attacks in east Africa



In the resolutions 1838 (7<sup>th</sup> October 2008) and 1851 (16<sup>th</sup> December 2008) the Security Council continues to declare itself "gravely concerned" by the proliferation of attacks **"off the coast of Somalia"; without mentioning other regions or countries.**

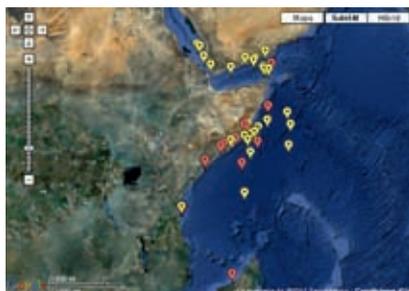
What are the pirates' objectives? In principle, any type of vessel with the potential for profit (there are countries and cargoes more interesting than others). Some examples:<sup>5</sup>

**The pirate attacks in the Gulf of Aden are concentrated in the coastal area much closer to Yemen than to Somalia (See the maps). Why then is Somalia the only country spoken about?**

Type of vessel	Example of hijacking	Owner country	Type of vessel	Example of hijacking	Owner country
Oil tankers	<i>Sirius Star</i>	United Arab Emirates (Liberian-flag)	Cargo vessels with aid and other	<i>Maersk Alabama</i>	US
Cargo ships carrying weapons	<i>MV Faina</i>	Ukraine (Belizean-flag)	Luxury yachts	<i>Le Ponant</i>	France
Fishing vessels	<i>Alakrana</i>	Spain	Cruise ships	<i>Seaborn Spirit</i>	Germany

Distribution of the pirate attacks reported to the IMB Piracy Reporting Centre. The successful attacks are in red and the failed ones in yellow:<sup>6</sup>

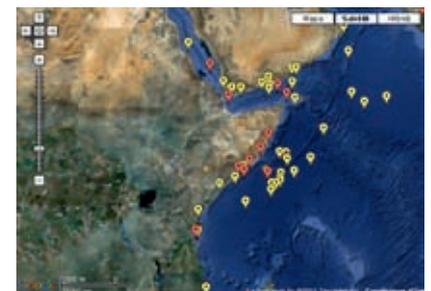
**The attacks that alarm the Security Council are those in the Gulf of Aden and not the east of Somalia, because they endanger merchant traffic and oil transportation.**



2005



2006



2007



2008



2009 (first year of Atalanta)



2010 (second year of Atalanta)

The presence of Atalanta doesn't put the pirates off. There are more and more attacks. However, the former Spanish defence minister, Carme Chacón, said on the 25th of March 2011 that the operation was working "optimally".<sup>7</sup>



2011 (third year of Atalanta)

5. Raymond Gilpin (2009): "Counting the costs of Somali piracy", *United States Institute of Peace*, 22 June, p.9.

6. International Chamber of Commerce, ICC Crime Services, [www.icc-ccs.org](http://www.icc-ccs.org).

7. *Europa Press*, 25 March 2011, [www.europapress.es](http://www.europapress.es).

Before 1989 piracy was unknown in the Horn of Africa

## 1.4. Causes and factors that explain piracy

### Factors that explain piracy in Somalia

- Potential of high profits with low risk
- Existence of areas on land controlled by the interested parties
- Low and/or non-existent capability and/or will on the part of the TFG to reduce piracy
- Support from groups of the population
- Resource race and overexploitation

### Factors that sustain and facilitate piracy

- Favourable geographical characteristics (long coast)
- Ease of obtaining advanced weaponry and equipment
- Global financial facilities and network structures
- Proliferation of small and medium arms
- Poverty and unmet primary needs
- Inability to apply legislation

### Factors that explain piracy in Somalia

**Potential of high profits with low risk.** It is estimated that 42,000 commercial vessels pass through “Somali waters” annually. In 2011 the total profit of piracy was valued at \$159.6m, paid in 31 ransoms.<sup>8</sup> Meanwhile, Jack Lang, special adviser to the Secretary-General of the UN on piracy in Somalia, estimates that “more than 90% of the pirates apprehended by states patrolling the seas will be released without being prosecuted.”<sup>9</sup>

**Existence of areas on land controlled by the interested parties.** In Somalia there is neither the capability nor the authority to control what happens in the country (the ICU did keep piracy in check). Each zone is controlled by one group or is disputed.

8. Nick Hopkins (2012): “Outgunned Somali pirates can hardly believe their luck,” *The Guardian*, 8 May.  
9. Citat a Nick Hopkins (2012): *Op. Cit.*

**Low and/or non-existent capability and/or will on the part of the TFG to reduce piracy.** “The total Puntland budget for 2008 is only about 20 per cent of projected piracy revenues for over the same period, suggesting a seriously unequal contest.”<sup>10</sup> Additionally, there is extreme corruption in the TFG.

**Support from groups of the population.** As a UN reports recognises: “Over the past 18 years of conflict and absence of effective central Government, the ecology and economy of these areas have been adversely affected by years of illicit overfishing by foreign vessels and the dumping of toxic waste into Somali territorial waters. Genuine economic hardship, whether directly related to these factors or not, and a sense of grievance against foreign exploitation of Somalia’s maritime resources, not only inspire many pirates, but also serve to legitimize their activities in the eyes of their communities.”<sup>11</sup> In addition, the chief of security himself of the city of Harardhere, 180 miles north of Mogadishu, said that the business associated with piracy had become the major source of income of the area: “The district receives a percentage of each ransom when the boats are freed. This money goes to infrastructure, hospitals and schools.”<sup>12</sup> The veracity of these statements is not known, but what is certain is that the TFG has never done its duty with social improvement.

10. UN Security Council(2008): “Carta de fecha 10 de diciembre de 2008 dirigida al Presidente del Consejo de Seguridad por el Presidente del Consejo de Seguridad establecido en virtud de la resolución 751 (1992) relativa a Somalia”, resolution S/2008/769, paragraph 127.

11. UN Security Council(2008): *Op. Cit.*, paragraph 125.

12. Miguel Salvatierra (2010): *El Próspero Negocio de la Piratería en África*, Madrid, Los Libros de la Catarata, p.28.

### **Resource and overexploitation race.**

The High Seas Task Force calculated that in 2005 at least 800 vessels were working in the Indian Ocean, from various countries, many European; of these, many were Spanish. Regional groups informed the Food and Agriculture Organisation (FAO) of the UN that the catch of species of fish of commercial value could be 300% higher than the permitted levels.<sup>13</sup> Eyl, a famous city known as a reference point for pirate activities and a harbour for numerous hijacked ships, held, according to a 2008 FAO report, the second place of the total traditional fishing of the country.<sup>14</sup>

### **Factors that sustain and facilitate piracy**

**Favourable geographical conditions (long coast).** Somalia has the longest coast of the entire African continent, a total of 3,025 km. While piracy doesn't affect the entire coast it is widespread.

**Ease of obtaining advanced weaponry and equipment.** The pirates boast very fast boats and good communication equipment (night vision goggles, radars, satellite mobile phones, GPS, etc.). With regards to armament, according to a UN report, the weapons used by the pirate groups are, for example: "Kalashnikov assault rifles, rocket-propelled grenade-7V launchers and extra grenades, Tokarev TT-33/7.62 mm pistols, a French LRAC F1/89 mm anti-tank rocket launcher, M76 rifles, and extra magazines."<sup>15</sup>

**Global financial facilities and network structures.** Piracy takes advantage of the global facilities that neoliberalism provides and the lack of effective regulation and control of transnational activities. The criminal economy doesn't make much sense if money cannot be laundered. The existence of bank, judicial and tax havens

and the role of certain foreign actors (see point 1.5) are key to understanding this business.

**Proliferation of small and medium weapons.** Somalia has one of the highest quantities of weapons per inhabitant in the world. The arms embargo in force since 1992 has been systematically violated. The UN warns of the complex relationship between the growth of piracy and the breach of the arms embargo, while stressing the superimposition of piracy, contraband and arms trafficking across the Gulf of Aden.<sup>16</sup>

### **Poverty and unmet primary needs.**

For more than two decades, Somalia has been one of the most impoverished countries in the world. Humanitarian crises are recurrent and basic needs are usually not met. The absence of state apparatus means that public health, education and social protection services do not exist.

**Inability to apply legislation.** The question of what is and what is not legal in Somalia has no response from a state perspective. Quite simply, there is no state and therefore no state laws, though we can talk of "legitimacy" or indeed of "legality" according to rules that have little to do with the model we use in Europe. From these perspectives, the analysis of the reasons for piracy may be different.

13. Miguel Salvatierra (2010): *Op. Cit.*, p.43.

14. Miguel Salvatierra (2010): *Op. Cit.*, p.44.

15. UN Security Council(2008): "Carta de fecha 10 de diciembre de 2008 dirigida al Presidente del Consejo de Seguridad por el Presidente del Consejo de Seguridad establecido en virtud de la resolution 751 (1992) relativa a Somalia", resolution S/2008/769, paragraph 138.

16. UN Security Council(2009): "Informe del Secretario Januaryal presentado de conformidad con la resolution 1846 (2008) del Consejo de Seguridad", resolution S/2009/146, 16<sup>th</sup> March, paragraph 55.

## Types of pirates

Type of pirate and period of existence	Causes of piracy	Objectives / motivations of the pirates	Profit	Who are they?	Support from the population	International response
POLITICAL pirates (Somalis) 1989-1990	Collapse of the state, civil war, piracy as an instrument of war	Political. Blocking of supplies to the government	Political benefit and damage to the opponent	Somali National Movement (SNM) Support from Ethiopia	War strategy	No significant response
Pirates for the RESOURCES (international) (After 1991)	Third of African fishing reserves Absence of state	Profit from the absence of state Resource race	Spoils worth between \$150m and \$450m a year	Non-Somali fishing, waste and other companies	Low in the majority of cases	Ignored. They have acted and continue to act with impunity
DEFENSIVE pirates (Somalis) (After 1991)	Plundering of resources by foreigners Absence of state	Avoid loss of resources Protection of marine resources (probable example: Spanish Albacora IV, in 2000)	Probably not very interested in looting the vessels	Coastguard	High, especially from those who depend on fishing	Ignored, considered in UN reports but nothing more
Pirates for the REWARD (Somalis and global) Current situation	High economic gain, low risk, favourable global structure, support from population, resource race	Profit from ransoms Grievance from the exploitation of marine resources	Each pirate can earn between \$10,000 and \$20,000 per hijacking* (see next point)	Eyl, Garad, Hoby, Harardhere and Mogadishu pirate networks	Difficult to separate from defensive pirates. Very diverse support	Global condemnation. Excessive military response

\* Scott Baldauf (2009): "Pirates, Inc.: Inside the booming Somali business", *The Christian Science Monitor*, 31st May.

Table inspired by Abdi Ismail Samatar and others (2010): "The Dialects of Piracy in Somalia: the rich versus the poor", *Third World Quarterly*, vol. 31, No.8, pp.1377-1394.

## 1.5. Who wins with piracy? Actors involved

<p><b><i>"The true pirates are not in Somalia, but in offices in Nairobi, London and Dubai"</i></b></p> <p>Andrew Mwangura, coordinator of the Seafarers Assistance Program for east Africa*</p>	<p><b><i>"The real pirate leaders are businessmen or investors to whom politicians can be added"</i></b></p> <p>United Nations, 2008**</p>
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Who wins with piracy?	Who loses with piracy?
<ul style="list-style-type: none"> <li>■ The pirates</li> <li>■ Insurance companies</li> <li>■ Law firms</li> <li>■ Part of the coastal Somali population</li> <li>■ Mediators / financiers / promoters / regional networks / Diaspora elements</li> <li>■ Private security firms</li> <li>■ Some states</li> </ul>	<ul style="list-style-type: none"> <li>■ Hijacked or attacked vessels (owners and workers)</li> <li>■ Vessels that alter their routes</li> <li>■ Some states, including Spain</li> <li>■ International trade</li> <li>■ Part of the Somali population</li> </ul>

\* Joana Socías (2008), "Andrew Mwangura, experto en piratería", *El mundo.es internacional*, 10-12-2008.

\*\* Miguel Salvatierra (2010): *El Próspero Negocio de la Piratería en África*, Madrid, Los Libros de la Catarata, p.20.



situation is a lot worse. The insurance is often viable for oil companies but not for tuna fishers. A boat that goes round the Cape of Good Hope can save €330,000 (though taking longer and using more fuel) because it avoids insurance premiums and right of passage payment in Suez.<sup>22</sup> Some insurance companies involved are Hiscox, Willis-SCR and Maritime & Underwater Security Consultants (MUSC).

**Owners.** According to Greenpeace, basing its finding on data from Lloyd's, there are at least 1,300 industrial scale fishing vessels that work with flags of convenience. Approximately 80% do so with the flag of Belize, Honduras, Panama or Saint Vincent and the Grenadines. The owners of these vessels come from 80 countries, mainly Taiwan, the EU (mainly Spain), Panama, Belize and Honduras.<sup>23</sup> "The *Prestige*, for example, operating under a Bahamas flag, was the property of a company registered in Liberia, but Greek-owned, and the crew was largely Filipino."<sup>24</sup>

**Corrupt government officials.** Offer political protection. According to the UN, AMISOM soldiers are also involved. The international organisms have proven evidence of the involvement of the authorities of Puntland and of the TFG in pirate activities. The allegations of complicity are rising and also affect Puntland ministers.<sup>25</sup>

**Regional networks.** The pirates have networks in the countries of the region that facilitate information about boats and routes so they can choose which to attack in advance. They report on the identity, nationality, cargo and position of vessels vulnerable to hijacking.<sup>26</sup> Sometimes, the contacts watch from the main ports of neighbouring countries.<sup>27</sup> According to the UN, there is a certain correlation between piracy and other criminal activities, as the same boat can be used to transport immigrants between Somalia and Yemen

and, on the return voyage, transport arms and munitions.<sup>28</sup>

**International networks.** The money is probably laundered in Kenya, The United Arab Emirates and other places in the Near East.<sup>29</sup> An intelligence report from the *Atalanta* mission, which states that there are pirate advisers in London, was leaked on *Cadena SER* in May 2009. It shows how these advisers have full knowledge of the vessels attacked, their cargo, nationality, route, etc. The pirates' information network extends to Yemen, Dubai and the Suez Canal. It also states that there is a nationality selection process of the vessels attacked. It highlights the low number of attacks on British vessels, despite the prevalence of the British merchant navy.<sup>30</sup>

**Law firms.** For example, in the case of the Spanish *Albacora IV* in 2000, a London-based firm, in its position as legal representative of the independent state of Puntland, fined the *Albacora IV* \$800,000 for not having a fishing licence. The payment in this case was made in London, where there are several firms that are responsible for making sure that the owner does not break the law in the payment of the ransom and the negotiation.

**Pirates.** They are also global. A good example is Afweyne, one of the most important pirate leaders. The hijacking of the Spanish tuna-fishing vessel *Alakrana* is attributed to him. In September 2009 Afweyne met with the Spanish minister Miguel Ángel Moratinos among the guests of the festivities organised by Muammar Gaddafi in celebration of his 40 years in power in

22. Miguel Salvatierra (2010): *Op. Cit.*, p.20.

23. Miguel Salvatierra (2010): *Op. Cit.*, p.47.

24. Miguel Salvatierra (2010): *Op. Cit.*, p.52.

25. Data from paragraph of UN Security Council (2009): *Op. Cit.*, p.3.; UN Security Council (2008): *Op. Cit.*, paragraph 141.

26. Miguel Salvatierra (2010): *Op. Cit.*, pp.24-25.

27. UN Security Council (2008): *Op. Cit.*, paragraph 136.

28. UN Security Council (2008): *Op. Cit.*, paragraph 143.

29. Kim Sengupta and Daniel Howden (2009): "Pirates: the \$80m Gulf connection", *The Independent*, 21 April; "Somali piracy flourishes into lucrative business—experts", *Agence France-Presse*, 11 December 2010.

30. Mariela Rubio: "Los piratas reciben información desde Londres sobre rutas de pesqueros españoles", *Cadena SER*, 11 May 2009; Giles Tremlett (2009): "This is London – the capital of Somali pirates' secret intelligence operation", *The Guardian*, 11 May; Giles Tremlett (2009b): "Somali pirates guided by London intelligence team, report says", *The Guardian*, 11 May.

Libya.<sup>31</sup> It is believed that the pirates only receive a third of the plunder. Fahid Hassan, a security analyst from Mombasa, explains that the security and mediation services represent another third of the plunder.

**Private security firms.** Private defence and security firms offer their services to owners, firstly for the protection of their vessel and secondly for handling the ransom payment. These firms include Marine Risk Management, Anglo Marine Overseas, Clayton Consultants

(part of the infamous Triple Canopy)<sup>32</sup> and Drum Cussac.<sup>33</sup> (See much more information on involved private security firms in point 4.9).

32. Consult this company's details at: [http://centredelas.org/images/stories/Empresas\\_militares\\_privades/fitxaDefinitivaTriple-Canopy-castell.pdf](http://centredelas.org/images/stories/Empresas_militares_privades/fitxaDefinitivaTriple-Canopy-castell.pdf)

33. See group's website at: <http://www.drum-cussac.com/index.php> and example of its operations at: Jason Lewis (2010): "Paul and Rachel Chandler: British mercenaries hired to take on the Somali pirates", *The Telegraph*, 20<sup>th</sup> November.

31. Miguel Salvatierra (2010): *Op. Cit.*, p.24.

### Example of distribution of the ransom (example from 2008)\*

Maritime militia	30%	In equal parts, though the first pirate to board the boat receives double or a vehicle. The pirates who fight against other pirates must pay a fine. The families of pirates who die during the operations receive compensation.
Land militia	10%	-
Local community	10%	Committees of dignitaries (authorities), bribes for local and visiting officials and hospital payments for guests and associates of the pirates.
Financier	20%	The financiers often share their profits with other financiers and political allies (\$300-30,000 investment).
Sponsor	30%	(Or organiser).

\*UN Security Council (2008): "Carta de fecha 10 de diciembre de 2008 dirigida al Presidente del Consejo de Seguridad por el Presidente del Consejo de Seguridad establecido en virtud de la resolution 751 (1992) relativa a Somalia", resolution S/2008/769, paragraph 140.

### Detailed example of a potential pirate operation (example from 2009)

Income	(dollars)	Expenditure	(dollars)	Net income	(dollars)
Investment of the financier		Operational costs		Total	321,450
Boat and outboard engine	14,000	Food, supplies	72,800	Total (minus investment)	300,250
Arms and munitions	2,000	Equipment maintenance	31,200	Financiers	120,250
Boarding tools	1,200	Maintenance of the hostages	15,750	Pirates (12)	180,000
Comm. equipment and GPS	4,000	Bribes	18,000	Profit per pirate	15,000
Ransom payment	600,000				
<b>Gross income</b>	<b>621,000</b>	<b>Total expenditure</b>	<b>299,750</b>	<b>Net income (minus investment)</b>	<b>300,250</b>

Raymond Gilpin's calculation based on data available and concrete examples. See Raymond Gilpin (2009): "Counting the costs of Somali piracy", United States Institute of Peace, 22 June, p.13.

## Summary of profits and losses of the different actors involved

It is believed that in 2011 **31 ransoms** were paid to Somali pirates, at a total value of **\$160m**. The average ransom was approximately **\$5m**, an increase on the almost 4 million of 2010.<sup>34</sup> The estimated total of the payments made

in 2008 was \$80m,<sup>35</sup> with an average ransom of \$2m.

34. Anna Bowden and Dr. Shikha Basnet (2012): *The Economic Cost of Somali Piracy*, One Earth Future, p.2.

35. Scott Baldauf (2009): *Op. Cit.*; other sources speak of \$35m. See Abdi Ismail Samatar and others (2010): *Op. Cit.*, p.1389.

Who profits		
Actor	How they profit	Approximate scale of the profit <sup>I</sup>
Pirates	Income, social status	Each pirate can earn between \$10,000 and \$20,000 per operation <sup>II</sup>
Insurance companies	Insurance rates rise	The rates have multiplied by 10. <sup>III</sup> The volume of insurance related to piracy in the Indian Ocean (up to the west coast of India) in 2011 is estimated at \$635m
Part of the Somali coastal population	Increase Somali fishing resources, due to the decrease in foreign fishing. <sup>IV</sup> Part of the ransoms goes to the community	A small but important percentage of the ransoms. Increase in related business opportunities
Mediators / financiers / promoters / regional networks / Diaspora elements / law firms	Global and regional actors who receive a percentage of the ransoms. They keep a large part of the ransoms with a very low risk factor	A large percentage of the ransoms, which can reach 50%. Promotion of some companies in the global market
Private security firms	Boom in the contracting of private security in Somalia, Somaliland, Puntland, Djibouti and by commercial and fishing fleets	Surge in business. The total cost of security equipment and armed guards in 2011 has been estimated at between \$1,06bn and \$1,16bn
Some states	Piracy is a good justification for a military presence that can also fulfil other objectives (see chapter 2.1)	Political, strategic and military gain (see chapter 2)
Who loses		
Actor	How they lose	Approximate scale of the loss
Vessels (and workers) hijacked or attacked (owners)	Difficulty of working. Risks for the crew. Ransom payments. Inflated insurance rates. Necessity of better equipment. Private protection payment	Average ransom in 2011: \$5m
Vessels that have to alter their routes or accelerate to avoid attacks	Lengthening of the route, longer voyage, more fuel and money spent	Losses estimated to be between \$486m and 680m in 2011. The extra cost of accelerating is estimated to be above \$2.7bn
Some states, including Spain	Cost of military operations, judicial costs, cost of antipiracy organisations	2011 cost estimated at \$1.27bn dollars (operations), \$16.4m (trials), \$21.3m (organisations)
International trade	Some analysts calculate a 20% loss of income for 2009, caused more by the decrease in international trade due to the economic crisis than by piracy. A clear example of a victim is Egypt, where the traffic on the Suez Canal has fallen by 30%, from \$5.1bn in 2008 to \$3.6bn in 2010. <sup>V</sup> It is stated that the principal cause of the reduction is piracy in the Gulf of Aden, which seems exaggerated in the context of the global crisis. On the other hand, some authors have pointed out that the effect of piracy on global trade represents less than 0.1%, given that only 0.6% of the 21,000 vessels that passed through the Gulf of Aden were attacked and only 0.2% boarded. Other authors assess the direct and indirect cost of piracy on global trade as being between \$1bn and \$16bn <sup>VI</sup>	
Part of the population	Militarisation of the country, legitimisation of warlords, military attacks, stigma of the country, etc.	

I. Unless another source is indicated, the data of the economic sums comes from Anna Bowden and Dr. Shikha Basnet (2012): *Op. Cit.*

II. Scott Baldauf (2009): *Op. Cit.*

III. Abdi Ismail Samatar and others (2010): *Op. Cit.*, p.1389; other sources speak of quadrupling of rates between 2008 and 2009. See Raymond Gilpin (2009): "Counting the costs of Somali piracy", United States Institute of Peace, 22 June, p.12; and others claim that the rates have multiplied by ten in a year.

See Roger Middleton (2008): *Piracy in Somalia*, Chatham House, October, www.chathamhouse.org.uk

IV. As recognised by the UN Security Council (2009): "Informe del Secretario General presentado de conformidad con la resolución 1846 (2008) del Consejo de Seguridad", resolution S/2009/146, 16 March, paragraph 48.

V. Louise Wasser (2009): "Somali piracy costs Suez Canal business", *San Francisco Chronicle*, 29 April.

VI. Raymond Gilpin (2009): *Op. Cit.*, p.13.

## PART 2. WHY IS SOMALIA INTERESTING? INTERNATIONAL INTERESTS

The military operations in Somalia are often justified as an effort to combat piracy and terrorism, with the aim of ensuring safe international maritime passage and a more habitable Somalia for its population. However, the interests are much more diverse and more related to what is known as “geopolitics”. Put another way, the relations and influence of different state, regional and global actors in a strategically important region.

### 2.1. A region of high geopolitical interest

We can group the possible interests of the different states in the region of Somalia into 8 sections:

#### 1. Trade across the Gulf of Aden.

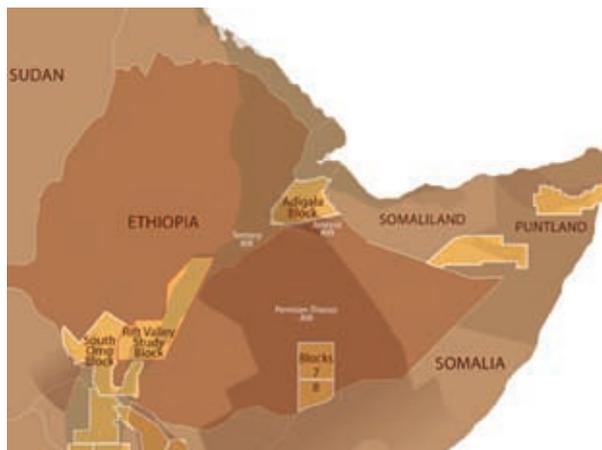
Around 20,000 vessels pass through the Gulf of Aden each year, 20% of global trade as well as 30% of European oil supply.<sup>36</sup> It is also the main sea access between Asia, the Middle East and Europe. Even Russia has domestic maritime traffic through the Gulf of Aden (between Siberia and the Caucasus). According to Japanese officials, 90% of their country’s maritime exports go through the Gulf of Aden.<sup>37</sup> On the subject, it must be pointed out that the majority of the attacks of so-called pirates occur in the Gulf of Aden, closer to Yemen than to Somalia.

**2. Geopolitical influence in the region.** As the Gulf of Aden is such a strategically important area, its control and the increase of influence in the region (and the decrease of the influence of other competitor states) becomes an objective in itself. It is this logic that explains why there is such a large military presence in the region. This region is not only another example of the com-

petition between the US and China but also involves many other countries.

#### 3. Interests in the natural resources.

The fishing resources are especially important for France and Spain along with other countries such as Japan and India. Somalia has also been highlighted for offering possibilities of oil production. There have been shows of interest in exploration or production in Somalia from at least Marathon Oil (US) Petronas (Malaysia), Pex Co. Oil (the Netherlands), Range Resources and Jacka Resources (both Australian), Ophir Energy, Asante Oil and Prime Resources (all three from the UK).<sup>38</sup> The Canadian company Africa Oil Corp (and also Range Resources) enjoy the exploration “rights” to two blocks in Puntland. This company also has exploration contracts in Ethiopia and Kenya (see on attached map the areas where this company works).<sup>39</sup>



#### 4. Support to allied countries in geopolitical and geoeconomic terms.

As this region constitutes such an important geopolitical and strategic interest, a game of alliances becomes more important in which any support to the principal actors can result in favourable treatment in other international matters. It must be understood that organisations and alliances such as NATO, the European Union, the Arab League and the African Union have a deciding role in the region. Thus, the

36. Miguel Salvatierra (2010): *El Próspero Negocio de la Piratería en África*, Madrid, Los Libros de la Catarata, p.15.

37. See [http://www.upi.com/Business\\_News/Security-Industry/2010/05/11/Japan-to-build-navy-base-in-Gulf-of-Aden/UPI-60511273596816/#ixzz1YrfXRGDf](http://www.upi.com/Business_News/Security-Industry/2010/05/11/Japan-to-build-navy-base-in-Gulf-of-Aden/UPI-60511273596816/#ixzz1YrfXRGDf) [Consulted: 24<sup>th</sup> September 2011].

38. Vicenç Fisas (2006): *Anuari 2006 de Processos de Pau*, Barcelona, Escola de Cultura de Pau, p.106; Scott Baldauf (2012): “Drill for oil in Somalia? Why not, says Australian firm”, *The Christian Science Monitor*, 30<sup>th</sup> April.

39. Data on Africa Oil Corp and map of explorations extracted from its corporate website.

military-political participation in this region of certain countries is based on their own analysis of the cost-benefit balance (principally in political terms).

**5. A stop to the threat that Somalia could represent.** It was already mentioned in the chapter on context that the links between Somalia and al-Qaida are much less relevant than claimed, although it must be recognised that al-Shabaab includes some foreign combatants. Additionally, some countries consider armed Somali groups, especially al-Shabaab, a threat to them. For example, in September 2010, the director general of the British secret services, MI5, stated that more than one hundred British residents had travelled to receive training from al-Shabaab in order to operate on British soil.<sup>40</sup> Whether the terrorist threat from Somalia is certain or not, it is used as politically and by the media and so must be considered.

**6. Solution to the permanent Somali crisis.** Somalia has suffered a dire crisis for more than two decades. The effective absence of a state, war, the Mafia and unmet basic human needs has provoked problems not only for its population but also in many other countries. The presence of large numbers of Somalis in neighbouring countries is not always welcome and the Somali Diaspora in Europe and North America are often indicated as the cause of various problems. Despite the fact that some countries probably do not want a strong Somali state (particularly Ethiopia), the situation over the last two decades has become completely unacceptable even in a world accustomed to systemic injustice.

**7. Visibility and increased international weight.** International relations are, to some extent, militarised. The weight of countries like Russia or even the US is explained more by their mili-

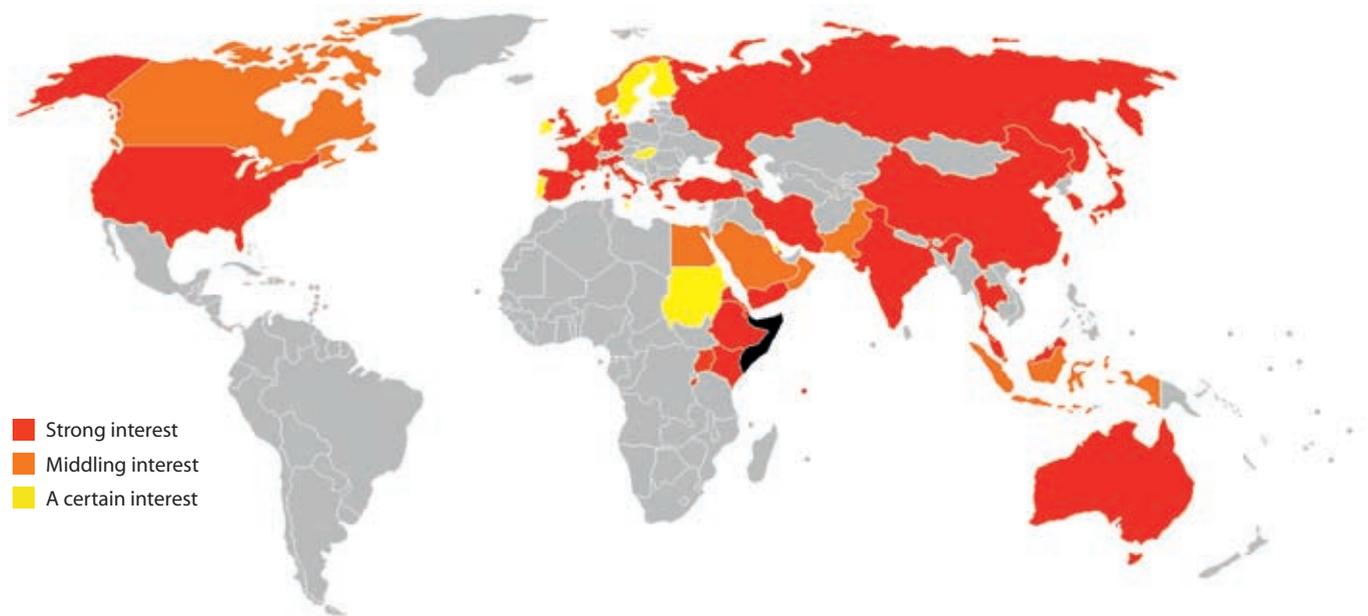
tary capability and influence than by their wealth. To increase this weight they must be present in (or at least, not forget about) the areas considered geopolitical hotspots. Just like the Near East and Afghanistan, Somalia and the Gulf of Aden are among these hotspots (more detail in point 2.2). Furthermore, their presence is often easily justified thanks to a legitimising discourse. The case of Somalia allows, at the same time, the justification of a political competition and the acquisition of international recognition as they are there “to fight terrorism” and “piracy” and to collaborate in the construction of the Somali state.

**8. Domestic public opinion.** Many overseas political and or/military operations can be favoured or limited by the public opinion of the countries willing to intervene militarily. In this way, “Somalia” does not have the same meaning for the population of a metropolis with regards to their colonies (the case of Italy), for countries with a high Somali Diaspora population (the cases of Canada and Holland), for countries where domestic interests and pressures are visible (the case of Spain), for countries where the concept of Somalia is often linked with that of “threat” (the case of Ethiopia or Kenya) or for countries where Somalia and population are nothing more than another country on the world map.

The objective of this work is to detail the Spanish interests but for this it is necessary to understand the great geopolitical importance of the region of Somalia. It is thus necessary, in a very simplified way, to understand that there are at least three levels of interest in this region:

40. “MI5 chief warns of terror threat from Britons trained in Somalia”, *The Guardian*, 17<sup>th</sup> September 2010.

- Strong interest: US, France, Spain, UK, Ethiopia, Kenya, Uganda, Yemen, Iran, Turkey, Italy, Germany, India, China (and Taiwan), Russia, Japan, Thailand, Malaysia, Australia, South Korea, Eritrea, Greece, Burundi, Djibouti, Seychelles.
- Middling interest: Canada, Norway, Denmark, Netherlands, Belgium, Saudi Arabia, Oman, Pakistan, Egypt, Qatar, Singapore, Indonesia.
- A certain interest: Sweden, Finland, Portugal, Ireland, Austria, Luxembourg, Bahrain, Malta, Sudan.

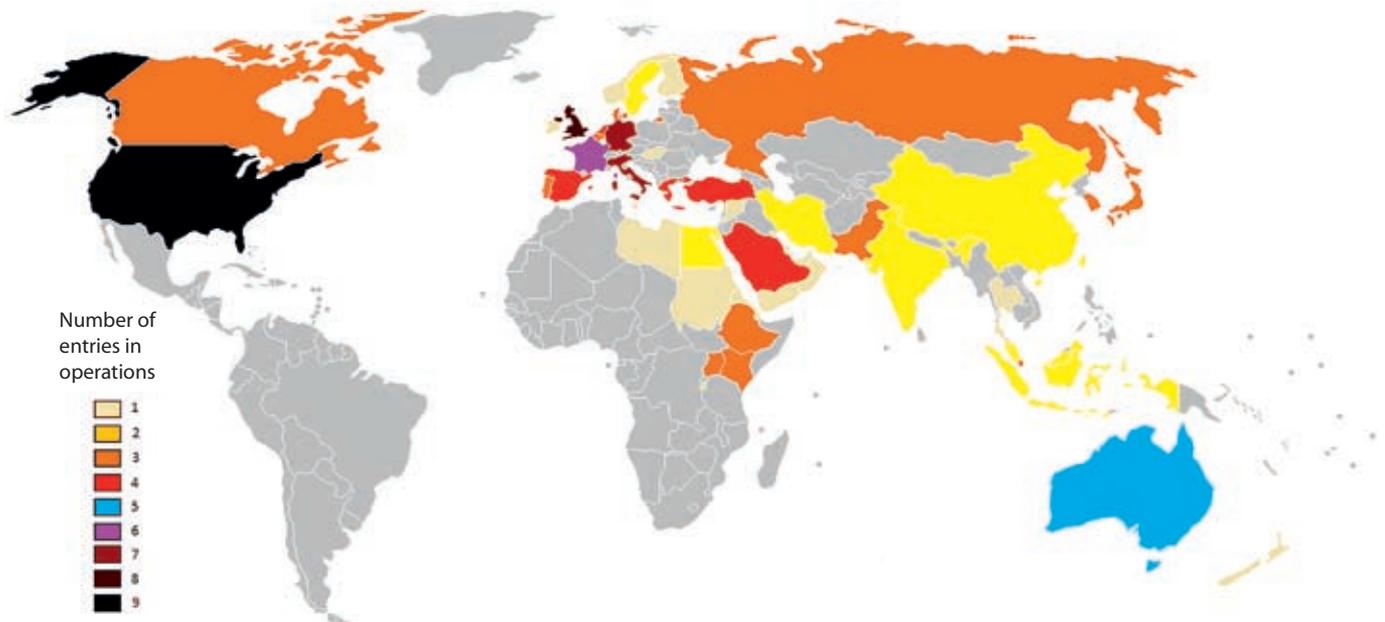


NB: this map is not intended to be exhaustive, but rather is shown for illustrative purposes.

### 2.2.50 countries, eight joint military operations, 21 unilateral operations: Is this not a hotspot?

The most obvious way to channel ambitions and satisfy interests is usually to establish a permanent military base. With this logic, Djibouti seems a paradise. It houses the main French overseas military base, the only official US base in Africa, the only Japanese overseas military base (and the first initiative since the end of the Second World War) and another smaller base, belonging to Germany, a country which isn't known for keeping military bases abroad. However, there are

many other ways to participate politically and militarily in Somalia. Militarily speaking, in the last three years there have been at least eight multinational and 21 unilateral military operations. It's worth highlighting that one of the strategies employed by the most interested countries in Somalia is the participation in not one, but many different military operations, in order to guarantee that the dynamics and logic of these operations are compatible (and favourable) with their interests. In 2008 naval forces for protection against pirate attacks in East Africa were set up. This function was also added to other already existing naval forces.



Note: Only military operations directly related to piracy and Somalia are considered

### 12 different military strategies considered:<sup>41</sup>

- **Military bases:** France (Djibouti and Réunion), USA (Djibouti and Seychelles), Japan (Djibouti) and Germany (Djibouti).
- **Unilateral operations:** USA, France, the UK, Canada, Germany, Holland, Denmark, Italy, Greece, Japan, Australia, Turkey, China, India, Russia, Saudi Arabia, Iran, Singapore, Ethiopia, Kenya, Indonesia.
- **Atalanta (EU):** France, Spain, Germany, Holland, Italy, Belgium, Greece, Norway, Sweden
- **Ocean Shield (NATO):** USA, UK, Denmark, Italy, Greece, Australia, Holland, Spain, Germany, Belgium, Canada, Portugal, Turkey, Seychelles, Saudi Arabia, Oman, Pakistan, India, Singapore, South Korea, Indonesia, China, Russia.
- **CTF-150 (part of Operation Enduring Freedom):** USA, France, UK, Germany, Japan, Australia, Pakistan, Malaysia, Canada, Denmark, Italy, South Korea, Holland, New Zealand, Portugal, Singapore, Spain and Turkey.
- **CTF-151:** USA, UK, South Korea, Australia, Turkey, Thailand, Pakistan, Malaysia.
- **CTF-152:** USA, UK, Kuwait, Bahrain, United Arab Emirates, Saudi Arabia, Qatar, Italy and Australia .
- **TFF-53:** USA, UK.
- **AMISOM (AU):** Uganda, Burundi, Djibouti, Kenya.
- **EUTM (EU):** Spain, France, Italy, Germany, Portugal, Finland, Hungary, Ireland, Greece, UK, Belgium, Sweden, Malta, Luxembourg.
- **Supplying of armaments** to Somalia in recent years: USA, Egypt, Uganda, Saudi Arabia, Libya, Syria, Djibouti, Iran, Ethiopia, Eritrea.
- **Recent Training** of police, military personnel and militia (outside the EUTM operation): USA, France, Russia, Uganda, Kenya, Ethiopia, Germany, Italy, Egypt, UK and Sudan.

41. Source of the participation: *The Military Balance* (various years); Ministry of Defence – ATALANTA, <http://www.mde.es/areasTematicas/misiones/enCurso/> [Consulted: 25 June 2010] and official websites of the military operations.

# More than a decade of military presence with different excuses. First terrorism, now piracy

**Naval operations against piracy.** Red background for operations with recognised Spanish participation.

Military operation	'01				2002				2003				2004				2005				2006				2007				2008				2009				2010				2011			
	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2				
<b>Enduring Freedom</b>	[Red background]																																											
<b>Military bases</b>	[Grey background]																																											
<b>Arms supplying</b>	[Grey background]																																											
<b>CTF-151</b>	[Grey background]																																											
<b>CTF-150</b>	[Grey background]																																											
<b>CTF-152</b>	[Grey background]																																											
<b>Allied Provider</b>	[Grey background]																																											
<b>Allied Protector</b>	[Grey background]																																											
<b>Ocean Shield</b>	[Grey background]																																											
<b>Atalanta</b>	[Grey background]																																											
<b>EUTM</b>	[Grey background]																																											
<b>AMISOM</b>	[Grey background]																																											

## Initial resolutions of the UN Security Council

**Resolution 1814 (15 May 2008).** *Re-iterates* its support to the contribution that some states have made to protect the maritime convoys of the world food programme, *urges* states (...) to, in close coordination with each other (...) and by petition of the Transitional Federal Government, take measure to protect shipping for the transport and supply of humanitarian assistance to Somalia.

**Resolution 1816 (2 June 2008).** *Expressing its concern* over the quarterly reports received by the International Maritime Organization (IMO) since 2005, which contain proof of the survival of piracy and armed robbery, particularly in the waters off the coast of Somalia.

*Urges* the states, warships and military aircraft that operate in open sea and in the airspace off the coast of Somalia to stay alert for acts of piracy and armed robbery, and in this context, *encourages* in particular those states interested in the use of the commercial maritime

routes situated off the coast of Somalia to increase and coordinate their efforts to discourage acts of piracy and armed robbery at sea in cooperation with the TFG.

*Decides* that (...) those states that cooperate with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia (...) can:

- a) Enter the territorial waters of Somalia (...)
- b) Use, in the territorial waters of Somalia, all means necessary to suppress acts of piracy and armed robbery.

**Resolution 1838 (7 October 2008).** *Very concerned* by the recent proliferation of acts of piracy and armed robbery committed **off the coast of Somalia** (...)

**Resolution 1851 (16 December 2008).** *Still very concerned* by the sharp increase in incidents of piracy and armed robbery committed **off the coast of Somalia** in the last six months (...)

**Why only mention Somalia and not Yemen, Kenya, Djibouti, Eritrea or Seychelles?**

## 2.3. Panorama of the military operations



### Military bases

- **France.** France has some 1,690 soldiers stationed in Djibouti,<sup>42</sup> and has another military base in Réunion which houses more than 1,000 soldiers. France has maintained a military presence in the Indian Ocean for decades, especially in the Gulf of Aden. Two boats and a military patrol plane operate in this region in either a state framework or in the multinational framework of the CTF-150 or *Task Force 57*, which form part of the Enduring Freedom operation, charged, in theory, with dissuading and impeding arms traffic and terrorist movements.<sup>43</sup>
- **USA.** In the Africa Command of Djibouti, there are 190 ground troops, 717 navy troops, 125 from the airforce and 133 *marines*; while in Seychelles there are MQ-9 Reaper unmanned aircraft.<sup>44</sup> The US base, officially the only one in Africa, is located at Camp Lemmonier, an old installation of the French Foreign Legion near the airport of Djibouti. It is occupied by the *Combined Joint Task Force-Horn of Africa*, an antiterrorist force deployed after the 9/11 attacks.<sup>45</sup>

■ **Japan.** In July 2011, Japan opened a permanent military base where the “Japanese Maritime Self-defence Force” will be established, comprising 600 soldiers (180 of which will be in a base near the international airport of Djibouti), on the grounds of combating piracy.<sup>46</sup> This base was announced in April 2010. However, Japan already had a military presence in the Gulf of Aden (since 2009, with destroyer warships with missile and maritime patrol aircraft) and in the territory of Djibouti (military personnel stationed since 2009 on lease at the US base at Camp Lemmonier). The new base will include a runway for the Lockheed Martin P-3 Orion maritime patrol aircraft and a permanent dock facility,<sup>47</sup> and will make Djibouti 30 million dollars a year.

■ **Germany.** Since at least 2002, German soldiers have made permanent use of a port for operations related with the Enduring Freedom operation, for control of the Horn of Africa.<sup>48</sup> At least 1,000 German soldiers have been stationed in Djibouti.<sup>49</sup>

► **China** has also expressed its interest in establishing a naval base in the Gulf of Aden.<sup>50</sup> It also participates in joint and unilateral military operations in the region.

Spain and other countries also have a permanent military presence in Djibouti

42. International Institute for Security Studies: *The Military Balance*.

43. French Ministry of Defence (2010): “L’action de la France dans la lutte contre la piraterie”, press release from 12 July.

44. International Institute for Security Studies: *The Military Balance*.

45. “Japan to build navy base in Gulf of Aden”, UPI.Com, 11 May 2010, available at: [http://www.upi.com/Business\\_News/Security-Industry/2010/05/11/Japan-to-build-navy-base-in-Gulf-of-Aden/UPI-60511273596816/#ixzz1Ys5hPJ3b](http://www.upi.com/Business_News/Security-Industry/2010/05/11/Japan-to-build-navy-base-in-Gulf-of-Aden/UPI-60511273596816/#ixzz1Ys5hPJ3b) [Consulted: 24 September 2011].

46. Mohamed Osman Farah (2011): “Japan Opens Military Base in Djibouti to Help Combat Piracy”, *Bloomberg*, 8 July, available at: <http://www.bloomberg.com/news/2011-07-08/japan-opens-military-base-in-djibouti-to-help-combat-piracy.html> [Consulted: 24 September 2011].

47. “Japan to build navy base in Gulf of Aden”, *Op. Cit.*

48. “‘Terrorist fighters’ concentrating in Djibouti and Kenya”, *Afrol News*, February 2002, [http://www.afrol.com/News2002/dji001\\_ken\\_terrorwar.htm](http://www.afrol.com/News2002/dji001_ken_terrorwar.htm)

49. “Operation Enduring Freedom – Horn of Africa (Djibouti)”, *GlobalSecurity.org*, <http://www.globalsecurity.org/military/ops/oef-djibouti.htm>

50. “Japan to build navy base in Gulf of Aden”, *Op. Cit.*

## Unilateral operations – details of the deployment

Country	What is their contribution? (see acronyms p. 6)
USA	2008: DDG, 4 MCM; 2009: 3 DDG, FFG, 4 MCM, 5 PFC, 1-T-AKEH, 2 T-AO, ATF, 6 PBC
France	2008: 3 FFH, FF, PCO
UK	2008: 3 FFG, 2 MCC, 2 MHO; 2009: 3 FFG, 4 MHO, 2 LSD
Germany	2008: FFG, AOT
Holland	2008: DDG
Denmark	2008: AG
Italy	2008: DDG
Greece	2008: FFG
Japan	2009: 2 DDG

Country	What is their contribution?
Australia	2008: FFG
Turkey	2008: FFG
Russia	2008: FFG, AOL; 2009: DDG, AOE, ATF
China	2009: 2 FFG, AORH
India	2008: 2 FFG; 2009: FFG
Saudi A.	2009: 2 FFG
Singapore	2008: LST
Ethiopia	2008: 2.500-3.000 soldiers
Iran	2009: 1 FFG; 1 AORH

Source: *The Military Balance*, various years.

## Operation Atalanta (European Union)

In order to effect actions that would assure maritime traffic in the Horn of Africa the UN Security Council approved resolutions 1814, 1816, 1838, 1846 and 1851 in 2008 and 1897 in 2009. On the 19<sup>th</sup> of September 2008 the Council of the European approved the creation of a Coordination Cell on piracy, under the command of a Spanish official, to coordinate the naval and aerial forces

on the Somali coasts for three months. On 8 December 2008, The Council of the EU approved the launch of operation Atalanta to fight piracy in Somali waters. It is the first maritime operation of the EU in the framework of the Common Security and Defence Policy (CSDP).<sup>51</sup>

51. "Opération navale de l'UE contre la piraterie"; press release December 2009 EUNAVFOR/13, <http://www.consilium.europa.eu/pesd>

## Total forces of operation Atalanta

Spain	Helicopter carriers	ESPS GALICIA
	Oceanic patrol vessel	ESPS INFANTA CRISTINA
	MPA aircraft	BARBO CN235
Germany	Frigate	FGS KOELN
	Frigate	FGS HAMBURG
	PC vessel	FGS RHOEN
Holland	PC vessel	HNLMS AMSTERDAM
Italy	Frigate	ITS LIBECCIO
Luxembourg	MPA aircraft	SEAGULL MERLIN III-A
Sweden	Oceanic patrol vessel	HSWMS CARLSKRONA

France	Frigate	FS DE GRASSE
	Frigate	FS FLOREAL
	Frigate	FS CDT BOUAN
	PC vessel	FS SOMME
	MPA aircraft	OBELIX ATL-2
	MPA aircraft	F50 FALCON
Greece	MPA aircraft	C2 E3F
	Frigate	HS ADRIAS
Belgium	Frigate	BS LOUISE MARIE

MPA aircraft: Maritime patrol aircraft; PC vessel: Oil supply boat.

Data on April 19<sup>th</sup> 2011. <http://www.consilium.europa.eu/uedocs/cmsUpload/naviresnov.pdf>



Approximate map of operation Atalanta. The yellow line marks the boundary of the EEZ.

**The annual costs of operation Atalanta are estimated at 450 million euros\***

### Area of operation of operation Atalanta

The forces deployed initially operated for 500 nautical miles along the coastline of Somalia and neighbouring countries.<sup>52</sup> This area covers the south of the Red Sea, the Gulf of Aden and a part of the Indian Ocean that includes Seychelles.<sup>53</sup> **But on 23/02/2012 military operations in Somali maritime and land territory were authorised.**

**The mandate includes territorial waters of Somalia!**<sup>54</sup> Agreement signed with the TFG on 29/11/2008. Also agreements with Kenya (4/12/2008) and Djibouti (1/12/2008). Agreement with Ethiopia to fly through airspace (24/11/2008), to supply Atalanta.

On 14 of June 2010, the Council of the EU decided to extend the mandate of the operation by two years until 12 December 2012 (and **on 23 March 2012 it was announced that it would be extended until December 2014**).

### Who finances operation Atalanta?

**The common costs** which assure the supplying of the task force **are shared between the states that participate in the operation and are in proportion to their participation. Furthermore, each participating member state assumes responsibility of the budget for the means that it provides** (deployment of troops, logistic support, salaries, etc.). The running costs of the operations General Staff and the General Staff of the forces (8.3 million euros in 2009) are shared between the EU member states depending on their GDP.<sup>55</sup>

### Operation EUTM (European Union)

The Djibouti Agreement (9 June 2008) came from the UN-driven negotiations between the TFG and the armed coalition in opposition of the regime, ARS (Alliance for the Re-liberation of Somalia) to reach a resolution of the conflict. In the framework of this agreement, the UN Security Council approved **Resolution 1872 in 2009**, which stresses the importance of reinforcing the training and equipping of security forces. Following this resolution, on the **7<sup>th</sup> of April 2010**, the EU launched a military mission to contribute to the training of the Somali security forces, in the **framework of the CSDP** – Common Security and Defence Policy.

This mission is carried out in **Uganda**, where the TFG militia receive training. Uganda is, incidentally, the main contributor to **AMISOM** forces, AMISOM itself being under Ugandan command. The General Staff of the EU's mission is in the capital, Kampala. The mission projected end was 2011, after two periods of six months but is still in effect in 2012.

The Council of the EU and the High Representative are responsible for the European mission. **The Spanish colonel Ricardo González** was named commander of the mission and of the EU task force.

**The common costs which assure the supplying of the task force are shared between the states that participate in the operation and are in proportion to their participation. Furthermore, each participating member state assumes responsibility of the budget for the means that it provides** (deployment of troops, logistic support, salaries, etc.). The running costs of the operations General Staff and the General Staff of the forces and the strengthening of the Bihanga training camp (5 million euros for the year) are shared between the EU member states depending on their GDP.<sup>56</sup>

56. "PRESSE - Secrétariat du Conseil de l'UE", June 2010, [www.consilium.europa.eu/psdc](http://www.consilium.europa.eu/psdc) [Consulted: 25 June 2010].

\*Estimation of Stig Hansen of the cost for the EU and its member states. Cited to Itziar Ruiz-Giménez (2011): "La política exterior española de construcción de la paz hacia África Subsahariana. Balance de las últimas décadas desde la perspectiva del principio de coherencias políticas", Grupo de Estudios Africanos de la Universidad Autónoma de Madrid, November, p.45.

52. "Action Commune 2008/851/PESC du Conseil du 10 novembre 2008", Journal officiel de l'Union européenne.

53. "Opération navale de l'UE contre la piraterie", *Op. Cit.*

54. «UN Security Council (2009): "Informe del Secretario General presentado de conformidad con la resolución 1846 (2008) del Consejo de Seguridad", resolution S/2009/146, 16 March, p.8.

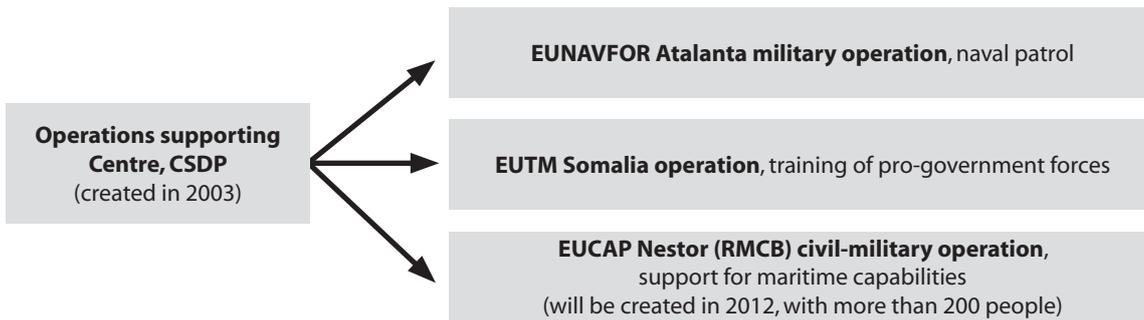
55. "Opération navale de l'UE contre la piraterie", *Op. Cit.*

**EUTM contingents**

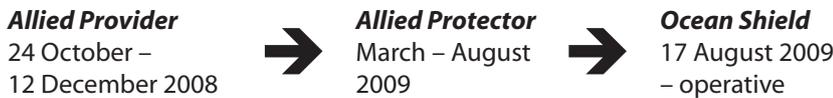
State	Number of personnel	State	Number of personnel	State	Number of personnel
Spain	38	Belgium	6	Malta	3
France	26	Ireland	5	UK	2
Italy	18	Finland	4	Greece	2
Portugal	15	Hungary	4	Cyprus	1
Germany	13	Sweden	4		
					<b>Total: 141</b>

*Diario de Sesiones del Congreso de Diputados, Sesión plenaria núm. 148, 22 April 2010, p.18.*

**Panorama of the EU military operations**



**Operation Ocean Shield (NATO)**



Following the “petition” of the Secretary General of the UN in 2008, NATO began to escort the vessels of the World Food Programme (WFP), under the operation name *Allied Provider*. It was replaced by operation *Allied Protector* between March–August 2009 which was in turn replaced by operation *Ocean Shield* (initiated 17 August 2009, with a predicted conclusion date in 2012). These operations have been carried out by NATO vessels that patrol the East Atlantic and the Mediterranean.

**Allied Provider**

In this eight-week mission there participated at least four vessels of Standing Maritime Group 2, dedicated to fighting piracy:<sup>57</sup>

- ITS Durand de la Penne (Italy)
- HS Themistokles (Greece)
- HMS Cumberland (UK)
- TGS Gokova (Turkey)

The theoretical function of this operation – and thus stated on all the official NATO websites as well as those of the Defence ministries of the involved countries – was to protect the WFP vessels. To this end, it could operate in Somali territorial waters. However, the objectives seem far more linked to strategic matters, and not only due to the fact that the countries of NATO have been relatively unmoved by the situation of the Somali people (on this point, see part 4 of this report). On the one hand, it is known that *Allied Provider* facilitated “special supplies” to Mogadishu and supported the military

57. “Successful completion of NATO mission Operation Allied Provider”, 12 December 2008, <http://www.nato.int/shape/news/2008/12/081212a.html> [Consulted: 29 December 2011].

operation AMISOM,<sup>58</sup> which is, as we know, one of the elements in conflict which receives support from western countries. On the other hand, we must ask ourselves how many WFP vessels were escorted by the four warships in a month and a half. It is known, for example, that, separate of Allied Provider, Holland escorted eight WFP shipments with a total of 59.405 tons of humanitarian aid. According to NATO, at the end of the operation, Allied Provider had guaranteed the supply of some 30.000 tons of humanitarian aid.<sup>59</sup> Does this mean that it only escorted four shipments?

### Ocean Shield

The operation currently in force, *Ocean Shield*, in addition to vigilance and dissuasion functions, offers training to countries in the region to develop their capabilities to combat piracy.<sup>60</sup> The participants in this military operation are the following:<sup>61</sup>

Country	What is its contribution? (See acronyms p. 6)
US	2009: DDG; 2010: DDGM, FFH
UK	2009: FFG; 2010: FFGHM
Denmark	2010: AG
Italy	2009: FFG; 2010: FFGHM
Greece	2009: FFG
Turkey	2009: FFG

**Other contributions** (according to several sources in the press): Holland, Spain, Germany, Belgium, Canada, Portugal, Seychelles, Saudi Arabia, Oman, Pakistan, India, Australia, Singapore, South Korea, Indonesia, China and Russia.

58. UN Security Council (2009): "Informe del Secretario General presentado de conformidad con la resolución 1846 (2008) del Consejo de Seguridad", resolution S/2009/146, 16 March 2009, paragraph 26.  
 59. "Successful completion of NATO mission Operation Allied Provider", *Op. Cit.*  
 60. "NATO - Topic: Counter-piracy operations", www.nato.int [Consulted: 27 December 2010].  
 61. Data from *The Military Balance*, years 2010 and 2011.

The **Spanish participation** in these operations is not declared in any of the official reports or websites such as, for example, the Spanish Defence ministry's site. However, the Spanish government has had to recognise its participation in operation Allied Provider,<sup>62</sup> as well as in Allied Protector (at least with the frigate *Blas de Lezo*<sup>63</sup>) and in Ocean Shield.<sup>64</sup>

### Combined Task Forces (CTF, United States and allies)<sup>65</sup>

The CTF patrols more than 2.5 million square miles of international waters ("from the Strait of Hormuz to the Suez Canal, from Pakistan to Kenya") to conduct integrated and coordinated operations with a common purpose: maritime security. It works to "defeat terrorism, prevent piracy, reduce illegal trafficking of people and drugs, and promote the maritime environment as a safe place for mariners with legitimate business". It includes approximately "three dozen ships" from Australia, France, Germany, Italy, Pakistan, Canada, Denmark, Turkey, the US and UK, as well as other naval forces and personnel from several other nations.<sup>66</sup> The coordination centre is Bahrain, headquarters of the Fifth Fleet of the USA.

62. According to the comparison of overseas missions of the Defence Minister Carme Chacón at the Congress of Deputies 2009.  
 63. According to the response to the parliamentary question of Rosa Díez 184/058951, from 2 June 2009, series D, no. 213.  
 64. According to the External Affairs and Cooperation Ministry in 2010. Itziar Ruiz-Giménez (2011): "La política exterior española de construcción de la paz hacia África Subsahariana. Balance de las últimas décadas desde el perspectiva del principio de coherencias políticas", Grupo de Estudios Africanos de la Universidad Autónoma de Madrid, November.  
 65. Source of the data in the tables is *The Military Balance 2010* and *The Military Balance 2011*. Other sources are specified.  
 66. "Combined Maritime Forces", US Navy, http://www.cusnc.navy.mil/cmfc/cmfc\_command.html [Consulted: 27 December 2010].

### CTF-150

CTF-150 already existed as a force of the *US Navy* and, from 11 September 2001, became a patrol force in the Horn of Africa with antiterrorist objectives. In fact, it is part of Operation Enduring Freedom.<sup>67</sup> It is currently also assigned with antipiracy tasks.<sup>68</sup> This was the first naval force to contribute to the fight against piracy (focused on this objective). Since its creation CTF-150 has been commanded by France, Holland, the UK, Pakistan, Canada and Australia.<sup>69</sup>

Country	How does it contribute? (2009 and 2010)
France	2009: FFG, AORH; 2010: DDGGM
UK	2009: FFG, AORH; 2010: FFGHM
Germany	2009: FFG
Japan	2009: DDG, AOE
Pakistan	2009: 1 DDG
Australia	2010: FFGHM
Malaysia	2009: DDG

**Other contributors:** Denmark, Canada, Italy, South Korea, Holland, New Zealand, Portugal, Singapore, **Spain**, Turkey and the US.<sup>70</sup>

### CTF-151

Initiated in January, this is a mission without geographical restrictions. The objective of the US is “to combat piracy in the Gulf of Aden, the Arabian Sea and Indian Ocean and its environs.”<sup>71</sup> It is a mission of “coordination with other member states and regional organisations which carry out opera-

tions against piracy in the region,” and is coordinated from Bahrain. CTF-151 covers an area of 1.1 million square miles and has been commanded by the navies of the US, South Korea and Turkey. The coordination personnel, from various countries of the coalition, manage the operations from the vessel USS Anzio.<sup>72</sup>

Country	How does it contribute? (2009 and 2010)
US	2009: CG; 2010: CGHM, DDGGM, FFH, LPD, LSD
UK	2010: AORH
South Korea	2009: DDG; 2010: DDGGM
Australia	2009: FF
Turkey	2009: FFG; 2010: FFGHM
Thailand	2010: PCO, AORH
Malaysia	2009: FFG
Pakistan	2009: 1 FFG

### CTF-152

Since March 2004, CTF-152 has operated in the “international waters” of the Arabian Gulf and is part of Operation Enduring Freedom. The operations are related to “maritime security”, including piracy.<sup>73</sup>

Country	How does it contribute? (2010)
US	4 MCO
UK	2 MCO, 2 MHC, 2 LSD, AOT

**Other contributors:**<sup>74</sup> Kuwait, Bahrain, United Arab Emirates, Saudi Arabia, Qatar, Italy, Australia

67. “CTF-150: Maritime Security”, <http://combinedmaritimeforces.com/ctf-150-maritime-security/> [Consulted: 24 March 2012]

68. “*The Military Balance 2010*, p.286.

69. “Combined Task Force (CTF) 150”, US Navy, <http://www.cusnc.navy.mil/cmef/150/index.html> [Consulted: 31 December 2011].

70. CTF-150: Maritime Security”; *Op. Cit.* The official website does not mention the participation of Japan and Malaysia, whereas *The Military Balance* does. In this report their participation is assumed.

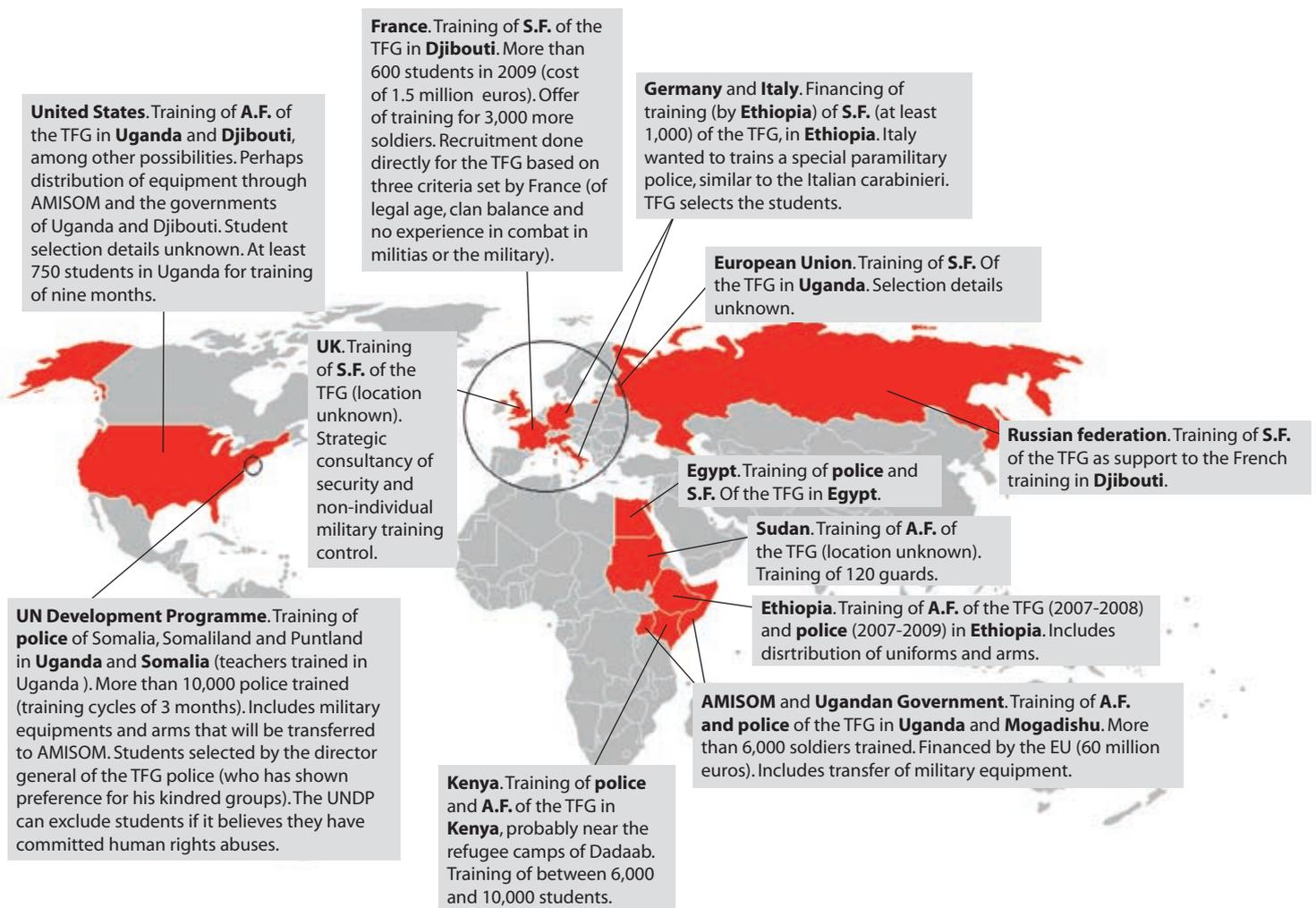
71. UN Security Council (2009): “Informe del Secretario General presentado de conformidad con la resolución 1846 (2008) del Consejo de Seguridad”, resolución S/2009/146, 16 March 2009, p.8.

72. “Combined Task Force (CTF) 151”, US Navy, <http://www.cusnc.navy.mil/cmef/151/index.html> [Consulted: 28 December 2011].

73. “Combined Task Force (CTF) 152”, US Navy, <http://www.cusnc.navy.mil/cmef/152/index.html> [Consulted: 24 December 2011].

74. “CTF-152: Gulf Maritime Security”, <http://combinedmaritimeforces.com/ctf-152-gulf-security-cooperation/> [Consulted: 24 March 2012].

**Table of training initiatives of Somali military and police forces (in January 2010)**



S.F.: Security Forces (pro-government militias); A.F.: Armed Forces (pro-government militias)

Produced by the authors using data from Amnesty International (2010): "Somalia: Hay que revisar la asistencia internacional militar y policial" Index: AFR 52/001/2010, pp.22-28.

## PART 3. SPAIN'S INTEREST IN SOMALIA AND ITS ENVIRONS

### 3.1. A region of Spanish geopolitical interest

Spain's interests in the region can be summed up in the following way:

**1. Interests in the natural resources.** This clearly Spain's priority: the fishing benefits.

**2. Geopolitical and geoeconomic support to her allies.** Spain is a member of the EU and of NATO and an important ally of some of the countries with most interest in the region. Since at least 2002 Spain has had a military presence in the region, one very important to the "War on Terror".

**3. Visibility and gain of international weight.** Madrid cannot allow itself not to be in one of the world's most geopolitically important spots and "fail" its allies if it wants to be relevant in international summits.

**4. Domestic opinion.** The fishing sector in Galicia and the Basque Country is prevalent in the Indian Ocean, which represents many families' income and is a favoured topic for the politicians of these communities. Piracy is therefore often discussed in Congress as well as in the media.

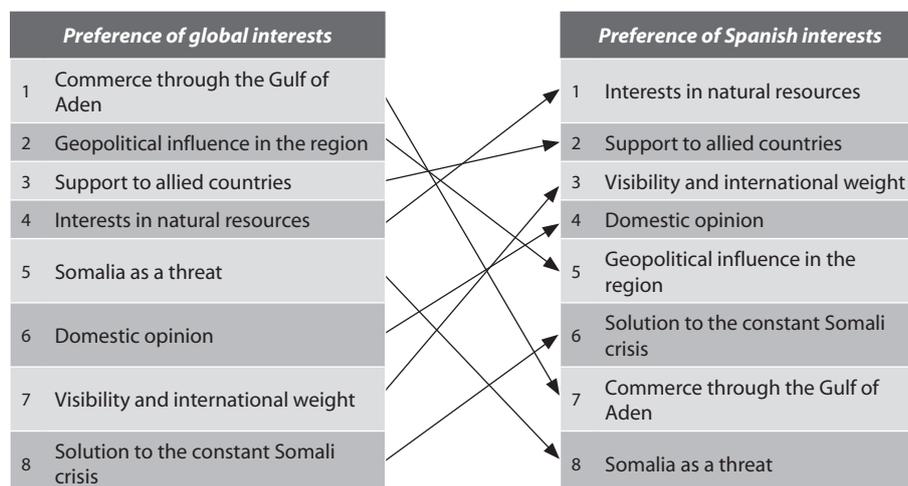
**5. Geopolitical and geoeconomic influence in the region.** Although Spain is trying to become more internationally relevant, this region is not a priority. Furthermore, there is little space on a board which already has too many and too powerful players.

**6. Solution to the constant Somali crisis.** Somalia is neither special to or preferred by Spain. In fact, between 1994 and 2005 not one euro was spent on the country with some of the gravest humanitarian crises. However, the situation changed in 2008 and, in 2009, Spain was one of the main contributors of food aid to Somalia, which became Spain's second largest recipient of aid. One of the motives for this is very likely the ration between military

and humanitarian funds given, but also demonstrates humanitarian intention, which, will not explaining Spanish military participation, does speak well of some people in the Spanish Agency for Cooperation.

**7. Commerce through the Gulf of Aden.** There is no available pertinent data for Spain, but this is not expected to as relevant a factor as it is for other countries.

**8. Somalia as a threat.** This affects mainly the fishing fleet, not state territory. Concerns like the 2004 Madrid train bombings (11-M) are not very relevant to Somalia. However, the region has proven to be dangerous for the Spanish (fishermen, humanitarian workers, journalists, tourists – in Yemen).



According to the Spanish Ministry of Defence:<sup>75</sup>

"The hijacking in April 2008 of the fishing vessel 'Playa de Bakio' highlighted the problem that piracy in Somalia represented, not only a threat for international maritime security but also **for national interests in the region, represented by the fishing activity of the Spanish tuna-fishing fleet in the Indian Ocean.** As a consequence, the Council of Ministers ordered the mission by agreement on the 23<sup>rd</sup> of January 2009".

75. Website of the Spanish Ministry of Defence [Consulted: 25 June 2010].

### 3.2. Public funds for private interests: the tuna industry

#### Tuna-fishing fleet

**Spain is the world's second largest producer**, after Thailand, **of tinned tuna** (229,400 tons produced in 2008), and has **the largest fishing fleet in the European Union**. The production of tinned tuna represents 65% of total Spanish production of tinned fish and seafood. Spain represents 60% of the EU's tuna fishing and France 40%, 500,000 tons of tuna in total.<sup>76</sup> The tinned tuna industry works principally with tropical species: *Yellowfin* (*Thunnus Albacares*), striped tuna or *Skipjack* (*Katsuwonus Pelamys*) and the *Bigeye* (*Thunnus Obesus*).

The EU spends 150 million euros a year on accessing the fishing grounds of other territorial waters. In the case of tuna, the EU's Atlantic agreements obligate it to pay for each ton fished and in the Indian Ocean it pays for the number of vessels and not tons fished.<sup>77</sup> This makes the Atlantic less

profitable than the Indian Ocean.<sup>78</sup> Furthermore, until 2002, the EU funded the creation of joint enterprises with other countries (where there are fishing grounds), as a stimulus for exporting the full capacity of the communal fishing fleet.<sup>79</sup> Since 2002, the fleet has continued to receive aid from the European authorities.<sup>80</sup>

#### Spanish fishing on the Somali coasts

The Indian Ocean is vital for the Spanish tuna-fishing fleet. Shipowners and fishers agree on the enormous difficulties that abandoning the Indian Ocean would represent, despite the threat of Somali pirates.<sup>81</sup> There are no alternative fishing grounds for catching the species of tuna that interest the transforming industry. As we have already noted, the fishing agreements make the Atlantic less profitable, in terms of tuna, than the Indian Ocean.<sup>82</sup>

78. Interview with Luis Ambrosio, in Lali Musoles (2010): *De tonyines, pirates i pescadors*, Final thesis of the Màster de Sostenibilitat, Universitat Politècnica de Catalunya, p.36.

79. See [www.clusterdepesca.com](http://www.clusterdepesca.com)

80. Lali Musoles (2010): *Op. Cit.*, p.40.

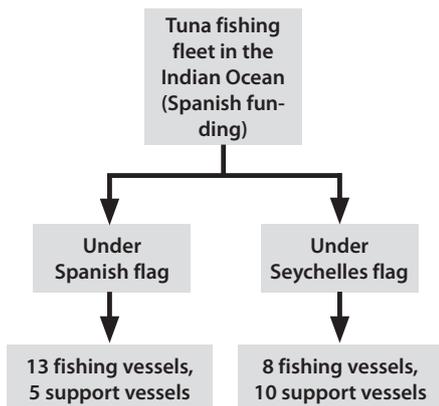
81. M. Gimeno (2010): "El océano Índico, la gran «mina» de atún para la flota española", *El Correo Gallego*, 11 January.

82. Interview with Luis Ambrosio, in Lali Musoles (2010): *Op. Cit.*, p.36.

76. INTERATUN, [www.interatun.com](http://www.interatun.com)

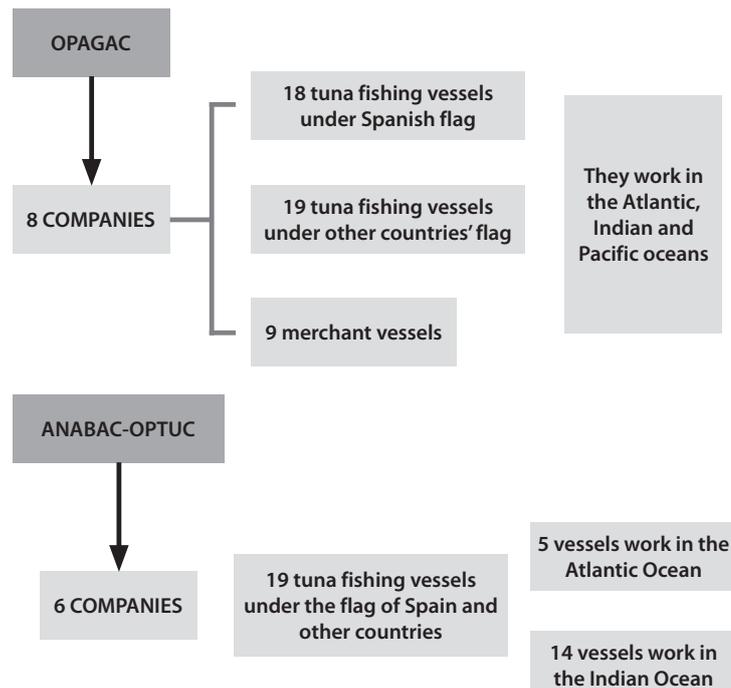
77. Mikael Cullberg (2009): "Un mar de injusticias y esperanzas", Swedish Society for Nature Conservation, pp. 9 and 23.

#### The Spanish fleet in the Indian Ocean



Cepesca 2009 Report.

#### Spanish associations of fishing ship owners that operate in the Indian Ocean



INTERATUN, [www.interatun.com](http://www.interatun.com)

The fishing companies have a good profit margin. A couple of examples: Echebatar Fleet had a turnover in 2008 of a total of 30 million euros, and made a profit of 5.6 million euros. Pevasa declared sales of over 35 million euros and profits of over 6 million euros.<sup>83</sup> It is understandable as: "... the fishing sector receives both national aid and direct aid from the European Fisheries Fund, as well as indirect aid like the global exemption from taxes on fossil fuels. At the same time, it also benefits from free access to natural resources, without having to contribute to the public management costs associated with its activity."<sup>84</sup>

The companies of transformation and commercialisation are grouped in the associations ANFACO and FEICOPES-CA.

The strategy of flags of convenience (Seychelles or others) allows vessels not to be subject to certain fishing norms or agreements.

### Who pays for the private protection of Spanish ships?

Even before the 2008 hijacking of the Playa de Bakio it seems that other fishing boats had suffered pirate attacks. However, the first vessel under a Spanish flag that is listed in the IMO's registries since 2005 is the Playa de Bakio. The ships of Spanish capital and flags of convenience, such as Seychelles, are not easy to identify. Perhaps with the intention of avoiding incidents, on 1 July 2006 the Spanish government prohibited fishing inside the 200 miles of Somalia's Exclusive Economic Zone (EEZ). **This means that before this date there must have been fishing there.**<sup>85</sup>

Spanish shipowners have asked the government for the protection of soldiers from the army on board their vessels (like France does) again and again. The government has refused and, as compensation, the Ministry of the Environment and the Rural and Maritime Environment approved the funding of 25% of the costs for vessels to contract private companies.

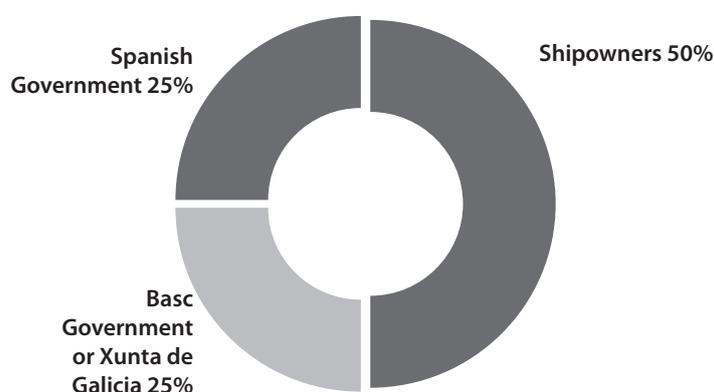
In the IMO's reports from 2009 there is no listing for an attack on a Spanish shipping vessel prevented by the intervention of an on-board security team. In the 2010 report there are two.

The Royal Decree 1257/2010 guaranteed a sum of €1,921,375 to subsidise the cost of contracting on-board private security.

The Spanish Government Budget of 2011 projected €2,377,000 (assignment 470 programme 415B of the Ministry of the Environment and Rural and Marine Environment) for this.

Furthermore, the Spanish government handles the military training of the private guards.<sup>86</sup>

Sharing of private security costs for fishers



RD 1257/2010, BOE, 9 October 2010.

83. M. Gimeno (2010): *Op. Cit.*

84. *Libro Verde de la Reforma de la Política Pesquera Comunitaria* (2009), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0163:FIN:es:PDF>

85. Press release from 14 May 2008 of the Ministry of Territorial Policy and Public Administration.

86. *El País*, 26 November 2010, p.18.

**Extract from the Boletín Oficial del Estado  
(Official State Bulletin):<sup>87</sup>**

*Article 5. Beneficiaries*

*The owners of the following ships, which constitute the Spanish tuna-fishing fleet which currently fish in the Indian Ocean, will be beneficiaries of the following exceptional subsidies:*

<i>Vessel Alakrana</i>	
<i>Vessel Campo Libre Alai</i>	
<i>Vessel Izurdia</i>	
<i>Vessel Txori Argi</i>	
<i>Vessel Albacán</i>	
<i>Vessel Elai Alai</i>	<i>In addition to the following</i>
<i>Vessel Playa de Anzoras</i>	<i>support vessels:</i>
<i>Vessel Txori Gorri</i>	
<i>Vessel Albacora cuatro</i>	<i>Support vessel Alakrantxu</i>
<i>Vessel Felipe Ruano</i>	<i>Support vessel Ortube Berria</i>
<i>Vessel Playa de Aritzatxu</i>	<i>Support vessel Archanda</i>
<i>Vessel Txori Toki</i>	<i>Support vessel Taraska</i>
<i>Vessel Albatun dos</i>	

87. *Boletín Oficial del Estado*, no. 245, 9 October 2010, sec. I, pg. 85691. (Unofficial English translation by translator).

### Hijackings of Spanish vessels

Name of vessel	Spanish crew	Total crew	Hijacking date	Duration (days)	Ransom paid <sup>I</sup> (millions)	Who paid?
<b>Albacora IV</b>	?	?	2000	3	Payment made	?
<b>Playa de Bakio</b>	13	26	20/04/2008	6	1.2 (dollars)	Spanish Intelligence services
<b>Alakrana</b>	16	36	02/10/2009	47	2.7 (euros)	Spanish government
<b>Vega 5<sup>II</sup></b>	2 (captain and boatswain)	24	28/12/2010	137	3.5 (euros), for the Spanish	?

I. "Uno de los negociadores confirma que se pagó 1,2 millones de dólares para liberar al atunero," *El Mundo*, 28 April 2008; "Sexto secuestro con gallegos a bordo," *El Faro de Vigo*, available at: <http://www.farodevigo.es/galicia/2011/09/16/sextosecuestro-gallegos-bordo/580857.html> [Consulted: 26 December 2011].

II. This vessel flew the flag of Mozambique but was owned by Spanish company Pescanova.

## Pirate attacks (registered) against vessels under the Spanish flag

Data taken from the IMO's monthly reports between January 2005 and 31 December 2011

Vessel name Vessel type Gross Tonnage   IMO number	Date Time	Location of the incident NM: nautical miles	Details of the incident and actions taken by the captain and crew	Was the coastal authority made aware of the incident? Which authority?
PLAYA DE BAKIO Fishing vessel 2101   9010345	20/04/2008 14:52 UTC	EAST AFRICA <b>Somalia</b> 00° 06.24' S 049° 08.56' E	Pirates armed with pistols and grenade launchers hijacked the vessel.	No
FELIPE RUANO Fishing vessel 2110   8806955	13/03/2009 07:13 UTC	EAST AFRICA Outside <b>Somalia</b> 07° 11.00' N 058° 50.00' E	The vessel was chased by a skiff with six pirates with automatic weapons. The captain increased speed and sailed into the waves and this meant the skiff could not approach the vessel. The attack failed.	Yes RCC Australia
ALAKRANA Fishing vessel 3719   9335745	02/10/2009 03:45 UTC	EAST AFRICA 335 NM SE of Mogadishu, <b>Somalia</b>	Armed pirates attacked and hijacked the vessel and the entire crew. The pirates directed the vessel to the Somali coast.	No
ALBACAN Fishing vessel 2147   8906468	04/03/2010 07:28 UTC	EAST AFRICA 340 NM SSE of Mogadishu, <b>Somalia</b> 03° 26.00' S 047° 11.00' E	Pirates in two boats shot repeatedly at the vessel as it sailed. The armed guards on board responded to the fire and the pirates aborted the attack .	No
CAMPOLIBRE ALAI Fishing vessel 2214   8719334	25/05/2010 06:30 UTC	EAST AFRICA Mozambique channel, outside <b>Madagascar</b> 12° 50.00' S 046° 52.00' E	Five pirates armed with pistols chased the vessel in a skiff. The captain tried to speak with them by VHF but received no response. The vessel fired flares when the skiff was at 5, 2 and 1 nautical miles. The security team on board the vessel shot the water near the skiff with automatic weapons. The pirates fled.	Yes The coalition forces
SPS INFANTA CRISTINA Warship	06/11/2010 17:25 UTC	EAST AFRICA 85 NM south of Kismayo, <b>Somalia</b> 01° 48.00' S 042° 31.00' E	Armed pirates on board the hijacked vessel MV Izumi with hostages shot the warship that was escorting a vessel hired for an African Union military mission. The captain of the vessel increased speed and manoeuvred his ship between the pirate vessel and the vessel he was escorting. The attack was thwarted without damages. The warship utilised minimum force in order to not put the hostages' lives in danger. The warship and the escorted vessel continued to Mombasa, Kenya.	Yes The coalition forces
CAMPOLIBRE ALAI Fishing vessel 1375   8719334	22/11/2010 05:00 UTC	EAST AFRICA 600 NM east of Mogadishu, <b>Somalia</b> 01° 30.00' N 055° 25.00' E	Armed pirates in two skiffs chased the moving fishing vessel. The captain took antipiracy measure and the pirates abandoned their boarding attempt.	Yes The coalition forces
NA Fishing Vessel	01/03/2011 11:00 UTC	EAST AFRICA Some 265 NM SE Mogadishu, <b>Somalia</b> 02° 24.00' S 046° 07.00' E	Four pirates in a skiff chased the moving fishing vessel. Armed security guards on board warned them with shoots. Finally, the pirates abandoned their boarding attempt.	Yes The coalition forces
ALAKRANTXU Fishing Vessel 235   9156929	17/05/2011 07:15 UTC	EAST AFRICA Some 160 NM SE Dar es Salaam <b>Tanzania</b> 08° 59.00' S 040° 54.00' E	Five pirates in a skiff shot the moving fishing vessel. Armed security guards on board warned them with shoots, and the pirates abandoned their boarding attempt.	Yes The coalition forces

**Location of the attacks on Spanish vessels registered between January 2005 and December 2011**



The location of the *Alakrana* is approximate.

**3.3.Spanish military participation across multiple fronts and stages**

**Participation before 2008**

**Operation Enduring Freedom**

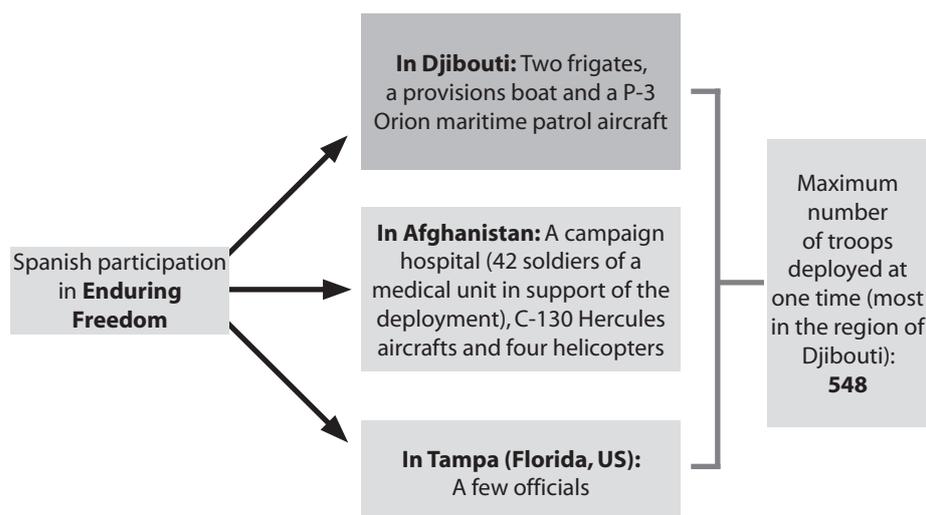
Spanish participation in Somalia and the region of the Gulf of Aden was very low until 2001. At the end of 2001 it participated in Operation Enduring Freedom, which commenced 26 days after the terrorist attacks of 9/11. Although the most important part of Enduring Freedom has always taken place in Afghanistan, Djibouti and the Gulf of Aden have also been significant components of this military operation.

**Costs of Enduring Freedom (Mostly in Djibouti)<sup>88</sup>**

Year	Expenditure (euros)
2002	90,752,000
2003	71,716,112
2004	35,242,314
2005	87,930

Total 2002-2005:  
**197.798.356 euros**

**Eight Spanish vessels attacked nine times in seven years, one of which was a warship. Only two of the attacks were successful, whereas seven failed. Only three attacks on fishing vessels have taken place in the area covered by international military**



88. Costs data from the response to Ignacio Cosidó Gutiérrez (Popular Party)'s parliamentary question, *Boletín Oficial de las Cortes Generales* (BOCG), Senado, no. 537, 8 September 2006, p.113.

Two members of the Spanish navy have died on Operation Enduring Freedom in the area of the Indian Ocean:

Date	Name	Age	Rank	Cause	Place	Origin
15/06/2002	Leandro Antonio Rois Pérez <sup>I</sup>	31	Master Seaman	Heart attack	Mombasa (Kenya)	Ourense
14/01/2004	Fernando Martínez Morgade <sup>II</sup>	39	Petty Officer 1st	Heart attack	Indian Ocean	Murcia

I. "Muere un marino español de la misión «Libertad Duradera»", *ABC*, 16 June 2002, available at: [http://www.abc.es/hemeroteca/historico-16-06-2002/abc/Nacional/muere-un-marino-espa%C3%B1ol-de-la-mision-libertad-duradera\\_106964.html](http://www.abc.es/hemeroteca/historico-16-06-2002/abc/Nacional/muere-un-marino-espa%C3%B1ol-de-la-mision-libertad-duradera_106964.html)

II. "Militares fallecidos en Afganistán", *El Mundo*, 25 August 2010, available at: <http://www.elmundo.es/elmundo/2008/11/09/espana/1226239967.html>

### Sale / donations of Spanish arms and/or military material to Somalia

No Spanish violation of the UN embargo is registered, but it does appear in the list of countries which have **supplied military material to Somalia as "development aid" through loans of the Development Aid Fund (FAD), which are for the most part repayable and generate external debt.**

"Donations" from the public company ENASA:<sup>89</sup>

Year	"Donation"	Estimated value	Conditions
1987	215 Pegaso military trucks	1,235,000,000 pesetas (€7,422,350)	30 years of repayment and 10 year grace period
1989	Military vehicles – indeterminate number	1,185,300,000 pesetas (€7,123,653)	16 year repayment, 5 year grace period

According to the UNDP report of 1993, Somalia was, between 1987-1991, one of the poorest countries in the world but also one of the most militarised: five dollars spent on the armed forces for each dollar spent on education and health; the second highest proportion of the time.<sup>90</sup>

**Spain has participated in antipiracy or Somalia-related military operations since before the approval of Operation Atalanta in December 2008.** For example:

- In 2007, Spain was already following the EU's position on Somalia and approved the reserve of 15 million euros created in January to support the AU.<sup>91</sup>

89. Subdirección General de Fomento Financiero de la Exportación, "Anexo. Los créditos FAD 1977-1994" in *Boletín Económico del ICE*, no. 2.449, Ministerio de Comercio, Madrid, 27 March - 2 April 1995.

90. UNDP (1993): *Human Development Indicators*, pp.176-177. Iraq had the highest proportion with a ratio of 5,11.

91. US cable "07MADRID350, Spain with EU on Somalia peacekeeping", available at: <http://metaleaks.net/document.php?id=44453>

- "The Spanish army has sent a frigate from the Red Sea to pursue the pirates but the Spanish government is currently looking for international assistance to locate the fishing boat"<sup>92</sup> [related to the hijacking of the Playa de Bakio].

- Diplomatic cable from mid September 2008: "USUN [US embassy to the UN] has received the request to show the draft letter to the other four members **currently working with the TFG to combat piracy**, i.e. Canada, Denmark, France and **Spain**,

at least 24 hours before presenting the letter to the Security Council"<sup>93</sup>

- "In accordance with paragraph 7 of the resolution, on the **1<sup>st</sup> of September 2008**, the TFG provided the Secretary General with preliminary information asserting that the United States, along with Canada, Denmark, France and **Spain are cooperating with the TFG** in the fight against piracy and armed assault in the sea along the coast of Somalia."<sup>94</sup>

92. US cable "08MADRID451, Spain fully support U.S. anti-piracy initiative", available at: <http://metaleaks.net/document.php?id=275823>

93. US cable "08STATE98072, Somalia Piracy: Letter to SC relaying USG actions", available at: <http://metaleaks.net/document.php?id=133573>

94. US cable "08STATE98072, Somalia Piracy: Letter to SC relaying USG actions", available at: <http://metaleaks.net/document.php?id=133573>

↓  
**Spain contributed to the militarisation of Somalia**

## Participation after 2008

### General Spanish policy regarding piracy in Somalia

(According to the *Plan África* 2009-2012):<sup>95</sup>

"Spain will intensify its efforts with the objective coordinating action against the piracy problem in the waters underlying the coast of Somalia, and will reinforce its support to the regional organisms and the Transition Government in their work to stabilise Somalia, assigning resources to the projects of security system reform which are being developed by the European Commission".

by which Spain would contribute to Atalanta with a contingent made up at the most of a frigate, a maritime patrol aircraft, a logistic provisions vessel and up to 395 personnel.

### Spanish contribution to Atalanta:<sup>97</sup>

#### Initial deployment

Contribution of a maritime patrol plane, a helicopter carrier frigate and 277 military personnel.

#### Between April and August 2009

Spain has command of the operation and incorporates into the previous deployment a logistic provisions boat with a helicopter and a special naval war group, as well as 118 personnel (395 in total).

#### In 2010

Participation with a maritime patrol plane, the frigate Canarias and, temporarily, the frigate Méndez Núñez. Total soldiers deployed at one time in 2010: 257.

**With a total of almost 1,980 personnel, Spain was the second greatest contributor to Atalanta after France, with 370 military personnel\***

### Contribution to UNSOA (United Nations Support Office for AMISOM)

Spanish government payments:<sup>96</sup>

2009 payment: 4,501,179 euros  
 Computable as "Official Development Aid" (*Ayuda Oficial de Desarrollo*, AOD): 270,071 euros

### Spanish participation in NATO operations

#### Allied Provider

October – December 2008

Contribution<sup>I</sup>



#### Allied Protector

March – August 2009

With the frigate *Blas de Lezo* at least<sup>II</sup>



#### Ocean Shield

August 2009 –

operative Participation currently in effect<sup>III</sup>

I. According to the comparison of overseas missions of the Defence Minister Carme Chacón at the Congress of Deputies 2009.

II. According to the response to Rosa Díez' parliamentary question 184/058951, 2 June 2009, series D, no. 213.

III. According to the Ministry of Foreign Affairs and Cooperation 2010. Itziar Ruiz-Giménez (2011): *Op. Cit.*

According to a report of the Norwegian Institute for Urban and Regional Research:<sup>98</sup>

"It is thus **difficult to understand** why coalition partners in the international fleet would **allow countries such as Spain to lead international operation** when there is wide belief among Somalis that **Spanish fishers are fishing illegally in Somali waters** [...] Spain has also been accused unofficially by the Atalanta officials interviewed for this report for **unilaterally protecting illegal fishers** by dispatching vessels from the Atalanta operation, and this, true or not, should be taken seriously"

### Atalanta

**According to the Spanish Ministry of Defence**, the hijacking, in April 2008, of the fishing vessel Playa de Bakio highlighted the fact that the Somali piracy problem represented not only a **threat** to international maritime security, but also to **the national interests** in the region: the fishing activity of the Spanish tuna-fishing fleet in the Indian Ocean. As a consequence, the Council of Ministers ordered the mission by agreement on 23 January 2009,

\* Website of the Spanish Ministry of Defence [Consulted: 25 June 2010].

95. AECID and MAEC (2009): "2009-2012. Plan África", p. 44.

96. PACI reports and Itziar Ruiz-Giménez (2011): "La política exterior española de construcción de la paz hacia África Subsahariana. Balance de las últimas décadas desde el perspectiva del principio de coherencias políticas", Grupo de Estudios Africanos of the Universidad Autónoma de Madrid, November, p.33.

97. Itziar Ruiz-Giménez (2011): *Op. Cit.*, p.45.

98. S.J. Hansen (2009): "Piracy in the greater Gulf of Aden", Norwegian Institute for Urban and Regional Research, October, <http://www.nibr.no>.

## Who finances Operation Atalanta?

### EU Development Aid

to Somalia 2008-2013:<sup>99</sup>

**215.3 million euros**

(the bilateral aid of the other members must also be considered however)



### Spanish expenditure only of Atalanta

2009: **75 million euros**<sup>100</sup>

2010: **82.3 million euros**<sup>101</sup>

2011: **96.9 million euros**<sup>102</sup>

Total 2009-2011: <sup>103</sup>

**254.2 million euros**

## European Union Training Mission, EUTM-Somalia

(EU mission to train Somali troops, part of CSDP)

The minister, to ask for the authorisation to participate in EUTM, said:<sup>104</sup> "The **training of Ugandan instructors will be undertaken parallel to this task, so that they may take charge of the training at the end of the mission** and therefore give continuity to the work undertaken."

99. "Opération navale de l'UE contre la piraterie"; December press release 2009 EUNAVFOR/13, <http://www.consilium.europa.eu/pesd>.

100. There is discrepancy in the official data. On the one hand. The figure of 75 million appears in the *Diario de Sesiones del Congreso de Diputados*, Sesión plenaria no. 96, 16 September 2009. Speech of the Defence Minister, p.38; and on the other, the figure of 57 million appears in the *Diario de Sesiones del Congreso de Diputados*, IX Legislatura núm. 452, Comisión de Defensa, of 17 December 2009, p.13.

101. *Diario de Sesiones del Congreso de Diputados*, IX Legislatura, no. 684, Comisión de Defensa, 16 December 2010, p.14.

102. Miguel González (2012): "Defensa revisará todas sus misiones en el exterior para ahorrar costes", *El País*, 15 January.

103. According to Miguel González (2012): Op. Cit., based on the documentation delivered to the new Executive by the former government in the transfer of power. The figure doesn't correspond to the sum of the partial data of 2009-2011 (which totals 254.2 million euros).

104. *Diario de Sesiones del Congreso de Diputados*, Sesión plenaria no. 148, 22 April 2010. Speech of the Defence Minister.

## Spanish command, deployment and participation

The headquarters of the mission is in Kampala, Uganda and has at its disposal a support cell in Brussels and a linking office in Nairobi, Kenya. The training exercises take place in Bihanga, Uganda.

EUTM consists of two **consecutive periods of training**, each of six months and with the objective of **training 1,000 Somali militia members** in each period. The training started on 1 May 2010.

Spain contributes **38 personnel out of the total 141**, and has the highest contribution of the fourteen participating EU countries. This represents 27% of the total personnel of the mission and 50% in the case of headquarters personnel. Therefore, **Spain assumes the highest costs.**

Deployment of the Spanish personnel:

- 19 in Uganda (16 in Kampala, 3 in Bihanga).
- 1 in Brussels.
- 18 instructors for the specific training in Bihanga.

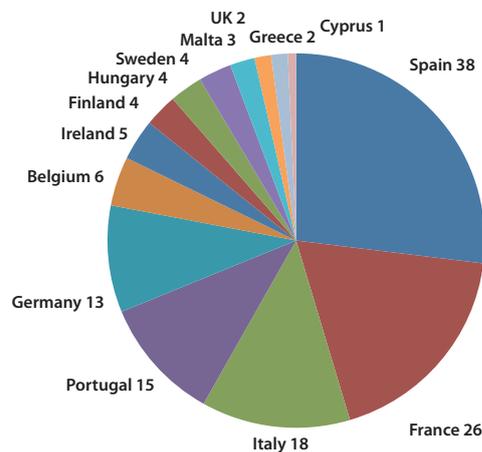
The participation of experts or human rights/international humanitarian law NGOs in the courses conducted in Uganda by EUTM is unknown.<sup>105</sup>

Spain wants to play a leadership role in the fight against piracy. In this way, the EU Foreign Affairs Council agreed on 15 February 2010 the **naming of the Spanish army colonel, Ricardo González Elul, as chief of the mission** and commander of the deployed force.<sup>106</sup>

105. Itziar Ruiz-Giménez (2011): Op. Cit., p.50

106. Website of the Spanish Ministry of Defence [Consulted: 25 June 2010].

## Spain commands the EUTM operation



**Annual Spanish expenditure on EUTM: 2.7 million euros\***

\**Diario de Sesiones del Congreso de Diputados*, Sesión plenaria núm. 148, 22 April 2010. Speech of the Defence Minister, p.19.

If Somalia has neither an army nor a professional police force, but rather progovernment militias with extremely volatile loyalties, who is being trained by the operation that Spain is leading?

“The sea plays host to the consequences of a deeply grave problem called the African continent”

Carme Chacón, 22 April 2010\*

\*“Defensa destinará 38 militares para adiestrar somalíes”, *La Vanguardia*, 23 April 2010.

## Official justification of the Spanish participation in the military operations<sup>107</sup>

Let’s remember the Ministry of Defence’s words: “The hijacking, in April 2008, of the fishing vessel Playa de Bakio highlighted the fact that the Somali piracy problem represented not only a **threat** to international maritime security, but also to **the national interests** in the region: **the fishing activity of the Spanish tuna-fishing fleet in the Indian Ocean**. As a consequence, the Council of Ministers ordered the mission by agreement on 23 January 2009.”<sup>108</sup>

**This justification didn’t initially correspond to the reality:** Atalanta’s area of operation (principally the Gulf of Aden) doesn’t coincide with the region where the Spanish fishing vessels operate (east and south coast of Somalia). With the help of the media, the government insisted on the **supposed tight relationship between participation in Atalanta and the tuna-fishing fleet**. But this wasn’t the case. We have already said that in 2008 there is a huge increase in attacks in the Gulf of Aden, while attacks off the Somali coast decrease slightly. The numerous speeches in the Congress of the Deputies reflect this disconnection. Indeed, on various occasions the government has been questioned about the lack of protection, by Atalanta, of the region where the tuna fishers work:

107. Only a small part of Spanish overseas military operations have been approved in the Congress of Deputies. Aside from the fact that passing through Congress is a relatively recent requirement, there are many other operations that are not officially recorded as overseas military operations. In this way, according to the 2008 US cable published by Wikileaks, the General Secretary of Defence Policy, Luis Cuesta, stated that Spain had offered military training to 18 African countries and had eight bilateral agreements on Defence and was negotiating six more. Besides several EU, NATO and UN operations, Cuesta also said that Spain was leading the EU security reform mission in Guinea-Bissau. See cable: “08MADRID685, June 8-11 Visit to Spain of commander, U.S. AFRICA”, available at: <http://metaleaks.net/document.php?id=11645>

108. Website of the Spanish Ministry of Defence [Consulted: 25 June 2010].

## Oral questions to the government

(all presented by María Olaia Fernández Davila (Galicia’s Nationalist Party, BNG).

*Plenary sitting:*

■ 8 October 2009: “Steps to take in the EU for coordinated action of the states in order to avoid the hijacking of fishing vessels such as that of the Alakrana in the Indian Ocean, given the limitations of Operation Atalanta”.

*In commission:*

■ 12 November 2009: “**Motives for Operation Atalanta not explicitly including the protection of the fishing vessels that work in the Indian Ocean**”.

■ 27 January 2010. The question from 12 November 2009 is repeated.

**Atalanta did not increase its area of operation to include the area where the fishing fleet operate for a year and a half.** On 14 June 2010 the EU Foreign Affairs Council gave the go-ahead for the extension of EUNAVFOR’s area of operation to the east and south, in an effort to cover the whole area in which the pirates operate. **This geographical extension doesn’t come into effect until autumn 2010.**<sup>109</sup>

109. Website of Consilium-Security&Defence [Consulted: 25 June 2010].

**Motions before the plenary sitting**, presented by María Olaia Fernández Davila (BNG).

- 11 November 2009: Motion on the necessity of improving the protection of Operation Atalanta for tuna-fishing vessels that work in the Indian Ocean. It is argued that there are nearly no Atalanta personnel in the fishing zone and that it concentrates its attention on the Gulf of Aden.

The motion states: "The Congress of Deputies urges the government to

1-make the necessary arrangements with the EU that Operation Atalanta shall

a) **explicitly recognise the fishing vessels as a priority objective to protect, as it does with the merchant vessels and those of humanitarian transport**

b) **include the area where the fishing fleet works in the geographical protection zone and deploy Atalanta personnel in this zone.**

2-include as a priority question in the agenda of the Spanish presidency of the EU the study, analysis and adoption of measures that entail a communal action of the EU before the acts of piracy in the Indian Ocean and in the cases of hijackings of fishing vessels, in a way that avoids each state having to act individually"

### 3.4. Public opinion and domestic response

#### Position of the political parties regarding Operation Atalanta

Key remarks from the plenary sitting of the Congress of Deputies on 21 January 2009 where the government sought authorisation to participate in Atalanta:<sup>110</sup>



**Carme Chacón, minister of Defence:** "Spain decided (...) to put itself at the head of the group of countries that had decided to put an end to this grave problem of international security. (...) We wanted to protect (...) our fishing interests (...) Atalanta is the result, (...) of the effort of (...) France and of Spain. (...) the Spanish leadership (...) demands a substantial contribution (...) to this operation. (...) Only in this way will we manage (...) to guarantee (...) the defence of our interests in the region. (...) **Operation Atalanta is of vital importance to the defence of the geostrategic and economic interests of Spain.**"



**Popular Party:** "(...) it would be advisable for us **to use our influence to make sure that they are taken care of** [the tuna-fishing vessels] in the priority zone, that is, on the east Somali coast up to Tanzania, given that this mission is probably going to concentrate much more on the Gulf of Aden."



**PSOE:** "(...) when national security is spoken of, we must understand that national security cannot be separated from global security. (...) because today, we either give global responses to global threats and risks or (...) it is not possible to establish criteria for national security."



**Basque Parliamentary Group (EAJ-PNV):** "(...) my group (...) **will continue to support any overseas campaigns that the government proposes.**"



**BNG:** "(...) resolving these problems, which stem from piracy, in a political way (...) and not with military intervention like the ones **we are currently obligated to support.**"



**Parliamentary Group ERC-IU-ICV:** "The fundamental question in our opinion is: are the army and the armed forces the best method to secure the situation of our boats in the region? Are they the most proportionate and effective method? We doubt it. (...) but **it is not a geostrategical region for Spanish foreign policy** (...)"



**Convergència i Unió:** "CiU has traditionally always shown **solidarity with Spain's international commitments** regarding overseas security. (...) our favourable position to the lifting of the limitation of the contingent of soldiers sent on overseas missions, going from 3,000 to the current 7,700, (...) to be able to respond as is necessary to the aforementioned commitments."



**Response of the minister of Defence:** "You spoke of priority areas, Africa is one, **cooperation** with Africa is one, the arrival of **humanitarian aid** to Africa is one, (...) and this is another fundamental reason for our participation in **something important for Spain** (...)"

#### Vote in Congress on the participation of Spain in Operation Atalanta:

**311 in favour and 2 abstentions**

**In favour: PSOE, PP, CiU, PNV, ERC, BNG, CC, UPyD**

**Abstentions: Gaspar Llamazares (IU) and Joan Herrera (ICV)**

**Against: None**

110. *Diario de Sesiones del Congreso de Diputados*. 2009, IX Legislatura, No. 58. Sesión Plenaria no. 54.

Atalanta and EUTM-Somalia are the two operations that have enjoyed recently most support in the Congress of Deputies, and no member of parliament has voted against them. Have these operations been well explained?

### Position of the political parties regarding EUTM-Somalia

Key remarks of the plenary sitting of the Congress of Deputies on 22 April 2010 in which the government sought authorisation to participate in EUTM-Somalia:<sup>111</sup>

**Vote in the Congress of Deputies on the participation of Spain in EUTM: 318 in favour and 5 abstentions. Abstentions: BNG and Parliamentary Group IU-ICV-ERC Against: None**

	<b>PSOE:</b> “(…) in a society of global risks, where our security is not assured in our own territory but in all the world, <b>our security is also the security of the Somalis and vice-versa (…)</b> ”
	<b>CiU:</b> “fear of <b>radical Islamic-based terrorism taking root in this area of Africa</b> ”
 	<b>Parliamentary Group IU-ICV-ERC:</b> “(…) there is too much concern over the security of our fishing vessels, over antiterrorist security, and slightly less over the social reality of today, (… over the civil reality in Somalia. (… We are going to abstain from this initiative. (… <b>for the minister there is only Jihadist terrorism and lack of security for our fishing vessels (… It doesn't make sense</b> [the Spanish military presence] (… <b>if it is not framed in a global plan for Somali recovery.</b> ”

### Public opinion

Results of the opinion polls of the Real Instituto Elcano: The results from November 2009 in Table 1 prove that those polled consider Operation Atalanta and the operation in the Indian Ocean as different operations. Although the two are the same operation, the responses are so disparate that it is evident that those polled identify them as two separate operations. Having formulated the question with two different names for the operation has contributed to the confusion.

In Table 2, we can see that more than 50% of those polled assess Operation Atalanta positively.

The reliability of these results is arguable. The question is not always formulated in the same way: it speaks of Operation Atalanta, of an antipiracy operation in Somalia and an operation in the Indian Ocean and we have already seen that the people polled do not easily identify the operation.

**Table 1. On the withdrawal of the troops**

	Question	Response (% of people polled)
November 2009	¿Given the hijackings that are occurring, what should be done with the Atalanta mission? Stay the same   Extend and reinforce it   Cancel it	extend and reinforce it: 59%    cancel it: 11% don't know/no response: 24%    stay the same: 6%
	And, for each of these missions, what do you believe should be done with the troops? [Indian Ocean troops] Increase   Maintain   Decrease   Withdraw completely	increase: 14%    maintain: 41% decrease: 10%    complete withdrawal: 28%
December 2010	And, for each of these missions, what do you believe should be done with the troops? [Indian Ocean troops] Increase   Maintain   Decrease   Withdraw completely	Complete withdrawal from the Indian Ocean: 20%

Polls (*Barómetros*) of the Real Instituto Elcano, <http://www.realinstitutoelcano.org>.

**Table 2. Assessment of the Spanish troops in the Indian Ocean / with Atalanta (Elcano Institute polls, *Barómetros*)**

Date	Mar. 2009	Nov. 2009	Mar. 2010	Jun. 2010	Mar. 2011	Jun. 2011	Dec. 2011
Operation asked about	Fight against piracy in Somali waters	Troops in Indian Ocean	Atalanta	Atalanta	The operation in the Indian Ocean	Indian Ocean	Indian Ocean
"Positive" and "very positive" assessment	48%	55%	52%	51%	69%	63.1%	56.5%
"Negative" and "very negative" assessment	Not specified	Not specified	32%	Not specified	Not specified	24.1%	31.4%

111. *Diario de Sesiones del Congreso de Diputados*. 2010, IX Legislatura, No. 157. Sesión Plenaria no. 148.

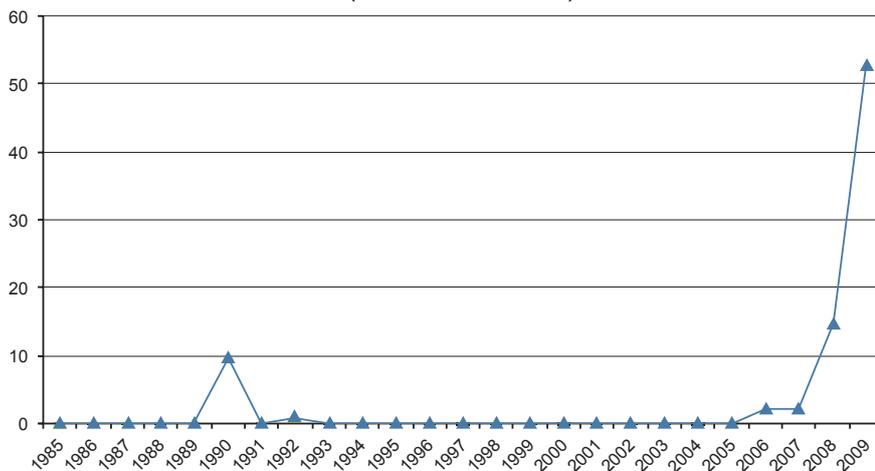
### 3.5. Other Spanish contributions to Somalia

#### Official Development Aid (ODA) of Spain to Somalia<sup>112</sup>

	Bilateral net/ gross ODA (euros)	% change (compared to previous year)	Somalia's position in recipient countries	Humanitarian aid (included in ODA) (dólares)	% change (compared to previous year)
2011	Unavailable data as of the first quarter of 2012			12,277,416	33%
2010	Unavailable data as of the first quarter of 2012			37,240,981	230%
2009	37,878,085*	374%	19	16,221,635	432%
2008	10,132,380	611%	50	3,756,431	138%
2007	1,657,589	92%	77	2,716,409	179%
2006	1,801,868	3,437%	57	1,515,152	0
2005	52,433	0	100	0	0
1994-2004	0	0	-	0	0

\*This is the official data given by Spain. However, the World Bank speaks of 52.7 million dollars.

**Official Development Aid of Spain to Somalia**  
(in millions of dollar)



Database of the World Bank [Consulted: May 2011].

**Somalia was in 2009 the second largest African recipient of Spanish aid, after Ethiopia (funds also partially related to the Somali crisis)**

**In 2010, Spain was the second largest world contributor of humanitarian aid to Somalia, with 7.6% of the funds, after the European Commission\***

112. Produced by the authors using revisions and plans from the PACI reports (*Plan Anual de Cooperación Internacional*) of the Ministry of Foreign Affairs and Cooperation, and the *Financial Tracking Service* of OCHA, available at [www.reliefweb.org](http://www.reliefweb.org). The ODA data from 2010 and 2011 was not available. The 2011 data on humanitarian action may not be complete [Consulted: 10 January 2012].

\*According to the Financial Tracking Service of OCHA, [http://fts.unocha.org/reports/daily/ocha\\_R5\\_A871\\_\\_1201101508.pdf](http://fts.unocha.org/reports/daily/ocha_R5_A871__1201101508.pdf)

## Details of the humanitarian aid<sup>113</sup>

### Spanish financing of Somalia in 2010 and 2011:

Total : \$ 49,518,397 (2010: \$37,240,981; 2011: \$12,277,416)

Date	Recipient agency	Quantity (dollars)	Sector
<b>2010</b>		<b>37,240,981</b>	
25 January	World Food Program (UN)	217,491	Food
18 February	World Food Program (UN)	32,756,628	Food
19 March	UNOCHA (UN)	616,523 (€500,000)	Unknown
13 April	World Food Program (UN)	8,415	Health
13 April	World Food Program (UN)	1,267,327	Health
24 May	UNICEF (UN)	928,382	Education
24 May	UNICEF (UN)	928,382	Health
25 October	UNHCR (UN)	517,833	Unknown
<b>2011</b>		<b>12,277,416</b>	
6 April	UNOCHA (UN)	704,225 (€500,000)	Coordination and support
17 June	World Food Program (UN)	4,120,879 (€3,000,000)	Food
27 July	Food and Agriculture Organization (UN)	2,816,901 (€2,000,000)	Agriculture
12 August	UNHCR (UN)	1,114,286 (€780,000)	Shelter and non-food items
16 August	UNICEF (UN)	2,545,492 (€1,781,819)	Education
16 August	UNICEF (UN)	975,633 (€681,967)	Health

**It is expected that the Spanish contribution to development in Somalia is reduced very significantly in the immediate future, while likely to continue its military contribution**

113. UNOCHA, *Financial Tack Service*, available at [www.reliefweb.org](http://www.reliefweb.org) [Consulted: 29 December 2011].

## Financing to Kenya (mostly related to the crisis in Somalia) in 2010 and 2011:

Total: **35,958,587 dollars**

Date	Recipient agency	Quantity (dollars)	Sector	Date	Recipient agency	Quantity (dollars)	Sector
<b>2010</b>		<b>27,301,983</b>		<b>2011</b>		<b>8,656,604</b> <b>(€6,213,469)</b>	
18 February	World Food Program (UN)	26,627,219	Food	8 July	World Food Program (UN)	2,747,253 (€2,000,000)	Food
21 June	UNHCR (UN)	674,764 (€500,000)	Multisector	27 July	UNHCR (UN)	2,747,253 (€2,000,000)	Multisector
				2 August	Spanish Red Cross	285,714 (€200,000)	Shelter and non-food items
				2 August	Save the Children	483,897 (€338,728)	Health
				12 August	UNHCR (UN)	1,114,286 (€780,000)	Multisector
				19 August	Action Against Hunger - Spain	682,470 (€477,729)	Health
				26 August	Caritas Spain	595,731 (€417,012)	Health

Table legend:

Funds directly related to the situation in Somalia
Funds partially related to the situation in Somalia
Funds not related in a significant way

## Financing to Ethiopia (mostly related to the crisis in Somalia) in 2010 and 2011:

Total: **57,753,480 dollars**

Date	Recipient agency	Quantity (dollars)	Sector	Date	Recipient agency	Quantity (dollars)	Sector
<b>2010</b>		<b>44,816,804</b>		<b>2011</b>		<b>12,936,676</b> <b>(€9,215,567)</b>	
1 April	World Food Program (UN)	39,940,828	Food	31 Jan	Adventist Development and Relief Agency	1,865,170 (€1,419,394)	Not specified
16 April	UN Office for the Coordination of Humanitarian Affairs (OCHA)	1,221,001 (€1,000,000)	Coordination and support	17 May	World Food Program (UN)	1,426,662 (€1,000,000)	Coordination and support
30 April	Emergency Response Fund (OCHA)	1,221,001 (€1,000,000)	Not specified	17 May	World Food Program (UN)	1,373,626 (€1,000,000)	Food
6 July	UNICEF (UN)	610,710 (€494,710)	Health	28 June	UNICEF (UN)	1,690,140 (€1,200,000)	Water and sanitation
6 July	UNICEF (UN)	823,264 (€666,844)	Water and sanitation	20 July	Médecins sans Frontières	1,859,800 (€1,300,000)	Health
14 Sep	Bilateral	1,000,000	Water and sanitation	28 July	Islamic Relief Worldwide	181,293 (€126,905)	Water and sanitation
				28 July	Wabi Shelbelle Development	246,429 (€172,500)	Not specified
				28 July	Pastoralist Development Organization	252,526 (€176,768)	Economic recovery
				28 July	Association Develop Horn	157,143 (€110,000)	Water and sanitation
				1 August	Emergency Response Fund (OCHA)	726,744 (€500,000)	Not specified
				2 August	Spanish Red Cross	285,714 (€200,000)	Shelter and non-food items
				3 August	INTERMON-OXFAM	714,286 (€500,000)	Water and sanitation
				12 August	UNHCR (UN)	2,057,143 (€1,440,000)	Shelter and non-food items
				19 August	Action Against Hunger - Spain	100,000 (€70,000)	Health

## PART 4. 10 REASONS TO QUESTION THE INTERNATIONAL ROLE

The authors of this report believe that the way in which Spain and other countries involve themselves to tackle the problems in the region of Somalia and the Gulf of Aden are very questionable. Although not exhaustive, there are at least ten arguments that lead us to question (and some to condemn) foreign participation.

### First reason The military interventions seek to satisfy their countries' interests, not those of the Somali people

This argument has already been explored in the second part of this report. Let's remind ourselves of the general interests (the list is not exhaustive and is only for illustrative purposes):

According to Amnesty International:<sup>114</sup>

**"...donors' concern for the viability of the TFG and the security of international shipping has not been matched by equal attention to the human rights of the Somali people and the protection of civilians in the continuing armed conflict, as required under international law and as specifically demanded by the United Nations (UN) Security Council"**

A Study of the German Institute for International and Security Affairs (SWP): claims that the fact that the west continues to finance the expensive naval deployment despite its limited success suggests that it must have a hidden agenda and theorises that the "real" objective of the military deployment could be the question of "who controls the Indian Ocean."<sup>115</sup> An ex-director of Plans and Policy of the German ministry of defence, vice-admiral Ulrich Weisser, points out that the antipiracy naval forces are operating in a region decisive for the definition of power in Asia (competition with China and India) and that the Indian Ocean does not only hold "the keys to the world seas" (maritime routes to the Pacific); but it is, by itself, of great importance because a large part of world commerce depends on these routes.<sup>116</sup> **Piracy, like terrorism, therefore represents an excuse for military deployments in search of other objectives on this global chess board.**

Preference of global interests	Countries with a special interest
1. <b>Commerce through the Gulf of Aden</b>	Egypt, Japan, Russia, China (and Taiwan), US, France, India, Turkey, Holland, Pakistan, Greece, Germany, Singapore, Sudan, UK
2. <b>Geopolitical and geoeconomic influence in the region</b>	US, France, China, Russia, Egypt, Yemen, Ethiopia, Kenya, Iran, Turkey, Eritrea, Norway, Saudi Arabia, Qatar, Germany, Djibouti, UK
3. <b>Support to allied countries (NATO, EU, AU, etc.) for geopolitical and geoeconomic purposes</b>	US, EU, <b>Spain</b> , Italy, Yemen, Ethiopia, Kenya, Uganda, Iran, Turkey, Australia, Eritrea, Norway, Denmark, Holland, Belgium, Saudi Arabia, Oman, Sweden, Finland, Portugal, Ireland, Austria, Luxembourg, Greece, Germany, Malta, Hungary, Djibouti, Burundi, Syria, Lybia
4. <b>Interests in the natural resources</b>	<b>Spain</b> , France, Japan, India, UK, Egypt, Yemen, Russia, Malaysia, Canada, Holland, Australia, Italy, Kenya, Thailand, South Korea, Norway, Pakistan, Greece, Indonesia, Kuwait, China (and Taiwan)
5. <b>Somalia as a threat</b>	UK, US, Yemen, Ethiopia, Kenya, Saudi Arabia, Uganda
6. <b>Domestic opinion</b>	US, <b>Spain</b> , France, Italy, Japan, India, Yemen, Ethiopia, Kenya, Holland, Greece, Uganda, Canada
7. <b>Visibility and gain of international weight</b>	France, Italy, Ethiopia, Uganda, Iran, Turkey, Burundi, <b>Spain</b> , Syria, UK, Germany
8. <b>Solution to the constant Somali crisis</b>	Ethiopia, Kenya, US, Italy, Yemen, Norway, Djibouti, UK

The list is not exhaustive and is only for illustrative purposes.

114. Amnesty International (2010): "Somalia: Hay que revisar la asistencia internacional militar y policial" Index: AFR 52/001/2010, p.4.

115. Stefan Mair (Hg., 2010): "Piraterie und maritime Sicherheit"; SWP-Studie S18, July; "The advantage of Piracy", *German Foreign Policy*, 3 September 2010, <http://www.german-foreign-policy.com/en/fulltext/57866>

116. Ulrich Weisser (2009): "Fregatten statt Panzer", *Süddeutsche Zeitung*, 17 November.

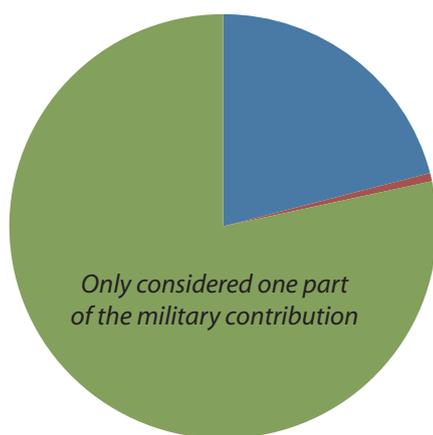
## Second reason International contribution to Somalia is militarised

### Spain

Although it constituted one of the world's worst humanitarian crisis in those years, there is no evidence that Spain gave a single euro to Somalia as Official Development Aid between 1994 and 2004. However, in 2009 Somalia was Spain second largest recipient of aid after Ethiopia and, in 2010, Spain was Somalia's principal donor of humanitarian aid after the European Commission.

#### Increase in solidarity or justification for political-military participation?

#### Estimated accumulation until 2011



■ Development assistance

■ Political assistance

■ Military assistance

Graph illustrative, unknown military expenditure not considered, 50% of Enduring Freedom expenditure estimated (see section 3.3 for details). Only known data considered.

Humanitarian and development aid (millions of euros)	
Item	Amount
Spanish Official Development Aid 1987-2011 (See details in chapter 3.5)	Aprox. 100
Political assistance (millions of euros)	
Item	Amount
Budget support for the Somali government <sup>I</sup>	3
Military and police assistance (millions of euros)	
Item	Amount
Donations of military equipment (1987-1989) <sup>II</sup> (See details in chapter 3.3)	14.5
Commitment with the AU (AMISOM) (2009-2011) <sup>III</sup>	10
Contribution to UNSOA (UN AMISOM Support Office) <sup>IV</sup>	4.5
Cost of the participation in Operation Atalanta (2009-2011) <sup>V</sup> (See details in chapter 3.3)	239.3
Cost of the participation in EUTM (2011, one year) <sup>VI</sup>	2.7
Cost of the participation in the NATO operations in the Indian Ocean	Unknown
Cost of other military participation in the Indian Ocean (CTF-150, response to Playa de Bakio hijacking)	Unknown
Cost of the subsidies to the Spanish fleet for private protection (2010-2011) <sup>VII</sup>	4.3
Cost of participation in Operation Enduring Freedom (Gulf of Aden+Afghanistan) (2002-05) <sup>VIII</sup>	197.8 (at least 50%) <sup>IX</sup>

List of contributions not exhaustive, only known items included

I. See <http://www.maec.es/es/MenuPpal/Actualidad/NotasdePrensa/Paginas/75NP20100927.aspx>

II. Subdirección General de Fomento Financiero de la Exportación, "Anexo. Los créditos FAD 1977-1994" en *Boletín Económico del ICE*, núm. 2.449, Ministerio de Comercio, Madrid, 27 March - 2 April 1995.

III. US cable "09MADRID786, Spain's support for Somalia's TFG", available at: <http://metaleaks.net/document.php?id=314402>. In this cable published by Wikileaks, Guillermo Lopez MacLellan, Subdirector General for Sub-Saharan Africa of the Spanish Foreign Affairs Ministry, said that this 10 million would be used to finance the AMISOM police contingent, give support to the TFG police and security forces (under the direction of UNDP, AMISOM and the Somali home office), and finance the UN office in Nairobi which gives support to the political process in Djibouti.

IV. PACI reports and Itziar Ruiz-Giménez (2011): *Op. Cit.*, p.33.

V. Miguel González (2012): "Defensa revisará todas sus misiones en el exterior para ahorrar costes", *El País*, 15 January.

VI. *Diario de Sesiones del Congreso de Diputados*, Sesión plenaria no. 148, 22 April 2010. Defence minister's speech, p.19.

VII. Adding the costs of 2010, included in Royal Decree 1257/2010, BOE 9 October 2010 and the budget for 2011, which is recorded on the General State Budgets (concept 470 program 415B).

VIII. Total expenditure Afghanistan+Gulf of Aden. Data from the response to Ignacio Cosidó Gutiérrez' (PP) parliamentary question, *Boletín Oficial de las Cortes Generales* (BOCG), Senate, no. 537, 8 September 2006, p.113.

IX. In this operation Spain deployed two frigates, a supply boat and a P-3 Orion maritime patrol plane to the Horn of Africa, for which we must assume that at least half of the total funds of the operation went to this region: 98.9 million (See details in section 3.3).

## European Union

As the Somali government recognises, a part of the foreign funding is used to finance a coastguard services to capture pirates and support AMISOM forces\*

From the budget of the Somalia International Donor's Conference, more than three quarters (€164M) corresponds to military expenditure and one quarter to humanitarian aid (€48M)\*\*

\*Barney Jopson (2009): "Somalia hires PwC to monitor aid", *Financial Times*, 7 July.

\*\*Gaspar Llamazares' parliamentary speech, *Diario de Sesiones del Congreso de Diputados*, Sesión plenaria no. 148, 22 April 2010.

Development and humanitarian assistance (including security, police and "economic growth") (millions of euros)	
Item	Amount
European Commission funding for development programmes (2008-2013) <sup>I</sup>	215.8
ECHO humanitarian aid to Somalia (2008-2011) <sup>II</sup>	153.8
Bilateral contributions of the member states	Total unknown
Military and police assistance (millions of euros)	
Item	Amount
AMISOM and Somali security sector <sup>III</sup>	213 (millions of dollars)
Contribution to AMISOM through the African Peace Facility (APF) <sup>IV</sup>	More than 208
Total EU contribution to the UNDP Rule of Law programme for the Somali police <sup>V</sup>	43
Estimation of annual costs of Operation Atalanta <sup>V</sup>	450/year
Joint financing for EUTM (between August 2011 and 31 October 2012) <sup>VI</sup>	4.8
Rest of EUTM expenditure	Unknown
Planning support to AMISOM under the Instrument for Stability <sup>V</sup>	4.7
Estimated annual participation costs of member states for Enduring Freedom and CTFs	Unknown
Estimated annual participation costs of member states for NATO operations in the Indian Ocean	Unknown

List of contributions not exhaustive, only known items included.

I. The total since 2003 is 409,472,071 euros. "EU Maritime Operation against piracy (EU NAVFOR Somalia - Operation ATALANTA)", 26 October 2011, p.4.

II. 43.8 millions euros in 2008, 45 in 2009 and 35 in 2010. Potential 30 million euros in 2011. The total since 2005 is 198 million euros.

"EU Maritime Operation against piracy (EU NAVFOR Somalia - Operation ATALANTA)", 26 October 2011, p.4.

III. Amnesty International (2010): "Somalia: Hay que revisar la asistencia internacional militar y policial" Index: AFR 52/001/2010, p.13.

IV. "EU military mission to contribute to the training of the Somali Security Forces (EUTM Somalia)", 14 November 2011, p.3.

V. Estimation of Stig Hansen of the cost for the EU and its member states. Quoted in Itziar Ruiz-Giménez (2011): *Op. Cit.*, p.45.

VI. "EU military mission to contribute to the training of the Somali Security Forces (EUTM Somalia)", 14 November 2011, p.2.

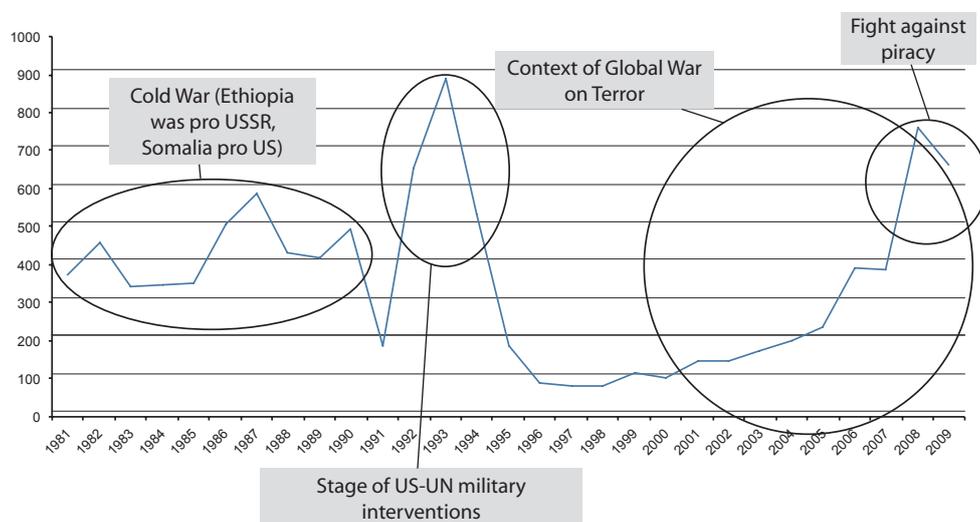
Official Development Aid of the Development Assistance Committee, or DAC, (OECD) main donors, according to the World Bank (in millions of dollars)<sup>117</sup>

	Total	US	Germany	European Institutions	UK	France	Japan	Holland	Spain	Sweden	Canada	Norway	Other DAC
2010	435.5	59.4	12.5	127.1	62.3	3.5	29.1	9.3	5.9	-	4.4	31.6	90.5
2009	607.5	194.9	20.9	108	43.8	4.7	22.6	14.8	52.8	-	25.7	33.3	85.9
2008	704.7	242.7	10.1	139.3	76.1	8.5	23.3	18.7	14.6	25	21.8	-	124.7
2007	335.3	58.7	13.6	78.6	26.4	6.2	3.9	12.4	2.3	25.8	12.9	-	94.7
2006	351.7	95.2	7	88.5	53.2	1.7	0.2	14.1	-	13.3	7.1	33.8	37.4
2005	146.1	36.9	5.1	-	10.7	1.7	..	14.2	0.1	12.9	6	-	58.4
2004	139.3	31.9	2.5	-	11.8	0.4	..	18.9	..	13.7	1.8	33.7	25.1
2003	113.6	33.8	2.6	-	3.5	0.8	..	10.3	-	6.6	1	40	15
2002	102.4	35.4	2.8	-	3.1	0.4	..	13.1	-	5.5	0.2	25.4	15.2

DAC: Development Assistance Committee of the OECD; "-" means that there is no data; ".." means that the amount is less than 0.1.

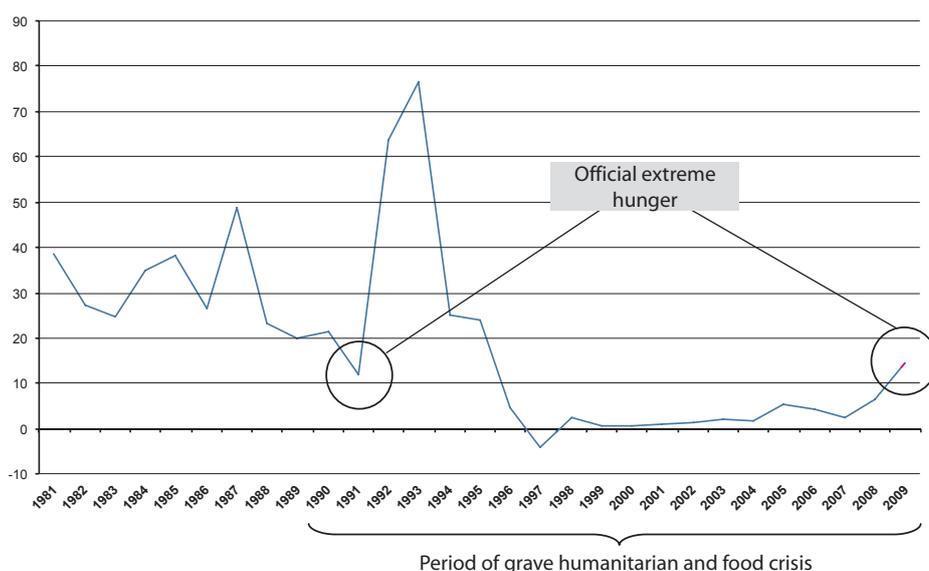
## Support for the World Food Programme: was this the objective?

Aid received, general. Official net development assistance (current US million of dollars)<sup>118</sup>



**Somalia is only important when there are strategic military objectives!**

World Food Programme (WFP) expenditure in Somalia (current US million of dollars) (Net funding: gross funding minus the repayments of previous loans)<sup>119</sup>



**There is no documented concrete Spanish escort practice (or it has not been found) for vessels of the World Food Program**

**Protecting the World Food Program's vessels: was this the objective?**

117. World Bank (various years): *World Development Indicators*, annual reports 2004-2012.

118. World Bank database [Consulted: May 2011].

119. World Bank database [Consulted: May 2011].

**“They don’t only steal our fish, they also try to stop us from fishing”\***

Jeylani Shaykh Abdi, fisherman from Merka, quoted by the UN news agency

**“The consequences of the overexploitation do not only threaten food security and socioeconomic development, but also the marine ecosystems themselves”\*\***

**“It seems paradoxical that what the Kenyan Fisheries Department hasn’t achieved in its efforts to control the chaos on its coasts the Somalian pirates have achieved”\*\*\***

**Some sources mention that piracy has caused less foreigners to work in some areas and, as a result, fishing has re-established itself\*\*\*\***

\*“SOMALIA: Fishermen appeal for help over foreign fishing ships”, *Op. Cit.*

\*\*Miguel Salvatierra (2010): *Op. Cit.*, p.50, basis in Camilo Mora and Boris Word, Universities of Dalhousie, Canada, and California.

\*\*\*Miguel Salvatierra (2010): *Op. Cit.*, p.52

\*\*\*\*See UN conclusion at the UN Security Council (2009): “Informe de Secretario General presentado de conformidad con la resolución 1846 (2008) del Consejo de Seguridad”, resolution S/2009/146, 16 March 2009, paragraph 48; also see Journeyman Pictures: *Pirates love fish*

### **Third reason Foreign interference results in the theft of resources and threatens Somali food- sovereignty**

According to the UN Food and Agriculture Organization (FAO), in 2005 there were some 700 fishing vessels in Somali waters and the Indian Ocean illegally and without regulations.<sup>120</sup> The High Seas Task Force raises this figure to 800.<sup>121</sup> Many were European, and among them, many were Spanish. Regional groups informed the FAO that in some places the catch of commercially valuable species may have been 300% the permitted levels.<sup>122</sup> These vessels, which are calculated to have made **more than 450 millions dollars in fish from Somalia each year**, neither compensated the local fishermen, nor paid taxes or royalties, nor did they respect the conservation and environment regulations of regulated fishing. **It is believed that among the vessels involved in this practice, the European Union vessels alone extracted from the country more than five times the value of their aid to Somalia each year.**<sup>123</sup>

#### **UN Panel of Experts on Somalia:**

“The once thriving Somali fisheries industry has deteriorated into a “free for all” among the world’s fishing fleets. For over a decade, hundreds of vessels from various Member States have continuously fished Somali waters in an unreported and unregulated manner, as documented in numerous reports on the subject. This has had far-reaching consequences and may already have had a disastrous effect on the

120. “SOMALIA: Fishermen appeal for help over foreign fishing ships”, *IRIN News*, 9 March 2006.

121. Mohamed Abshir Waldo (2009): “The two piracies in Somalia: Why the world ignores the other?”, *International Monitoring, Control, and Surveillance Network for Fisheries-Related Activities*, 8 January, p.3, available at: [http://www.imcsnet.org/imcs/docs/somalias\\_twin\\_sea\\_piracies\\_the\\_global\\_aramada.pdf](http://www.imcsnet.org/imcs/docs/somalias_twin_sea_piracies_the_global_aramada.pdf) [Consulted: 14 December 2011].

122. Miguel Salvatierra (2010): *El Próspero Negocio de la Piratería en África*, Madrid, Los Libros de la Catarata, p.43.

123. Mohamed Abshir Waldo (2009): *Op. Cit.*, p.3.

sustainable management of Somali marine resources.”<sup>124</sup>

The report *Corruption and industrial fishing in Africa*<sup>125</sup> states: **“Fishing licences for the EEZ of Somalia have been sold by warlords [...] the TFG [...] and...] Puntland”** The UN Group of Experts on Somalia [...] has stated that “all the attempts to manage fishing in Somalia have all resulted in large sums of money (millions in the last ten years), **which have been paid to the heads of factions, enriching them personally and, to a certain extent, paying and providing for private militias**”.<sup>126</sup> “(...) There are reports which suggest that the payment of the cost of the licence is like paying protection money to be safe from the pirates.”<sup>127</sup>

The fish obtained illegally are mixed with those caught legally. **The countries used for Somali fish laundering include Seychelles, Mauritius and Maldives.**<sup>128</sup>

124. UN Security Council (2003): “Report of the Panel of Experts on Somalia, pursuant to Security Council Resolution 1474”, reference S/2003/1035, 4 November, paragraph 141, p.32.

125. A. Standing (2008): “Corruption and industrial fishing in Africa”, Anti-Corruption Resource Centre. Chr. Michelsen Institute of Norway. U4 Issue 2008:7, p.19.

126. UN Security Council (2003): *Op. Cit.*

127. UN (2002): “Report of the UN Expert Panel on Somalia, pursuant to Security Council resolution 1425 (2002)”

128. Mohamed Abshir Waldo (2009): *Op. Cit.*

**If there is illegal fishing in controlled zones, is there anything that won't happen to Somalia?**

- The UN Food and Agriculture Organization (FAO) says that 28% of the reserves of global fishing grounds are currently over-exploited or have already collapsed, while 52% are at high risk of exhaustion.
- There are also thefts of fishing resources closer to home: in 2007, the real tonnage of Mediterranean Bluefin tuna (endangered species) caught would reach 60,000, but only 34,000 tonnes were declared. Japan imports 80% of that.<sup>129</sup>
- The main illegalities are the breaking of assigned quotas, the use of unpermitted techniques and fishing outside the season or authorised area.<sup>130</sup> All of this is more likely to happen in a region without state authority like Somalia.

According to the High Seas Task Force (HSTF):<sup>131</sup>

“Illegal, unreported, unregulated fishing is **detrimental to the wider marine ecosystem** because it flouts rules designed to protect the marine environment which includes restrictions to harvest Juveniles, closed spawning

grounds and gear modification designed to minimize by-catch on non-target species (...) In so doing they **steal an invaluable protein source** from some of the world's poorest people and **ruin the livelihoods of some legitimate fishermen**; incursions by trawlers into the inshore areas reserved for hand fishing can result in collision with local fishing boats, destruction of fishing gear and deaths of fishermen.”

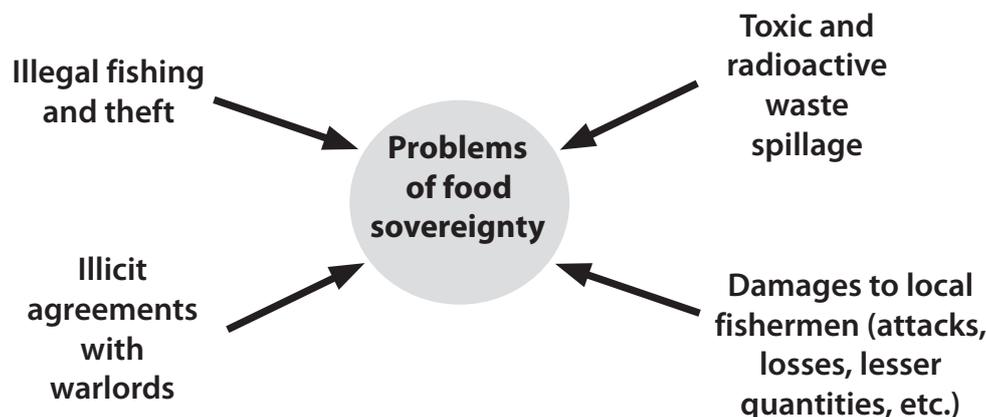
**Can the Somalis fish without worries?**

Some people have spoken of attacks against local fishermen by Atalanta and NATO forces, who thought they were pirates.

Case of the Indian frigate INS Tabar: In November 2008 sunk a Thai fishing boat with gunfire, on seeing pirates on board. There were also 14 hostages, only one of whom survived, saved by another vessel after six days adrift holding onto a part of the destroyed boat.<sup>132</sup>

**All these problems and are well known by UN agencies and various western states, including Spain. However, no judicial action against those involved is known to have been taken**

**It is important to keep in mind that there is no mention in the UN Security Council resolutions on Somalia of illegal fishing, toxic and radioactive waste spillage, agreements with warlords and the complaints of the Somali fishermen\***



129. Miguel Salvatierra (2010): *Op. Cit.*, p.49.  
 130. Miguel Salvatierra (2010): *Op. Cit.*, p.49.  
 131. Report “Closing the Net: Stopping Illegal Fishing on the High Seas”, quoted in Mohamed Abshir Waldo (2009): *Op. Cit.*

132. “India navy defends piracy sinking”, *BBC News*, 26 November 2008.

\* Mohamed Abshir Waldo (2009): *Op. Cit.*, p.7.

Is “legal” fishing possible in a stateless country, at war, with ministers but without ministries or public workers?

Fishing in the territorial waters of a stateless Somalia: does this not deserve any condemnation? Is the protestation just against the “pirates”?

**Fourth reason**  
**The likely-illegal Spanish fishing has not been recognised, nor has anyone been found responsible**

**Is there illegal Spanish fishing?**

Illegal fishing is not an uncommon practice in the Spanish fleet. There are many documented infractions committed by Spanish fishermen. Therefore, the possibility of infractions in Somalia cannot be ruled out and, furthermore, there are indications, as there is “**wide belief among Somalis** that Spanish fishers are fishing illegally in Somali waters [...] Spain has also been accused unofficially by the Atalanta officials [...] for **unilaterally protecting illegal fishers**.”<sup>133</sup>

**Individual perception of Spanish fishing:**

“Spain is one of the countries that has robbed us most of our natural resources: they deserve it”

*Comment of a 65-year-old Somali man during the Alakrana affair*<sup>134</sup>

**There has never been a legitimate regulated fishing agreement between Spain and Somalia** (is it possible to do it, with a state non-existent in practice?). Fishing in Somali waters has always been done through “licences”. Fishing fleets bought licences from anyone (local leaders, warlords, the TFG). The Spanish government, on 1 July 2006, prohibited fishing within the 200 miles of the Exclusive Economic Zone (EEZ) of Somalia.<sup>135</sup> This measure could be seen as recognition that before this date it may have been done.

An example: Speech of José Ramón Beloki Guerra (PNV):<sup>136</sup>

“On the 3<sup>rd</sup> of November 2005 a Bermeo tuna-fishing ship, the **Playa de Aritzatxu**, was chased and harassed for hours by several pirate craft while fishing **170 miles off** the coast of Somalia.” [The EEZ border is at 200 miles.]

**Some Spanish companies sanctioned for illegal fishing** (where they could be sanctioned, such as in the US):<sup>137</sup>

	Brands	Examples of infraction	Examples of subsidies received from the EU
<b>Grupo Albacora S.A.</b>	Bachi Campos Salica	Vessel Albacora I: Fishing without licence in the US EEZ (2007-2009). Sanction 5 million dollars	1994: 3.8 million euros (boat construction)
<b>Conservas Garavilla S.A.</b>	Isabel Garavilla	Vessel San Andrés (Ecuadorian flag): Illegal fishing in the US EEZ (2007)	
<b>Grupo Pescanova</b>		Contraband Patagonian toothfish (2009). Sanction: 1.7 million dollars	2007-2009: 12.4 million euros (for various items)
<b>Vidal Armadores S.L.</b>		Large number of infractions accumulated	1997-2009: 9.9 million euros (EU and Spain). The European Commission has asked Spain to solicit the partial return of this aid

133.S. J. Hansen (2009): “Piracy in the greater Gulf of Aden”, Norwegian Institute for Urban and Regional Research, octubre, <http://www.nibr.no>.

134.Miguel Salvatierra (2010): *El Próspero Negocio de la Piratería en África*, Madrid, Los Libros de la Catarata, p.28.

135.Press release from 14 May 2008 of the Ministry of Territorial Policy and Public Administration

136.*Diario de Sesiones del Congreso de Diputados*, Pleno y Diputación Permanente, sesión plenaria no. 26, IX legislatura, no. 29, 24 September 2008, p.19.

137.General sources: 1) Veterinarios Sin Fronteras (2010): *Pesca ilegal en España*, November; 2) Greenpeace, Blacklist; 3) Greenpeace (2009): *EXPOSED! Pirates bankrolled by Spanish government*, 5 March. Case of the Albacora grup and Conservas Garavilla, sources 1 and 2; case of the Pescanova group, source 1; and case of Vidal Armadores, sources 1, 2 and 3.

## Illegal Spanish fishing?

According to a report of the Norwegian Institute for Urban and Regional Research<sup>138</sup>

“It is thus difficult to understand why coalition partners in the international fleet would allow countries such as Spain to lead international operation when there is wide belief among Somalis that **Spanish fishers are fishing illegally in Somali waters** [...] Spain has also been accused unofficially by the Atalanta officials interviewed for this report for **unilaterally protecting illegal fishers** by dispatching vessels from the Atalanta operation, and this, true or not, should be taken seriously”.

## The “licences” of Pescanova<sup>139</sup>

“Jointly owned illicit Somali-European companies set up in Europe and Arabia worked closely with **Somali warlords who issued them fake fishing “licenses”** to any foreign fishing pirate willing to plunder the Somali marine resources. UK and Italy based African and Middle East Trading Co. (AFMET) and PALMERA, and UAE based SAMICO companies were some of the corrupt vehicles issuing such counterfeit licenses as well as fronting for the warlords who shared the loot.

“Among technical advisers to the Mafia companies – AFMET, PALMIRA & SAMICO - were supposedly reputable firms like MacAllister Elliot & Partners of the UK. Warlords Gen. Mohamed Farah Aidiid, Gen. Mohamed Hersi Morgan, Osman Atto and Ex-President Ali Mahdi Mohamed officially and in writing gave authority to AFMET to issue fishing “licenses”, which local fishermen and marine experts called it simply a **“deal between thieves”**. According to Africa Analysis of November 13, 1998, **AFMET alone “licensed” 43 fishing vessels (mostly Spanish, at \$30,000 per 4-month season. Spanish Pescanova was “licensed” by AFMET** while French Cobracaf group got theirs from SAMICO at a much discounted rate of \$15,000 per season per vessel.”

138.S.J. Hansen (2009):“Piracy in the greater Gulf of Aden”,Norwegian Institute for Urban and Regional Research, October, <http://www.nibr.no>.

139.Extract of the report Mohamed Abshir Waldo (2009): *Op. Cit.*

### **Fifth reason Foreign interference has led to an environmental catastrophe in Somalia that has enjoyed total impunity**

Since the fall of Siad Barre in 1991, there have been frequent complaints of foreign companies and governments profiting from the fall of the Somali state by using the waters and land of the country as a dump for waste.

Even in 2008, the UN special envoy to Somalia, Ahmedou Ould Abdallah, repeatedly stressed **alarm over illegal fishing and the dumping of toxic waste in Somalia by European companies**. Abdullah said that his organisation had “reliable information” that European and Asian companies are dumping waste – **including nuclear waste** – in the region.<sup>140</sup> **The EU has responded to these charges with silence.**

On 17 January 2005, the UN Environment Programme (UNEP) received an urgent petition from the Puntland government’s Ministry of Ports and Marine Transportation, to evaluate the environmental damage of the 2004 tsunami. We have included an extract:<sup>1</sup>

“Somalia is one of the many Least Developed Countries that reportedly received **countless shipments of illegal nuclear and toxic waste dumped along the coastline**. Starting from the early 1980s and continuing into the civil war, the hazardous waste dumped along Somalia’s coast comprised uranium radioactive waste, lead, cadmium, mercury, industrial, hospital, chemical, leather treatment and other toxic waste. Most of the waste was simply dumped on the beaches in containers and disposable leaking barrels which ranged from small to big tanks **without regard to the health of the local population and any environmentally devastating impacts**.

The issue of dumping in Somalia is contentious as it raises **both legal and moral questions**. First, there is a violation of international treaties in the export of hazardous waste to Somalia. Second, it is ethically questionable to negotiate a hazardous waste disposal contract with a country in the midst of a protracted civil war and with a factionalized government that could not sustain a functional legal and proper waste management system.

The impact of the tsunami stirred up hazardous waste deposits on the beaches around North Hobyo (South Mudug) and Warsheik (North of Benadir). Contamination from the waste deposits has thus caused health and environmental problems to the surrounding local fishing communities including contamination of groundwater. Many people in these towns have complained of unusual health problems as a result of the tsunami winds blowing towards inland villages. **The health problems** include acute respiratory infections, dry heavy coughing and mouth bleeding, abdominal haemorrhages, unusual skin chemical reactions, and sudden death after inhaling toxic materials.

It is important to underscore that since 1998, the Indian Ocean has experienced frequent cyclones and heavy tidal waves in the coastal regions of Somalia. Natural disasters are short-term catastrophes, but the contamination of the environment by radioactive waste can cause serious long-term effects on human health as well as severe impacts on groundwater, soil, agriculture and fisheries for many years. Therefore, the current situation along the Somali coastline poses a very serious environmental hazard, not only in Somalia but also in the eastern Africa sub-region.”

I. United Nations Environment Programme (2005): “Somalia”, [www.unep.org/tsunami/reports/tsunami\\_somalia\\_layout.pdf](http://www.unep.org/tsunami/reports/tsunami_somalia_layout.pdf)

140. Najad Abdullahi (2008): “Toxic waste behind Somali piracy”, 11 October, <http://english.aljazeera.net/>

## Precedents

In 1992 a Somali leader authorised some of these companies to import to Somalia millions of tonnes of “scrap” to be reused and also the construction of a waste-management installation. The waste was to arrive in Somalia at a rate of 500,000 tonnes/year. Fortunately, the then-executive director of UNEP, Mostafa Tolba, prevented the deal.

In 1996 the “acting president” of Somalia, Ali Mahdi, authorised someone called Scaglione the installation of a waste treatment plant. This person then contacted waste traders. One of these contacts, however, informed the Italian public prosecutor and this led to the opening of an investigation into the exportation of waste to Somalia. However, it emerged from the summary (to which Greenpeace had access) that there were factual circumstances leading to the conclusion that the waste was indeed probably dumped in Somalia. It was dangerous industrial waste, perhaps sanitary, and, according to an informant, also radioactive, of North American origin. To get rid of the waste, it was put in containers and, taking advantage of the construction of highways and the port of Eel Ma’aan (30 km north of Mogadishu), buried under the concrete or the highway.

The spillage of toxic substances (including nuclear substance) in the country merited UN investigations. Consistent with various studies (on behalf of Somalia’s neighbouring countries), the facts of which were denied by the parties responsible, in December 1991 Nur Elmy Osman, who presented himself as the Minister for Health of Ali Mahdi’s acting government, signed agreements with the **Swiss company Achair Partners and the Italian Progresso**, which allowed the storage of 10 million tonnes of dangerous waste in Somali territory in exchange for 80 million dollars.<sup>141</sup> The Italian mafia, who controlled 30% of the Italian waste, also did business in Somalia.<sup>142</sup> The 2010

141. See <http://gurukul.ucc.american.edu/ted/somalia.htm> [Consulted: 7 January 2012]

142. See Sabrina Grosse-Kettler (2004): “External Actors in Stateless Somalia”, Bonn International Center for Conversion (BICC), Bonn, paper139.



Container with toxic waste appeared on the Somali beach after the 2004 tsunami.

Greenpeace report<sup>143</sup> dedicates an entire chapter to explaining the procedure used by an illicit plot to dump in Somalia dangerous waste generated in European industries.<sup>144</sup> Several companies are cited, two Italian (**Interservice** and **Progresso**) and one Swiss (**Achair & Partners**), specialists in waste management. These occurrences are from the 1990’s and before, but taking into account the type of waste in question, the consequences drag on today. For example, an investigation into the land concluded that toxicity was the cause of at least 300 deaths.<sup>145</sup>

**For twenty years, Somalia has been a dumping ground for dangerous waste generated by European industry. In both its territorial waters and its dry land. This very likely has continued to this day**

143. Greenpeace (2010): *The toxic ships. The Italian hub, the Mediterranean area and Africa*, June.

144. Official data calculates the annual generation of waste in Europe as 1,300 million tonnes, of which 40 million tonnes are dangerous substances. Waste management is extremely lucrative. It is calculated that the waste management sector of the EU generates more than 100,000 millions euros for the UE-25 and between 1.2 and 1.5 million jobs.

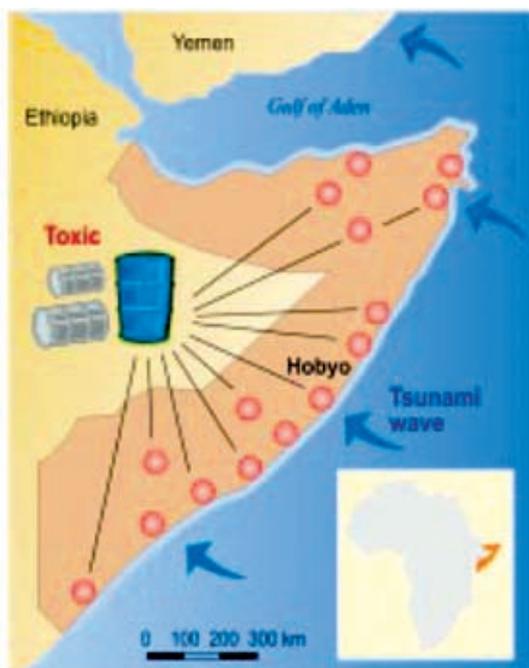
145. Miguel Salvatierra (2010): *Op., Cit.*, p.44.

According to the UN, **the toxic spillages that “caused health and environment problems in the region [...] are generated in 90 per cent of industrialised countries”**.<sup>146</sup> The Security Council emphasised “the importance of preventing, consistent with international law, illegal fishing and spillages, including those of toxic substances and **stressed the need to investigate the charges of illegal fishing and spillages**”.<sup>147</sup>

### New contamination

**The passage of supertankers with millions of barrels of crude oil could cause an ecological catastrophe**, given that, events like breakdowns, explosions, attacks, bombing by pirates, etc.,<sup>148</sup> would be difficult to control, with adverse meteorological conditions and in areas without the infrastructure, equipment, resources and knowledge to tackle the problem.

**Irresponsible oil exploitation is also occurring in Somalia.**



Map: places where containers and drums with toxic waste have been found. United Nations Environment Programme (2005): “Somalia”, p. 135.

146. Report by the UNEP available at:

[http://www.unep.org/tsunami/reports/tsunami\\_somalia\\_layout.pdf](http://www.unep.org/tsunami/reports/tsunami_somalia_layout.pdf) [Consulted: 30 September 2011].

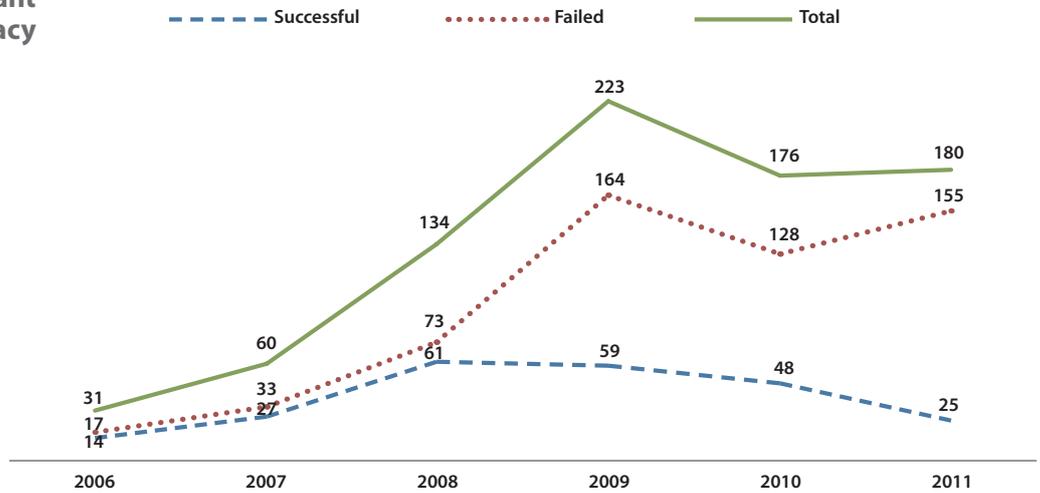
147. Resolution 1976/2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/295/44/PDF/N1129544.pdf?OpenElement> [Consulted: 15 October 2011]

148. This was a concern with the hijacking of the *Maran Centaurus* on 29 November 2009. Miguel Salvatierra (2010): *Op. Cit.*, p. 30.

## Sixth reason Military measures are not efficient for combating piracy

The presence of Atalanta has never been a significant factor in dissuading piracy

Number of attacks per year

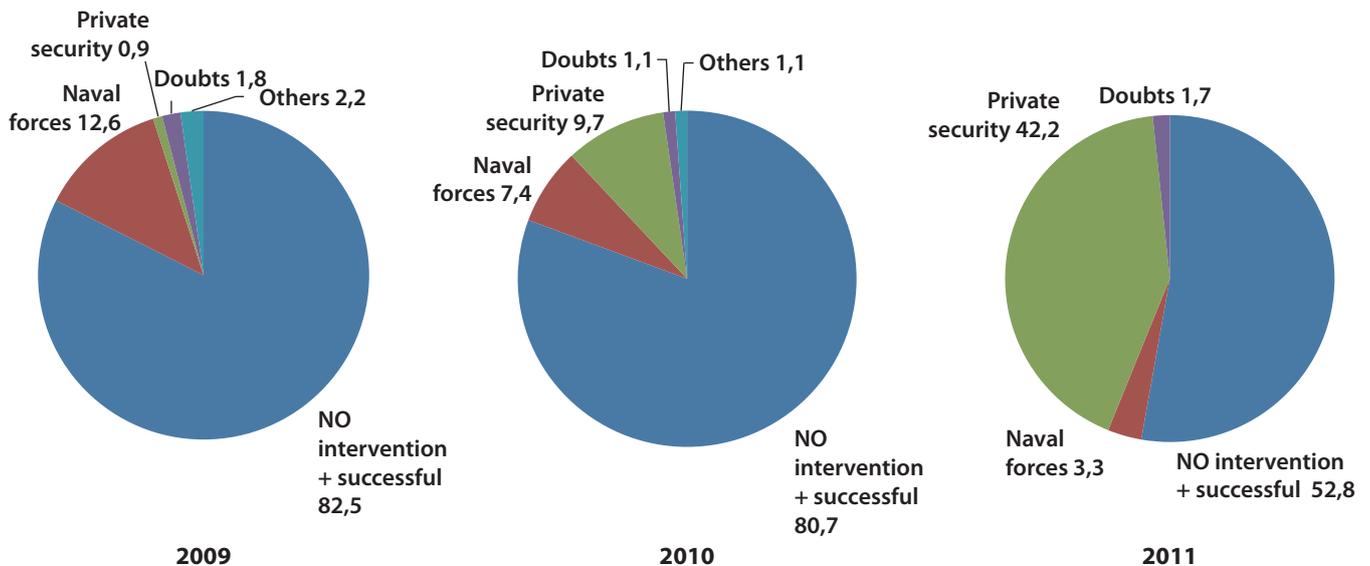


The joint forces only acted, in 2011, in 3.33% of the attacks qualifying as pirate attacks east of Somalia: is their presence justified?

In 2009 the number of attacks increases, in the Gulf of Aden as well as the east of Somalia, compared to 2008. In 2010 the number of attacks decreases compared to 2009, but not to 2008 (when there was no naval deployment).

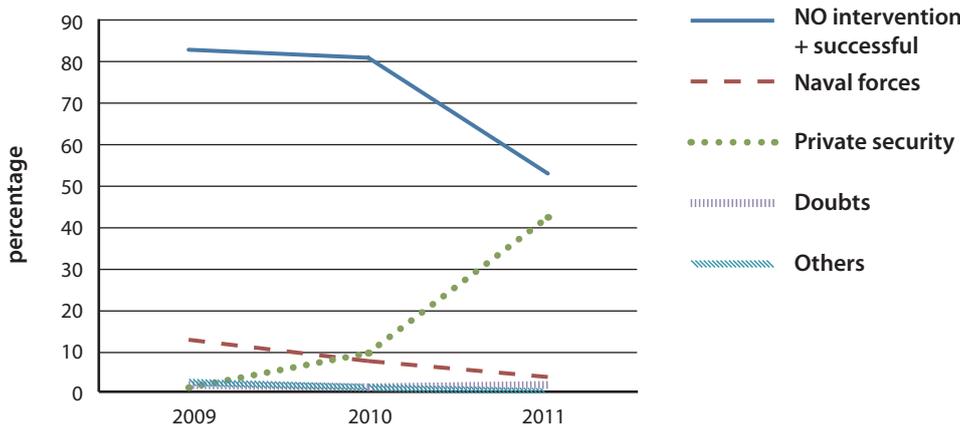
The IMO reports detail the circumstance of each attack, both the successful and failed attacks, for example the measures taken by the crew and if the vessel has received outside help or not.

Type of interventions in pirate attacks to the east of Africa, in percentage (2009-2011)



Prepared by authors using IMO data.

Type of interventions in the attacks in the East of Africa

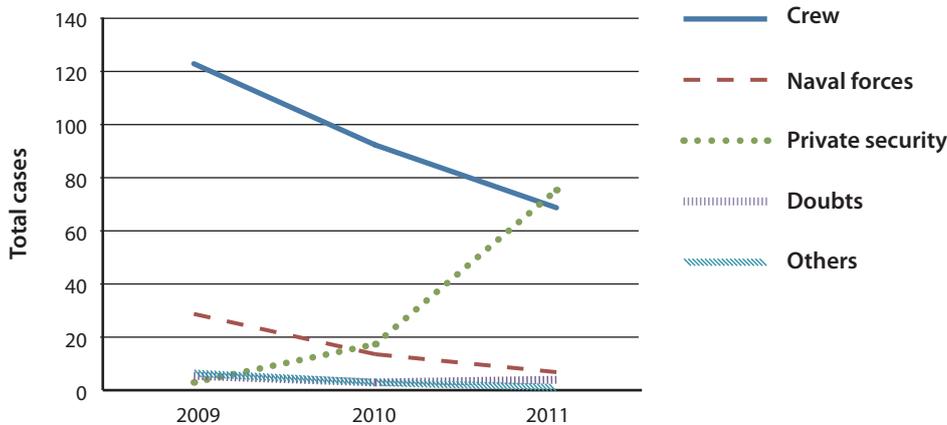


Summary of the causes of failed attacks:

	Crew		Naval forces		Others		Private security		Doubts		Total Cases
	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%	
2009	125	76.2	28	17.1	5	3.0	2	1.2	4	2.4	164
2010	94	73.4	13	10.2	2	1.6	17	13.3	2	1.6	128
2011	70	45.2	6	3.9	0	0.0	76	49.0	3	1.9	155

Prepared by authors using IMO data.

Parties involved in the failed attacks



The actions taken by the vessel's crew has been, in the majority of cases, the cause of the failure of attacks

Conclusions:

1. The actions taken by the vessel's crew have been, in the majority of cases, the cause of the failure of attacks.<sup>149</sup>
2. There is an observable increase, very accentuated in 2011, of the participation of private security groups in the repelling of attacks.
3. It seems that private security is substituting the vessel's crew in the task of repelling attacks but with one important difference: while the actions of the crews are not very aggressive, the private security groups use long range weapons (assault rifles and machine guns).<sup>150</sup>
4. It is clear that military naval forces have never intervened very often.

149.The explanation which is probably most relevant is that the crews follow the recommendations of the manual *Best Management Practices to Deter Piracy in the Gulf of Aden and off the Coast of Somalia* (with the support of the Maritime Security Centre Horn of Africa (MS-CHOA), Operation Ocean Shield, NATO Shipping Centre (NSC), The UK Maritime Trade Operations (UKMTO)). Some of the actions taken by crews on attacked vessels: evasive maneuvers, increased speed, throwing empty drums and beams or logs, attacking with sticks lit at one end, using fire hoses, flares, using the siren.

150.See ninth reason in this section for more information.

## Seventh reason A revitalisation of arms is occurring in Somalia

In a region where arms are spreading, the most necessary imports are **munitions**. Their scarcity meant that, in May 2006, a single bullet cost up to \$1.50, for which reason their use was a luxury only possible in essential moments.<sup>151</sup>

**Without arms and munitions, the situation in Somalia would be very different.**

## Origin of the new arms used in Somalia

(Not in order of pertinence)

**1. Illegal commerce.** Groups that fight the TFG have received weapons mainly through commercial imports from **Yemen**, and have received economic aid from **Eritrea**, from donors from the Arab world and the Somali diaspora.<sup>152</sup> The **US** has also armed the TFG (see next page). On the other hand, the traditional arms trade networks in Somalia have always been common. For example, in Mogadishu there is a famous arms market. "Commercial imports, primarily from Yemen, are still the most constant source of arms, munitions and military equipment for Somalia."<sup>153</sup>

- Embargo violation (2006 report):<sup>154</sup> at least seven countries (Djibouti, Egypt, Eritrea, Iran, Lybia, Saudi Arabia and Syria), supplied military resources in 2006 to the Islamic Courts, while a minimum of three others (Ethiopia, Uganda and Yemen) did the same for the TFG.

- Embargo violation (2008 report):<sup>155</sup> Eritrea gave financial, political and military support to the armed opposition groups, and Yemen was the primary source of commercial transfers of arms to Somalia.
- Embargo violation (2010 report):<sup>156</sup> The first countries to violate the embargo were Yemen and **Ethiopia**, while Eritrea apparently decreased its military aid, maintaining its political, diplomatic and perhaps financial support for the TFG's opposition groups.

**2. Arms diversion.** The UN Monitoring Group on Somalia said in 2008:<sup>157</sup> "Up to 80% of the international investment in the development of the TFG security forces has been redirected to ends different to those anticipated", due to:

- Defections and desertions
- Arms, uniform and equipment sales to the armed opposition groups.
- Seizure of arms by the opposition groups
- Diversion of the aid intended for security and police to military ends.

**There has been an arms embargo on Somalia since 1992, imposed by the UN Security Council, which has been systematically violated**

151. Intermon-Oxfam (2006): "Municiones: el combustible de los conflictos", Oxfam International note, from BBC data, 15 June.

152. Amnesty International (2010): "Somalia: Hay que revisar la asistencia internacional militar y policial" Index: AFR 52/001/2010, p.7.

153. *Ibidem*.

154. Monitoring Group on Somalia (2006): "Informe del Grupo de Monitorización sobre Somalia tras la Resolución 1676 (2006) del Consejo de Seguridad" in a 21 November 2006 letter from the chairman of the Security Council Committee established after Resolution 751 (1992) about Somalia, sent to the president of the Security Council, S/2006/913.

155. UN Security Council (2008): "Carta de fecha 10 de diciembre de 2008 dirigida al Presidente del Consejo de Seguridad por el Presidente del Consejo de Seguridad establecido en virtud de la resolución 751 (1992) relativa a Somalia", resolution S/2008/769.

156. UN Security Council (2010): "Informe del Grupo de Monitorización sobre Somalia tras la Resolución 1853 (2008) del Consejo de Seguridad", 26 February, annex S/2010/91, 10 March.

157. Amnesty International (2010): *Op. Cit.*, p.11.

### 3. Seizure by pirates

#### Example of arms seizures by pirates<sup>158</sup>

25 September 2008, capture of the MV *Faina*, a Ukrainian boat under the flag of Belize. It was carrying arms and munitions to the port of Mombasa, Kenya, including:

- 33 T-72M1 tanks, with spare parts.
- 6 14.5 mm ZPU-4 anti-aircraft guns, with spare parts.
- 6 122 mm BM-21 multiple rocket launchers, with spare parts
- 36 RPG-7V grenade launchers, with spare parts.

#### Is the arms embargo on Somalia being violated?

Somalia is subject to a complete general arms embargo by virtue of **resolution 733 (1992)** of the UN Security Council. However, according to the UN: “most of the usable arms and almost all the existing munitions at this time in the country came from after 1992, contravening the embargo.”<sup>159</sup>

#### According to the UN, up to 80% of official external armament and military support has gone to private use, the Somali arms markets or opposition groups

158. Example from UN Security Council (2008): *Op. Cit.*, paràgraf 145.

159. UN Security Council (2008): “Carta de fecha 10 de diciembre de 2008 dirigida al Presidente del Consejo de Seguridad por el Presidente del Consejo de Seguridad establecido en virtud de la resolución 751 (1992) relativa a Somalia”, resolution S/2008/769, p.6.

#### Exceptions to the arms embargo (with citation of the resolution of the exclusion)<sup>160</sup>

- Res. 1356 (2001) of the Security Council: Non-lethal military equipment and supplies intended for “humanitarian” or “protective” use (authorisation required).
- Military and training equipment and arms supply, and technical aid of AMISOM (originally IGASOM).
- Res. 1744 (2007) and 1772 (2007) of the Security Council. Technical supplies and aid for the development of the security sector of the TFG (notification required, which can be refused).
- **Technical aid in “combating piracy”.**
- Res. 1851 (2008) of the Security Council: **Military arms and measures for combating piracy** and maritime attacks (notification required).

“Another principal source of arms, ammunition and military materiel to Somalia is external support to the forces of the Transitional Federal Government. Although such contributions are intended to contribute to security and stabilization in Somalia, and are eligible for exemption from the arms embargo, most are not authorized by the Security Council, and thus **constitute violations. As much as 80 per cent of such support has been diverted to private purposes, the Somali arms markets or opposition groups.** On balance, **contributions to the Transitional Federal Government security sector have represented a net source of insecurity in Somalia, and an obstacle to stabilization efforts.**”<sup>161</sup>

- Resolution 1907 of the UN Security Council, from 2009, mentioned an arms embargo of Eritrea for having given support to armed Somali groups and having provoked tensions with Djibouti.<sup>162</sup> However, it did not mention Ethiopia, which has also violated the Somali embargo.<sup>163</sup>

160. Amnesty International (2010): *Op. Cit.*, p.6-7.

161. UN Security Council (2008): *Op. Cit.*, p.7.

162. Amnesty International (2010): *Op. Cit.*, p.7.

163. See UN Security Council (2010): “Informe del Grupo de Monitorización sobre Somalia tras la Resolución 1853 (2008) del Consejo de Seguridad”, 26 February, annex S/2010/91 10 March.

#### Transfer of specific arms from the US:<sup>164</sup>

- Large supplies of arms financed by the US from Uganda and Mogadishu destined for TFG forces. On 6 August 2009, the US Secretary of State, Hillary Clinton publicly committed to send military support to the TFG and a spokesperson for the State Department said that the US government wanted to supply 40 tonnes of arms and military equipment to the TFG, a quantity that could increase in the future.
- **Ian Kelly, spokesperson for the US State Department: “At the urgent request of the TFG, the US has issued light arms and munitions.”**<sup>165</sup>
- On 14 May 2009, the US government requested an exemption from the arms trade to send up to two million dollars in cash so that the TFG could buy arms, munitions and logistic supplies “locally”, presumably from Somali arms markets. It is possible that the money sent to the TFG for “local” purchases will help develop domestic arms markets which are the same markets that al-Shabaab and other armed groups in Somalia use. These practices promote civil insecurity and hinder accountability.

164. Amnesty International (2010): *Op. Cit.*, pp.10-11.

165. Ramón Lobo (2009): “Estados Unidos envía armas a los islamistas moderados de Somalia”, *El País*, 26 June.

## **Eighth reason** **The training of Somali militia does not comply with basic standards and could be counterproductive**

### **Conclusions of Amnesty International report (January 2010)<sup>166</sup>**

- “weapons and ammunition are transferred to Somalia’s TFG without adequate safeguards to ensure that they will not be used in committing human rights abuses;
- “training is provided to the TFG security forces without these being subjected to adequate vetting and oversight procedures;
- “some of the training is planned without proper notification to the UN Sanctions Committee, therefore undermining the UN arms embargo on Somalia;
- “no adequate training is provided in international human rights and humanitarian law.”

According to Amnesty International: **“A large part of international aid intended for military and police training lacks transparency and doesn’t respect international regulations”**.

Examples:

- Lack of information given to the UN Sanctions Committee after finishing the training.
- Lack of exemption requests to the Sanctions Committee. Case of Kenya and Ethiopia.
- Worrying training in Ethiopia, including “counterinsurgency” and “antiterrorism”, when Ethiopia was accused of committing grave violations of international humanitarian law and human rights in Somalia (indiscriminate and disproportionate attacks, extra-judicial executions, arbitrary arrests, torture).

- **No clear separation between military and police roles.** Police training to combat armed opposition groups.
- **Possible recruitment through deceit** in the Dadaab refugee camps (recruitment in these camps violates the principle of exclusive civil and humanitarian character).
- **Presence of children and child soldiers in TFG militias.** Even if the TFG wanted to avoid this practice, there is no effective mechanism to guarantee that there are no minors in units that fight with the TFG.
- No adequate mechanisms to ensure that presumed perpetrators of grave human rights abuses do not end up in the army or police and receive further military training and ability. In fact, **part of the training is done by groups accused of grave violations of international humanitarian law and human rights.**
- The TFG selects the students, and the participation of other countries is minimal.
- **The laws on human rights are not included** and, when they are (UNDP, EU), the training is theoretical/descriptive and doesn’t include the normal operative procedures or manuals.
- Lack of general knowledge of the content and scope of the training, in particular that given by Ethiopia.

166. Amnesty International (2010): *Op. Cit.*, p.4.

### Ninth reason Re-militarisation of Somalia and a new haven for private security firms

“Neither the TFG nor the autonomous governments of Puntland and Somaliland have ever had the resources or logistic capacity to deal with the illegal fishing of foreign fleets, the dumping of toxic waste, the traffic of arms and people or piracy. They have therefore turned to contracting private security firms, which have given them troop training, consultancy and logistic and operative support.”<sup>167</sup>

#### Known government contracts with private security companies:<sup>168</sup>

Transitional Federal Government (TFG)	<ul style="list-style-type: none"> <li>➤ Secopex</li> <li>➤ Topcat</li> </ul>
Government of Puntland	<ul style="list-style-type: none"> <li>➤ Hart Security</li> <li>➤ Somcan (Somali Canadian Costguard)</li> <li>➤ Al-Habibi Marine Service</li> <li>➤ Puntland International Development Corporation (PIDC)</li> </ul>
Government of Djibouti	<ul style="list-style-type: none"> <li>➤ Blackwater (Xe Services)</li> </ul>

#### Relation between piracy and the powerful British company Hart Security<sup>169</sup>

In 2000 the Puntland government contracted PIDC to combat piracy, who in turn subcontracted the work to Hart Security, which was active in it until 2002. It also charged Hart Security with the training of a local coast guard force. It has been suggested that PIDC was involved in illegal deals and that, along with Hart Security, thanks to the sale of fishing licences to foreign vessels, **contributed to the plundering of Somali fishing grounds.** They made a profit of more than 20 million dollars in two years (which they did not share with the administration or the public). **Hart Security’s main source of financing has been the sale of fishing licences.**

167. C.P. Kinsey, S.J. Hansen i G. Franklin (2009): “The impact of private security companies on Somalia’s governance networks,” *Cambridge Review of International Affairs*, 22:1.

168. Roger Middleton (2008): “Piracy in Somalia”, Chatham House, October, [www.chathamhouse.org.uk](http://www.chathamhouse.org.uk).

169. R. Montoya (2009): “El Alacrana y los piratas”, *Le Monde Diplomatique*, n.170, December.

The local fishing associations collected money in order to receive assessment and training from Hart Security and thus the National Volunteer Coast Guard was created, which demanded a tax from fishing vessels for damages caused by their kilometre-wide nets, which devastated the reserves of fish. But what originated as a defensive action taken by affected fishermen became a big business for many strong men and ex-members of the Somali security forces. When Hart Security left the country, the local troops that it had trained continued these activities and what was first charging for fishing licences or taxing of caught fish became a much more lucrative business: the hijacking of vessels and charging of ransoms.

Private security and defence firms are incorporating maritime security into the services that they supply. For example:

**Trojan Securities:**<sup>170</sup> offers maritime security to “fishing companies and cargo transport companies in Africa.”

**Olive Group:**<sup>171</sup> “The complete service designed by Olive allowed a shipping company to negotiate an insurance rate significantly more favourable to the client” and “the training sector trained a maritime security force of 800 guards in a period of nine months”

**Triple Canopy** (through subsidiary **Clayton Consultants**):<sup>172</sup> trains its client to deal with a hijacking. The training services include maritime security reports, simulations, weapons training for crew members and maritime security teams. It gives 24 hour support when a client’s vessel is hijacked. The company manages the process of negotiation and can organise and execute the ransom delivery.

170. [www.trojansecurities.com](http://www.trojansecurities.com)

171. [www.olivegroup.com](http://www.olivegroup.com)

172. [www.triplecanopy.com](http://www.triplecanopy.com)

## Prince (Blackwater): yesterday Iraq, today Somalia



Erik Prince, founder of **Blackwater**<sup>173</sup> (now Xe Services), is the main promoter behind the secret contracts to **train two forces of 1,000 men to combat piracy**, one of which would also face the al-Shabaab group. According to a recent African Union report, Prince supplied the money necessary for private security company **Saracen International** (headquartered in **South Africa**) to win the contracts for the **protection of Somali TFG civil servants in Mogadishu**. Saracen has confirmed that it signed a contract with the TFG in March 2010. At that time, Prince had already dedicated two years to securing a role in the **fight against piracy** on the Somali coastline. When Saracen involvement in Somalia was revealed, the UN began an investigation into whether its activities would break the international embargo on arms traffic in the region. The US State Department had communicated its concern over the lack of transparency of the company. **Somali officials say that the activities of Saracen are financed by a middle eastern state**. The AU report, which has been leaked to the media, involves Prince and the United Arab Emirates.<sup>174</sup>

The same report says that Prince's money has been used by Saracen to win the contract to train and direct the private militia. The TFG is training an "army"; but there are observers who fear some of these troops being incorporated into the private militia, that Prince will pay far better.<sup>175</sup>

173. Blackwater, a private security firm, has become famous for the actions in Iraq of its employees, who have been accused of numerous murders of civilians.

174. Giles Whittell (2011): "Billionaire mercenary 'training anti-piracy forces'", *The Times*, 22 January.

175. Guy Adams (2011): "Prince of Mercenaries' who wreaked havoc in Irak truns up in Somalia", *The Independent*, 22 January.

## Blackwater deal with the government of Djibouti

Blackwater Worldwide (BW) received authorisation from the government of Djibouti to operate on armed vessels from its port, to "protect commercial vessels from pirates". BW has a vessel of 56 metres, the "McArthur", under a US flag, with landing space for two helicopters. Although the company has no helicopters, which are very expensive, it does have unmanned aerial vehicles (drones). The vessel is equipped with heavy machine guns. Though this is the only known deal between BW and a government in the region, in 2009 it was said that there would "probably" be other deals with Oman and Kenya in the future (the only place in the region to repair the vessel is Mombasa, Kenya). The costs of protection were estimated at "less than 200,000 dollars per voyage."<sup>176</sup>

### Saracen Int. trains 2,000 Somali militia



### The EU trains 2,000 Somali militia

Although private security firms are valued for their ability to deploy rapidly and have an immediate strategic impact, their cost-effectiveness, absence of political cost and their loyalty to their client (or whoever pays most), means that **their cons outweigh their supposed pros**: they are not interested in stability, they can put the sovereignty of independent states at risk, they do not bring long term solutions, they transfer arms to prohibited or questionable areas, they represent the possession of heavy arms by private hands, they favour impunity and hinder accountability and democratic control. **There have purposefully been no effective control mechanisms implemented for these companies' activities.**

176. "Djibouti approves Blackwater for commercial counter-piracy", *US cable*, reference 09DJIBOUTI113, *Wikileaks*, available at: <http://metaleaks.net/document.php?id=11023>

**The Spanish defence minister, Pedro Morenés, was contracted as president of Segur Ibérica 15 months before being named minister of defence**

## **Spanish companies:**

### **Segur Ibérica**



This company is open about its participation in the armed protection of Spanish tuna-fishing vessels. The conditions that they ask for to work in the Indian Ocean are: 1) be a security guard; 2) have a current grade C weapons licence c) have ample military experience, preferably as METP (*Militar de Empleo de Tropa Profesional*, Employed military personnel of a professional force).<sup>177</sup> **The Spanish defence minister, Pedro Morenés, was contracted as president of Segur Ibérica 15 months before being named minister of defence,<sup>178</sup> and was previously the state security secretary.**

In 2010 Segur Ibérica was being investigated for charging for guard hours presumably not carried out.<sup>179</sup> Thirty guards of the company worked at the Reina Sofía museum but, according to the lawsuit, there were hours not worked or non-existent guards on the invoice. Segur Ibérica has also been accused of using auxiliaries from other companies for guard work, which is prohibited by law. The fraud also affects organisms connected to the Ministry of Public Works and Transport: ADIF, RENFE, AENA, FEVE... with a fraudulent amount of almost 450,000 euros. There are other public bodies affected: the ministries of Finance, Culture and Territorial Policy, the regional, provincial or local administrations, such as the Catalan Generalitat, the Barcelona City Council, the National Market Values Committee, the European Commission and the Complutense University. **The global amount of the fraud in two years reaches more than two million euros.**

177. See the section "ofertas de empleo" of the Segur Ibérica website, <http://www.gruposegur.com> [Consulted: 15 December 2011].

178. "Segur Ibérica 'ficha' como presidente al ex secretario de Estado de Seguridad Pedro Morenés", *Europa Press*, 20 October 2010.

179. "Segur Ibérica, investigada por cobrar servicios que no realiza", *Noticias Cuatro*, 15 February 2010.

### **Eulen Seguridad<sup>180</sup>**



In the first half of 2009, it gave armed protection to the Spanish-flag-flying ship BC Teneo, of the company Tyco Marine, a Spanish subsidiary of the multinational American communications company Tyco Telecommunications. This company installed the underwater cable along the whole African coast, and Eulen protected the boat between Tanzania, Kenya and Somalia, the Gulf of Aden, Red Sea, until it reached the Suez Canal. According to Eulen, this was the first time that a Spanish private security firm had carried out, authorised by the Spanish government, guard and protection services for a boat at high sea in international waters.

As stated by Carlos Blanco<sup>181</sup>, national security director of Eulen, several companies from the electric, gas, fishing and communications sectors had contacted Eulen for protection plans due to the insecurity on the east coast of Africa. He added that Eulen does not only offer physical security with on-board security teams, but also offers a complete security plan that includes possible risks and daily electronic alerts about the imminent danger of strange elements that allow for the change of a vessel's route.

180. Miguel A. Esteban Navarro (without date): "Eulen Seguridad y la protección del buque BC Teneo contra la piratería", *Borrmart*, available at: [http://www.borrmart.es/articulo\\_seguritecnia.php?id=2190](http://www.borrmart.es/articulo_seguritecnia.php?id=2190) [Consulted: 2 December 2011].

181. "Eulen dará protección a empresas en la costa africana", *El País*, 30 November 2009.

## Levantina de Seguridad<sup>182</sup>



In the second half of 2009, the Spanish government authorised the use of repeating rifles for the private security teams deployed on tuna-fishing vessels that work in the Indian Ocean. Until then, the national companies of the security sector had been uninterested in working on these operations. With one exception, the Valencian company Levantina de Seguridad, which was very interested in being contracted to protect the Spanish tuna-fishing vessels and launched an employment announcement after the aforementioned authorisation of repeating and long range rifles. The candidates had to be security guards with a current Personal Identification Card, possess an arms licence and preferably have military experience. The company offered them 5,000 euros/month. It received more than 400 CVs from candidate, some ex-military and others who had done a course in an elite Israeli military unit.

The owner of Levantina de Seguridad is José Luis Roberto, director of the ultraconservative organisation España 2000. An opinion article of his published in the regional Valencian press was called “Yo también tengo libros nazis en mi casa” [I also have nazi books at home], and was talked about often on the Internet. Roberto is an associate of the law firm Roberto & Salazar, owner of a gym and a military apparel shop. Furthermore, he has been the legal representative for many years of the Asociación Nacional de Empresarios de Locales de Alterne (ANELA), the association of brothels. On one occasion, España 2000 was reported by SOS Racisme for inciting racial hatred and discrimination in its demonstrations but the case ended without sentence.

182. Juan Diego Quesada and Jesús Duva (2009): “Rifles contra la piratería, Interior ya ha autorizado a dos atuneros a embarcar vigilantes privados armados”, *El País*, 27 September.

There is the risk, which even the defence minister Carme Chacón recognised, that some of the troops trained will join the insurgency\*

### Tenth reason Those who were a threat to the population (and could be again) are being supported and legitimised

#### The pirates of tomorrow? Interview with Hakan Syren, chairman of the EU Military Committee<sup>183</sup>

Question: “¿And how do we guarantee that the Somalis we train today don't become the pirates of tomorrow?”

Reply: “That is my main concern. Training and instructing these people is very important, but what you have said is the crucial question. We still do not have an answer and finding one will take time”

#### Declaration of Amnesty International<sup>184</sup>

“Amnesty International is concerned that the supply of arms, the provision of training and security sector funding to the TFG are being delivered where issues of vetting, accountability, arms management and respect for human rights by Somalia's police and armed forces remain largely unresolved; and **where there are continuing shifts in alliances between the TFG security forces and their allies and armed opposition groups**. Without adequate safeguards, arms transfers **may threaten the human rights and worsen the humanitarian situation of Somali civilians**. Unless effectively regulated and monitored, such material assistance could be used in committing serious violations of international humanitarian law and could provide additional support to individuals and groups who are suspected of having committed, and could continue to commit, war crimes and other serious human rights abuses. **It may also exacerbate the conflict** – the opposite of such assistance's presumed intent – because of the risk that assistance provided will be diverted to militias and armed groups both supporting and opposing the TFG”

183. Miguel González (2009): “Hay que evitar instruir hoy a los piratas somalíes de mañana”, *El País*, 16 December.

184. Amnesty International (2010): *Op. Cit.*, pp.4-5

### Who is the government (TFG) that is being supported?

■ It is a **government chosen externally**, which has no internal legitimacy and has not been chosen by the populace, neither by electoral mechanisms nor traditional ones. Furthermore, it **“controls” a minimal part of the country**, sometimes not even the capital, Mogadishu.

■ **“Turncoating” is a frequent practice** among the armed Somali players, and those who today fight amongst themselves, tomorrow could be allies and vice-versa. Some significant examples:

❖ **Sheikh Sharif Ahmed**: The president of the TFG was also executive president of the Islamic Courts Union (ICU) and president of the executive committee of ten members of ARS. Both the ICU and ARS combated and strongly opposed the TFG and ARS also fought against AMISOM.

❖ According to a UN report:<sup>185</sup> “Numerous reports received by the Monitoring Group link Yusuf Mohamed Siyaad **“Indha'adde”**, military chief of the ARS/Asmara faction, to the activities of the central Somalia pirate network, to arms imports through Hobyo and Harardheere, and to the kidnapping of foreigners for ransom”. *Indha'adde* later joined the TFG as state defence minister.<sup>186</sup>

■ **The TFG has made use of indiscriminate and disproportionate force**, for example, bombing zones densely populated with civilians in Mogadishu.<sup>187</sup> AMISOM has not demonstrated much respect for civilians either.

185. UN Security Council (2008): “Carta de fecha 10 de diciembre de 2008 dirigida al Presidente del Consejo de Seguridad por el Presidente del Consejo de Seguridad establecido en virtud de la resolución 751 (1992) relativa a Somalia”, resolution S/2008/769, paragraph 144.

186. Between 17 May 2009 and 17 June 2010. [www.somaligovernment.org](http://www.somaligovernment.org).

187. Amnesty International (2010): *Op. Cit.*, p.6.

\* *Diario de Sesiones del Congreso de Diputados, Sesión plenaria no. 148, 22 April 2010. Defence minister's speech.*

## Spanish financial, military and political support for the TFG

There are many complaints against the forces of the TFG and AMISOM, among others, for their lack of respect for the lives of the civilian population. Even the British parliament's foreign policy committee reprimanded in 2008 the complete disconnection between human rights and the British aid to the TFG.<sup>188</sup> However, the Spanish government:

- **Publicly supports the TFG and AMISOM**, through economic and military (and the training of pro-government militia) support.
- **Refuses to support the existing charges** against the TFG and AMISOM, despite the express petition of the NGOs that requested it.<sup>189</sup>
- There is no proof of **any initiative of the Spanish government or the EU** in their relations with the TFG to **demand investigation of the grave accusations**.<sup>190</sup>

The hypocrisy is evident in the **Memorandum of Understanding** signed in Madrid between the ex-minister of Foreign Affairs and Cooperation, Miguel Ángel Moratinos, and the president of the TFG, Sheikh Sharif Sheikh Ahmed, which materialised as "budget support for the Somali government for a total of three million euros. This contribution will go to improving the population's access to basic services and undertaking reconstruction". What the Memorandum did not say is how, in a country with no state structure, the population can be given access to basic services. In Somalia, there is no public sanitary, education or social services structure in place. In our opinion, **this money will go to reinforce the TFG, not the Somali population.**

### Error or hypocrisy?

**Exactly the same person who five years ago was classified as a "terrorist" by the US, the EU, Spain and other allies, became the sparkling new president of the TFG to whom we must all give support in order to guarantee peace and stability in Somalia.**

In late 2006 and early 2007 Ethiopia, the US and its allies overthrew the regime of the Islamic Courts, which had achieved a six-month period of calm unheard of in Somalia for many years. The regime had a fair amount of support from the population and eradicated piracy. The intervention was the origin of al-Shabaab's rise to power. One of the two main leaders of the Islamic Courts, the "terrorist" **Sheikh Sharif Ahmed**, was later named president of Somalia with the approval of the US and Ethiopia.

**The EUTM mission of which Spain is the main contributor was created, officially, to strengthen the TFG\***

UN Monitoring Group, in 2008  
**"As much as 80 per cent of the international investment in building the Transitional Federal Government security forces has been diverted to purposes other than those for which it was intended"**

188. Itziar Ruiz-Giménez (2011): *Op. Cit.*, p.52

189. *Ibidem.*

190. *Ibidem.*

\*Decision 2010/96/CFSP of 15 February 2010 on an "EU military mission to contribute to the training of the Somali security forces"



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