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**THE MODERN THAI CONFLICT: NATIONAL SECURITY ISSUES AND PERSPECTIVES**

# JOURNAL OF THE HIGHER SCHOOL OF NATIONAL DEFENSE STUDIES

NIPO (Official Publication Identification  
Number) (on-line edition): 083-12-238-7  
NIPO (e-book edition): 083-12-239-2  
ISSN: 2255-3479  
Legal Registration Number:



MINISTERIO  
DE DEFENSA

SECRETARÍA  
GENERAL  
TÉCNICA



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Director of the IEEE Journal

*Miguel Ángel Ballesteros Martín*

## WELCOME TO THE IEEE'S ELECTRONIC JOURNAL

The publication of this pilot issue of our electronic journal fulfils a long-lasting aspiration of the Higher School of National Defense Studies: to plug the gap for a scientific security and defence journal.

The Institute was created 42 years ago as a think-tank and research centre for the Higher School of National Defense Studies. From the outset, it has worked with both the military and civilians across a wide range of fields, but particularly in defence and, more recently, security in its widest sense.

The IEEE's many publications have shared analysis and knowledge in the fields of security and defence. These publications include our 157 *Strategic Papers*, our annual *Strategic Panorama* and our *Panorama of the Conflicts*.

The Institute's merits have made it a respected think-tank and analysis centre in Spain. Its research interests in security and defence have already resulted in many doctoral theses. Having achieved this objective, with contributions from the Institute's own analysts and contributors from academia and domestic and international research centres, the next step was to achieve scientific recognition for some of our publications.

This gave rise a year ago to the idea of launching an online journal containing scientific articles. In this biannually publication, we aim to provide a space for young Spanish researchers and renowned and prestigious Spanish authors in the fields of security and defence.

The main characteristics of the Journal will be its scientific rigour, and the quality, originality and relevance of the articles published, which will be reviewed by respected peers. In this case, it is being published exclusively in Spanish. However, our intention is to progressively present the articles in both Spanish and English.

We hope that this will gain us the confidence of the main databases that recognise the quality and scientific rigour of academic publications.

This will help the IEEE to achieve one of its main missions: to foster research into security and defence issues in universities, with which it has worked since its founding, setting up post-graduate courses, seminars, discussion forums, conferences, etc.

This new online journal aims to be a further step forward in incorporating the IEEE and the Ministry of Defence fully into the academic debate on all aspects relating to security and defence.

We are launching the IEEE's online journal with an issue dedicated to some of the most relevant issues in today's security and defence environment. Professors Antonio Fonfría and Rafael Calduch analyse the impact of the international financial crisis on the defence budgets and spending of countries in our geopolitical sphere.

We have also included two pieces related to new technology and security. José Miguel Castillo discusses the latest IT tools in the field of foresight, contributing to more systematic prediction of future scenarios, one of the Institute's areas of research. The article describes the results of some of the research projects that the IEEE has been involved in.

Luis Joyanes discusses how a Spanish 'cloud computing' strategy might be developed; this concept is changing the way that companies work and also impacting on government activity. Joyanes also addresses the security risks and issues raised by cloud computing.

Our first issue also discusses knowledge management. Diego Navarro explains how we can exploit lessons learnt and accumulated knowledge applied to intelligence in security and defence. In his article, Professor Navarro explains how military doctrine can provide an example for public and private administrations.

Professors Mariola Urrea and José Martín y Pérez de Nanclores address a number of security issues related to European foreign policy. The former discusses Europe's FRONTEX agency, which was set up in 2005, and its impact on the EU's external borders. The Agency is presented as an example of the "communitisation" of politics and procedures in the heart of the EU. José Martín describes how security and defence have been gradually incorporated into successive European Union treaties since the fall of the Berlin Wall and the collapse of the Soviet bloc.

And in our first issue, we cannot avoid analysing some of the main conflicts taking place around the world. Carlos Echeverría gives us an original perspective on the expansion of Al Qaeda in the Maghreb. The author links Al Qaeda's Maghreb offshoot with common criminal activity, whilst embarked on a strategy to achieve medium-term political goals.

In her article, María Dolores Algora describes the main features of the Muslim Brotherhood, the leading figures and real beneficiaries of the 2011 events collectively known as the Arab Spring. The author emphasises the profound Arab and Muslim characteristic of the movement, warning that the results of revolts in which people demand democratic reforms from their governments can never be comparable to similar social mobilisations in the western world.

In a brilliant and innovative analysis, the anthropologist Kathleen Reedy discusses one of the most influential institutions in Afghan society: the Council of Elders. Reedy asks whether these bodies actually contribute to the continuation of traditions, or whether they strengthen the influence of certain groups over the rest of the population, which they deprive of their fundamental rights. These local power structures and struggles affect the government in Kabul, thus impacting on security and the development of the conflict.

Finally, Beatriz Larriba discusses the most significant aspects of what is known as the "*modern Thai conflict*", with an insurgency in the south of the country being one of the main factors.

I would like to thank everyone who has agreed to contribute to this exciting project as part of its editorial board and as peer reviewers, as their work and suggestions are helping this journal see the light of day. I would also like to encourage anyone researching security and defence issues to send us articles that have been prepared with a thorough scientific approach, to help us work together to produce a journal in this field worthy of recognition by the scientific community.



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## DETERMINANTS OF THE DEMAND FOR DEFENCE EXPENDI- TURE IN THE NATO COUNTRIES\*

This paper analyses the determinants of the demand for defence expenditure in the NATO countries during the period 1996-2006. The study has been approached through three different sets of variables, related to economic aspects, strategic and military factors and political issues. The empirical analysis has employed dynamic panel data and the results highlight the important role played by inertia in the nations' defence budgets over time, the unequal effect of income, the effect of relative prices and the existence of a spill-in effect (replacement of own expenditure by expenditure of allied nations).

Defence expenditure, demand, panel data, economic determinants, NATO

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\* This study has been carried out through funding granted to Antonio Fonfría by the Institute of Fiscal Studies and the Department of Markets and Industrial Policy at Barcelona University.



## I. INTRODUCTION

From the late 80's through to the present, momentous changes have taken place in the geopolitical and economic environment. The fall of the Berlin Wall gave rise to a period promising greater international stability, which would in turn lead to a major reduction in the resources devoted to defence in western countries. Indeed, this fact is backed up by the figures relating to defence expenditure. However, regional conflicts with a capacity for destabilisation in “economically sensitive” regions - above and beyond other factors, such as religion, politics, etc. - have led to a reorientation of military power, but which does not appear to be matched with an increase in the defence budgets of western countries.

The question that begs to be asked is: What are the determining factors behind the evolution of such expenditure? Studies carried out on this issue reveal the existence of three major groups that explain defence spending: economic, military and geostrategic factors. Their combined effect should provide an explanation as to the main arguments that drive countries' defence expenditure - for instance, NATO.

This paper attempts to address the subject through the estimation of a demand function for the defence expenditure of those countries that make up the Atlantic Alliance. One novel aspect is the use of dynamic panels in the aforementioned estimation, which have been used on very few occasions to address this subject.

The following point thus analyses certain theoretical aspects of the explanatory factors for defence expenditure. We then analyse its evolution from 1996 to 2006, followed by an estimation of the explanatory factors thereof and, finally, a review of the key conclusions.

## II. SOME THEORETICAL CONSIDERATIONS

Ever since the earliest pioneering work concerning the determinant factors behind the defence expenditure of nations, the existence of a demand function has been considered, derived from a social - or, in some cases, individual - utility function allowing us to observe the relevance of the different explanatory factors employed. Within this context, various concepts of the “defence good” have been used, defined as a public good in most cases, whereby the demand for military spending is an indication as to how a country assigns its resources between the defence good and other goods, in relation to a set of explanatory variables – Hartley and Sandler, 2001.

A large proportion of the studies have focused on the analysis of Atlantic Alliance (NATO) member States due to the characteristics revealed by the behaviour of such countries through their pertaining to a club, in terms of contributions to its budget, the distribution thereof (*burden sharing*), additionality or substitution of defence expenditure, etc.

There have traditionally been two approaches most commonly employed for addressing the analysis of defence expenditure: the Pure Public Goods model and the Joint Product or Joint Production model<sup>1</sup>. The first such approach holds that the defence of member States is a pure public good since it is linked to the strategy of mutually assured destruction, which began with the creation of NATO and lasted till the mid-60's. In this scenario, nuclear armament gave rise to a situation of non-exclusive defence consumption among the allies. Indeed, this had a perverse effect since the poorer nations, who possessed no nuclear weapons, benefitted from those who did and thus had higher defence expenditure, which came to be known as the “*exploitation hypothesis*”, whereby the poorer NATO States exploited the wealthier States - Sandler and Murdoch, 2000.

The second approach focuses its analysis on the effects that a country's membership to a military alliance has on defence spending, whereby a *spill-in* effect exists among the allied nations (Olson and Zeckhauser, 1966) and a certain degree of *free rider* behaviour among lower-income nations resulting from their chance to use the defence expenditure of richer nations for their own benefit – Murdoch and Sandler, 1984. This approach implies the existence of multiple outputs ranging from deterrence to damage limitation – linked to conventional armament – or protection. In this respect, it should be noted that the Joint Product perspective is linked to different NATO strategies, ranging from the Flexible Response - 1967 to 1990 - with all its various stages, to the current Crisis Management strategy, wherein the level of public good is increasing - Sandler and Murdoch, 2000.

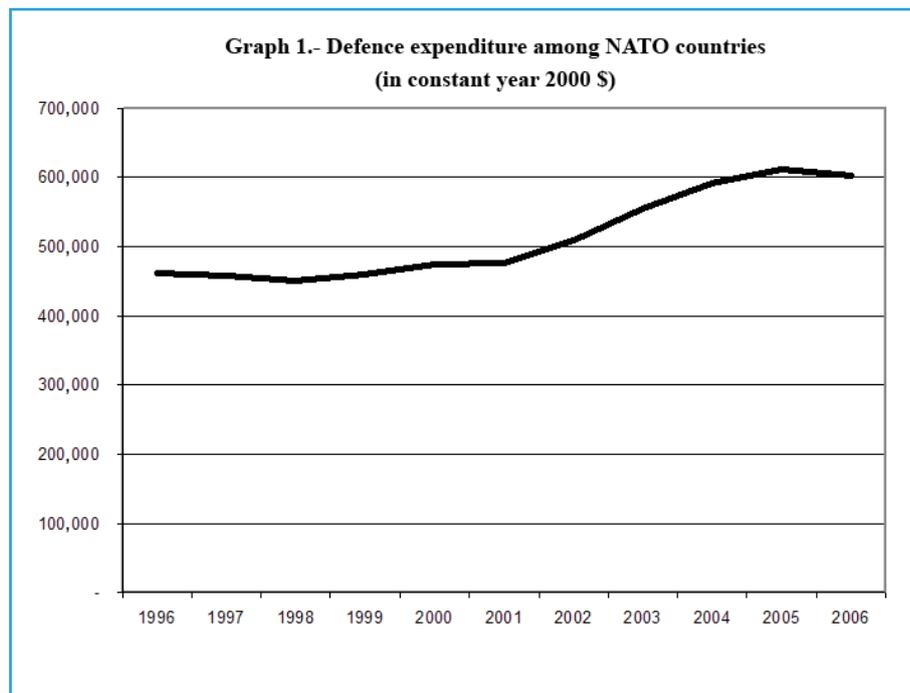
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<sup>1</sup> Indeed, these are not the only approaches. Historically, other perspectives have arisen, such as the arms race, which was used greatly during the Cold War, or that of organisational policies and bureaucracy - see Mayer, 1986 for the first approach and Kamlet and Mowery, 1987, as regards the second.

Consequently, the demand for defence expenditure would be reduced on a scale that would be related to the volume of defence spending made by the allies of the country in question, which implies *free rider* behaviour. For this very reason, together with the major changes in international scenarios that have been occurring since the 1980's, the overall tendency of the countries is oriented towards reducing defence expenditure, at least up until the early 21st century, when it began to rise once more.

Thus, during the Cold War, an initial reduction in defence budgets took place among western countries, when we moved towards NATO's so-called Flexible Response strategy in reply to the Warsaw Pact. Subsequently, the dissolution of the latter led to a new reduction in expenditure which lasted until the late 1990s (see Graph 1), when it began to rise again in response to regional terrorism-related threats<sup>2</sup>.

Nevertheless, as well as purely strategic aspects such as those mentioned above, due to responses to changes in the international scenarios the demand for defence spending has been affected by shifts in the preferences of developed societies which do not allow for major increases therein. Obviously, institutions, essentially political parties, must respond to the demands of the median voter as a means of obtaining votes, which leads them not to make significant increases in defence spending – Dudley and Montmarquette, 1981.



Source: National budgets, NATO and the author

<sup>2</sup> Note that the percentage of defence expenditure in terms of the world's GDP was 2.5% in 2005.

However, as explained by Fritz-Aßmus and Zimmerman, 1990, the factors that define the demand for defence spending are basically of three types: economic, political and military. Such diversity of aspects makes this type of analysis very difficult as, on the one hand, the heterogeneity of situations multiplies, whereby contradictory behaviour can be observed among the three aspects within a single country and, on the other, such contradictions can be compounded when we analyse groups of countries, as in the case of NATO. Table 1 contains some of the literature that has studied the explanatory factors of the demand for defence spending along with some of their main characteristics.

Table 1.- Determinants of the demand for defence expenditure

Author	Approach	Time frame	Countries addressed	Included variables	Type of analysis
Benoit (1978)	-----	1950-1965	44 developing countries	Relationship between defence spending and economic growth (both ways)	OLS
Dudley and Montmarquette (1981)	Public choice – median voter	1960; 1970; 1975	38 developed and developing countries	Spill-in; relative income; tax-price elasticity; economies of scale in security consumption	Simultaneous equations
Murdoch and Sandler (1984)	Joint Production model	1961-1979	9 NATO countries	GDP; Spill-in; Considers structural change	SURE
Smith (1989)	-----	1949-1987	United Kingdom and France	GDP; Spill-in; Considers structural change; USSR defence spending	Log-linear
Byers and Peel (1989)	-----	1954-1984	NATO-Warsaw Pact	NATO and Warsaw Pact lagged defence expenditure	OLS

Okamura (1991)	Alliance theory	1972-1985	USA and Japan	Types of goods (military-civil); subsistence income; threat level	Linear Logarithmic Expenditure System (LLES) and (LES)
Sandler and Murdoch (2000)	Alliance theory	1988-1999	15 NATO countries	GDP, GDP per capita, exposed border, benefit	Non-parametric correlations
Throsby and Withers (2001)	Public choice-median voter	1992	Australia	Income; individual and collective benefits; individual characteristics	OLS in surveys
Pérez-Forniés, Gadea and Pardos (2004)	Alliance theory	1960-2002	15 NATO countries	Income	SURE
Bernauer, Koubi and Ernst (2006)	Public choice	1975-2001	Switzerland	GDP; unemployment rate; public deficit; external threat; bureaucratic inertia	OLS
Alonso and Martínez (2007)	Comprehensive demand model	1975-2005	13 NATO countries	Income, prices, public spending, trade liberalisation, population, political system, joint military spending, nuclear powers, size of Armed Forces	PANEL DATA

*Source: Author*

As regards the factors used for explaining defence spending, the various theoretical and empirical approaches have highlighted different aspects, depending on the time frame of the analysis. Thus, the aforementioned arms race approach focused on studying the action-reaction between two rivals, who act as rational agents and hold differing regional or international power. In this regard, the amount of resources dedicated to defence made them dependant on the expenditure of the rival country (reaction ef-

fect), on the intensity of grievances of one country against the other (grievance effect) and on the past cost of defence expenditure decisions (fatigue effect), as described by Richardson, 1960 and Bernauer, Koubi and Ernst, 2006.

On the other hand, the organisational policies approach (bureaucratic approach) focuses on the behaviour of the public sector over time, whereby due to the complexity of the decision-making process in relation to defence spending, this process leads to a significant level of “incrementalism” in expenditure; i.e. there is a certain degree of predictability thereof linked to its past history, whereby the spending of the previous year becomes the main explanatory factor behind the current year's expenditure – Rattinger, 1975. Moreover, due to the fact that defence programmes are multiannual, previously-committed expenditure is recorded for subsequent periods, which means that a large proportion of the budget for future periods is already assigned. Therefore, expenditure in previous periods becomes an important estimator of defence expenditure – Dunne and Perlo-Freeman, 2003. Thus, Byers and Peel, 1989, conclude from their analysis that the bureaucratic perspective is the most relevant for explaining defence expenditure, though they do not exclude external effects on a secondary level.

However, most studies are neoclassical, whereby a country behaves as a rational agent that maximises a utility function in which two types of goods are recorded: civil and military. The fundamental part of the model includes a security function that determines defence spending in relation to the country's armed forces and those of its allies<sup>3</sup>.

Within this set of analyses, income is the most widely-used variable in explaining the demand for defence spending, which shows a positive relationship with regard to military spending. Some authors say that security is a luxury good, since its demand increases more quickly than income – Dudley and Montmarquette, 1981. Moreover, it has been observed that larger countries spend a proportionally greater amount on defence (Murdoch and Sandler, 1984), although this is only true when developed countries are compared. Yet subsequent studies have revealed that the explanatory capacity of this variable is lower in more highly-developed countries – Pérez-Fornies, Gadea and Pardos, 2004. Such results imply that the greater a country's income (more assets both within and beyond its borders - in terms of, for instance, direct investment - and, therefore, it has more to defend), the lower its defence expenditure. This apparent contradiction can be explained through internal factors of the country (a situation of political stability) and the absence of nearby threats to its security, which would mean that, as there is an opportunity cost between defence spending and other public spending, the first has a higher cost than the latter and the assigning of resources is oriented towards other spending not related to defence.

A further argument in the explanation of defence spending is not the size of the country, but rather its volume or density of population, revealing contradictory results as far as its effect on defence expenditure. Thus, Dudley and Montmarquette,

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<sup>3</sup> In cases involving countries that do not pertain to an alliance, such as Switzerland, this aspect is rarely taken into consideration, although it has been shown that their defence spending follows a very similar pattern to that displayed by most NATO countries - Bernauer, Koubi and Ernst, 2006.

1981, reach the conclusion that proportionality exists between both variables, whereas Markowski and Tani, 2005, observe a negative relationship which they attribute to the fact that more densely populated countries tend to have a lower level of income, which prohibits high military spending. However, one criticism of this result arises from the proposal that a country will spend more on defence - depending on internal factors as well as its international involvement and commitment, not only in military terms but also economic and political - on the basis of its desire to maintain a specific position on the international stage, whether leadership or other. Thus, both strategic and international influences or conditioning factors determine a major proportion of defence spending, regardless of population volume – Smith, 1989.

Similarly, external threats would have to be incorporated into the model, as they affect not only an individual country, but also alter burden sharing among allied nations, leading to *free rider* behaviour arising from a response in which a country's own expenditure is replaced by that of its allies – McGuire, 1982 and Okamura, 1991-. Some literature based on individual countries shows that both the proximity of neighbouring countries with which it has disputes - as in the case of Greece and Turkey, as described by Kollias, 2004 - and the geopolitical situation within a context of regional conflict tend to increase defence spending - Sandler and Murdoch, 2000. The clearest example of this is the Cold War and how, as tensions decreased during the 1990s, defence spending also decreased.

The main difficulty in regard to this aspect is the gauging of threats. In some cases, the defence spending of the other party has been used to gauge the threat level (Smith, 1989), while in others it is the proportion of borders shared with friendly or unfriendly neighbouring countries – Sandler and Forbes, 1980. Obviously, neither approach is completely satisfactory, but they address an issue which is extremely hard to quantify.

Thus, the existence of ongoing conflicts is clearly a major factor in explaining defence expenditure - Kamlet and Mowery, 1987. However, due to regional conflicts in which NATO forces are implicated, countries are increasingly adding to their budgets the expected spending on international operations, both peace-keeping and other types of interventions, thereby increasing overall expenditure. A different approach has also been employed, linked to armament stockpiling rather than increased spending, in the face of threats or conflicts in which a country is implicated<sup>4</sup> – Richardson, 1960.

Yet the political stability generally afforded by democratic systems acts as an insurance policy in their relationships, whereby conflicts are resolved peacefully. This tends not to occur, however, in countries with non-democratic governments, especially in the case of military regimes, inducing such countries to maintain high levels of defence spending. Yet empirical studies that encompass this kind of political affect produce ambiguous results, as described by Alonso and Martínez, 2007, since it depends on the methodology employed to address the political aspect, on the sources and on the definition of military regime. In general terms, most literature reveals either the inexistence of a relationship or a weak relationship - West, 1992.

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4 This was especially so during the Cold War and was analysed within the Arms Race model.

Finally, certain approaches to so-called “military inflation” have been employed, but generally these have been unfeasible due to the complexity of its calculation and the fact that, in most cases, there is no deflator linked to defence spending, thereby reducing the possibility of its use. Moreover, the results of some studies concerning the USA and the UK reveal that, because they have similar technology, the price differential should also be very similar, but this is not the case due to the way in which the deflators are constructed (Smith, 1989), thus reducing their credibility. Nevertheless, Solomon, 2005, shows that in the case of Canada an important inflation differential does exist between civil and military goods and criticises the fact that most studies omit this variable, with the specification error issues that this situation generally entails.

Generally speaking, the model which has been used to address the analysis of the explanatory factors behind defence spending is based on what Smith calls the “extremely rational behaviour of an actor” (Smith, 1989), which attempts to maximise a welfare function with two goods: the defence good,  $M$ , and all remaining goods,  $C$ , which are chosen on the basis of a non-observable variable; namely, the defence or “security” output,  $S$ . This function is:

$$W = W ( S, C, PI ) \quad (1)$$

Where  $PI$  represents the political influences that provoke movements of the objective function. This function is presumed subject to a budgetary restriction:

$$Y = PM * M + PC * C \quad (2)$$

Where  $Y$  is real aggregate income and  $PM$  and  $PC$  are the relative prices of  $M$  and  $C$  respectively. The other restriction that is included is a production function that determines the degree of security,  $S$ , in relation to defence spending and other security-related variables, such as the defence spending of other allied countries or opponents; i.e. the threat level,  $SI$ :

$$S = S ( M, SI ) \quad (3)$$

By maximising (1) subject to (2) and (3), we obtain the demand function:

$$M = D ( Y, PM, PC, PI, SI ) \quad (4)$$

A further analysis method is based on the Median Voter model which shows a somewhat different perspective by maximising an individual utility function and including the spending propensity of voters, which may differ between voter  $i$  and  $j$ , as shown by Throsby and Withers, 2001, and where the scale of public sector spending is the fundamental factor. The main problem for these authors in terms of the model described above is how to determine the *trade-off* that exists between military and civil goods, which they attempt to address through the demand from the individual consumer.

However, the sum of demands would produce an aggregate demand such as that described and the problem would not be how, but rather who decides the amount of security output produced, since in the case of democratic States, the governments make the decision based on a combination of at least three factors: the interests of

oligarchies (defence industry, stakeholders, etc.), the government's behaviour, which may be a benevolent dictatorship - particularly in the case of absolute majorities - and, finally, interpreting the aggregate preferences of society.

This paper follows the first of the described approaches, as we are primarily concerned with gaining insight into the factors affecting defence expenditure as opposed to the distribution of public spending among different expenditure options (health care, education, defence, etc.).

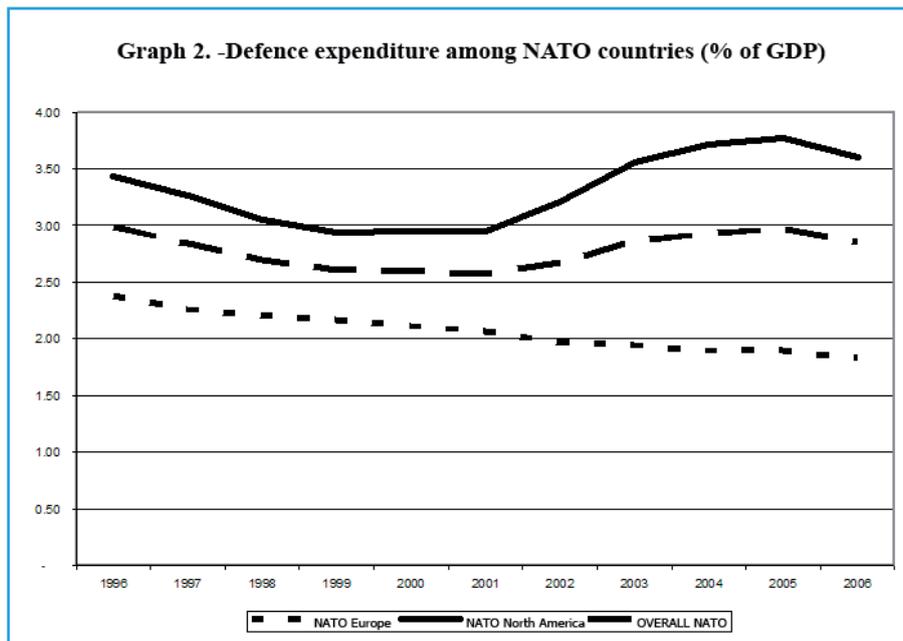
### III. EVOLUTION OF DEFENCE EXPENDITURE IN NATO COUNTRIES

The indicators most employed to address nations' defence expenditure are usually the percentage of GDP involved and the total volume of expenditure (see Graph 1), though other indicators often help us to understand the overall situation, whereby it seems appropriate to employ more than one indicator in a supplementary manner. Moreover, a proper approach to analysing defence spending should take into account that no “correct number” exists in terms of how much a nation should spend, since this depends on national priorities as well as both national and international issues, known or unexpected.

Furthermore, it is not appropriate to deduce that the proportion of defence spending has to rise in line with GDP, since even in the case of nations showing strong economic growth, when defence spending is increased it does not generally exceed the rise in product, whereby the ratio tends to decrease when both aspects display growth.

Between 1996 and 2006, the evolution of defence spending among current members of the Atlantic Alliance showed a downward trend through to 2001, when, in the wake of 9/11, defence budgets tended to rise. This is the profile shown by NATO as a whole, but especially the US. Yet this variable has maintained a slow but steady downward trend in the case of European NATO States (see Graph 2).

This ever-increasing gap between European and North American NATO countries reflects the differing conceptions as regards security and defence on either side of the Atlantic. Thus, from the North American viewpoint, the instruments used are based upon their comparative edge; i.e. military, or *hard power*, whereas in Europe, the instruments are of a civil nature (Lindstrom, 2005), or *soft power*, which entails a different burden, both on the budget of NATO as a whole and in terms of the importance that defence spending has on the GDP in each of the countries.

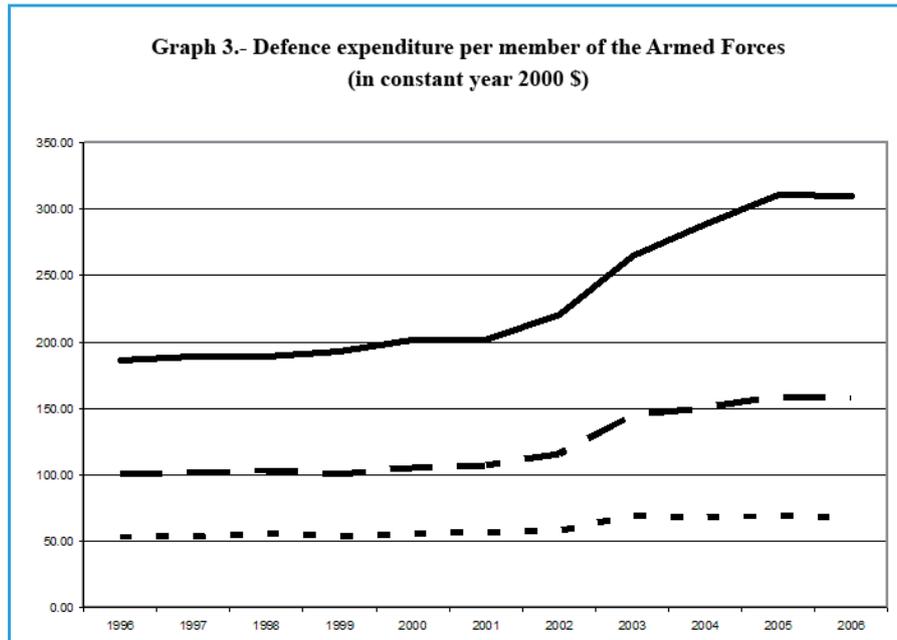


Source: National budgets, NATO and the author

In this sense, the defence spending of the different countries reflects not only a way to satisfy voters, as a means of capturing votes, but also a national strategy, both internal and external. In the case of Europe, the Petersberg tasks are a clear example of this, the main objectives of which are based on *peace keeping* and humanitarian operations, crisis management tasks, etc., and whose purely military or intervention component is fairly minor - compared to the type of interventions carried out by the US - which satisfies both the demands of the voters and the strategy set out within the EU.

Yet this is not an optimum situation for Europe for two reasons. Firstly, the huge difference in military capacity that exists between the two zones of the Alliance, which implies high military dependency on the US – Lindstrom, 2005. The second reason is geostrategic in nature. It refers to the location of Europe in terms of its proximity to areas of conflict, which should result in a major commitment of resources dedicated to defence. Such resource dedication is reflected in the ratio of defence spending per member of the armed forces, as illustrated in Graph 3.

The lesser defence endowment of Europe is brought into stark contrast when we analyse the increasing gap that exists between Europe and North America, particularly from 2001 onwards, when the US made substantial increases to its defence budget. In this regard, the incorporation of seven new countries into the Alliance in 2004 has had little effect on this indicator, which has remained virtually unchanged in Europe since 2003.



Source: National budgets, NATO and the author

On the other hand, as has already been mentioned, the level of income is one of the factors most frequently associated with defence spending. Thus, the relationship between defence expenditure and income level - as shown in Graphs 4 and 5 for 1996 and 2006 respectively - is positive but minimal. Indeed, the correlations between both variables are very low and insignificant. This result falls in line with those of other studies; Solomon, 2005, in the case of Canada, for instance. In a different study, Pérez-Forniés, Gadea and Pardos, 2004, observe that the importance of the relationship between income and defence spending has lessened over time and depends largely on the strategy of the NATO countries. Cappelen, Gleditsch and Bjerkholt, 1984, also find a minimal relationship at best between the two variables. From this perspective, the “peace dividend” argument gains strength, whereby the assigning of resources for purposes other than defence would be a way of stimulating economic growth<sup>5</sup>. However, when we look at the growth, as opposed to the levels, of both variables the correlation becomes significant (0.78 with a significance level of 95%), which undermines the validity of the opposing argument.

Finally, if we look at the level of defence spending, over previous years and now, and compare it against economic growth the situation changes drastically, since there is a significant yet negative correlation<sup>6</sup>, once again implying that the peace dividend is a relevant argument for a more appropriate assignation of resources. Ultimately, this

<sup>5</sup> However, we should also take into consideration the direction of the causality between income and defence spending since, as claimed by some authors, many cases reveal a significant endogenous effect, whereby the directionality of the relationship is unclear – Solomon, 2005.

<sup>6</sup> The correlation between the level of defence expenditure in terms of GDP in 1996 compared to GDP growth between 1996 and 2006 is -0.49, whereas the correlation between the level of defence expenditure in terms of GDP in 2006 compared to GDP growth between 1996 and 2006 is -0.21. Both correlations have a significance level of 95%.

relationship is not without its problems, as pointed out by Dunne, Smith and Willenbockel, 2005, since defence spending has a positive effect on output when there is an elevated level of threat, and a negative effect otherwise. This affords us an insight into the difficulty of quantifying this type of relationship in terms of the direction of the effects as well as their intensity and hallmark. Indeed, Kollias, Mylonidis and Paleologou, 2007, describe the existence of a feedback effect between both variables, revealing differences between the short and the long term as regards their temporal effects.

#### IV. DETERMINANTS OF THE DEMAND FOR DEFENCE EXPENDITURE AMONG NATO COUNTRIES: ANALYSIS USING DYNAMIC PANEL DATA

The study of the determinants of defence expenditure has been approached through the use of different statistical and econometric tools. In a large proportion of cases, time series analysis has been employed by means of various techniques<sup>7</sup>, such as those of Smith, 1980, who studies a demand function for the UK and compares it to another for France, or Solomon, 2005, who analyses the Canadian case. In other cases, simultaneous equations or systems of equations have been applied for studying a large group of countries (Dudley and Montmarquette, 1981), or for comparing pairs of countries, such as the US and Japan (Okamura, 1991). Panel data techniques have been used for a few years now, as in the case of Dunne and Perlo-Freeman, 2003, who study the determinants of the demand for defence spending in developing countries through the use of dynamic panels, or Alonso and Martínez, 2007, who analyse the case of European countries from the 1970s onwards.

This paper estimates a dynamic data panel model that has the following specification:

$$GD_{it} = \alpha GD_{i,t-1} X_i^\beta e^{\eta_i} e^{\gamma_t} \quad (5)$$

Where the sub-index  $i=1,2,\dots,N$  represents the unit of analysis, which in this case are the NATO member States, and the sub-index  $t=1,2,\dots,T$  represents a given moment in time.  $GD_{it}$  is the defence expenditure of country  $i$  at moment  $t$ .

Assuming that defence spending is an ongoing process and subject to inertia, investment in defence will depend on investment made over the previous year ( $GD_{i,t-1}$ ). Likewise,  $\eta_i$  encompasses the time-invariant variables that influence said investment, whereas  $\gamma_t$  show time variations and  $X_{it}$  represents a set of additional explanatory variables. Taking logarithms in the equation (5) gives us the following formulation:

$$\ln GD_{it} = \alpha \ln GD_{i,t-1} + \beta X_{it} + \eta_i + \gamma_t + v_i \quad (6)$$

Given the dynamic specification of the model, it becomes necessary to take a number of questions into account. Firstly, the explanatory variables ( $X_{it}$ ) must be strictly exogenous. However, they may display endogeneity or be predetermined due to the inclusion of such variables as *spill-in* and the size of armed forces. Such explana-

<sup>7</sup> See Table 1 for a description of certain studies and the techniques employed therein.

tory variables could be determined at the same time as the decisions on defence spending. In that case,  $X_{it}$  would be correlated with  $v_{it}$  and previous disturbances, though no correlation would exist with  $v_{i,t+1}$  and subsequent disturbances. Secondly, there is an autocorrelation problem arising from the introduction of the lagged dependant variable. This variable is predetermined as it depends on past disturbances. Therefore, even though  $GD_{i,t-1}$  would not be correlated with  $v_{it}$ , it would be correlated with  $v_{i,t-1}$  and with previous disturbances. Finally, it is essential to taken into account that a non-observable heterogeneity may exist at country level; i.e. there may be individual effects deriving from the characteristics of each country<sup>8</sup>.

In this context, Arellano and Bond, 1991, propose an estimation using the Generalized Method of Moments (GMM) in first-differences for dynamic panel data. This transformation eliminates the individual effects ( $\eta_i$ ), thus controlling the unobservable heterogeneity. Likewise, the endogeneity issue would be solved by including as instruments all possible regressor lags in order to eliminate possible correlations. Applying the transformation in the equation (6) gives us the following formulation:

$$\Delta GD_{it} = \alpha \Delta GD_{i,t-1} + \beta \Delta X_{it} + \Delta v_{it} \quad (7)$$

Yet this transformation yields unsatisfactory results due to the fact that, on many occasions, the series are highly autoregressive (Blundell, Bond and Weidmeijer, 2000 and Bond, 2002). Therefore, Arellano and Bover, 1995 and Blundell and Bond, 1998, propose extending the GMM estimator by combining the equation in differences with the original equation in levels (GMM estimation system). In these equations, both the predetermined variables and the endogenous variables in levels are implemented with lagged first-differences. Therefore, the instruments employed in the regression in levels are the lagged differences of the explanatory variables, and the instruments employed in the equation in differences are the variables in levels. This allows the specific effects (unobservable heterogeneity) to be controlled, along with the problems of correlation between the explanatory variables, both predetermined and endogenous.

Because of the advantages afforded by this method compared to the GMM estimator in differences, regressions are estimated by way of the GMM system. To evaluate the validity of the model defined in this paper, various tests shall be conducted on each estimation<sup>9</sup>.

As regards the variable to be explained, the most common is the absolute value of military spending (Kollias, 2004, Solomon, 2005, Alonso and Martínez, 2007), which approximates a nation's level of military activity. On other occasions, spending is ex-

8 For all of the above reasons, the OLS-based estimation presents a significant bias due to the correlation of the independent variables with the specific individual effects, whereby a biased estimator is obtained regardless of whether the individual effects are set or random.

9 Firstly, the Arellano-Bond test is obtained for the first and second-order residual autocorrelations (AR(1), AR(2)). If no autocorrelation problem exists in any of the series, the residuals should be characterised by a first-order negative correlation and absence of a second-order correlation. Secondly, the Hansen test is conducted to verify the validity of the instruments; i.e. to check whether excessive restrictions are being imposed. Non-rejection of the null hypothesis would indicate that the instruments are valid and, consequently, the specification of the model is also valid. Finally, the estimation is performed in two stages as it offers robust and efficient estimators.

plained in per capita terms, though this tends to be more common in Median Voter models, as described by Murdoch and Sandler, 1984. Likewise, defence expenditure relativised by the size of the economy, i.e. as a percentage of GDP, has also been used – Kollias, Mylonidis and Paleologou, 2007. Ultimately, there is no unanimity as to the variable that suitably approximates a nation's defence demand. For that reason, two different estimations will be performed, employing both the absolute value of military spending and its percentage in relation to product.

The explanatory variables included in the estimations are<sup>10</sup>:

1.- The lagged defence expenditure, which reveals the relevance of the existing *incrementalism* for determining the expenditure between periods and, therefore, the level of bureaucratic inertia in the countries. This variable is expected to have a positive sign.

2.- The per capita product of the countries. The inclusion of this variable is an attempt to provide new evidence as to its explanatory capacity in regards to defence spending, which has been called into question in numerous works as explained above, and to establish whether the defence good is normal with regard to income. In this case, while the coefficient is not expected to be very high, it is expected to be both significant and positive.

3.- Relative price levels or indicator of military inflation. In this case, the ratio between the nations' output prices in industry and their consumer price index has been employed. It has been deemed more appropriate to use industrial prices as opposed to GDP, as the latter includes consumer goods far removed from military demand, whereas an ever-increasing proportion of this demand requires industry and, especially, high technology sectors in order to maintain its operational capacity. On the other hand, the inclusion of relative prices allows us to approximate the price elasticity of defence demand. Obviously, this variable is expected to have a negative sign.

4.- The first of the contemplated strategic variables is the absolute value of armed forces, whereby having sizeable armed forces implies higher defence spending, so the expected sign should be positive.

5.- The *spill-in* effect shows the countries' likelihood of *free rider* behaviour. This variable has been defined as the defence expenditure of all countries except that of each *i* country, with regard to the total spending of NATO countries. If *free rider* behaviour is observed, the sign would be negative, whereby the country in question would be moving in the opposite direction to the allied nations as a whole.

6.- The variable relating to the geostrategic position of the countries shows the *risk* associated therewith. To that end, the kilometres of border shared with non-NATO States has been used. In this case, the expected sign is positive, since the greater the proportion of border not shared with allied countries, the greater the risk of conflict, which would in turn lead to higher defence spending.

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<sup>10</sup> The quantification of the variables employed is as follows: The GDP and defence spending are expressed in millions of US\$ at constant 2000 prices and exchange rate; the population in thousands; members of the Armed Forces in thousands. The data has been obtained from the World Bank, NATO and national statistics.

7.- The last included variable refers to purely institutional aspects. It has been decided to contemplate data from the institutional indicators available at the World Bank and produced by Kaufmann et al (2006). More specifically, of the six indicators that make up the six measures of governance<sup>11</sup>, the Voice and Accountability indicator has been included in the study. This indicator measures the extent to which a country's citizens are able to participate in selecting their government, freedom of expression, freedom of association, and media independence.

The results of the estimations shown in Table 2 reveal that the estimated models, both the model referring to the absolute value of defence expenditure and the one that explains expenditure in relation to GDP, meet the requirements of the Hansen test as well as the tests of Arellano and Bond for first and second-order residual autocorrelations (AR(1), AR(2)), indicating that the instruments used are valid and there are no autocorrelation problems.

Table 2.- Estimations of the demand for defence expenditure

	GD/GDP		GD (Defence Expenditure)	
GD <sub>t-1</sub>	0.789	(0.031)***	1.041	(0.018)***
PCGDP	0.005	(0.001)***	0.002	(0.013)
PRICES	-0.007	(0.003)**	-0.008	(0.003)**
ARMED FORCES	0.014	(0.008)*	0.077	(0.024)***
SPIII	-0.102	(0.018)***	-0.121	(0.034)***
RISK	0.018	(0.015)	0.003	(0.007)
DEMOCRACY	-0.106	(0.012)***	-0.112	(0.038)***
CONSTANT	1.389	(0.292)***	1.748	(0.493)***
<i>Hansen Test</i>	<i>21.77</i>	<i>(0.029)</i>	<i>17.49</i>	<i>(0.045)</i>
<i>Arellano-Bond Test for AR(1)</i>	<i>-2.28</i>	<i>(0.023)**</i>	<i>-2.02</i>	<i>(0.042)**</i>
<i>Arellano-Bond Test for AR(2)</i>	<i>-0.03</i>	<i>(0.976)</i>	<i>-0.59</i>	<i>(0.553)</i>
<i>Number of observations</i>	<i>250</i>		<i>250</i>	
<i>Number of groups</i>	<i>25</i>		<i>25</i>	

Standard errors in parenthesis. \*\*\* significant to 1%, \*\* significant to 5% and \* significant to 10%

In line with the arguments put forth by Byers and Peel, 1989, the best estimator of defence demand is the expenditure realised during previous periods. Thus, in the two estimations performed, this variable shows the highest coefficient and is highly

<sup>11</sup> The value of this indicator ranges between -2.5 and +2.5 and the top positions represent the highest values. These data are available at: <http://info.worldbank.org/governance/wgi2007/home.htm>.

significant, overcoming the unitary elasticity when referring to the explanation of the absolute expenditure value. The degree of inertia of defence spending policies is therefore very high and with no likelihood of major shifts in short periods of time.

On the other hand, the only variable that shows clearly different results in both estimations is the PCGDP. Although the coefficients are reduced, Si bien los coeficientes son reducidos, no significance is obtained in the estimation of the expenditure in levels<sup>12</sup>. This result is hardly surprising given that various studies have reached conclusions which confer a high degree of ambiguity on the role of income in determining defence expenditure, from behaving as a luxury good in the 1970s (Dudley and Montmarquette, 1981) to losing much of its relevance during the 1990s (Pérez-Fornies, Gadea and Pardos, 2004), confined to specific countries, usually developed.

The behaviour of relative prices is fully coherent with the expected results. The sign of the coefficient is thus negative and is shown to be significant, with an effect size that is reduced and very similar in both estimations. This result is in line with that obtained by Solomon, 2005, which shows the existence of price differentials between civil and military goods. However, since the indicator used is an approximation of military inflation, the results must be viewed with caution. Therefore, it becomes necessary to estimate price indices which encompass the goods and services most closely related to the ambit of defence.

As regards the size of armed forces, the coefficient is positive and significant in both estimations, though larger in the case of the absolute value of expenditure. This is because the absolute value of the armed forces has also been taken in the estimation. The result obtained by Alonso and Martínez, 2007, in relation to this variable is also of reduced size compared to the importance of other variables. This concept of national defence budget expenditure can be largely considered as a given due to two factors: the size of the force does not vary significantly except in the long term and the cost thereof rises slowly, at least in the case of European countries, as shown in Graph 3.

The behaviour of the countries as a whole in relation to their defence spending is shown through the *spill-in* variable. As we can see, it is a highly significant variable and shows a negative sign. In accordance with this result, each country attempts to rely on the expenditure of the other members of the Alliance, revealing a *free rider* effect. Consequently, there exists an effect of replacing the defence spending of country *i* with that of the whole. This fact is especially evident in the spending made by European countries compared to that of North American countries, particularly the US, as shown in Graph 2. The results obtained by Murdoch and Sandler, 1984, reveal such behaviour in certain European NATO countries. Other studies obtain different results, such as Alonso and Martínez, 2007, which reveal a certain degree of complementarity in the expenditure of European NATO countries and the US. However, the contemplation of a very broad time period in the latter study (1975-2005), without taking into consideration NATO's strategic shifts over the period which entail chang-

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<sup>12</sup> Although per capita GDP has ultimately been the variable employed, estimations using the GDP in levels have also been performed and the results are virtually identical.

es in the nations' defence spending (Sandler y Murdoch, 2000), means there may be bias in the results, thus overestimating this effect.

The variable that approximates the risk derived from a country's location and the borders it shares with the Allies is not significant in either of the estimations. The aforementioned difficulty in approximating this aspect may explain this result<sup>13</sup>. Nevertheless, we must take into consideration that many NATO countries share borders with their partners, thus reducing the role of this variable, to which must be added the reduced border pressure during the 1990s due to the fall of the Berlin Wall and the dissolution of the Warsaw Pact.

The final aspect that has been contemplated relates to institutional factors. The results clearly show that the more consolidated a democracy and the greater the capacity of its society to influence political and social decisions, the lower its defence spending – Yildirim y Sezgin, 2005. This aspect is especially relevant in the case of Europe, where there is a clear social standpoint that does not allow for increased defence spending.

## V. CONCLUSIONS

As we have been able to observe throughout this paper, the explanatory factors of the demand for defence expenditure in NATO countries are multiple and, in some cases, of complex approximation. Moreover, there are many information-related issues to be addressed and the reliability of the information is often unsatisfactory. However, it is possible to draw some important conclusions from the analysis undertaken. Thus, in order to reinforce the results thereof, it was decided to estimate both the defence expenditure in absolute terms and the spending relative to the countries gross domestic product. The key results can be summarised as follows:

Firstly, the partners on either side of the Atlantic have a different concept of defence, which can be clearly seen in the evolution of their defence expenditure and their policies on international intervention.

Secondly, the economic aspects linked to the demand for defence expenditure shows, on the one hand, that the countries afford a significant degree of inertia to defence spending, deriving from its social unpopularity and the long-term commitments which they have acquired and, on the other, that the relative prices of defence are a major determinant of its demand, though they are a factor that has been rarely used in studies of this kind due to the complexity in their empiric approximation.

In addition, income has been shown to be a relatively minor factor in the explanation of defence spending, particularly in the case of the explanation of its absolute value, which involves the divergent upward curve that exists between both variables.

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<sup>13</sup> Furthermore, this is the only variable that does not include temporal variation, which may affect its low significance.

As regards the military and strategic aspects, the size of the nations' armed forces explains part of the demand, though this is reduced due partly to the existence of an effect of replacing the defence spending of some countries with that of others (*spill-in*).

Finally, the political factor has significant weight in the explanation of the demand for defence expenditure, which reveals the need for economic studies to include institutional variables that enable the contextualisation of aspects that are difficult to explain in economic terms if abstracted from their specific political ambit.

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## IMPACT OF THE ECONOMIC CRISIS ON DEFENCE POLICIES: A COMPARATIVE STUDY

The international financial crisis has conditioned the amount of public budget assigned to national defence in the world's principal economic and military powers and this tendency may have a serious impact on the design of defence policies in the medium term. This article analyses in detail the evolution of defence expenditures in our geopolitical environment.

Defence policies, NATO, defence expenditure, financial crisis, European Union



## I. THE INTERNACIONAL ECONOMIC CRISIS AND ITS IMPACT ON NATIONAL DEFENCE POLICIES

**I**n the current global crisis, a comparative analysis of the defence policies of certain world powers must be conducted within the framework of the international crisis that was triggered in 2008. In terms of its specific origins and evolution, we must clearly identify the background, the trigger, the effects and the anti-crisis policies drawn up by the governments and international bodies.

In regard to its origins, there is an increasingly popular theory whereby, in the early years of the 20TH century, the major international investors operated within an environment of increasing uncertainty as to the future evolution of commodity markets such as oil and natural gas, raw materials and rare minerals.

Such uncertainty was partially induced by an increase in demand from emerging powers such as Brazil, India or China, but the key factor behind price rises was mainly the growing speculation in futures markets, since the production of most energy resources and raw materials had not seen such drastic reduction as to justify the spectacular price rises on the global markets.

As oil market data reveals, the demand for oil of the United States had risen from 16 million barrels a day in the early 1990s to around 21 million in 2005-2007, which is equivalent to a 30% rise in consumption prior to the downward trend caused by the economic crisis. As regards the production of the OPEP countries over the same period, this increased by 37%, while that of non-OPEP countries rose by 21%, giving a total global production of 73.5 million barrels a day. It seems obvious that the rise in

oil prices from \$45-47 to \$110 over the same two decades did not correspond simply to supply and demand, even when taking into account the average global inflation figures for that period.<sup>1</sup>

Simultaneously, in countries such as the US, UK and Spain there was major speculation in the property market which had the direct effect of raising the cost of mortgages taken out by families along with an overvaluation of the assets held by the domestic banking sector.

Both trends demanded constant expansion of the national and international credit system, which could only be maintained by ignoring the minimum solvency and liquidity ratios of the financial entities, which was in turn encouraged by the self-serving reports issued by the rating agencies. A portion of this credit demand was caused by increasingly complex and volatile financial products that allowed the multinational banking sector to continue granting loans through indirect channels that could scarcely be monitored by domestic or international monetary authorities (the US Federal Reserve, central banks, the European Central Bank or the International Monetary Fund).<sup>2</sup>

Within this international context, the collapse of Lehman Brothers on 15 September 2008 triggered a financial crisis in the North American economy, which spread through the entire global financial system provoking, in the medium term, an economic recession and the surfacing of over-indebtedness, both public and private, which some of the major economic powers had incurred.

In 2008, the level of public debt among OECD countries varied considerably. Alongside heavily indebted countries such as Japan (180.7% GDP); Greece (110.6% GDP); Italy (98% GDP) or Belgium (90% GDP), others maintained a more moderate level of debt, such as Ireland (28% GDP); South Korea (29% GDP); Spain (33.7% GDP); Germany (39.5% GDP); the US (40.1% GDP) or France (53.4% GDP).<sup>3</sup> The impact of the financial crisis and the policies adopted by the governments clearly highlighted the differences in the short-term solvency and credibility of those countries' economies, generating fresh speculative movements on the international equity and debt markets. In just two short years, the public finances of many solvent countries would become seriously affected by spiralling public deficit.

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3 Data obtained from the OECD. See: [http://stats.oecd.org/Index.aspx?DataSetCode=GOV\\_DEBT](http://stats.oecd.org/Index.aspx?DataSetCode=GOV_DEBT) (consulted on 01/08/2011).

One of the main effects of the economic crisis has been the rethinking of the economic policies, both tax and financial, which had been applied by the governments of these major international powerhouses. The financial endorsement which the governments afforded their banks in the first few months to avoid economic collapse, combined with the economic recession of 2009 and 2010, generated budget deficits that could barely be covered by the issuance of general government debt securities onto international markets overflowing with paperwork and suffering growing uncertainty as to the solvency of many economies that had been deemed solid and reliable just months earlier.

Indeed, over the course of a single year the public deficit of countries like Ireland (14.3% GDP); Greece (13.5% GDP); the UK (11.3% GDP); Spain (11.2% GDP) or the US (11% GDP), surpassed the 10% barrier, alerting the global markets over the complicated future of these economies as regards addressing the rising public debt being issued.

Such uncertain international forecasts were made worse by the impact of the recession on the private sector, with reduced production, rising unemployment and home mortgage delinquencies, a notable fall in public tax income and an insufficient amount of liquidity caused by cuts in bank lending.

Since 2010, in order to contain the rising public deficit and debt, governments have been applying various budgetary adjustment measures which are making short-term economic recovery all the more difficult.

When we look at the impact that the economic crisis has had on global defence spending, contrary to what we might expect, we find that the upward trend initiated before 2008 has in fact continued. According to statistics published by the Stockholm International Peace Research Institute (SIPRI), between 2005 and 2011 defence expenditure at constant 2010 prices increased globally with the exception of Europe, the cases of Saudi Arabia, China and the US being particularly noteworthy. (See tables 1 and 2).

Table 1 - Military spending by regions  
(billions \$US at constant 2010 prices)

2005	2006	2007	2008	2009	2010	2011	
<b>1336</b>	<b>1380</b>	<b>1431</b>	<b>1507</b>	<b>1607</b>	<b>1623</b>	<b>1625</b>	Worldwide Total
<b>22,7</b>	<b>23,6</b>	<b>24,6</b>	<b>27,8</b>	<b>28,6</b>	<b>29,6</b>	<b>32,2</b>	Africa
7,3	7,3	8,0	9,4	10	10,5	13,1	North Africa
15,3	16,3	16,6	18,4	18,6	19,1	19,1	Sub-Saharan Africa
<b>631</b>	<b>644</b>	<b>664</b>	<b>714</b>	<b>767</b>	<b>791</b>	<b>780</b>	Americas
579	588	605	650	701	721,4	712,7	North America
4,7	5,0	5,6	5,7	6,2	6,3	6,5	Central America and the Caribbean
47,2	51,0	53,5	58,6	60,3	63,6	61,1	South America
<b>236</b>	<b>249</b>	<b>267</b>	<b>283</b>	<b>317</b>	<b>322</b>	<b>330</b>	Asia and Oceania
1,2	1,4	1,9	1,9	1,8	2,0	2,2	Central Asia
173	185	201	212	236	240	250	East Asia
41,4	41,9	42,6	47,1	54,5	54,8	53,0	South Asia
19,8	20,9	22,2	22,9	24,6	24,9	24,6	Oceania
<b>356</b>	<b>365</b>	<b>373</b>	<b>384</b>	<b>392</b>	<b>375</b>	<b>376</b>	Europe
287	289	290	296	303	289	283	Western Europe
47,9	53,4	58,9	64,9	66,4	65,5	72,1	Eastern Europe
21,7	22,3	23,7	22,4	21,9	21,0	20,5	Central Europe
<b>90,5</b>	<b>97,7</b>	<b>103</b>	<b>99</b>	<b>103</b>	<b>105</b>	<b>106</b>	Middle East

Source: SIPRI <http://www.sipri.org/research/armaments/milex/resultoutput/worldreg2011>

Table 2 - 10 Countries with highest military spending in 2011

2011 Ranking (2010)	Country	Spending in Billions \$US at market exchange rates	Percentage variation 2010-2011	Percentage variation 2002-2011	Percentage of GDP (estimated)
1 (1)	United States	711	-1,2	59	4,7
2 (2)	China	143 (estimated)	6,7	170	2.0 (estimated)
3 (5)	Russia	71.9 (estimated)	9,3	79	3.9 (estimated)
4 (3)	United Kingdom	62,7	-0,4	18	2,6
5 (4)	France	62,5	-1,4	-0,6	2,3
6 (6)	Japan	59,3	0	-2,5	1
7 (9)	India	48,9	-4,9	66	2,6
8 (7)	Saudi Arabia	48,5	2,2	90	8,7
9 (8)	Germany	46.7 (estimated)	-3,5	-3,7	1.3 (estimated)
10 (11)	Brazil	35,4	-8,3	19	1,5
	<b>Worldwide</b>	<b>1.738</b>	<b>0,3</b>	<b>42</b>	<b>2,5</b>

Source: SIPRI (11 October 2012) <http://www.sipri.org/research/armaments/milex>

Analysis of this data reveals three key facts:

1.- On a global scale, the impact of the economic crisis has not been borne by defence budgets, as many governments have believed that upholding national security should be given priority over other policies and have used defence spending as a tool for offsetting the economic crisis;

2.- Contrary to the rest of the world, in Europe part of the cost of the crisis has been borne by defence budgets in an attempt to reduce public deficit. France is the most notable exception to this trend;

3.- The uniqueness of the European case shows how the political and cultural foundations underlying the defence policies in Europe clearly differ from those prevailing in the US and the rest of the world.<sup>4</sup>

In light of these facts, it would be fair to ask ourselves whether the European defence policy model, which reveals a decisive influence of cooperative security generated by EU integration, responds to the future tendency which will prevail in the international political system or, as upheld by Robert Kagan, corresponds to an after-effect of the Cold War in which a considerable part of the economic cost of European defence was borne by the two superpowers (the US and the USSR); a phenomenon which will not occur over the coming decade.

Whatever the answer to this question may be, the truth is that even those major powers that have continued to increase their military budgets have been forced to curb this rise and to review their strategic doctrines for the coming decade. Obviously, this is not only affecting military procurement programmes and the availability of personnel (military and civil) for the armed forces, but will also affect the operational capacity of units and commitment to future international peace-keeping missions.

## 2. THE UNITED STATES

To a large degree, the experience of the US once again reveals the foreseeable evolution in this sector's international trade. The budgetary debate between the Department of Defense (DoD) and Congress for the 2011 and 2012 fiscal years clearly established the need for acquisition affordability and a rebalancing of force by reforming the military procurement and maintenance procedures, including a review of ongoing R+D programmes, in order to optimise them in budgetary terms.

4 The German government intends to allocate €31.68 billion for its 2012 defence budget and reduce it to €30.43 billion in 2015.

[http://www.bmvg.de/portal/a/bmvg!/ut/p/c4/NYvBCsIwEET\\_aDeBCqU3SoDoJL3YekvbE-FaapKybevHjTQ7OwDvMY\\_CJpdEe5KiQinbDEaeFuvkDczg8vFLmskKgSG9xTDngo35W-BouKTirFRaFCziYSw55YtmoyczFAK05KmI5p9Y\\_-tre7aS6npjXXfsA9hPMPWnFFxQ!!/](http://www.bmvg.de/portal/a/bmvg!/ut/p/c4/NYvBCsIwEET_aDeBCqU3SoDoJL3YekvbE-FaapKybevHjTQ7OwDvMY_CJpdEe5KiQinbDEaeFuvkDczg8vFLmskKgSG9xTDngo35W-BouKTirFRaFCziYSw55YtmoyczFAK05KmI5p9Y_-tre7aS6npjXXfsA9hPMPWnFFxQ!!/) (consultado el 01/08/2011).

The UK intends to reduce its defence budget between 2010 and 2015 by 8.5% in real terms.

<http://www.mod.uk/DefenceInternet/AboutDefence/Organisation/KeyFactsAboutDefence/DefenceSpending.htm> (consulted on 01/08/2011).

In March 2010, the Italian government approved a 10% reduction of its defence budget, which had initially been approved at €14.28 billion and already included a reduction of 0.4% over the 2009 budget. For 2011, it is considering a 20% reduction in operational and maintenance expenditure.

<http://www.defensenews.com/story.php?i=4645413> (consulted on 01/08/2011).

France is the exception to this tendency towards defence cuts and is set to increase defence spending by €2.6 billion between 2010 and 2013.

<http://ambafrance-us.org/spip.php?article1751&xtor=AL-13>.

Both criteria have a direct impact on the defence industry, since a rebalancing of force implies distributing units differently, as well as the materials they use; i.e. giving priority to some weapons programmes and abandoning or replacing others. At the same time, the adoption of more efficient military procurement and maintenance procedures would mean greater competition among providers, tighter control over the productivity and profitability criteria of the approved programmes, including potential returns, and tougher penalties from the DoD for breaches of contract by companies providing material and services, including the permanent abandonment of procurement plans. (See table 3).

Table 3.– Status of the Weapons Programmes proposed by the DoD in the 2011 budgets

Weapons Programmes reduced or cancelled by the DoD	Status in 2011
F-35 Joint Strike Fighter (JSF) Extra Engine	On hold
C-17 Globemaster Strategic Airlift Aircraft	Cancelled
Next Generation (CG(X)) Cruiser	Cancelled
Third Generation Infrared Surveillance (3GIRS)	Cancelled
Net-Enabled Command Capability (NECC)	Cancelled
Command Ship Replacement (LCC---R)	Postponed till 2015
Expeditionary Fighting Vehicle (EFV)	Cancelled
F-35B Short Take-Off/Vertical Landing (STOVL) Joint Strike Fighter (JSF)	On hold
SLAMRAAM Surface-to-Air Missile	Reduced
Non-Line-of-Sight Launch System	Proposed cancellation
EP-X Manned Airborne Intelligence, Surveillance, and Reconnaissance Aircraft	Proposed cancellation
SM-2 Block IIIB Missile	Proposed cancellation

Source: **Olson, L.-** *Fiscal Year 2012. Defense Spending Request Briefing Book.*  
[http://www.armscontrolcenter.org/policy/securityspending/Fiscal\\_Year\\_2012.pdf](http://www.armscontrolcenter.org/policy/securityspending/Fiscal_Year_2012.pdf)

In his *Directive dated 3 November 2010*,<sup>5</sup> the Under Secretary of Defense set out the measures for economic optimisation and cost control that are to be applied by the heads of all DoD departments and agencies. He established five specific categories of measures:

- A.- Availability of affordable material and control of cost increases
- B.- Productivity and industrial innovation incentives

<sup>5</sup> Under Secretary of Defense.- *Implementation Directive for Better Buying Power – Obtaining Greater Efficiency and Productivity in Defense Spending* (3 November 2010).

[http://www.ndia.org/Advocacy/Resources/Documents/LegislativeAlerts/Implementation\\_Directive\\_6\\_Nov2010.pdf](http://www.ndia.org/Advocacy/Resources/Documents/LegislativeAlerts/Implementation_Directive_6_Nov2010.pdf) (Consulted 03/08/2011).

C.- Promote real competition among providers

D.- Improve the service procurement procedures

E.- Reduce non-productive processes and bureaucracy

Of special note are the measures aimed at encouraging productivity and innovation within the defence industry in order to achieve real competition among contractors:

1.- Rewards for contractors that have efficient supply chains and indirect systems of expense management;

2.- Increased use of Fixed-Price Incentive Firm Target (FPIFT) contracts as opposed to Firm-Fixed-Price contracts for programmes which are more than \$100 million over the Acquisition Category ID (ACAT I) and a review of all contracts above that amount for the remaining ACAT levels, standardising contracts to give them a ceiling of 120% and a 50/50 share ratio;

3.- Adjustment of payment release as a performance incentive;

4.- Extension of the US Navy pilot programme to make it a Superior Supplier Incentive Program;

5.- Reinvigorate research by independent industry and the development and safeguarding of basic defence technology;

6.- Presentation of a competitive procurement strategy for each stage of the programme;

7.- Remove competitiveness barriers;

8.- Increase the dynamic role of small companies in competing for the defence market.

As we can see, the DoD has set in motion a sweeping reform of its defence promotion and procurement policy whose effects cannot yet be definitively assessed. However, taking into account the past record of such reforms, they will surely have a decisive impact on the reorganising of the US defence industry over the coming years.

### 3. THE LEADING EUROPEAN POWERS

The European option of reducing defence expenditure in order to reduce the excessive indebtedness of its economies has led the governments of the leading European powers to review the conditions for approved weapons programmes, put new programmes on hold for the next few years and even cancel some, and stimulate joint production with other countries.

Naturally, such defence cuts had to be compatible with the approved strategic priorities, though they forced the United Kingdom to publish a new National Security Strategy in 2010, replacing the one which had been approved just two years earlier.

### 3.1. United Kingdom

The Conservative government led by David Cameron decided to reduce the defence budget by 8% by way of substantial reductions in personnel and military procurement plans. Yet such cuts must also allow for the two strategic objectives deemed essential: maintaining the deployment of forces in Afghanistan and creating a balanced defence by 2020.

The contemplated cuts represent a saving of 20 billion pounds sterling. To that end, they plan to reduce troop numbers by 17,000 (7,000 in the Army, 5,000 in the Navy and 5,000 in the Air Force) by 2015 along with a further reduction of 25,000 civilian defence staff.

As regards the cuts in military procurement and maintenance programmes, it has been decided to:<sup>6</sup>

- 1.- Reduce the number of nuclear warheads, maintaining the current *Trident SLBM*;
- 2.- Withdraw troops from overseas bases, especially the 20,000 stationed in Germany, by 2020;
- 3.- Postpone the decommissioning of Vanguard class nuclear submarines
- 4.- A progressive withdrawal of the Nimrod MRA4 and Harrier aircraft together with a reduction in the fleet of Tornados, paving the way for the closure of three air bases;
- 5.- A reduction in the number of aircraft carriers and modernising of their structure to make them interoperable with Joint Strike Fighter aircraft;
- 6.- Replacement of 42-type destroyers by 45-type;
- 7.- The stationing of units in a greatly reduced number of bases allowing for the sale of closed bases;
- 8.- A reduction in the number of tanks and heavy artillery;
- 9.- Renegotiation of defence industry contracts.

### 3.2. France

As a result of the *Defence White Paper*, the *Loi n° 2009-928 du 29 juillet 2009 relative à la programmation militaire pour les années 2009 à 2014 et portant diverses dispositions concernant la défense* was passed in 2009.<sup>7</sup> This legal text provides for defence spending of €185 billion for the entire period (calculated at 2008 prices), of which €102 billion will be allocated to military procurement.<sup>8</sup>

6 HM Government.- *Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review* (2010); pages 21 to 27. <http://www.analisisinternacional.eu/archivo/viejos/doc14.pdf>

UK Ministry of Defence.- *Equipment, Support and Technology for UK Defence and Security: A Consultation Paper*.- [http://www.mod.uk/NR/rdonlyres/F4ACE80C-BFD7-463D-99A6-2B46098BBoC4/0/cm7989\\_Eqpt\\_supp\\_tech\\_ukdef.pdf](http://www.mod.uk/NR/rdonlyres/F4ACE80C-BFD7-463D-99A6-2B46098BBoC4/0/cm7989_Eqpt_supp_tech_ukdef.pdf) (Consulted 03/08/2011).

7 The legal text is available at <http://mjp.univ-perp.fr/defense/lpm2009.htm> (consulted on 04/08/2011).

8 *Annuaire Statistique de la Défense 2010-2012*.

Despite the budget cuts announced by the French government, the military procurement plans were upheld by Minister Hervé Morin thanks to an anticipated increase in revenues through to 2013 of €2.6 billion from the sale of property and unused defence telecommunications frequency bands.

Consequently, the initially envisaged impact of the cuts to the budget earmarked for equipment is not estimated to exceed €1.3 billion, thus allowing key programmes to continue, such as the *Rafale* (Dassault) fighter plane; participation in and acquisition of the *A-400M*; the *European Multirole Frigates* (FREMM); the *Suffren* class nuclear attack submarines; the advanced combat infantry system or the *Integrated Infantryman Equipment and Communications* (FELIN). On the other hand, they have considered postponing development of the *Mirage 2000D* and the acquisition of the *A-330 Multi Role Tanker Transport aircraft*. Overall, the impact of the French defence cuts will have less of an effect on its industry than in the case of the UK and Germany.

### 3.3. Germany

In the case of Germany, the budget cuts are not due to the economic crisis, which should place its budgetary deficit below 3% of its GDP in accordance with the convergence criteria, but rather the major reorganisation which the *Bundeswehr* is undergoing in order to become a professional army.<sup>9</sup>

The report produced by the Commission set up by Chancellor Angela Merkel recommended reducing the 2010 budget by €450 million, to €31 billion in total, of which €250 million correspond to cuts in military development or procurement programmes.

Its recommendations highlighted:

a).-An operational capacity for the Army of 6 Brigades, made up of 6 battalions, plus a Parachute Brigade for special operations, along with two General Staffs to manage and control the Brigades;

b).-A reduction of Armed Forces personnel from 252,000 to 165,000, of which 7,500 would be volunteers and 157,000 professionals. Voluntary service will last for 23 months, with a 6-month initial trial period. Finally, and following the changes made by Parliament, they are considering a 2013 target of 185,000 personnel comprised of 170,000 professionals and 15,000 volunteers.

c).- The material cuts include the *A-400M* programme and the NH-90 and *Tiger* helicopter programmes, along with the temporary suspension of its order for 37 *Eurofighters*, 25% of the 400 *Puma* armoured vehicles and the *MEADS* missile defence system.<sup>10</sup>

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<http://www.defense.gouv.fr/content/download/133340/1317464/file/ANNUAIRE%20Stat2010-2011.zip> (consulted on 04/08/2011)

9 Given that federal legislation provides for compulsory recruitment as the formula for citizens' fulfilment of their duty to defend the country, whereby the introduction of the professional army model would require constitutional amendment, in order to avoid this legal pitfall the German government has put the application of this provision on hold as opposed to formally repealing it.

10 The Global Financial Crisis...".- *op. cit.* pp. 47-50.

## 4. CONCLUSIONS

1st - While the global economic crisis is financial in origin, it has ultimately affected the growth of Western economies and, in the medium term, has generated differing responses among countries and regions in terms of the response priorities for the necessary reduction of their budget deficits and public debt.

2nd - The leading European powers, in contrast to the global trend, have opted to make significant reductions in their defence spending by reducing civil and military personnel along with arms acquisition programmes. This will doubtless affect their operational capacity in the medium term. France is the exception to this.

3rd - The defence cuts introduced by European powers will force their defence industry to seek alternatives by following four basic lines of action: a) boost internationalisation, whether through joint production of advanced material and/or boosting exports to third party countries; b) bolster the standardisation and modularity of the material; c) increase the returns in material procurement and d) develop civil applications from research programmes or military production.

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## ELDERS AND SHURAS: UPHOLDING TRADITION OR DISENFRANCHISING THE POPULATION?\*

The currently expanding paid ASOP (Afghan Social Outreach Programme) shuras are the only connection people have to an otherwise appointed district and provincial government as there are few if any elected District Councils. However, though they come from an initial pool of candidates put forth by the community, they are ultimately still selected by the government rather than elected and hard to change once they gain a seat. There are also numerous accusations of elders being corrupt, working for or with insurgents, and playing favourites with development money. In some Districts, there are more villages than shura members, so several villages may have to rely on one man to represent them all—even if he is not prone to playing favourites, he cannot be present in all places at once to intimately understand their needs.

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\* The opinions expressed herein are exclusively those of the author. They do not represent the opinions of the United States armed forces, the Training and Doctrine Command (TRADOC) or its Human Terrain System (HTS). The data for this document has been collected through interviews conducted by the author with Afghan civilians and officials over the 15-month period in which she was deployed in Afghanistan, in the provinces of Khost, Paktika and Paktiya, between 2010 and 2011. The most sincere thanks to the many members of the armed forces, civilians and Afghans for their support and hospitality.

TN: HTS is a programme run by the United States Army Training and Doctrine Command (TRADOC) and which, together with the Forces, deploys anthropologists, sociologists, political scientists, philologists and regional experts to provide military commanders and staff with an understanding of the local population and potential reactions thereof, in order to the operational efficiency of the Armed Forces, save lives and limit potential civil and military conflicts.

This system leaves many Afghans feeling disenfranchised as they fail to have adequate representation in the local government system. Younger generations are particularly affected, because even in situations where shura members are not corrupt, there is a significant generation gap that leaves younger men feeling that the older ones do not understand or accurately represent their needs. The portion of the population that feels the most left behind and is most resentful is military-aged males, who are also most likely to be drawn into insurgent networks. Coalition Forces' attempts to be culturally sensitive in supporting and helping to fund these shuras only exacerbates the tensions between Afghans and generates ill-will towards foreign forces. Though well-intentioned, continuing to expand the shura system is a poor substitute for rolling out elected District Councils and every effort should be made to encourage the Afghan Government to proceed with the latter.

[United States, Afghanistan, International Coalition, conflict, social structure, governance](#)

## INTRODUCTION

Representativeness and accountability mechanisms are two of the greatest challenges facing the political system in Afghanistan. While the Lower House of Parliament and the President are theoretically elected, the voting process has been built on the basis of fraud, first alleged and later real; a voting process which has also been delegitimised by an effective intimidation campaign carried out by the insurgency and which kept many potential voters away. At more local, provincial and district levels, the issue of representativeness becomes greater, since both provincial governors and district vice governors are political offices, appointed directly from Kabul. A population that is dissatisfied with its local leaders has no immediate mechanism (i.e. voting rights) to demand accountability, so Provincial Governors and District Vice Governors behave more as Central Government agents (Government of the Islamic Republic of Afghanistan) than representatives of the people. To address this imbalance, the Government created the Provincial Councils and the District Councils, which are elected by the people and are supposed to have some influence over those matters falling within their competence. While this may be a good system on paper, in practice the Provincial Councils have little or no real power<sup>1</sup> (most of the people interviewed had never even heard of them) and, therefore, just like the politicians in Kabul, the Wolesi Jirga<sup>2</sup> and even some provinces maintain that current efforts should be focused more on Central Government than on local administrations<sup>3</sup>. In most Districts, their Councils have yet to be elected. Even in Districts they have been elected, there is

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1 Brahimi, L. and T. Pickering. *Afghanistan: Negotiating Peace*. New York: Century Foundation Press. 2011. P. 30; Shurkin, M. *Subnational Government in Afghanistan*. Rand. 2011. Pp. 7-8.

2 TN: Afghan Lower House of Parliament.

3 *An Assessment of Sub-National Governance in Afghanistan*. San Francisco: Asia Foundation. 2007. Pp. 18-20.

growing mistrust as to the dependability and the effectiveness of elections as a means of selecting them due to the high levels of electoral fraud witnessed in the past.

## INITIAL ATTEMPTS: THE COMMUNITY DEVELOPMENT COUNCILS

The temporary solution to the disconnect between the people and the District's Government officials has been to hold a series of shuras. Initially, such meetings of village elders (*mashraan*<sup>4</sup>, *mashar*<sup>5</sup> in the singular form) were fairly informal, with self-proclaimed elders or others who were elected by smaller shuras held in their villages in order to voice their needs before the District Vice Governor. In some cases, the shuras were of a purely unofficial nature and only went to the District Centre when they had already taken a decision on something which only needed to be ratified. Villages often had several shuras, some aimed at settling disputes while others were part of more formal institutions such as the Community Development Councils (CDC). These councils used funds from the National Solidarity Program (NSP), whose purpose was not only to improve village infrastructure, but also local administrations and linkages with the people<sup>6</sup>.

Yet this initiative is just one among many and this has led to the numerous shuras and local initiatives competing among themselves for the same elders or choosing participants who are not true representatives of a village or area. They even fail to recognise the potential impact of such shuras on local politics, disproportionately favouring certain men or families and giving them more influence than they would normally achieve<sup>7</sup>. Moreover, problems and inconsistencies have arisen in the application of the CDC due to their poor monitoring or regulation. In many areas of the Paktika, Paktiya and Khost provinces, villagers reported that there was no CDC in their village and, if there ever had been, they were now gone. This is hardly surprising since it is not uncommon for Government officials from a District in another Province to admit that where there should be 40 shuras, there were actually only 15. Wherever there are shuras, the villages are supposed to pay for 10% of each project, which rarely happens<sup>8</sup>.

4 TN: Meshrano Jirga (House of Elders) is the name given to the Afghan Upper House of Parliament.

5 Being of old age does not suffice to be regarded as an elder, or *mashar*. Only a select group of men in each village have the wisdom, education and impartiality to be named elders, a process which, in theory, occurs gradually as more and more people turn to a particular man for advice or to settle their disputes and that man shows himself to be deserving of said title.

6 National Solidarity Programme of the Afghan Ministry of Rural Rehabilitation and Development; at <http://www.nspafghanistan.org/index.aspx>.

7 Miakhel, S. and N. Coburn. *Many Shuras Do Not a Government Make: International Community Engagement with Local Councils in Afghanistan*. United States Institute of Peace. 7 September 2010.

8 Brick, J. *The Political Economy of Customary Village Organizations in Rural Afghanistan*. Washington, D.C.: Annual Meeting of the Central Eurasian Studies Society. September 2008. Pp.11-12. <http://www.bu.edu/aias/brick.pdf>.

access occurs wherever the CDC operate as they are expected to<sup>9</sup>, though it is not clear what long-term impact their work may have on the development of local administrations, their involvement with the Government or their influence on local balance of power and politics.

In any event, the system is neither sustainable, as it relies on donations, nor does it necessarily oblige local political commitment, given that much of the funding comes through NGOs. Despite technically being run by the Ministry of Rural Rehabilitation and Development, the involvement of Central Government or its supervision of the process does not occur on a regular basis and its actions are aimed more at villages than Districts, its most frequent relations being with NGOs. Financial power is highly decentralised and, rather than encouraging the eventual development of support for a united Afghanistan under the leadership of a central government, it generates conditions in which isolation at village level remains the most characteristic feature of the situation. All a village need do to get its desired funding is put on a show whenever an NGO comes along; a practice with which they are currently all too familiar. Though I agree that a return of power is essential for developing a legitimate government in Afghanistan, villages, especially in mountainous regions, are too narrow and remote a foundation upon which to build an administration. Districts offer a greater level of operation, as they are theoretically small enough to enable most people to be reached and large enough to have officials and be a true symbol of the Government. A responsible, efficient District Government with its own budget would allow the people to take part in the decision-making that affects their lives by remaining connected to a wider political system. Assuming, of course, that the local population involved is representative of the community.

## SHURAS FROM THE AFGHANISTAN SOCIAL OUTREACH PROGRAM

Recognising some of these problems, the shura and the local decision-making process are being formalised, centralised and normalised. The Afghanistan Social Outreach Program (ASOP) has been around for some time but is only now being extended beyond the pilot scheme stage<sup>10</sup>. This programme is sponsored by USAID<sup>11</sup> and sets up an official District advisory shura. The members of this Council tend to be the same elders previously involved in Government interaction though they now have official functions and receive a stipend of \$120 a month to cover travelling and similar ex-

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9 “Government Takes a Seat: USAID funding has provided a community with the opportunity to interact with the local government,” *USAID*. 14 November 2011.

10 See the US Embassy IPA and USAID Information Memorandum dated 5 July 2010 containing more detailed information on the ASOP and Disarmament and Demobilisation Assistance (DDA) programmes.

11 TN: USAID, United States Agency for International Development.

penses. These shuras commonly have between 25 and 35 members and are divided into three areas of responsibility: local development, security and dispute settlement. In contrast to the CDC, as it is a central group that addresses all important aspects of the local administrations (not only those dealing with development), on paper the shura does more towards creating a working relationship between a District's population and the Government and obliges people to see themselves as a District, not simply as a village. Because many of these shuras have only been created recently, we shall have to wait to see how the dynamics between the shuras and the District Vice Governors and members of the Tashkil (officials) develop over time.

Continuing on the subject of the CDC and what is often seen as acute needs of the communities, the shura will have the greater say on development matters; part of its task consists of drawing up lists and priorities for District projects that may need to be presented in order to obtain funding. Its role in security matters appears limited to making assurances to keep the peace and to support both the Afghan National Security Forces (ANSF) and the coalition forces in the apprehension of suspects. These prove to be no more than hollow promises half the time, but this attitude may change thanks to community watch schemes and gradual improvements in policing. Disputes are nearly always settled within the villages, but when a dispute is brought to the District Centres, the members of the shura and the District Vice Governor (or judge, if there is one in the tashkil<sup>12</sup>) deal with it, depending on the case at hand. Given that all members of the shura come from the same group of respectable elders chosen by their communities for their honesty, wisdom and impartiality, this is an area where they must develop into a major local authority. These ASOP shuras are only a temporary solution that must be either dissolved or integrated into District Councils that are formally elected, if and when they ever are.



r: "Of course the elders understand what everyone in the village needs...well...more or less. Maybe not".

12 TN: the term *tashkil* refers to "appropriation earmarked" for a specific service.

The advantage of receiving a stipend is that the money (or its possible retention) acts as a forcing mechanism to ensure that the elders really attend and take part in the governing process on a regular basis. When informal shuras were formed, getting elders to come to the District Centre was sometimes problematic. However, and despite this initiative, even in provinces where the programme has been set up, not all districts have been able to create shuras of this kind. In some cases, it is because the districts themselves are not officially recognised as such and therefore receive no funding (Gerda, Serai, Paktiya for instance), whereas in others it is down to successful intimidation by the insurgency and the fact that villagers are afraid of being associated with the Government in some way (as happens, for example, in Shamal, Khost).

Wherever shuras like these arise, elders get their positions through a variety of steps. The villages first choose a group of representatives to accompany the District Vice Governor to the Provincial Centre. Some 200 of these men are brought together, then the District Vice Governor and the Provincial Governor select 35 of them to be members of the Shura. In theory, this process gives the whole District population a voice; maybe the elders are not elected per se, but given that the original group was chosen by the people, the elders are to some extent accountable to the people and thus act as middlemen in the patron-client relations<sup>13</sup> that develop whenever someone from the area acquires a certain level of power. If villagers have a problem or need certain kinds of development projects, they can go to the elders from their village or a nearby one. They are able to visit and interact with these elders at home, rather than having to go to the District Center, which, again theoretically, extends the Government of the Islamic Republic of Afghanistan right into villages and makes the government personable and accessible. Most people say that, while they know they can go to the District Vice Governor on their own to sort out any issues, unless it involves something of minor importance such as getting an ID document, they think it is more appropriate to go through the shura elders. Though some may complain about this, they hesitate when offered the chance to break this protocol.

As they are both confirmed and paid by Central Government (or their authorities), once elders become official, it is not easy to replace them, at least for the general population. Government officials have the final say as to which members of the original group are to be selected for the shura, thus giving rise to yet another level for developing favouritism and nepotism. It is easier for a District or Provincial Governor to remove an elder than for the villagers whom they are supposed to represent. This means that members of a shura are ultimately more accountable to local Government authorities than to the people. The programme's high level of design was based on the assumption that people would find it easier to rely on the "traditional" system of elders than accept a new system based on elections, providing there was assurance that only honest, responsible people would be chosen to represent the population. Yet despite the designers' good intentions and although many elders were doubtless honest and worked on behalf of their communities, it was a breeding ground for abuse and corruption.

13 TN: *Patron-clientelism* or political patronage is the foundation of political-administrative relations in Afghanistan.

## The elders are a bunch of thieves

The first time I heard complaints about the district shuras and elders system, I was surprised. I had simply asked how many elders the village had in the district shura, when the person I was interviewing launched a diatribe accusing the elders of being thieves and of only working for their own benefit, amassing the funds assigned to community development projects. I was shocked, though it wasn't to be the last time I heard such comments. Some expressed understanding of the aforementioned corruption, saying that these elders had always lived in a war situation in which they had had to fight for every small edge to stay ahead of the game. Therefore, it seemed reasonable that they would do everything in their power to ensure that they wouldn't go short of anything if the situation got out of control again. Some regarded such practices as commonplace and not at all surprising rather than exasperating. As I was once told by a middle-aged day-shift worker [ours], originally from the Nader Shah Kot District in Khost Province; "You're asking me if the elders play favourites?... There's favouritism everywhere".



2: The Vice Governor of Hussein Jan District visiting elders and youths from Nader Shah Kot District (escorted by coalition forces).

However, it is difficult to know whether the accusations of corruption and misappropriation of development funds are well founded. Of course there is favouritism, since elders will do whatever they can to ensure their villages receive projects, sometimes at the expense of others. This practice was not limited to elders and the shura, but extended to District Vice Governors as well as provincial and national figures. The

fight against corruption is an uphill struggle, though it is hard to determine its scope or to what degree the accusations are the result of misunderstandings. For instance, in the village of Mest (Yosef Khel District in Paktika Province), the villagers accused the elders of keeping project funds for themselves. The elders insisted that the District Vice Governor and the coalition forces had promised them money, but they had never received it. They claimed that the villagers failed to realise or believe that the money had not been handed over, which is why they thought it had been pocketed by the elders. Both the District Vice Governor and the coalition forces had been relieved during this incident, so there was no way to verify who was telling the truth. They probably both were. Similarly, a road-paving project in the district of Spera was slowly dumping waste in the main valley running through the district, destroying what little farm land people have in this mountainous region. I asked many people in different villages why they didn't get their elders to intervene on their behalf, and they insisted that the elders themselves were profiting from the project through bribes, so they were not interested in the problems people may have.

It was often the young people who were most annoyed with the exclusive dependency on elders, believing that these old men were alienated from the needs of a new generation living in different times from them. But such comments also came up when I spoke to middle-aged men, struggling to make ends meet and feed their families. These men were frustrated and angry, needing robustness and support from their government, but finding themselves literally stripped of any genuine means of interaction or petition with the local authorities. A shopkeeper in his thirties who lived in Jusef Khel district, Paktika Province, told me: “we have elders who go to the District Vice Governor but do not do a good job of representing our opinions. But we are not entitled to go to the District Vice Governor ourselves”. A possible solution to this problem would be for the District Governor to visit villages on a regular basis to listen to the every day concerns and issues of the villagers first hand. In contrast, District Vice Governors prepared to do so voluntarily and without being escorted by coalition forces are few and far between, due to the dangers involved. Likewise, those who do are held in high esteem.



3: “It is important to have members of the shura who represent the youth and can advise young people”, said a young “elder” from Mandozai, waving his ID.

The generation gap is an increasing problem in many parts of the country. The cultures present in Afghanistan, particularly the Pashtun, traditionally include respect for elders and put most of the authority in the hands of the older generation. Thus, many younger people believe they have no right to openly question such authority. Yet, in a society undergoing frenetic change, the older generation may no longer be able to provide the useful perspective which they used to<sup>14</sup>. Others now dominate the political-economic scene. Many regret the slow extinction of the traditional tribal system and the authority and consultation models which it entailed, though it is debatable to what extent this ideal actually existed.

Some officials have recognised this growing gap and have either put solutions in place or wish to do so. In Mandozai District, I met a man of around thirty waving an official document proclaiming him to be a District elder. His shura had not yet been given ASOP status, but he had been chosen by his village to represent it before the District authorities due precisely to his young age. He understood the needs of the rest of the village better than others. Similarly, the Governor of the neighbouring Shamal District said he would prefer a shura made up of younger men. He defended the fact that they were younger and that it was their future that everyone was working for, whereby it was more likely that they would make decisions and act more quickly than the older, more timid and cautious generation. Or as a young police officer in Nader Shah Kot District put it: “what Afghanistan needs is not elders, but young people, with an academic education, who really want to help make this country a better place”.

In some cases, the source of the problem is not the system per se, but the fact that the individuals do not have the leadership capacity and legitimate authority they once enjoyed. They are too alienated from reality and show off too much when they have to act. This is said to happen not only with the elders from official shuras, but with all the “elders” of any village. In a village in Shamal District, I asked a man of just over 50 how they chose elders in his village. He scoffed and replied: “every new-born baby is an elder. They no longer have the power to make their decisions happen nor need to come from respectable families”. Another elderly man from a poor neighbouring village said that his village no longer had elders - people went to their neighbours if they had problems instead of relying on an official centralised group of elders arising from agreements. What is worse, I even heard accusations of corruption made against the village's own official elders. The most sinister case involved a man from Mandozai District whose children had been murdered and was seeking a settlement through the District Court. When I asked why the elders had not been able to resolve the case, he told me that his adversaries were richer than him and they had bribed the elders so

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<sup>14</sup> The slow decline of the elders' authority system is a social feature commonly found all over the world, particularly in areas where agriculture (and with it the consolidation of ownership in the hands of a few elderly landholders) is not the mainstay of the local economy. See Smith, K. “Farming, marketing, and changes in the authority of elders among pastoral Rendille and Ariaa,” *Journal of Cross-Cultural Gerontology* 13(4): 1998; Spencer, P. (ed). *Anthropology and the Riddle of the Sphinx: Paradoxes of Change in the Lifecourse*. London: Routledge. 1990.

they would not even get to hear the case. It was not the first nor only time I heard that village elders were willing to take bribes in spite of the many traditions demanding their impartiality and honesty.

However, even though the slow erosion of an idyllic way of life may prove disheartening, the impact of such gaps is undeniably destructive as far as the situation of district shuras is concerned. Central Government relies on a group of men who are unaware of the people's needs and who lack the moral authority and responsibility they used to have. Rather than moving forward toward a system of elected officials who answer to the people, politicians have once again placed the power in the hands of a few *select* individuals who are able to block anyone else's access to Government. While the elder may still be a respected figure, they are not the representatives that the people would choose. Yet the Coalition Forces and Central Government's insistence in the use of elders in an attempt to show themselves as culturally sensitive may prove counterproductive. It is clear that in some, even many districts, the elders not only do not steal from their people or play excessive favouritism, but generally work for the good of all concerned. Any form of representation is better than none at all. But the odd bad apples and the perception that young men (and women) have of being formally condemned to ostracism because of their age may be just as destructive to the legitimacy of the shura or any District Council that replaces it. If the possibility of choosing or removing local leaders is not provided for, an accountability mechanism will never be established and the people will continue to be denied their rights despite the Government's claims to be defending all democratic ideals.

Moreover, it presents potential long-term repercussions. It is more than likely that when District Councils are set up, the same men as now will be chosen. In some cases, it may be because of their good work, but in others it may well work out that the Coalition Forces and Central Government have created an entrenched patron-client hierarchy that overrides many of the traditional models of egalitarianism<sup>15</sup>. By giving financial, security and judicial power to a select group of men who many villagers already feel are prone to hoarding to protect themselves, the Government has allowed them to become the sole providers of jobs and resources. To get anything from the Government, normal people must go through this select group which has the necessary "connections" to get things done. As political systems around the world have shown, it is very difficult to get rid of someone once that person has acquired the necessary reserves of political and monetary capital. The power players arising from such power struggles will have an edge and, even if elections are held, it will be very difficult for normal people to take away their power. There is a risk that, instead of setting up an accountability mechanism and creating a responsible and committed population, many people will become alienated, giving them even more reasons to look for other alternatives to Central Government.

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15 Barfield, T. "Weapons of the not so Weak in Afghanistan: Pashtun Agrarian Structure and Tribal Organization for Times of War & Peace," Yale University: Agrarian Studies Colloquium Series, February 2007.

## RECOMMENDATIONS

Thus, the shuras, though providing a way to connect the people to Central Government, may be as limiting as they are enabling. Until some sort of effective, regularly-elected and therefore more directly accountable system is put into place at the local level, there is little to no way to halt what will likely be a growing disenfranchisement and sense of frustration with the government. It is more than likely that shura elders will not give up their paid posts without a fight, leaving the people with few options for changing or influencing District governance. The most sustainable solution would be to encourage Council elections as soon as possible to give the people a say *before* too many local figures politically entrench themselves and are able to monopolise the system. While the current electoral system may still be weak and could end up putting the same ones in power again, at least it gives everyone a chance to express their dissent and try to find representatives who better respond to their needs. This will also limit the influence currently enjoyed by Provincial and District Governors when it comes to choosing representatives, thereby combating some of the extensive for corruption and patron-clientelism on that end.

In addition, free elections would allow younger men to hold public offices, or at least ensure that young men and women would have the chance to choose people who better understand and can satisfy the needs of a shifting social environment. Until this happens, ensuring that young men are encouraged and allowed to be representatives of their villages may help to breach the gap and prevent some of the generational concerns. Another possible line of action is to encourage the Government to bring the District Vice Governor closer to the people. Young and middle-aged men (and even the older men if they do not officially belong to the shura) may not feel entitled to go to the District Vice Governor, but if he goes to them, they may feel more encouraged to interact with him. If the District Vice Governor pays regular visits to the main population centres in his District, even the most remote ones, he will create an area of contact with the Government and the people will know they are being listened to. But in the absence of a periodically elected District Council that has clearly defined power and the authority to make decisions, any efforts to change the system will prove futile. In a political system which the people view with mistrust, as being corrupt and prone to cronyism, it becomes essential to find a way to set up a body that provides a true accountability mechanism. Though it may strive to be culturally sensitive, relying on the elders system is not enough. The only way to ensure that the people regard Central Government as their own is to ensure that no one gets left behind or cut off from participating in that government just because they do not happen to be an old man.

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*Diego Navarro Bonilla*

## LESSONS LEARNED (AND TO BE LEARNED): LEARNING METHODOLOGIES AND INTELLIGENCE ANALYSIS TOOLS

This paper is focused on the effective interaction between intelligence and learned lessons methodology as a specific form of knowledge management for action in an organisation. Learning lessons is also proposed as a process included in the analytical and forecast capabilities by means of past exploitation. Although firstly based on the principles of military doctrine it may be applied to different areas of activity in public and private fields. A systematic study of cases in a timeline and the ways of learning should be applied to the continuous improvement of processes in all levels of a learning organization, including the own identity based on shared experience. It also reviews the concepts of projection, extrapolation and forecasting and their differences as proactive forms of intelligence. A final reflection is written on the increasing opportunity of specialization for intelligence analysts to the design and implementation of Units of Analysis and exploitation of Learned Lessons in public and private organisations to improve their competitiveness.

*Learned Lessons, Intelligence, Applied Knowledge, History of War, Intelligence Analysis, Information Exploitation, Knowledge Management, Learning Organisations*



## I. PAST AND FUTURE: IMPLICATIONS FOR INTELLIGENCE

The generation of new knowledge, tacit (know-how) or explicit (recorded and documented), underpins the learning process of all organisations. It has also been the compounded, traditional foundation of scientific evolution and revolution, as stated by Kuhn. A proactive learning process which, broadly speaking, is centred on three key functions: observing and compiling experiences, actions for changing how things are done and incorporation and fluid communication of these changes introduced into an organisation so that measurable benefits are obtained from such proactive learning. The art or science, depending on your viewpoint, of learning from past experience in an organised, regulated and pragmatic manner may be regarded as a relatively modern contribution. Its systematic and procedural nature certainly is. Far from constituting a modern practice, the interpretation and exploitation of lessons is embedded at the very core of History. If the above reflection were centred on military history, we would see that the compiling, organising and proactive application of experience gained through warfare has been inextricably linked to how the global history of conflict has evolved and the subsequent creation of a doctrine at each historical moment. In its context, and in each multiplicity of causes, circumstances, explanations and dimensions.

The purpose of this article is to offer a series of key points centred on a possible lessons learned methodology, acting as a guideline for analysis and forecasting, within so-called learning organisations<sup>1</sup>. In other words, those structures which base a large

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<sup>1</sup> SENGE, Peter, *The Fifth Discipline: The Art & Practice of The Learning Organization*, N. York [etc.]. Random House, 2006.

proportion of their proactive knowledge on the exploitation of continuous and shared learning at all levels within their structure. Through the tried and tested lessons offered by Centres for Army Lessons Learned, we would reach an initial proposal which could be applied to other ambits and organisations, both public and private, not purely military; thus promoting the application of hindsight for strategic purposes<sup>2</sup>.

To what extent is learning from past events an asset which can be exploited, reused or extrapolated in present or future situations? The systematic accumulation of cases is the foundation of the CALL (*Center for Army Lessons Learned*) institutions dedicated to drawing lessons learned for future purposes, by way of observed and systematised experiences which develop a synergy of historical, analytical and documentary capacities centred on that refined knowledge<sup>3</sup>. It is a fact that the answer has not always obtained consensus among experts. Brilliant military historians, such as Hew Strachan, have dedicated significant works to assessing the usefulness of military history and its “universal didactic application”<sup>4</sup>. From Clausewitz's original and critical conception (“On Historical Examples”) through to the treatises of Liddell Hart or Fuller, we arrive at modern authors such as Gary Sheffield<sup>5</sup> or Vincent Desportes<sup>6</sup> who put into perspective lessons learned from History when offering past models as seemingly pertinent examples for prospective decision making. More specifically, for the study of intelligence more than the history of war, recent syntheses such as those carried out by Timothy Walton have, through their choice of historical examples, vindicated the importance of retrospective study and its direct application to intelligence learning<sup>7</sup>. Studying the past is the first step towards identifying behaviour patterns along a diachronic timeline<sup>8</sup>. It is thus possible to perceive similar phenomena and their manifestations in each slice of time. Such knowledge even gives rise to specific informative products, such as Area Handbooks or Guidebooks from soldiers in hostile territory<sup>9</sup>. With History, we are able to select the

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2 NAVARRO BONILLA, Diego, *Inteligencia y análisis retrospectivo: lecciones de Historia y lecturas recomendadas*, Valencia, Tirant lo Blanch, 2012. In press.

3 CHUA A. and LAM Wing, “Center for army lessons learned: knowledge application process in the military”, *International Journal of Knowledge Management*, vol. 2, no. 2 April-June 2006, 69-82.

4 STRACHAN, Hew, *Ejércitos europeos y conducción de la guerra*, Madrid, Ejército, 1985, 27-38.

5 SHEFFIELD Gary, “Military Past, Military Present, Military Future: The Usefulness of Military History”, *Rusi Journal*, vol. 153, no. 3, 2008, 102-107.

6 DESPORTES Vincent, *Décider dans l'incertitude*, 2nd ed., Paris, Économica, 2007, 49-58.

7 WALTON Timothy, *Challenges in Intelligence Analysis: Lessons from 1300 BCE to the Present*, Cambridge University Press, 2010.

8 NAVARRO BONILLA Diego, “Historia de la Inteligencia”, in GONZÁLEZ CUSSAC José Luis (coord.), *Inteligencia*, Valencia, Tirant lo Blanch, 2012, 215-280.

9 For instance, during the war in Iraq, a bestseller was born through the republication of *Instructions for American Servicemen in Iraq during World War II*, United States Army, 1943. University Of Chicago Press, 2007.

most relevant facts. But, above all, “reorganise” them and assess the extent to which they may be used as an effective basis for future actions. With History, we also build a special mental capacity for overcoming difficulties and enhancing our adaptability and flexibility in regard to solutions, or “resiliency”, through the proactive use of case studies<sup>10</sup>. It thus contributes, though only partially, to the innovation which every organisation - especially armed forces - must carry out to address the shifting environments and contexts of war, affording their members a dynamic, open and flexible organisational configuration aimed at proactive, continuous adaptability. The interest in and irrefutable usefulness of studying history for intelligence purposes is less centred on identifying solutions from the past and more on building an innovative, open mind capable of understanding events from multiple perspectives. History thus fires the imagination, so vital for all good intelligence analysts; an issue which we shall address by following the accurate reflections of Stephen MARRIN based on his study of the works of John Lewis GADDIS<sup>11</sup>.

Therein lies the core value of the retrospective analysis of events as far as a professional intelligence analyst is concerned: not so much in creating a list of perfectly adaptable solutions as whether we have a book of prescriptive responses or master formulas for situations that may arise (the “school solution” that John Keegan talks about)<sup>12</sup>. It is more to do with a special intellectual configuration of an analyst who builds up examples, observations and lessons in order to increase his capacity for analogy and linkage and thus achieve greater creativity for a flexible approach to solutions, rather than their rigid and direct application. The more examples he has and the greater his understanding of past events, the more “sensibility” he will have for interrelating and finding solutions. The study of military history, and of the intelligence employed at any given moment, acts as a source of inspiration and multiplying factor for the creative and innovative capacities, more so through analogy than direct application, of an analyst facing similar, or even dissimilar situations. This is the dynamic and creative “intelligent study of the past” so accurately proposed by José Luis Gómez Blanes through his comparative study of the works of Sumida (*Decoding Clausewitz*), Duggan (*Strategic Intuition*), Jones (*The Art of War in the Western World*) and Rommel (*Infantry Attacks*)<sup>13</sup>.

There is no need to debate that the acknowledgement of history - including military history - as a source of useful experiences and lessons is based on many 16th and 17th century *Re Militari* and *Re Politica* passages and treatises which vindicated the study of Classical literature for lesson learning purposes. Fray Juan de Santa María wrote in his *Christian policie: published for the good of kings and princes, and such as are in authoritie*

10 MURRAY, Williamson, *Military adaptation in war with fear of change*, Cambridge University Press, 2011.

11 MARRIN, Stephen, “Adding value to the intelligence product”, in JOHNSON, Loch (ed.), *Handbook of Intelligence Studies*, N. York, Routledge, 2007, pp. 199-210. MARRIN, Stephen, *Improving Intelligence Analysis: Bridging The Gap Between Scholarship And Practice*, New York, Routledge, 2011.

12 KEEGAN, John, *El rostro de la batalla*, Madrid, Ejército, 1990, 31.

13 GÓMEZ BLANES, José Luis, “La auténtica revolución militar”, *Ejército*, 850, Jan-Feb. 2012, 24-30.

*under them*, (Lisbon, Antonio Álvarez, 1621) that it was very necessary “so kings may be alerted to the present and foresee the future, as he who does not neglect the past will rarely be caught unawares by the future; and he who delves into the past shall discover the newness of the present and even the truths that flatterers hide”.

The many aptitudes and capacities of any minister who strived to be judicious, competent and even respected had to include searching the past to find the warning, the teachings, the lesson learned that made them prudent and forewarned and thus clear away the present fog of ignorance. These days, many such historical teachings are frequently recovered through treatises, memoirs and breviaries that are applied to the business world, politics or any sphere of activity. It is thus easy to find on the shelves of newly released publications examples of recovered and exploited teachings in such diverse works as Cardinal Mazzarino's breviary for good political governance<sup>14</sup> or the identification of good practices in the innovative management of the Society of Jesus<sup>15</sup>, not to mention the everlasting Sun Tzu and his *Art of War*, constantly republished and repeatedly applied to business, sport and even personal relationships.

The perfect soldier, just like the perfect prince, had to prove his prudence, balance and foresight, whereby the systematic study of the good advice and bad moments of the past was an indispensable key for achieving excellence in leadership and in managing *res publica*. At least, obviously, from a theoretical point of view, as there was no shortage of criticism and observations towards too much reading and too little doing.

In the 18th century, the military revolution of the two previous centuries paved the way for a unique, enlightened scientific view on waging war. The study of the past gained ever greater momentum, with a pragmatic intentionality, not simply for scholarship's sake or a vain accumulation of data. Learning from past errors was promoted to the field of maxim and doctrine. It thus enabled the creation of major documentary projects centred on the so-called Depots of War, associated with the nascent General Staffs of Europe<sup>16</sup>. Such *Depots of Military Knowledge* were veritable libraries and specialised document collection hubs which began to appear in the late 18th century. They provided professional military officers with huge amounts of bibliographical data to allow the past to be merged with present teachings. To this day, learning from success and mistakes, in a sort of mass accumulation of examples, continues to build a highly effective marriage between history, documentation sciences and procedural analysis. This

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14 MAZZARINO Giulio, *Breviary For Politicians*, prefacio Umberto Eco, Barcelona, Random House Mondadori, 2007. There is also a version translated by Alejandra de Riquer, Barcelona, Acan-tilado, 2007.

15 LOWNEY Chris, *El liderazgo al estilo de los jesuitas: las mejores prácticas de una compañía de 450 años que cambió el mundo*, Barcelona, Verticales de bolsillo, 2008.

16 NAVARRO BONILLA Diego, “Antecedentes históricos en la organización de la información y la documentación aplicada a la seguridad y la defensa de los estados”, *Anales de Documentación*, 10, 2007, 281-296.

systematic and continued compiling of useful examples was associated with the capacities of intelligence departments and services who renewed the Latin maxim that history teaches about life and experience. Delving into the origins of the asymmetry in combat, retrieving valid examples of how to exploit the geographical features of a given territory or acquiring greater knowledge on counter-insurgency operations in a given period and theatre of operations still enables many modern contributions<sup>17</sup>. It still has to be established whether, as Victor Davis Hanson argues, each conflict, each battle and each confrontation is actually just another chapter in a universal story of the means, characteristics and ways in which conflict has occurred throughout history. In other words, a *predictable continuum* in the history of warfare, in which only collateral elements would have evolved; but not the foundations regarded as permanent. With all due respect to the recently-deceased British historian John Keegan, who considered battles to be the minimum unit of study for military history, requiring its specific context, its particular features, its “face”, even while rejecting any “universal Higher Logic of War”.<sup>18</sup>

In contrast, knowledge of past wars establish parameters of what we can legitimately expect from new conflicts. The scale of logistics and the nature of technology changes, but themes, emotions, and rhetoric have remained constant over the centuries, and thus generally predictable [...] The instant communications of the twenty-first century may now compress decision making in ways undreamed of in the past. Contemporary generals must be skilled at giving news conferences that can influence the views of millions worldwide. Yet these are really just new wrinkles on the old creased face of war. The improvised explosive device versus the up-armoured Humvee is simply an updated take on the catapult versus the stonewall, or the harquebus versus the mailed knight. The long history of war suggests no static primacy of the defensive or the offensive. No law dictates one sort of weapon system over another, but just temporary advantages gained by particular strategies and technologies that go unanswered for a time by less adept adversaries<sup>19</sup>.

The learning of models, prototypes or patterns in order to incorporate them into better ways of creating value within an organisation draws from many other disciplines and areas of study and knowledge; facilitating critical, transversal and multidimensional thinking until an “omni-understanding” (often illusory) is reached through multiple viewpoints: “Proactive Intelligence aims to act upon or shape reality to avoid possible risks or threats”<sup>20</sup>.

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17 BECKETT Ian F.W. and John Pimiott, *Counter-Insurgency: lessons from History*, Pen & Sword, 2011. BENSANEL Nora and OLIKER Olga, *Security Force Assistance in Afghanistan: Identifying Lessons for future efforts*, Santa Monica, Rand Corporation, 2011.

18 KEEGAN, John, *El rostro de la batalla*, Madrid, Ejército, 1990, 32-33.

19 HANSON Víctor Davis, *Guerra: el origen de todo*, Madrid, Turner, 2011, 34-40.

20 SERRA DEL PINO Jordi, “Inteligencia proactiva”, *Inteligencia y seguridad: revista de análisis y prospectiva*, 10, 2011, 55-74.

“Though General Staffs have always tried to foresee the nature of future conflicts, the birth of the United States' TRADOC and the extension of this model to the armed forces of other countries led to the systematisation of foresight studies, intent on defining future scenarios for military deployment. They attempt to broaden the analysis of past conflicts (the main source of military thinking) with the help of other social sciences (demography, economics, geopolitics, etc.) in order to predict the nature of future combat as well as design and organise the type of armed forces best suited to them”<sup>21</sup>.

Despite the limited academic interest, sometimes even aversion, shown for decades by Military History in many countries, it is important to stress the enormous transcendence which this specialisation of History can offer to intelligence research:

The courses currently offered on Afghanistan and Iraq study the US geopolitical interests in regard to oil and the post-traumatic stress disorder suffered by veterans, instead of the heroism of the Marines at Faluya or the key factors behind General David Petraeus' success in quelling the radical Islamist insurgency in Baghdad. With these three examples, contemporary academics wish to teach lessons that are relevant today by focusing on the social aspects of wars involving the US which have traditionally been neglected. Yet they overlook the fact that today's students can be taught valuable lessons by learning why the Americans landed and fought in Normandy<sup>22</sup>.

A further connection inherent to this definition of lessons learned is their presence in military training programmes. It is not by chance that the study of military history has always been on the curriculum at academies. Back in 1957, Leopoldo R. Ornstein, Professor of Military History at the Argentine War College, highlighted in his treatise the studying, analysing and exploiting of lessons learned:

“The experience to be gained by studying Military History shall never come from contrived deductions, but from firm evidence which constitutes irrefutable truths. Must truths must be sought and to find them requires research into the causes in all phenomena under analysis, particularly in that which detracts from the sacred rules [...] It is in the contradictions which so frequently appear in war where the rich store of experiences lies hidden. This is what forces us to tackle, unswervingly, the comparative analysis of differentiation”<sup>23</sup>.

Must is said about the classic concept of revolution in military affairs. In reality, throughout the centuries we have been witness to decisive transformations in the methods for conducting, addressing and understanding war and its most basic aspects.

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21 FRÍAS SÁNCHEZ Carlos Javier, “Iraq y Afganistán: conflictos del pasado, ¿ejércitos del pasado?”, *Ejército*, 847, oct. 2011, 18.

22 HANSON Víctor Davis, *Matanza y cultura*, Madrid, Turner; Mexico, Fondo de Cultura Económica, 2006.

23 ORSTEIN Leopoldo, *El estudio de la Historia militar: bases para una metodología*, Buenos Aires, Círculo Militar, 1957, 345.

Whether because of the technological advances employed in each period, the real-time changes in communications or the training given to the ever more professional officers; or a combination thereof. The study of each military revolution resembles a progressive and accumulative *puzzle* and a continuous generation of overlapping types of war. The characteristics of conflict in History determined the transition from one military revolution to another, until we reached today's "asymmetrical warfare" studied by, among others, British General Rupert Smith in his decisive work *The Utility of Force*. Other experts, such as Van Creveld<sup>24</sup> or Anthony McIvor, have carefully analysed the changing nature of contemporary warfare and set the foundations of today's armed conflict paradigm<sup>25</sup>. This is how we progress from a transformation or revolution in military affairs, first studied by Michael Roberts, John Keegan or Geoffrey Parker<sup>26</sup> in the case of the Modern Age, to the contemporary Revolution in Military Affairs. This leads on to the Revolution in Intelligence (*RIA: Revolution in Intelligence Affaires*) first proposed by Deborah Barger<sup>27</sup> and, more recently, by William Lahneman<sup>28</sup>. And the next stage would be a further type of transformation described by Carmen A. Medina:<sup>29</sup> i.e., that specifically aimed at processes which fully engage the analyst's mind; making the analysis of intelligence and of critical lateral thinking an innovative solution, as argued by David T. Moore<sup>30</sup>. Be it revolution or transformation, as suggested by Len Scott and R. Gerald Hughes, we are facing an inevitable paradigm. Here, the intelligence factor, well exploited, integrally conceived and imaginatively updated, offers its greatest capacities as a preventive tool<sup>31</sup>. This is corroborated by the explicit statements in national security strategies (the Spanish national security strategy was approved in 2011).

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24 CREVELD Martin Van, *The changing Face of War: lessons of combat, from the Marne to Iraq*, N. York, Presidio Press, 2006.

25 MCIVOR Anthony, (ed.), *Rethinking the principles of war*, Annapolis, Naval Institute Press, 2005.

26 PARKER Geoffrey, *La revolución militar: innovación militar y apogeo de Occidente 1500-1800*, Madrid, Alianza, 2002.

27 BARGER Deborah, *Toward a Revolution in Intelligence Affairs*, Santa Monica, Rand Corporation, 2005.

28 LAHNEMAN William, *Keeping U.S Intelligence Effective: The Need for a Revolution in Intelligence Affairs*, Maryland, Scarecrow, 2011.

29 MEDINA Carmen A., "What to Do When Traditional Models fail: The Coming Revolution in Intelligence Analysis", *Studies in Intelligence*, Vol. 46, no. 3, 2002, 23-28.

30 MOORE, David T., *Sensemaking: A structure for an Intelligence Revolution*, Washington, National Defense Intelligence College, 2011.

31 SCOTT Len and HUGHES R. Gerald, "Intelligence, Crisis and Security: Lessons from History?", *Intelligence and National Security*, vol. 21 no. 5, 2006, 653-674. SCOTT Len and HUGHES R. Gerald, "Intelligence in the Twenty-First Century: Change and Continuity or Crisis and Transformation", *Intelligence and National Security*, vol. 24 no. 1, 2009, 6-25.

However, that *puzzle* contains pieces that are repeated and which are inherent to all periods. I consider information to be one of these essential, decisive and defining constants<sup>32</sup>. The excellence of new paradigms, a fresh approach both new and old problems, is always sought. The degree of innovation and change introduced by transformations or revolutions is not a factor. Because the validity of studying the context, the location in space and time and the extraction of new knowledge will remain in force. A clear example is sociocultural intelligence<sup>33</sup>. Having in-depth knowledge of the multiple historical factors that have been involved in configuring a language, an identity or a set of values and beliefs helps to enhance the process of identifying and exploiting lessons learned for the forces deployed.

## 2. CONCEPT, DOCTRINE AND DEFINITIONS

Within this context of changes and adaptations to the dynamics imposed by the shifting nature of the risks and threats to global security, methods, procedures and ways to enhance the quality of intelligence as an irreplaceable preventive tool are being taken up. One such method is the analysis of lessons learned.

As defined by the Spanish Army Training and Doctrine Command, a lesson learned is: “Knowledge which has been corroborated and sanctioned to the appropriate degree, drawn from the analysis of experiences in operations and exercises and which may be used to improve the organisation, preparation and deployment of the Army”<sup>34</sup>.

Whereas NATO defines them as: “people, things and activities related to the act of learning from experience to achieve improvements. The idea of LL in an organization is that through a formal approach to learning, individuals and the organization can reduce the risk of repeating mistakes and improve the chance that successes are repeated. In the military context, this means reduced operational risk, lower cost and improved operational effectiveness”<sup>35</sup>.

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32 JACKSON Peter and SCOTT Len, “The Study of Intelligence in Theory and Practice”, *Intelligence and National Security*, vol. 19, no. 2, 2004, 294-322.

33 PATTON Kerry, *Sociocultural Intelligence: A New Discipline in Intelligence Studies*, London, N. York, Continuum, 2010. DAVIS Karen D. (ed.), *Cultural Intelligence and Leadership: an introduction for Canadian Forces Leaders*, Kingston (Ontario), Canadian Defence Academy Press, 2009, IX.

34 Spain. Army. Training and Doctrine Command. Procedures for Lessons Learned. Technical Instruction 02/07.

35 NATO Joint Analysis and Lessons Learned Centre, *The NATO Lessons Learned Handbook*, 2nd ed., 2011; [http://www.jallc.nato.int/newsmedia/docs/Lessons\\_Learned\\_Handbook\\_2nd\\_edition.pdf](http://www.jallc.nato.int/newsmedia/docs/Lessons_Learned_Handbook_2nd_edition.pdf). Consultation date: 24.01.2012.

The systematic examination of the information available on a given subject includes the evolution of its characteristics, basic aspects, modifications, constants and analogies. Having such basic knowledge and keeping it updated is essential for developing a detailed viewpoint and improving forecasts and estimations.

The origin of a lesson learned lies in the positive assessment and assimilation of a lesson, whether it is favourable or not to the objectives of the organisation. If the lesson is positive, it should remain valid. If the lesson is unfavourable, it should be avoided and new methods or practices should be proposed. When can a Best Practice be said to have become a lesson learned? A best practice is an activity, a method or simply a way to resolve an issue through analysis; allowing it to be replicated in similar circumstances. A best practice, integrated into an organisation's tacit knowledge, should be turned into explicit knowledge through its documentation and incorporation into the organisation's list of positive experiences. It also requires updating, validation and verification. It must be regularly subjected to a learned-experience audit process to ensure that it indeed remains valid and its incorporation into the organisation's learning process effectively and quantifiably yields tangible or intangible benefits. In short, what proved useful once or N number of times for a specific circumstance does not guarantee it will always prove successful in the future.

Neither Intelligence analysis itself, nor an analyst as a professional specialised profile, should include among their tools the exploitation of such a knowledge base acquired over time concerning those subject matters which are of interest to the organisation. They should efficiently pursue its application to a short, medium or long-term future. It means converting this observed, accumulated, integrated, assessed and interpreted experience into a repository of useful, pertinent cases that are applicable to a future timeline. Because the analysis of intelligence and the analysis of lesson learned converge at a point leading to the common goal of generating new knowledge that reduces an organisation's uncertainty and improves its rate of continuous and shared learning.

A lesson comes from detailed observation of an event, an outcome or a method, which in turn provides isolated pieces of information. The observation of such events, regarded as unique learning objects (the common attack pattern of pirate skiffs in Puntland or the various types of IEDs on the roads of Helmand, Afghanistan, against those of Herat) paves the way for systematic compilation, treatment, assessment and interrelation. For each unique incident, a matrix is generated based on the breakdown of its defining parts, characteristics and traits. It involves applying a procedure for describing an observed event in detail by means of metadata, which act as information fields (to use the terminology employed by Documentary Sciences). The NATO Doctrine proposes a set of metadata for each observed event, acquiring standardisation through a markup language, a facility for inter-organisation knowledge resource integration. These include: **Date** of the observation, **Place**, position or location, **Name** of the operation, exercise or experiment, **Source** of origin: direct observation, interview, survey, **Impact**: critical, desirable, useful, **Frequency** of occurrence: frequent, occasional, rare, **Levels**: political, strategic, operational, tactic, etc. The list is even more extensive. Once again, the capacities accumulated by documentalists in the use and application of doc-

ument markup languages based on standards such as XML, mean that this professional profile becomes one of the most pertinent for conducting numerous tasks involving information management and organisation in the field of security and defence. Such standardisation is also a key factor for defining better semantic web projects or generating ontologies that improve an organisation's informational capacities<sup>36</sup>.

The tools employed by lessons learned analysts include advanced statistics, scenario simulation and mathematical models. Yet the added value of the work done by a lessons learned analyst lies in his or her capacity to put forward recommendations, changes and actions which fit the new teaching: innovation.

If the analyst is part of a structure which has incorporated the need to share knowledge through flexible, participatory networked models, a higher level of synergy is reached, based on cooperation through learning. Thus, collaborative networked tools such as wikis have shown their usefulness in exploiting lessons learned generated by intelligence analysts, as pointed out by Kristan J. Wheaton, of Mercyhurst University<sup>37</sup>.

To sum up, in my opinion a lesson learned is a desirable outcome of the systematic transformation of an observed experience into an effective, applicable solution. This is achieved through a process of retrospective analogy and comparison with similar cases as well as validation and projection to the future to gain new knowledge, which in turn enhances the quality of multiple processes within an organisation. A lesson learned reduces risk and uncertainty and the cost of inefficiency, thereby increasing efficiency. It is a sort of scientific learning from the past, recent or remote, based on systematic methods aimed at the future and at ongoing improvement. However, interest therein is not confined to the ambit of efficacy and efficiency. Indeed, it penetrates the internal cohesion of its members and even the pride of sharing an effective mark of identity that reveals its success through a shared past, exploited time and again.

### 3. FRAMEWORK AND PHASES OF A METHOD FOR ANALYSING LESSONS LEARNED

The exploitation of lessons learned is a method focused on identifying and selecting observations and cases. Below, critical analysis should enable the extraction of the lesson learned and the basis of its unique future usefulness. Specific events must be chosen and which are similar at different moments. They are then placed on an evolution timeline to allow them to be studied simultaneously and determine their degree of analogy or disparity. Once the relevance of the analogy has been confirmed, it can be incorporated into the doctrine or exemplary standards that guide decisionmaking

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36 SENSO, José Antonio, "Gestión del conocimiento y tecnologías semánticas en inteligencia y defensa", *Inteligencia y Seguridad: Revista de Análisis y Prospectiva*, no. 10, 2011, 29-53.

37 WHEATON Kristan J., *The Warning Solution: Intelligent Analysis in the Age of Information Overload*, Afcea, 2001.

in similar circumstances. Yet the search for historical analogies often brings up contrary effects and differing results: quoting Clausewitz when he put military history as a repository of teaching into perspective: “There are matters where a whole dozen of cases brought forward would prove nothing, if, for instance, they are facts of frequent occurrence. Therefore a dozen other cases with an opposite result might just as easily be brought forward”. So, what to do?

The search for the causes, the context of the circumstances - analogous or differing - contributes decisively towards understanding the phenomenon and deducing the corresponding experience, as affirmed by Ornstein. A comparative study of the likeness and differences of similar cases over time should reveal the following result:

- A. “those cases in which identical procedures were employed in similar situations produced the same results in different periods.
- B. Those cases in which “despite the likeness of situations and procedures, totally opposite outcomes were arrived at”.

In both, we can obtain lessons learned, positive and negative.

Critical comparative analysis is a method based on the systematic study of what was suitable at a given time to conclude whether it can be projected to the present or future and to what degree of relevance. Checking and contrasting the examples analysed is essential for determining the “possible future efficiency of a procedure verified on a single occasion”. And it is because this “must be subjected to repeated experiments proving that, under identical conditions, it also produced the same results in similar cases”. Such theoretical and intellectual verification is necessarily left to rest on the desk of military history until a new conflict arises, “since, in past contests, there are numerous examples which reveal such coincidences, though logically upholding the differences deriving from the diversity of periods, causes and concurrent circumstances”<sup>38</sup>. It is precisely these concurrent circumstances, grouped together in the “situational context”, which a lessons learned analyst must be able to identify and assess accurately. Because they are factors which alter and evolve an issue in one direction or another.

Nor must we forget that case study is a method widely used for research purposes in social sciences, particularly applicable to intelligence analysis. In order to thin out common patterns and help make inferences, as proposed by Sarah Miller and Randolph Pherson (2011) when they offered a rigorous twelve-chapter methodology which proves useful for analysts, covering from the assassination of Benazir Bhutto through to the rioting in Belgrade<sup>39</sup>. The techniques that analyse such cases range from the analysis of compared hypotheses - identified in a classic work by Robert Clark<sup>40</sup> - to

38 ORSTEIN Leopoldo, “op cit.” 331.

39 BEEBE Sarah Miller and PHERSON Randolph H., *Cases in Intelligence Analysis: Structured Analytic Techniques in Action*, CQ Press, 2011.

40 CLARK Robert M., *Intelligence Analysis: a Target-Centric Approach*, 3rd ed., Washington, CQPress, 2009.

the identification of simple scenarios or the *pre-mortem* analysis of Heuer and Pheson<sup>41</sup>. Hans Prunckun has also defended this *case study* methodology as part of the set of methods, techniques and knowledge required of an intelligence analyst:

Case studies are studies of single issues or problems and can be manifested in a person, a group, an incident, or an event. It is a systemic way of examining a problem extending beyond the use of a limited number of variables by providing an in-depth investigation into the target phenomena. Case studies can be single or multiple cases and need not be solely qualitative. Instead, they can use a quantitative paradigm or a mixed approach. This type of research design is well suited to strategic intelligence projects (see, for example, the case study into the 1986 Libyan air raid by the U.S. Air Force in retaliation of terrorist bombing in Europe targeting American Interests<sup>42</sup>).

Through the explicit proposals in the official NATO doctrine, the functions, skills and requirements needed by an official expert in learned lessons are determined<sup>43</sup>. Thus, his or her specialised training is updated in the courses currently offered within SWEDINT. For instance, the *NATO Lessons Learned Staff Officer Course* attempts to achieve these general learning goals:

#### **NATO Lessons Learned Staff Officer Course**

<http://www.forsvarsmakten.se/en/Swedish-Armed-Forces-International-Centre/Courses-at-SWEDINT/NATO-LL-SOC/>

Training official experts to manage a Lesson Learned process in the organisation; applying the training, process, tools and exchange of information. The course also teaches knowledge on organisational learning, observation, procurement, basic analysis and approval techniques, assignment and implementation of identified lessons before being validated as lessons learned.

1. Introducing the principles of knowledge management and organisational learning, as well as the role of lessons learned in such principles and the theory of innovation and use of scenarios.
2. The NATO Lessons Learned process: Principles, examples, tools, techniques and applications.
3. Elements supporting the capacities of lessons learned: developing an understanding of the support elements by way of doctrine, organisation, training, material, leadership, personnel and interoperability which allows the execution of the lessons learned process.
4. Examples of application and practical projects.

41 HEUER Richards J. and PHERSON Randolph H., *Structured Analysis Techniques for Intelligence Analysis*, Washington, CQ Press, 2010.

42 PRUNCKUN Hank, *Handbook of Scientific Methods of Inquiry for Intelligence Analysis*, Maryland, Scarecrow, 2010, 57.

43 Lessons Learned Policy. Bi-Strategic Command (Bi-SC) Directive 80-6. Lessons Learned. Allied Command Operations (ACO) Directive 80-1.

<b>LESSONS LEARNED PROCESS PROPOSAL (adapted from the NATO-JALLC manual)</b>		
<b>PHASE</b>	<b>Task</b>	
1. Observation and compiling of experiences and practices	Collecting observed experiences and making them available to the organisation. Defining the content of each observation generically. A readily available standardised format is used. The result is a shared repository of experiences that may potentially become Lessons Learned.	
2. Analysis	Systematic study, detailed description (metadata) and breakdown of the observed experience to obtain a solution to a similar problem. Design and creation of a learning matrix. The task assigned to the central Intelligence Unit of the organisation/analysts. The head of the department/area where the experience originated study the experience jointly.	
3. Sanctioning as a Lesson Learned	3.1 Assessment 3.2 Extraction of a solution proposal 3.3 Validating/ Sanctioning the Lesson Learned	Transformation of experiences and practices into lessons learned. The experience is contrasted and it is confirmed not to be a result of chance by validating and assessing its relevance. This should all lead to a solution to the problem or exploitable synthesis for a future occasion which must be approved and which sanctions the Lesson Learned. This analysed, systematised and assessed experience will become the Lesson Learned once it has been sanctioned; i.e., when approved proposals for the analysed problems have been derived.
4. Dissemination	The lesson learned is published and made available to the organisation following the corresponding standardised format.	

5. Monitoring and auditing	<p>Verification that:</p> <ol style="list-style-type: none"> <li>a. The lesson learned has been correctly disseminated throughout the bodies involved.</li> <li>b. The result is based on efficiency and efficacy criteria, having the information and classification resources available with quality criteria.</li> <li>c. All phases of the cycle are developed under verifiable parameters and indicators.</li> <li>d. The indicators for gauging the success of the learning are applied to improve the results of the organisation.</li> </ol>
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#### 4. ORGANISATION APPLICATIONS: PROFILES AND PROFESSIONAL SPECIALISATION

The 2nd International Intelligence Conference (Carlos III University-Rey Juan Carlos University, Madrid, 22-24 November 2010) allowed an academic discussion forum to be held in Spain focused on intelligence as a scientific discipline; on “intelligence culture as an element for reflection and cooperation”. One of the conclusions focused on the need to contemplate the history of intelligence from a perspective relevant to the objective of this article:

The study of the history of its practice and of intelligence services must not only be regarded as an exercise of scholarly knowledge of the past. It must also allow us to understand the origin and nature of today's intelligence services, gain greater insight into our present and create a set of lessons learned that acts as a guideline for its practice and projects future interventions. The advancement of historical studies requires the international undertaking of a systematic repertory of the multiple sources of interest for such studies.

At this point, we should take a look at the definition and functions of such centres which, in the best tradition of 19th century military knowledge depots, are an updated version of analysis and knowledge generation environments for action and decisionmaking. In Lisbon, the *Joint Analysis and Lessons Learned Centre* (JALLC) has been operating for many years. In October 2010, it published its *Lessons Learned Handbook*, a work of reference for understanding the essential aspects of its activity based on learning from experience. And how this becomes a lever for change in manifestly outdated or inefficient models or practices.

The JALLC performs its functions in regard to joint analysis of operations, exercises and experiences in order to maintain a continuous supply of lessons learned and special-

ised knowledge within the Atlantic Alliance<sup>44</sup>. It has managed to create its own doctrine based on NATO's so-called lessons learned process. Analytical capacities are added to document management thanks to the *NATO Lessons Learned Database*, a truly interesting repository for identifying, exploiting and reusing positively sanctioned lessons from operations involving Allied armed forces. This database offers users a powerful tool based on analysis and readily available organised, described and archived results.

These lessons learned derive from undertaken, executed and resolved actions, through exercises, operations or experiments, which achieved certain results. Such results would be positive or suited to the initial approaches, otherwise negative and completely off-track. Between the two limits set by the extremes of success or failure, numerous intermediate stages arise whereby the experience shifts, offering and invaluable, informative flow of practices, methods and solutions. This reality, which has a long tradition of analysis and study in the military ambit, may serve as a foundation for its application to other areas of activity. Take the business world, for instance, in which learning from mistakes and success requires a precise model, well-founded methodology and a willingness to contemplate the accumulation of lessons as an essential exercise for generating new knowledge and making progressive, comprehensive and dynamic learning an attractive factor for decisionmaking based on time models.

Can the process for incorporating lessons learned into my organisation be collated, organised, analysed, regulated or calculated? It can and it must. Moreover, aware of the value afforded by the dynamisation of professional profiles which can be re-adapted to knowledge exploitation environments within public or private organisations, the following question arises: Who can run a Lessons Learned Analysis programme? What profile from within an organisation can form part of this work methodology? Anyone within an organisation, providing that their work contributes - through observations and critical input - towards the understanding of specific actions in order to offer lessons through analogy, study and improvement. Active participation creates corporate networking that provides - in an ongoing, natural manner - a set of experiences which, once the identification process has been initiated, can become lessons learned. It is ultimately about showing that they indeed add value to the organisation by offering employees its own vision of successful cases. But this must be done by planning and systematising the exploitation of past events, the observations thereof and their transformation into Lessons Learned as a specific category of knowledge resources available to the organisation's strategic management.

The traditional “employee suggestion box” has been systematised at many companies, aimed at greater employee participation leading to a more transversal, horizontal and collaborative organisation. Their comments, proposals and observations have often reduced costs in the different areas of the value and business chains, thereby

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44 *Joint Analysis Handbook*, 3rd ed. Monsanto, Lisbon, Portugal, Joint Analysis and Lessons Learned Centre 2007; [http://www.jallc.nato.int/newsmedia/docs/Joint\\_Analysis\\_Handbook\\_3rd\\_edition.pdf](http://www.jallc.nato.int/newsmedia/docs/Joint_Analysis_Handbook_3rd_edition.pdf). Consultation date: 21.01.2012.

revalidating the trend towards the transversal exploitation of the capacities of an organisation in which all its constituent parts have their own voice and importance.

I propose that each organisation should have its own lessons learned plan. Alongside the vital document safekeeping plan, the disaster prevention plan, or the strategic communication plan, lessons learned should be incorporated into the so-called intelligent plans. In all of these, information, its protection and proactive exploitation for improving the organisation's competitive and innovative position make up an informational asset of the highest order.

Thus, all employees become sensors of good and bad practices and would feed back - in a standardised manner and in a fully controlled language - their knowledge, their observations and criticisms oriented towards continual improvement. The lessons learned repository would thus be enriched through contributions from all concerned, regardless of their position within the organisation, thereby making it more flexible and participatory. The incorporation of Semantic Web capacities would surpass the mere accumulation of experiences by offering a highly interesting result based on continual learning and the creation of new meanings for each lesson in its context and interrelation with others.

The management and exploitation of lessons learned would be entrusted to the organisation's intelligence departments. In all of this plan, the archive professional or documentalist, capable of offering numerous solutions to tasks relating to the management, organisation and exploitation of information, must play a vital role. To convert the repository, as well as all tacit and explicit knowledge resources handled by the institution, into a result which has added value. Uploading into the integrated system all satisfactorily resolved experiences may be somewhat reminiscent of the large files belonging to chess players. There, the systematic study of the moves, the circumstances and the way in which they were resolved offers an accumulation of lessons learned that is of great importance for fine tuning the next move.

The tasks of lessons learned analysts, as workers dealing with retrospective, specialised and sectorial knowledge in very specific areas within an organisation, respond to a very precise systematisation which achieves a high degree of efficiency and efficacy when the results of their work are applied to higher processes of decisionmaking and proactive exploitation.

## **5. ANALYSIS AND FORESIGHT: CONCERNING THE CONCEPT OF PROJECTION AND EXTRAPOLATION**

To what extent can an observed, identified and analysed past event, even one that has been incorporated into our repository of lessons learned, offer up an accurate solution to a present or future problem? This reflection leads directly on to prediction and foresight techniques, under the umbrella of the so-called future studies. In this

respect, it is appropriate to recall the reflection on the concepts of extrapolation, projection and prediction made by Robert M. Clark in his treatise<sup>45</sup>. As he stressed, “the value of a prediction lies in the assessment of the forces that will shape future events and the state of the target model”. Along with extrapolation, the other two foresight approaches are projection and prediction.

An extrapolation is an affirmation of what is expected to occur, based solely on observations of the past. Initially, one might think that the systematic study of the history of intelligence, the patient observation of events and their formalised study would offer a rough framework of what may occur. Yet, as Clark points out, pure and simple extrapolation is the most basic predictive method, and also the most conservative. As well as the most limited and risky. It is generally useful in the short-term. Whereas it is assumed that the forces (the concurrent circumstances mentioned above) acting upon the target do not change suddenly, but gradually and with inertia. Something which, naturally, always requires many interpretations.

Projection, on the other hand, is more reliable: it encompasses a more extensive period and is based on one essential principle: the forces that have thus far been acting upon a past event will irreversibly change in the near or distant future. Projection includes two analytical techniques, both qualitative: synoptic/analytic and probabilistic reasoning. It is here where the generation of alternatives and of scenarios regarding the future evolution of an event becomes a fundamental task for the work of an analyst. And also where the application of influence tree and influence network techniques makes sense, along with correlation, regression, likelihood estimates and sensitivity analysis.

Finally, foresight attempts to provide predictive answers regarding the evolution of a future occurrence. Particularly taking into account the dynamic forces (not static forces such as inertia) which, inadvertently, act upon the model. That is: the determining factors which will somehow modify the reality of an event. Foresight, as we often say, paints futures. Moreover, foresight requires analytical tools and professional profiles (analysts) that understand a problem through differing and complementary disciplines; and from a transversal, critical and non-linear perspective. Having reached this point, it does not seem superfluous to include three final reflections by Clark in regard to foresight: 1. It does not predict the future, but it can reduce uncertainty to statistically reasonable levels. 2. Foresight will fail if it does not incorporate transversal elements (demography, values, cultural ways and beliefs, technology or economics), and 3. “Alternative futures” are defined by human judgement, creativity and imagination.

## CONCLUSIONS

1. A lesson learned is a type of knowledge generated as a result of a methodology based on systematic observation of past events for continual improvement and learning purposes. It is not merely a scholarly accumulation of useful examples, nor simply a guarantee of rigid and applicable solutions. Its proven validity

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45 CLARK Robert M., “op cit.”.

45 CLARK Robert M., “op cit.”.

forces it to be inevitably oriented towards action, in terms of changes to the way things are done and the improvement of many processes within an organisation. It thus becomes a lever for innovation and creativity for improvement through knowledge and analysis.

2. It is likewise a fundamental part of information and knowledge management subsystems incorporated into the intellectual capital of the organisation and unequivocally help to strengthen its organisational learning. Creating them and, above all, sharing them internally and defending them (communicating them) makes an organisation stronger.
3. All organisations, regardless of their structure (hierarchical, horizontal, networked), their purpose, their information flows or functions, increase their levels of improvement, innovation, competitiveness and positioning by designing and executing their own lessons learned plan incorporating analysis experts.
4. The link between lessons learned analysis and intelligence analysis places their professionals in a privileged position for undertaking numerous tasks that make retrospective study a competitive improvement via systematic learning of their successes and mistakes.
5. The traditional use of tacit and explicit knowledge within an organisation leads to a synergy of areas and actions based on information. Thus, the interaction between an organisation's archives (custodian and guarantor of its institutional history, its rights and its position), the department of competitive intelligence and lessons learned experts boost the capacities for continual shared improvement of the types of generated, accumulated, organised, assessed, analysed and exploited knowledge.
6. I regard as a commitment to the future the incorporation of units of lessons learned analysis into public and private organisations to achieve their purposes and goals, based on the continuous, standardised and updated recording of their experiences transformed into knowledge of proven usefulness.
7. The synergy between plans and information subsystems within a single organisation strengthens its level of competitiveness and innovation, at the same time as it affords greater flexibility and capacity to adapt to the risks, threats and opportunities that arise. The lessons learned plan should be one of the most active subsystems in those objectives relating to organisational "resilience" and adaptability.
8. Finally, a learning organisation that develops its own lessons learned subsystem reinforces its corporate identity by underlining the value of common experience and the improvement of the entity as a whole, not only through the successes enjoyed by all its members, but rather, and even more importantly, through mistakes in order to achieve continual, shared improvement. All departments, divisions and units that make up an organisation thus find in the

management of lessons learned an element that further unifies the organisation's culture and values. Lessons learned reinforce identity and the pride of making improvements through continuous effort and specialised knowledge. Something which institutional communication departments can also use for their corporate brand reinforcement objectives.

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## CLOUD COMPUTING NOTES FOR A SPANISH CLOUD COMPUTING STRATEGY

### **Towards a national cloud computing strategy for administration and companies**

*Cloud Computing*\* is a buzzword that we are hearing more and more. Organizations see this technology as providing the solution to many economic and technology infrastructure problems.

Cloud computing (**SaaS**, **PaaS** and **IaaS**) is growing rapidly, and the cloud delivery and implementation models (**private**, **public**, **hybrid and community**) offered by a multitude of providers **have become** a common part of business strategy and research centre terminology

In this article we seek to analyze these models, which have become *almost* standard in the industry. We assess their advantages and disadvantages, and the main problems associated with cloud computing, such as **security**, **data protection** and **privacy**.

The USA has already published a federal *cloud computing* strategy, and the European Union is developing a similar strategy. Spain should be involved in developing this European strategy. In this paper we will examine the main *strategies* and propose some ideas for how organizations, companies and the public administrations might adopt the cloud:

digital agenda, *cloud computing*, IaaS, PaaS, SaaS, privacy, data protection, security.

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\* This concept is being translated into Spanish in two ways: either as “computación en nube” or “computación en la nube”, and even as “informática en nube” or “informática en la nube”. There is no unanimity about this in Spain and Latin America, with all of these forms being used indistinctly. However, there is agreement in organizations, companies and the media about how to represent this new model in simple terms.



## I. HOW HAS CLOUD COMPUTING COME ABOUT?

Practically all large ICT (information and communication technology) companies have developed *cloud computing* strategies this decade. Leading telecommunications and internet companies, which are *per se* cloud companies, have done likewise.

And other sectors are gradually migrating in this direction.

The concept of the Cloud and its associated technologies emerged in 2008 and 2009, and took off as it reached the general public. Two of the world's leading magazines -*Business Week* and *The Economist*- had already foreseen the arrival of this architecture in 2008, analyzing cloud computing and its impact on corporations in depth<sup>1</sup>.

We are facing a paradigm shift that IT departments are going to have to deal with. Managers need to consider how to acquire and distribute information in this environment, whilst protecting the interests of their companies. Innovative companies must take advantage of these new resources and reinvent themselves in their markets. Any who fail to do so may soon be left behind and, perhaps, out of business.

However, *cloud computing raises some major problems and controversial issues, such as data protection and user privacy*. Social and technology analysts are also asking whether *the computer as we know it will disappear, and whether it might be replaced by mobile phones, tablets or other devices*.

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1 JOYANES, Luis . *Icade*, nº 76, January-April, 2009, p.96.

*Is the PC dying?<sup>2</sup> Is the Web dying?<sup>3</sup> Are we entering a post-PC world as the genius Steve Jobs and others have declared:*

Data and applications are stored in clouds of machines, hundreds of thousands of computer servers belonging to the Internet giants. This approach is gradually being adopted by hundreds of large companies, universities and public administrations, who want to have their own data centres available to their employees, researchers and graduates<sup>4</sup>. Cloud servers have made it possible for email to be read and stored remotely on servers, whilst photos and videos can be uploaded and downloaded and music can be listened to with ‘*audiostreaming*’. It is also used in *business* administration, using CRM (customer relationship management) software; these services are provided on payment of a fee.

We will also finally mention some of the technological innovations associated with the Cloud; these will lead to social transformations and unpredictable technological developments: the *Web in real time, geolocation, augmented reality, fourth generation (4G) LTE mobile phone communications*, wireless technologies, **QR (bar) codes, NFC, RFID**, wireless sensors, USB standards, Bluetooth and the implementation of *Wifi* and *WiMax* networks. These will configure the future *Internet of things*.

## 2. CLOUD COMPUTING DEFINED

This is not just a ‘*buzzword*’: it represents a new IT model, which some analysts regard as being as significant as the Internet once was. It is also the best synonym of the Web itself. *Cloud Computing* is the evolution of a set of technologies impacting on the approaches organizations and companies take in setting up their IT infrastructure. As with the development of the Internet -with Web 2.0 and the Semantic Web- cloud computing is not about incorporating new technology. It is about powerful and innovative technologies being brought together to create this new Web model and architecture.

Reese states “whilst the Internet is a necessary basis, the cloud is something more important. It is a place where technology is used when it is necessary, and whilst it is necessary, not a minute more”. You do not install anything on your desktop, and you do not pay for technology when you are not using it.

The cloud can be infrastructure or software. In other words, it can be either an application accessed from the desktop and run immediately after downloading, or it can be a server that is invoked as necessary. In practice, cloud computing provides either a *software* or *hardware* service.

2 GOMEZ, Lee and BULEY, Taylor (2009). “The PC is Dead” in *Forbes*, 28 December 2009.

3 ANDERSON, Chris (2010). “The Web is dead. Long live the internet” in *Wired* (US, UK and Italian editions), October 2010, United Kingdom, pp. 125-131.

4 *Op. Cit.* pp. 95-III.

There is no universally accepted definition. However, there are several international bodies with responsibilities for standardizing information technology, particularly for *Cloud Computing*. One of the most prestigious of these is the National Institute of Standards and Technology (NIST)<sup>5</sup> and its Information Technology Laboratory, which defines *cloud computing*<sup>6</sup> as:

“Cloud computing is a model for enabling ubiquitous, convenient, on-demand network access to ... resources (e.g. networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction”

The cloud is a combination of *hardware* and *software*, storage, services and interfaces that facilitate the provision of information as a service. There are many actors and participants in the world of the cloud. The stakeholders in cloud computing include: the *vendors or suppliers*: providing the applications and facilitating the corresponding technology, infrastructure, platforms and information; the *suppliers' partners*: these create *services* for the cloud, offering services to clients; *business leaders*: assess cloud services for implementation in their organizations and companies; and *end users*, who use cloud services, whether for free or on payment of a fee.

Cloud services are distributed (*multi-tenancy*); in other words, a number of companies can share the same basic resources. This is enabling companies to find new value, eliminating the complex restrictions inherent to traditional IT formats, such as issues of space, time, energy and costs.

## 2.2. The characteristics of cloud computing

NIST argues that the cloud model has five fundamental characteristics, three service models and four deployment models. The main characteristics are:

**On-demand self-service.** A consumer can supply themselves with server time and web storage as required, without needing any human communications with the service provider.

- **Ubiquitous web access.** Using standard devices, fostering usage of lightweight client systems (mobile phones, laptops, PDAs, tablets).
- **Resource distribution independent of position.** The supplier's computing resources are “pooled” to serve multiple consumers using a “multi-tenant” model, with different physical and virtual resources dynamically assigned and reas-

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<sup>5</sup> NIST is an Agency of the US Commerce Department. The NIST's Computer Security Resource Center (CSRC) is responsible for IT standards, particularly for Cloud Computing.

<sup>6</sup> In October 2009, two NIST researchers, Peter Mell and Tim Grance, published a *draft* definition and guide for *cloud computing*, which they prepared working with the industry and government. This was entitled: “Effectively and Securely Using the Cloud Computing Paradigm”, available on the NIST website at: <http://csrc.nist.gov/groups/SN/cloud-computing/cloud-computing-v25.ppt>.

signed in response to consumer demand. There is a sensation of independence of location, with the client normally having no control over or knowledge of the exact location of the resources provided. However, they may be able to specify this at a higher level of abstraction (country, geographic region or data centre). These resources include storage, processing capacity, memory, web bandwidth and virtual machines.

- **Rapid elasticity.** The *capabilities* can be provided rapidly and flexibly, often automatically. The way they are supplied makes them seem unlimited; that they can be acquired in any quantity at any time.
- **Measured service.** Cloud-computing systems automatically control and optimize resource usage, boosting capacity at an abstraction level suitable for the type of service (storage, processing, bandwidth and active user accounts). Resource usage may be monitored, controlled and reported on, providing transparency for both the provider and the consumer.

### 3. CLOUD MODELS

NIST classifies cloud computing models into two main categories:

- **Implementation models.** This refers to the position (location) and administration (management) of the cloud infrastructure (Public, Private, Community, Hybrid)
- **Service models.** This refers to specific services that can be accessed in a *cloud computing* set up (Software, Systems and Infrastructure as Services).

These technologies offer three *service models*:

1. **Software.** The user is offered the capacity of the applications supplied being implemented in a *cloud* infrastructure, with the applications being accessed using a web browser, as with webmail. This is perhaps the most widespread and representative example of this service model. The user has no control over the infrastructure or the applications, with the exception of any user configuration or personalization that is allowed.
2. **System.** The user can implement their own applications (whether acquired or developed by the user) in the supplier's *cloud* infrastructure, with the supplier offering the development platform and programming tools. In this case, the user has control of the applications, but not the underlying infrastructure.
3. **Infrastructure.** The supplier provides resources such as processing capacity, storage and communications that the user may use to run any *software*, from operating systems to applications.

The implementation models for cloud infrastructure and services can be classified as follows:

1. **Private cloud.** Services are not offered to the general public. The infrastructure is fully managed by an organization.
2. **Public cloud.** The infrastructure is operated by a supplier that offers services to the general public.
3. **Hybrid cloud.** A combination of two or more individual *clouds* that may be private, shared or public. This allows data and applications to be exchanged.
4. **Community cloud.** Organized to provide a common function or purpose. This must share common objectives (mission, politics, security). This may be administered either by its constituent organizations or by third parties. This is the model defined by NIST, although most organizations, suppliers and cloud users only accept the three deployment models: public, private and hybrid

#### 4. THE CLOUD BUSINESS MODEL

This is fully focused on the key characteristics of cloud computing so as to foster the concepts involved (technology and revenue models). These business models can be applied equally to cloud suppliers and consumers. The supplier's business model is based on developing and facilitating cloud technology and solutions. This includes the following solutions<sup>7</sup>:

- *Cloud services* provide their computing and network infrastructure through platforms and solutions. Cloud service and solution providers are similar, making it possible for cloud services and solutions to be developed from the consumer's perspective. Cloud service providers include organizations that have their own data centres and those supported by virtualization services. Suppliers are varied and well established, taking advantage of their data centres and experience in data and application hosting.
- *Cloud service suppliers.* These provide cloud-based platforms hosted in specific system and infrastructure environments so that developers can access the platform, develop a new business application and host it on the cloud-based platform.
- *Technology providers.* These develop the tools and technologies to enable the cloud to become established, providing consumers with resources from the cloud. They offer a wide range of tools, technologies and operating systems to foster the deployment of public, private, hybrid and community clouds.

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<sup>7</sup> Eric A. Marks, Bob Lozano. *Executive's Guide to Cloud Computing*. New Jersey: Wiley, 2010. (pp.82-83).

- *Solution providers.* These develop full applications or *suites* to build a large market of cloud consumers (other telephony and internet operators)
- *Business models for consumers.* These companies apply cloud concepts to their business strategies.

They offer business management solutions.

## 5. THE MOBILE CLOUD: PRESENT AND FUTURE

Mobile cloud computing (or the mobile cloud) is a cloud processing model. Data is stored in the cloud and accessed using a mobile device for presentation or as a screen. Although many mobile devices can be used, this usually refers to smartphones. The ease of transporting tablets and their size has made these two terminals the most likely to be used with the mobile cloud.

The mobile cloud requires a reliable connection at the highest possible speed with excellent bandwidth, a mobile device with Internet access (at least 3G telephones using HSDPA, HSUPA or HSPA+ protocols, or 4G LTE devices) and a suitable browser for the device. Mobile cloud services have mushroomed over recent years.

There are obviously some major short-term challenges and opportunities. The capacity of 3G and the imminent 4G networks is not infinite. In addition to saturation, telephone operators and content providers are faced with an increasing need for specialization and the generation of new business lines due to the unavoidable need to implement efficient and profitable technological innovations.

A key issue for the mobile cloud at the moment is synchronization<sup>8</sup>, enabling users to send messages, make calls and access every type of content using multiple devices and systems. Streaming music services and cloud storage *already* involves synchronization tasks. This applies not just to devices, but also to social networks.

Apple's *iCloud* synchronization service revolutionized this service and brought it to the general public. This allows the user to upload any data they want from their device to the cloud. The cloud automatically synchronizes this data and makes it available to all Apple devices, which was not previously possible in open models. Other examples include the popular instant messaging services for mobile phones, that can send text, photos, videos, audio, etc, working with any mobile operating system or device.

In summary, the mobile cloud integrates cloud computing with mobile computing. The intelligence of computers, applications and data is now in the cloud, whereas previously it had been stored on a PC hard disk.

Much of the business of the future will travel through the mobile cloud.

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<sup>8</sup> There are many signs that synchronization is one of the decisive factors in favour of the cloud. For example, in August 2011, HTC, one of the major manufacturers of mobile phones and tablets, bought Dashwire, a company known for its Dashworks synchronization system in order to exploit its synchronization services.

## 6. SECURITY: A WEAKNESS IN THE CLOUD?

Our first impression might be that taking hardware out of the picture makes the cloud feel less secure than traditional computing models. And in some cloud models, security control over these services is lost. However, if the supplier's security policies are well defined, and the user applies them faithfully, working in the cloud actually increases security

Unlike traditional computing, the user does not know exactly where the information is stored. Moving all information means “*relying on the security of others, which could be a cause for concern*”. We can therefore pose a number of questions about safety strategy in the cloud:

- Where is the data used?
- How is it protected?
- Who is responsible for it?

The major cloud providers have a clear answer to this final question: the client is responsible for the data. IBM calls this type of security “*Secure by design*”. This concept is that the environment should result from interaction between the service provider and the recipient.

Security must come from the client. When a company wants to put its data on the cloud, it must specify its preferences. Once these are known, the supplier can design a specific service for the company.

One of the most serious criticisms of the Cloud relates to data security and control. Organizations would seem to have greater control over data stored on their own infrastructure than data stored in the cloud. However, we must also consider legal requirements. The cloud can actually be safer than a traditional data centre, although methods for reinforcing information safety are radically different.

Cloud computing has a number of specific characteristics requiring risk assessment, such as data integrity, recovery and privacy, and legal issues relating to regulation and auditing information security systems.

Cloud risk assessment and security reviews must first consider the cloud implementation options (public, private and hybrid) and the service-delivery model (SaaS, PaaS, IaaS). Processes related to storage and virtualization in data centres are closely related to these models. As with the General Information Security Plan, no list of security controls could cover every eventuality; however, a risk-based approach can be adopted in moving or migrating to the cloud and selecting security options. There are two major categories of cloud implementation assets: data and applications.

## 7. CLOUD INFORMATION SECURITY OBJECTIVES

Developing secure software involves applying secure software design principles, which are the basic principles underpinning the software. This software underpinning is defined<sup>9</sup> as: “the foundations that enable us to have justified confidence that the software will have all the properties required to ensure that, when run, it will perform reliably, even with intentional failures. This means that it must be able to resist as many attacks as possible, containing the damage and recovering to a normal operating level.

The principles of cloud-based information system security are similar to those for Information Technology in general, but with cloud characteristics. These include **confidentiality, integrity** and **availability** (the security triangle; the main complements of which are authentication, authorization, audit, accountability and privacy.

### 7.1. Confidentiality

Preventing unauthorized material being revealed, whether intentionally or accidentally.

Confidentiality can be lost in many ways. Some of the telecommunications elements involved in achieving this include:

- Network security protocols
- Password verification
- Data encryption

In the cloud, confidentiality involves protection of data during transfer. The confidentiality policy defines the requirements for ensuring data remains confidential, preventing unauthorized releases of information. The information or data that can be exchanged must be defined. Some of the issues related to confidentiality include intellectual property rights, access control, encryption, interference, anonymity and coverage channels and traffic analysis.

### 7.2. Integrity

This ensures that the message sent is received and not altered. Data integrity must be ensured during storage and transfer. Data recovery measures must also be specified to correct any errors detected (deletion, additions and changes). This includes access control policies, who can transmit and receive data, and the information that can be exchanged.

Ensuring data integrity is of the utmost importance. Confidentiality does not in itself imply integrity: data may be encrypted for confidentiality purposes, but the user

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9 Software Security Assurance Report.

may not have a mechanism to verify its integrity. Encryption is only sufficient for confidentiality. Data integrity also involves the use of authentication message codes.

Data integrity is particularly important in IaaS storage applications.

There are also costs involved in moving data to and from the cloud, and in network usage; these mainly relate to bandwidth. The client will want to check that the data is still on the web without having to download and then re-upload it.

### 7.3. Availability

In addition to confidentiality and integrity, we must also ensure that the data is available. *Availability* ensures reliable and timely access for appropriate people. It also ensures that systems are working appropriately.

Availability therefore involves elements that ensure reliability and stability in networks and systems. It ensures that connectivity is accessible when needed, permitting authorized users to access network and systems.

Threats to availability include malicious attempts to control, destroy or damage computing resources and to deny legitimate access to the system.

One of the major threats is network attacks, such as denial-of-service; another threat is service provider availability. No supplier can guarantee full availability.

Availability requirements must ensure that computing resources are available to authorized users when they are needed.

The opposites of confidentiality, integrity and availability are revelation, alteration and destruction.

One difficulty in assessing availability is ensuring that cloud storage suppliers will still be in the sector in the future; this is difficult to measure, and we must therefore rely on robust suppliers.

### Practical considerations

Service Level Agreement (SLA) must include these three principles. SLAs have developed from weak positions. However, we consider that major suppliers will ensure compliance with each SLA.

## 8. SECURITY AS A SERVICE (SecaaS)

In 2011, the Cloud Security Alliance (CSA) published a report setting up the “Security as a Service Council” working group. This also defined the security categories considered to be services. Its objective was to identify the definitions of Security as a

Service and the resources involved, to classify the various types of security as services and to guide organizations in implementing best practices.

The CSA classifies security as services into the following categories:

- Identity and access management
- Prevention of data loss
- Web security
- Email security
- Security assessment
- Intrusion management
- Information security and event management
- Encryption
- Business continuity and disaster recovery
- Security network

## 9. DATA PROTECTION IN THE CLOUD

European Union Directive 1995/46/EC<sup>10</sup>, on **data protection**, [https://www.privacyinternational.org/article/privacidad-y-proteccion-de-datos-en-la-union-europea-\\_ftn12](https://www.privacyinternational.org/article/privacidad-y-proteccion-de-datos-en-la-union-europea-_ftn12), defines the basis of personal data protection that EU Member States must incorporate into their legislation. The Directive's provisions may be invoked in national courts against the data protection provisions of Member States, repealing any regulations that do not comply with the Directive. In Spain, personal data and privacy are protected by the Agencia Española de Protección de Datos (Spanish Data Protection Agency) and the Institute INTECO.

According to Inteco's guide for companies<sup>11</sup>: “*The lifecycle of data processed in the cloud is:*

- ***Data is prepared for the cloud by changing its format or creating a file with all the information required.***

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<sup>10</sup> European Union legislation website: [http://europa.eu/legislation\\_summaries/information\\_society/data\\_protection/114012\\_es.htm](http://europa.eu/legislation_summaries/information_society/data_protection/114012_es.htm).

<sup>11</sup> Observatorio de la Seguridad de la Información, *Guía para empresas: seguridad y privacidad del cloud computing*. Leon (Spain): INTECO. 2011. ([observatorio.inteco.es](http://observatorio.inteco.es); [www.inteco.es](http://www.inteco.es)). INTECO is the Leon-based Instituto Español de las Tecnologías de las Comunicaciones (Spanish Institute of Communications Technology). Its main task is to monitor and help companies -mainly SMEs- with their security and implementation policies.

- *The data “travels” to the cloud over an Internet connection, using email, a specific application or transferring a backup copy to the cloud.*
- *Data is processed in the cloud, from storage to complex mathematical operations. Backup copies can be stored on the cloud for future access.*
- *The resulting data “travels” back to the user. When processing is complete, the data should be returned to the user with the added value of the information generated in the cloud. Data may represent a risk to privacy when leaving the organization: A person with malicious intentions could intercept data during transfer. However, the data is stored and processed in an IT infrastructure that is outside the user's control”.*

The mechanisms for minimizing these privacy risks are very simple. Before we migrate data to the cloud, we should ask: “Do we need to transfer all of the organization's data to the cloud?” The Inteco Guide uses the example of a company involved in managing salary payments that decides to use cloud services. This company's database contains the personal information of thousands of workers. Inteco recommends that sensitive data should not be transferred to the cloud, recommending keys that correspond to the files stored on the company's servers.

Data protection and privacy are key to operating in the cloud. National and international laws should take precedence over any other considerations in agreements with suppliers. As practically all Western legislation includes data protection, we will focus on privacy problems in using the cloud and the need for this to be regulated. We will also examine the prevailing policies.

## 10. PRIVACY AND IMPACT IN THE CLOUD

Privacy is particularly affected by cloud computing. Many legislators, and distributors of cloud solutions, provide guidelines for privacy protection. Theft of a company's identity could result not just in loss of its privacy, but also serious damage to its image and reputation. In the short term, this might affect business results, but in the longer-term it might cause a loss of credibility or confidence and negative publicity.

The IT department often has responsibility for privacy control. However, business units should ensure that this is protected. Processes for cloud-computing and failure to respect the privacy of the organization and its employees should be standardized.

The concept of privacy-intimacy varies in different countries, cultures and jurisdictions.

Privacy<sup>12</sup> is defined as Personally Identifiable Information (PII), relating to the collection, use, storage and destruction of personal data. This is related to compliance with legal regulations and transparency in personal data usage. However, there is no consensus about what constitutes personal data. Let's look at the definitions given by major international bodies.

The Organization for Economic Cooperation and Development (OECD) defines privacy as: Any data relating to an identified or identifiable person; an identifiable person is one who could be directly or indirectly identified, particularly through reference to an identity number or one or more factors specific to their physical, psychological, mental, economic, cultural or social identity<sup>13</sup>.

There are a range of opinions on who is responsible for privacy and security. This is usually assigned to providers of cloud services through contractual agreements, such as Service Level Agreements (SLAs); however, the company responsible for the data cannot transfer its responsibility. In legal terms, the organization managing or owning the data is responsible for security failures. This is the case even when the user does not have the technical capabilities to ensure the contractual requirements with the cloud-service provider.

Experience shows that security and privacy issues have a cascade effect<sup>14</sup>. When an organization loses control over personal user information, the users are (directly and indirectly) responsible for subsequent damage. There can be a number of effects, such as identity theft, invasion of privacy and undesired soliciting.

New and novel threats are continuously arising. Protecting privacy in the cloud is therefore very complex and poses major challenges, although the privacy of data and applications in the cloud can be ensured to the same or even a higher degree.

## II. THE EUROPEAN UNION'S PRIVACY PRINCIPLES

The European Union is one of the international organizations most concerned with protecting privacy on the Internet. It has set out some of the most advanced privacy protection principles in the world. Information transfers from the EU to other countries are annulled, if it is found that the receiving country does not have an equivalent degree of privacy protection. The EU's main privacy principles include<sup>15</sup>:

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12 Spain's Royal Academy defines privacy as: "An aspect of private life that has a right to be protected from any intrusion" ([www.rae.es](http://www.rae.es)).

13 [www.oecd.org/document/18/0,3343,en\\_2649\\_34255\\_1815186\\_1\\_1\\_1\\_1,00](http://www.oecd.org/document/18/0,3343,en_2649_34255_1815186_1_1_1_1,00).

14 *Ibid*, p. 150.

15 Current data protection and privacy policies can be consulted on the official European Union website at [http://europa.eu/index\\_es.htm](http://europa.eu/index_es.htm). For legal information, we recommend the EUR-Lex search tool at [http://eur-lex.europa.eu/RECH\\_menu.do?ihmlang=en](http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en).

- Data can be compiled or collected in accordance with the law
- Information collected on a person cannot be divulged to other persons or organizations unless authorized by law or expressly agreed to by the individual.
- Personal data records must be accurate and up-to-date
- People have a right to correct errors in their personal data
- Data may only be used for the purposes for which it was collected, and must be used within a reasonable time period.
- Individuals have a right to receive a report on the information held on them.
- Transfer of personal data to third countries that do not ensure an equivalent level of protection EU must be prohibited.

These privacy policies are set out in full in EU Directive 95/46/EC, on the protection of individuals with regard to the processing of personal data and on the free movement of such data (EU Directive). One of the key propositions in this Directive is the restriction on transfers of personal data outside the European Union (or those countries regarded by the European Union as having similar data protection standards). The regulator's objective is to prevent organizations contravening privacy rules from transferring data to places where it is not legally protected. For this reason, organizations must assess cloud computing solutions very carefully, undertaking to find out whether the countries in which their data will reside are accepted by the European Union as having similar laws.

Updates to the EU Directive are published in the European Digital Agenda. The Directive contains a number of principles for permitting data transfer, including:

- The data subject unambiguously gives consent
- Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- Processing is necessary for the conclusion or performance of a contract, according to the needs of the data subject, between the controller and a third party.
- Processing is necessary or legally required in the public interest, or to establish, exercise or defend legal actions.
- Processing is necessary in order to protect the vital interests of the data subject.

## 12. THE RISKS AND THREATS OF CLOUD COMPUTING

The NIST (*National Institute of Standards and Technologies*) publication “*Guidelines on Security and Privacy in Public Cloud Computing*” describes the current status of this new model for distributing services and applications, and sets out the need to spread best security practices. This is not the only document to reflect the increasing concerns about security in such platforms, and other influential bodies have also issued reports in this area.

The “*Riesgos y amenazas en el Cloud Computing*” report by INTECO<sup>16</sup> summarizes some of these documents to give an overview of the threats, risks and key aspects of security in the *cloud*. The report describes *cloud* infrastructure and services and analyses the various security concerns in the light of international criteria and standards. The concerns raised in these reports focus on **data management**, particularly with regard to ownership and how data is processed and handled. The analysis in the report gives an overview of the problems and draws conclusions that are common to all points of view.

One of the key aspects is **data ownership and security**. The reports pay particular attention to data ownership and processing, as the infrastructure could be managed in multiple countries, and this could give rise to conflicts in the legal framework to which they are subject. These environments also process huge quantities of data, and this could give rise to information leaks, whether intentional or accidental.

**Regulatory compliance** is also one of the keys to security in a *cloud environment*. This is due to the lack of transparency with this infrastructure; the subscriber should therefore inform themselves clearly about how the environment is managed.

A range of software from different providers is involved in creating a *cloud* service. This is a **complex environment, and** potential vulnerabilities must be monitored and patched as necessary. Another important aspect is **identity and access control**. In general, infrastructure is shared by multiple companies and users, and poor set up could lead to unauthorized access to confidential data. An appropriate identity and access control policy must be defined based on minimum privilege levels for *cloud* environments.

Finally, **service level agreements (SLA) are a common denominator**. All recommendations state that these must be reviewed and created specifically, detailing controls, regulations, protection measures and service recovery periods. ENISA, the European Union Security Agency, has recently published specific regulations for cloud contracts.

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<sup>16</sup> INTECO [www.inteco.es](http://www.inteco.es). This INTECO report is based on the ENISA (European Network and Information Security Agency) report **Security and Resilience in Governmental Clouds**. ENISA: [www.enisa.europa.eu/](http://www.enisa.europa.eu/).

### 13. CLOUD COMPUTING IN THE WHITE HOUSE

The *ReadWriteWeb*<sup>17</sup> technology website has published a report on a *White House* initiative supporting *Cloud Computing*. In July 2010, Barak Obama's technology advisor Vivek Kundra presented *cloud computing* to Congress as an essential part of the Government's technological infrastructure.

Kundra focused on four points:

- Government IT is outdated and sometimes antiquated
- Federal data centres now number more than 1,000. The private market is cutting back in data centres through private *clouds*, hybrids and public services.
- Cloud-based, data driven services can drive policy. This requires platforms that provide a base for interaction between constituents and stakeholders in federal agencies. Interoperability between agencies across platforms requires cloud-driven services with core sets of standards.
- Transparency means the capability to get real-time access to public data.

*Cloud computing* makes it possible to interact with the Federal Government using data to generate ideas and transform debates about public policy issues. One example of this is the cloud-based **data.gov** service. **usaspending.gov** is another major cloud-based service aiming to increase transparency.

#### 13.1. The White House *Cloud Computing* Strategy

The White House launched its federal Cloud Computing strategy guide for incorporating this model into federal bodies in 2011. This document<sup>18</sup>, which Kundra coordinated, defined the *cloud computing* concept and the impact it would have on savings and service levels in the federal government.

This was the result of policies implemented since 2010 to facilitate the migration of US government services to the cloud.

The US government requires federal agencies to use cloud-based services when there is a secure, appropriate and economically advantageous solution. The strategy states that all of its Agencies must adjust their budgets incorporating the cloud, reassessing all processes that are inefficient.

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<sup>17</sup> *ReadWriteWeb.com*, 05/07/2010.

<sup>18</sup> The document is available at: [www.cio.com/documents/Federal-Cloud-Computing-Strategy.pdf](http://www.cio.com/documents/Federal-Cloud-Computing-Strategy.pdf).

The strategy states that cloud computing provides intangible benefits to the public, such as viewing their electricity consumption *online, to help* private consumers regulate their usage; sharing of medical records in different locations and by different specialties etc.

### 13.2. Federal *Cloud-Computing Initiative*

The Federal Cloud Computing Initiative (FCCI) was published in May 2011. As a result, the Government held a *public* tender for cloud-service providers. This tender covered a range of services:

- **EaaS** (email as a service)
- Office automation (office software)
- Cloud storage services (virtual hard drives)
- Professional services

Based on the implementation of the cloud, the tender stated that services should be offered in three forms: the Government Community Cloud, private clouds and public clouds.

### 13.3. Practical considerations for fostering *cloud computing* in the USA

In 2011, Vivek Kundra stated<sup>19</sup> that migrating federal services would save billions of dollars in computing costs.

The US Federal Government is the largest IT purchaser in the world, spending over 80 billions dollars per year. It plans to close 40% of its data centres (800 out of 2000) over the coming four years to reduce its technology spend and modernize the way it uses computers to manage data and provide services to the public. Kundra has said that reducing the number of data centres is part of a wide-ranging strategic approach to computing in the Internet era; the Government is migrating to the cloud, where users use remote applications, such as email. External technology agencies or companies can provide these cloud services to the government. This will enable the Government to save 5 billions dollars per year by reducing hardware and software demands in government agencies. The cost saving on data centres is estimated at 3 billion dollars per year;

As a sign of this migration to the cloud, around 140,000 federal employees have moved to cloud-based email, saving around 42 million dollars per year.

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<sup>19</sup> Steve Lohr in an New York Times interview on 20 June 2011. <http://www.nytimes.com/2011/07/20/technology/us-to-close-800-computer-data-centers.html> [as of 20-07-2011].

## 14. THE EUROPEAN UNION *CLOUD COMPUTING* STRATEGY

The EU approved its European Digital Agenda in 2010<sup>20</sup>. *Cloud Computing* was one of the strategic trends covered.

The Granada Declaration recognizes *Cloud Computing* as a strategic sector where Europe has substantial market potential. Usage of *cloud computing is increasing*. The European Commission estimates that cloud services will generate around 35 billion euros of revenue in 2014.

Following a number of official announcements, a consultation was carried out in Brussels in 2011 to collect information for the development of a European *cloud computing strategy*. Commissioner Kroes' idea was to “engage major cloud users to look for opportunities for a coordinated move on standardization to support interoperability and portability of data”.

Kroes has repeatedly stated that *cloud computing* is a major opportunity for the public sector.

Continuing work towards the launch of a European cloud strategy, on 2 April 2012 ENISA issued a press release announcing its Guide for monitoring cloud computing contracts to increase information about security criteria for service agreements.

## 15. CONSIDERATIONS FOR A SPANISH CLOUD COMPUTING STRATEGY

In line with the EU strategy, the Spanish Digital Agenda will set out objectives, areas for development and measures to promote the Information Society during the parliament. The Ministry of Industry has set up a Senior Steering Group for the Digital Agenda, which met for the first time in May 2012. This body is responsible for proposing and sponsoring measures to develop the Government's telecommunications and information society strategy, the Spanish Digital Agenda.

Spain has a number of general objectives, and will develop a number of lines of actions through specific measures to achieve each of these. The Ministry of Industry's recent pronouncements state that these priority areas will be *smart cities* and electronic commerce.

As with the EU, we propose that this should also include a Spanish cloud computing strategy, incorporating guidelines emanating from European strategy.

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<sup>20</sup> The European Digital Agenda was published as the conclusion of the Granada Declaration at the meeting of IT ministers held on 18 and 19 April 2010 in Granada. This Agenda was subsequently approved.

## 16. THE FUTURE IS IN THE CLOUDS

The three main global events (the CES Fair in Las Vegas, the World Mobile Congress in Barcelona and the CeBIT, IT fair in Hannover) set the trends followed by organizations and companies, predicting social and technological changes. 2012 was no exception. All three events focused on the cloud as the dominant technological architecture. This trend has been confirmed by a number of respected reports: *cloud computing* is taking over in business, industry, the media...

Moreover, the cloud will incorporate more and more services offered by large companies, and by SMEs, as it is their natural habitat.

The cloud of services and data will be used by organizations and companies and by private consumers to reduce infrastructure and maintenance costs, by transferring some hardware and software costs to the cloud. Physical storage will gradually cease to be in private units and will also move to the cloud.

Full migration will gradually come about as scalability (extension of the technological needs of companies with no loss of quality) improves, and as cloud services and mobile and social media applications gain in popularity.

The three most widely known cloud services -IaaS, PaaS and SaaS- will be offered by multiple providers, making decisions easier.

We should note the change in mentality that cloud storage will bring about; sites such as iCloud, Amazon Drive, Dropbox, SugarSync, SkyDrive, Box.com, Strato and the planned Google Drive will continue to offer solutions that make life easier for people, organizations and companies.

Cloud IT projects must however ensure *security*, choice of suppliers, scalability, assessment (the chance to test the service prior to contracting), the implementation of flat-rate fees, service level agreements (SLA), *and data protection and privacy*.

*Cloud Computing* has matured, and can now continue to grow constantly. News about the Cloud will be appearing non-stop in the press and on radio and television, further promoting the model and its main forms. In all likelihood, cloud computing will be the driver of the computing of the future

The dominant trends will be **mobility** and **ubiquity**. There will soon be two billion mobile phone users, and the devices will become more and more intelligent; the number of Internet users is expected to reach five billion in the decade. Most Internet users will connect to the cloud to download web programs and applications, any time, anywhere, and using any device: "ubiquity is a becoming an achievable dream through the Internet, the Web and, in particular, the Cloud".

In conclusion, it is not that the “*future is not what it was*”, as my beloved Groucho Marx put it, but that the future has arrived. The future is here and it uses the cloud, which will become the focal point of the new digital universe.

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## TECHNOLOGY AND FORESIGHT. A CHALLENGE MADE REAL

When we address present problems, we always study the repercussions this will have in the future. Today's actions impact tomorrow. Since the dawn of time, humanity has felt a need to know the future, but has not always had the means to do this. The technology available to us has changed over time. And over recent decades the pace of change has been dizzying. Although the problem of glimpsing the future exists in all areas, we must be particularly careful in areas with major social repercussions.

In this article, we discuss the application of new technology to improving classic forecasting techniques, using the opinions of a group of experts to predict future scenarios.

The Higher School of National Defense Studies is assessing the method and tools used using real case studies.

[Foresight, scenarios, technology, multiagent systems](#)



## 1. INTRODUCTION

It is better to be prepared for what might happen in future than to suffer the consequences without having made any attempts to offset them beforehand. We must try to understand potential future scenario and try to analyze all the elements and factors involved, in order to encourage this scenario or stop it from materializing. It should never be forgotten that the future is not predetermined and written in stone. The future is there to be made, and we can influence it significantly.

In this article we present the results of a technology<sup>1</sup> that enables us to sketch out potential future scenarios before they materialize, permitting us to analyze them and prepare appropriate risk-management strategies. The article includes a comparison between technical and foresight prediction, a conceptual description of the multiagent model that resolves the problem, and three case studies in which the methodology and its associated technology and tools have been applied.

## 2. TECHNICAL COMPARED TO FORESIGHT FORECASTING

There is nothing new about the need to predict the future. Man has always wanted to be able to predict what is going to happen<sup>2</sup>. Today we can divide the various meth-

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<sup>1</sup> CASTILLO, José Miguel. Una solución a la planificación de operaciones para la defensa basada en agentes inteligentes. Ministry of Defence. 2009. ISBN 978-84-9781-473-7.

<sup>2</sup> MARTIN, Brian R. Foresight in Science and Technology. *Technology Analysis and Strategic Management*, 7, pp.139-68. 1995.

ods for predicting the future into four main groups: supernatural, hermeneutic, technical and anticipatory.

The most entrenched forecasting methods are technical prediction and anticipatory studies. Technical forecasting is the most widespread procedure. This is based on mathematical models for extrapolating past and present data to predict future results. Studying trends enables us to approximate future situations in stable dynamic systems. These techniques are used in sciences such as econometrics, demography and meteorology.

However, unfortunately, social systems do not always behave stably; they are usually unstable and chaotic. Moreover, when a situation includes many different and heterogeneous variables, technical forecasting becomes complicated and unmanageable.

Anticipatory techniques, which include Foresight, try to avoid the limitations of using technical forecasting in unstable systems by using the opinions of a group of experts<sup>34</sup>. An expert's opinion is based on events and variables as judged through personal experience. Extremely complicated relationships between heterogeneous events are conceived of mentally as a whole.

In the strategic area, dynamic systems are not usually sufficiently stable to allow us to generate scenarios based on predictable guidelines; therefore, anticipatory techniques are more appropriate than technical forecasting models. However, the advantages of anticipatory techniques do not preclude the use of technical predicting where the scenarios is stable and we can predict how it will develop.

### 3. A SOLUTION BASED ON MULTIAGENT SYSTEMS

In this section, we present a new forecasting approach based on a multiagent system<sup>5</sup>. Our objective is to establish a procedure that resolves the problem of modelling future scenarios from a different perspective to that of foresight methods using complex probability calculations. In this new approach, we rate possibility using linguistic labels<sup>6</sup> rather than probability; this makes it easier for the experts involved to contribute and facilitates their understanding. This involves using fuzzy logic techniques.

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3 BAS, Enric. *Prospectiva. Cómo usar el pensamiento sobre el futuro*. Ariel, 1999.

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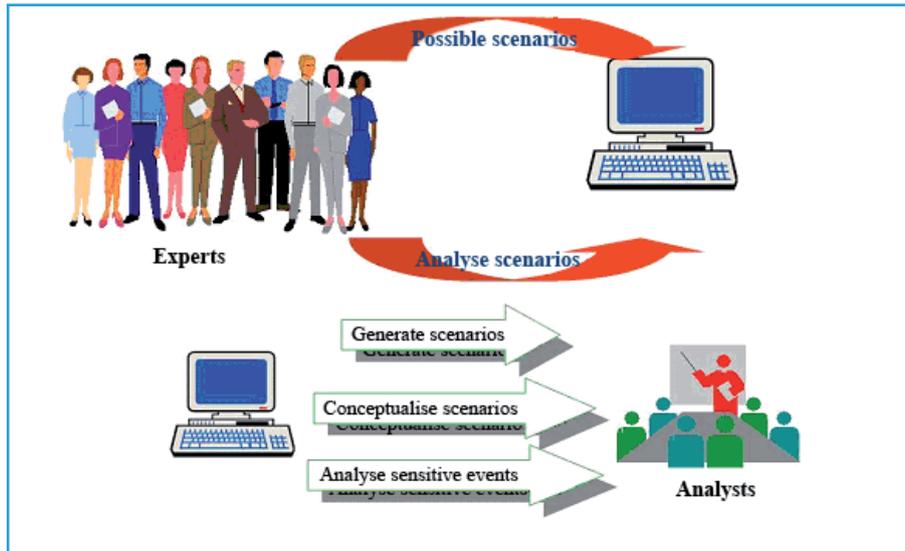


Figure 1: General process overview

The MACMILLAN<sup>7</sup> methodology has been used to build a software system that produces results very quickly. This methodology describes the steps and procedures involved in a software development to handle multiagent systems, resolving both strategic and tactical problems<sup>8</sup>.

In general terms, the objective is to extract and process knowledge from experts so that the computer can draw potential inferences from this knowledge, helping strategic analysts to generate and analyze potential future scenarios.

As shown in figure 2, the knowledge extracted from the experts is used to train the classifying agent. The classifying agent can then be used to generate new scenarios. This transfers the knowledge of the experts to the multiagent system (MAS). The classifying agent has been developed using fuzzy logic procedures<sup>9</sup>, as people usually express themselves using linguistic labels rather than numbers.

7 CASTILLO, José Miguel et al. Strategic Planning: A new approach through MECIMPLAN. Protocol of the IAT International Conference Hong-Kong (China). 2006.

8 CASTILLO, José Miguel. Una solución a la planificación de operaciones para la defensa basada en agentes inteligentes. Ministry of Defence. 2009.

9 SUGENO, Michio. Industrial applications of fuzzy control. Elsevier Science Pub. Co. 1985.



Figure 2: Conceptual model

The second agent is useful for determining the events that might be influenced in order to arrive at the scenario desired. However, this scenario may not match our expectations. In this case, the analyzing agent is responsible for searching out the events that need to be influenced to achieve an ideal scenario. Artificial intelligence procedures based on intelligent searches are used in building the analyzing agent<sup>10</sup>.

The following chart shows a map of the processes that enable a foresight study to be carried out. The upper branch shows the various processes needed to generate future scenarios based on the opinions of the experts. If we want to analyze the implications of the scenario generated in the upper branch, or to study a specific scenario, we follow the processes shown in the lower branch, studying the influence of external events not directly related to the scenario.

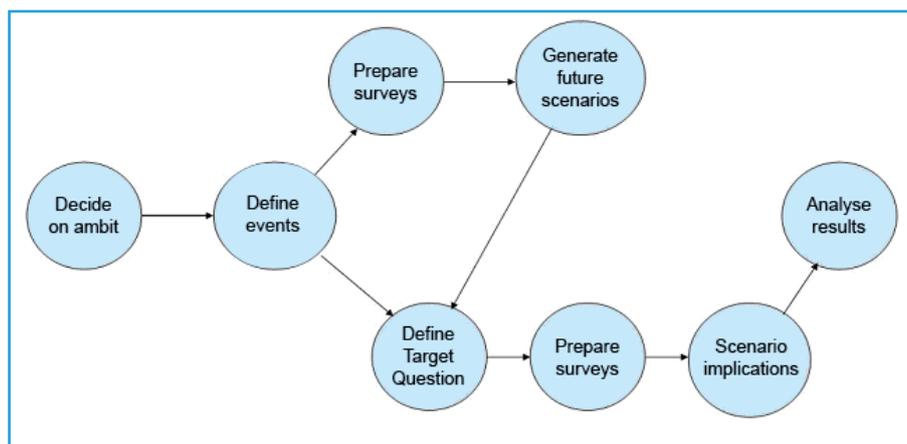


Figure 3: Process map

<sup>10</sup> NILSSON, Nils J. *Artificial Intelligence: A new synthesis*. Mc-Graw Hill. 1998.

## 4. CASE STUDY 0: FORESIGHT ANALYSIS OF MIGRATIONS IN EUROPE TO 2015

### 4.1. Introduction

The problem set in this annex is taken from one of the geopolitical scenarios for strategic planning set by the former Army College, now the Warfare College.

The number of events analyzed by the experts has been reduced to decrease the scale of the problem; this does not undermine the nature or results of the study.

The issue is the need for a study of strategic planning into the impact of migrations on European stability to 2015.

The purpose of the study is to obtain a possible scenario from a small, finite number of events. This problem is initially resolved by analyzing the most likely scenario using new technology, specifically using the agent-based method<sup>11</sup>.

### 4.2. The hypothetical scenario

Europe will face pressure from the south and east as it continues to attract migrations. To the south, Mediterranean countries (the Maghreb and Turkey) and Sub-Saharan Africa will continue to export labour to European countries, despite the closing of frontiers that originated with the 1973/74 recession. There appears to be no end to this pressure. There is no lasting substitute for migration: demographic expansion, under-employment and the attraction of political and cultural liberalism all contribute to larger numbers of migrants.

In the east, the expected major exodus to western regions has not occurred; however, uncontrolled migrations have intensified. The main destinations are Germany and Austria, particularly as they are surrounded by populations with Germanic roots. The former-Soviet Union, Poland, the Czech Republic, Slovakia, Hungary and Rumania are all providing a substantial volume of migrants to the reunified Germany. People from Russia are also heading for Poland and Hungary in search of work or because of local business activities. These countries are also both attracting Rumanian emigrants.

50 events related to this area of study were initially proposed. After sifting, the analysts generated a list of the eight most significant; these are shown below.

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<sup>11</sup> CASTILLO, José Miguel et al. *Strategic Planning: A new approach through MECIMPLAN*. Protocol of the IAT International Conference Hong-Kong (China). 2006.

## Events

1. Laws on obtaining nationality are strengthened throughout the EU
2. The EU expands to the countries of the east
3. There are major racial disturbances in European cities
4. Further financial crises occur in the world
5. The birth rate in Europe is persistently negative
6. Central Africa suffers the worst epidemic in its history
7. Europe implements major support measures for African economies
8. There is a persistent famine in the Russian Federation

### 4.3. Consultation with the experts

Once the events had been selected, a number of forms were prepared detailing the various combinations. The selection of these forms is key, as they must include the most representative combinations of situations.

The events are classified by their existence; in other words, whether they are an integral part of the scenario or not:

- Exists
- Does not exist

In this study, the experts classified the possible appearance of a scenario into three categories:

- Very likely
- Possible
- Unlikely

For the purposes of this study, 11 forms were prepared with the most representative combinations as of a global scenario.

There are 10 experts in the group.

The forms are sent to the experts, who complete the lower section showing the possibility of the global scenario occurring.

An example form is shown below

Form 1 for defining scenarios

	Events	Existence
1	Laws on obtaining nationality are strengthened throughout the EU	Exists
2	The EU expands to the countries of the east	Exists
3	There are major racial disturbances in European cities	Exists
4	Further financial crises occur in the world	Exists
5	The birth rate in Europe is persistently negative	Exists
6	Central Africa suffers the worst epidemic in its history	Exists
7	Europe implements major support measures for African economies	Exists
8	There is a persistent famine in the Russian Federation	Exists

SCENARIO (Choose one option)

THE LIKELIHOOD OF THE SCENARIO MATERIALIZING:

(Very likely, Possible, Very unlikely)

#### 4.4. Generation of the fuzzy inference module

After receiving all the forms filled in by the experts, their content was translated into rules for creating the fuzzy inference module.

Discrepancies and divergences in the experts' answers are smoothed out to achieve a convergent solution by adapting the whole set of rules appropriately.

It is worth noting the discrepancies in two of the proposed scenarios: the scenario that only features event 1, classified as “possible” by eight experts, but as “very unlikely” by two experts. Likewise, the scenario in which events 2, 4, 5, 7 and 8 are considered “very likely” by three of the experts, but are classified as “possible” by the other experts.

Then two rules with different specific weightings are generated for each of the situations, as shown below.

Specific weighting of the rules

Questionnaire number	Rules	Weighting
3	If (E <sub>2</sub> , E <sub>4</sub> , E <sub>5</sub> , E <sub>7</sub> , E <sub>8</sub> ), then Very Likely	0.3
4	If (E <sub>2</sub> , E <sub>4</sub> , E <sub>5</sub> , E <sub>7</sub> , E <sub>8</sub> ), then Possible	0.7
7	If (E <sub>1</sub> ), then Possible	0.8
8	If (E <sub>1</sub> ), then Not Likely	0.2

#### 4.5. Knowledge transmission

Once we have generated the rules and trained the fuzzy inference module, we need to develop the classifying agent to obtain the results; this provides an answer to the possibility of a certain scenario arising based on the set of events presented.

This initial set of basic rules is used to train a software agent specialized in classifying rules. As a result, we get an output describing the probability of the set of events included in the input occurring, based on a specific number of input rules or events.

#### 4.6. Searching for the most likely scenario

Tecnia's HELP IT system is used to analyze the experts' opinions submitted to the fuzzy inference module. Its capabilities include identifying the most likely scenarios from among the 256 combinations of the 8 events.

HELP finds that the most likely scenario is one featuring events 1 and 4, specifically:

1. Laws on obtaining nationality are strengthened throughout the EU
2. Further financial crises occur in the world

Based on this information, strategic analysts can study the actions required to encourage or impede the possible scenario.

### 5. CASE STUDY 1: THE FUTURE OF THE COMMON SECURITY AND DEFENCE POLICY IN EUROPE TO 2020

This project was carried out by the Higher School of National Defense Studies and Tecnia in 2010.

The objective of the exercise was to forecast the future for the Common Security and Defence Policy to 2020.

### 5.1. Definition of scope

A group of Higher School of National Defense Studies analysts chose the scope for the foresight study. In this case, the future of the Common Security and Defence Policy to 2020.

### 5.2. Definition of events

The same analysts, assisted by experts from Tecniaia, defined the general events related to the study. The list of events was chosen paying particular attention to their independence. The following seven events were finally chosen:

*Event 1:* Public opinion in member states presses their governments for greater development of the CSDP.

*Event 2:* Structures are rationalized to empower the planning and performance of CSDP missions, with integrated use of civil and military capabilities.

*Event 3:* There is a change in the European-Atlantic security architecture as a result of redefinition of the roles of NATO and the EU, or a change in the position of important parties such as the USA and Russia.

*Event 4:* The CFSP is developed in a way which is consistent with the instruments planned in the Treaty of Lisbon.

*Event 5:* The European Council unanimously decides to launch a common European Defence in accordance with the provisions of Article 27.2 of the Treaty of Lisbon.

*Event 6:* The Capability Objectives (military and civil) set by the EU to replace 2010 capabilities are met.

*Event 7:* The EU establishes adequately trained and equipped crisis-management forces, capable of being rapidly and flexibly deployed.

### 5.3. Questionnaire design

Once the scope of the study and the associate events were defined, Tecniaia designed the questionnaires to be answered by the experts. The number of questionnaires cannot be too high in order to facilitate calculations, but must represent the full range of possible scenarios.

The experts were chosen by the Higher School of National Defense Studies. 14 experts in international politics were chosen.

A website was set up where the experts could complete the questionnaires online ([www.escenariosprospectiva.es](http://www.escenariosprospectiva.es)), in order to make it easier to collect their opinions.

Seven events were identified by the analysts. Therefore, there are 128 possible scenarios. This is the number of different event combinations ( $2^7$ ). Fifteen of these 128 possible scenarios were chosen as being the most likely. Each expert then gave an

opinion as to whether the probability of each scenario existing was “very high”, “high”, “average”, “low” or “very low”. The following table shows the experts' answers to each questionnaire. Each column contains the number of responses for that classification.

Very High	0	1	0	2	2	1	0	0	0	0	1	1	1	0	2
High	0	1	1	4	1	2	1	5	3	0	1	1	1	3	3
Average	0	2	1	8	8	5	2	5	7	3	2	3	2	9	6
Low	2	6	5	0	3	5	4	4	3	1	5	4	4	2	3
Very Low	12	4	7	0	0	1	7	0	1	10	5	5	6	0	0
Total	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14

Table 1. Experts' answers

It should be noted that most of the answers follow a normal distribution around a central value.

### 5.4. Generation of future scenarios

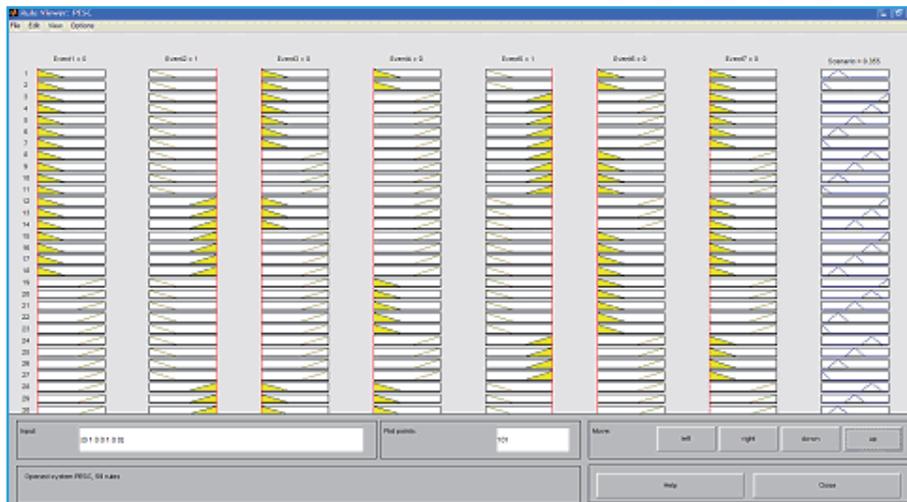


Figure 4. Rules generated by the experts

The purpose of this process is to treat the information logically and formally. To do this, the results of all of the questionnaires are translated into logical rules. Fifteen questionnaires with five possible answers give seventy five rules. However, the experts did not choose all of the possible rules: they only chose fifty nine of the seventy five possible. These fifty nine rules have been identified as the main elements to be addressed as part of the multiagent system. In other words, these fifty nine rules will be the core of the classifying agent.

A fuzzy inference module was developed to process all of these rules. The following table shows the quantitative results for each questionnaire. The ‘VALUE’ columns gives the results of the fuzzy module for each questionnaire.

	EV <sub>1</sub>	EV <sub>2</sub>	EV <sub>3</sub>	EV <sub>4</sub>	EV <sub>5</sub>	EV <sub>6</sub>	EV <sub>7</sub>	VALUE	LIKELIHOOD
Q <sub>1</sub>	o	o	o	o	o	o	o	0.115	Very low
Q <sub>2</sub>	o	o	o	I	I	I	o	0.337	Low
Q <sub>3</sub>	o	o	I	I	I	o	I	0.266	Low
Q <sub>4</sub>	o	I	o	I	o	I	o	0.605	Average
Q <sub>5</sub>	o	I	I	I	o	o	o	0.498	Average
Q <sub>6</sub>	I	o	I	o	o	o	I	0.443	Average
Q <sub>7</sub>	I	o	I	I	I	I	o	0.289	Low
Q <sub>8</sub>	I	I	o	o	o	I	I	0.519	Average
Q <sub>9</sub>	I	I	I	o	o	o	o	0.486	Average
Q <sub>10</sub>	I	I	I	I	I	I	I	0.227	Low
Q <sub>11</sub>	o	o	o	o	I	I	I	0.335	Low
Q <sub>12</sub>	o	I	o	o	I	o	o	0.355	Low
Q <sub>13</sub>	I	o	o	I	I	I	o	0.326	Low
Q <sub>14</sub>	I	I	o	I	o	I	o	0.515	Average
Q <sub>15</sub>	o	I	I	o	o	o	I	0.530	Average

Table 2. Fuzzy inference module results

The probability of a scenario with no events (Q<sub>1</sub>) occurring is “very low”, as we can see from the table. Likewise, the probability of a scenario in which all the events occurs (Q<sub>10</sub>) is also “low”.

A neurone network is trained as part of the classifying agent in order to extrapolate the results of the inference module to the 128 possible questionnaires. Following the conceptual model shown in chart 2, when a set of events is used as an input for the model, we obtain the possibility of this scenario as an output. This output should be understood as the answer given by all the experts taken as a whole for this specific input.

The HELP application generates the most likely scenarios from the 128 possible scenarios. This gives the following results:

- Scenarios with very high probability: none
- Scenarios with high probability: 7
- Scenarios with average probability: 57
- Scenarios with low probability: 56
- Scenarios with very low probability: 8

	Ev1	Ev2	Ev3	Ev4	Ev5	Ev6	Ev7
Scenario 1							
Scenario 2							
Scenario 3							
Scenario 4							
Scenario 5							
Scenario 6							
Scenario 7							

Table 3: Scenarios with high probability

The high probability tables shows that events 2 and 4 will occur in all of the most likely scenarios. We can therefore assert that, according to the experts, events 2 and 4 will occur in the period to 2020. In other words:

- Event 2: Structures are rationalized to empower the planning and performance of CSDP missions, with integrated use of civil and military capabilities.
- Event 4: The CFSP is developed in a way which is consistent with the instruments planned in the Treaty of Lisbon.

## 6. CASE STUDY 2: TOWARDS COMMON EUROPEAN DEFENCE BY 2020

### 6.1. Introduction

In 2011, the Higher School of National Defense Studies proposed a study should be carried out to assess “Common European Defence to 2020”.

This study is the result of the 2010 foresight exercise and the strategic interest of this issue.

This study was carried out using innovative technological resources, including on-line consultation of experts; elaboration of expert opinions using fuzzy techniques; and generation of the most likely scenarios based on pattern analysis.

Tecnalia played an important role in the study as a technology partner, responsible for providing the knowledge of new technology required to carry out this study.

### 6.2. Selection of events

The Institute's analysts selected the most representative events that might define a future scenario for defining common European defence.

The selection of events was an important part of the study.

The events have to be independent of each other and sufficiently few in number to ensure they are manageable for computational purposes.

The IEEE's analysts decided that the following events were representative for this issue:

*Event 1:* The European Council unanimously decides to launch a common European defence in accordance with the provisions of Article 42.2 of the European Union's Treaty of Lisbon.

*Event 2:* The EU establishes a new, single civilian-military structure for strategic planning of CSDP operations and missions, increasing consistency in civilian and military matters, this being a specific added value from the Union.

*Event 3:* The European Union has the capability to achieve the level of ambition established in the 2008 “Council Declaration on Strengthening Capabilities” for the CSDP's military missions.

*Event 4:* The main military capability initiatives launched are successfully completed, taking as a reference the Capability Development Plan (CDP) approved by the EDA in July 2008.

*Event 5:* Development and optimization projects are carried out on the EU's military capabilities, including combining efforts, specialization and cost sharing, based on operational and economic efficiency criteria.

*Event 6:* A European Defence Technological and Industrial Base (EDTIB) is achieved that is capable of responding to the requirements of EU member states and to support the CSDP, based on the strategy set out by the EDA in May 2007.

*Event 7:* The EU's capacity to anticipate, react, plan and implement civilian missions is improved to ensure rapid and effective deployment, in accordance with the “Civilian Capability Objective 2010”.

### 6.3. Questionnaire selection

The next step after selecting the events that might be part of a future scenario is to prepare the questionnaires to be answered by the experts.

There are 128 possible scenarios for these seven events.

Presenting 128 questionnaires to the experts covering all the possible scenarios is not possible. Therefore, we need to select the most relevant scenarios based on the events included.

TECNALIA made this selection based on information supplied by IEEE analysts and the importance of the events.

The selection procedure is exhaustive, aiming to cover the full range of possible scenarios whilst choosing the most representative. Too many questionnaires would wear the experts out, affecting the quality of their responses. However, if there are not sufficient questionnaires, some scenarios might have been overlooked. Thirty questionnaires were initially proposed to the IEEE; these were reduced to twenty at the Institute's request given the availability of the experts. These range from a scenario in which none of the events occur to one in which they all occur.

#### 6.4. Selection of the group of experts

The IEEE selected experts with deep knowledge of the study area.

Selecting the experts is a critical part of setting up the project. There are two basic factors in setting up the group of experts. First, the experience of the experts, which has a direct impact on the reliability of their answers. Second, the number of experts in the group. The IEEE selected the experts based on their knowledge and experience in the subject. In this case, the answers of all the experts were awarded the same weighting and credibility. There was therefore no need to weight the experts' answers, although the agent-based method permits this. The IEEE decided that the minimum adequate number of experts was fifteen. Fewer experts might generate insufficient information, whilst too many experts might result in redundant answers, complicating communication and control of the schedule for completing the questionnaires.

#### 6.5. Expert consultation

TECNALIA has developed a website for online consultation with the experts. This offers many advantages, making it easier for the experts to respond from anywhere with an Internet connection, with responses being received for processing immediately.

The experts were sent individual emails with a link to the website so they could access the questionnaires.

#### 6.6. Elaboration of data

Once the questionnaires had been answered, Tecnalía analyzed the data received to extract the information and generate potential future scenarios.

Four clearly differentiated stages were established in studying the data:

- Grouping responses around the average
- The variability of the experts' responses
- Generation of the rules for the possible future scenarios
- Weighting of rules

The spreadsheet below shows the experts' responses to the questionnaires.

Very High	0	3	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
High	0	5	4	3	11	4	6	2	2	0	2	2	2	1	3	1	1	0	0
Average	1	8	11	11	4	7	7	3	4	6	7	8	8	6	6	7	7	8	6
Low	3	4	1	3	3	7	5	8	7	7	6	5	4	5	7	3	5	5	2
Very Low	15	1	2	0	0	0	1	6	6	4	6	4	5	6	5	7	6	6	9
Total	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19

The first check of the reliability of the method is to analyze the trend in responses around a central value. The trend in the responses usually follows a normal distribution.

Any other distribution would suggest that the question could be interpreted ambiguously or that it is not well formulated.

As we can see from the spreadsheet above, the responses to most of the questionnaires are grouped around a central value, except for questionnaires 19 and 20: in these questionnaires most of the responses are grouped in Average and Very Low.

The first step in processing the data is to convert the experts' responses into rules. The set of events in the potential scenario form the background to the rule, whilst the possibility that the scenario will arise is the corresponding consequence. There are five possible responses for each questionnaire.

The twenty questionnaires and five possible responses give a total of one hundred rules.

### 6.7. Obtaining information

The agent-based method<sup>12</sup> is based on individually-supplied expert opinions, which are then combined with the opinions of the rest of the group. The rules and scenarios selected by the largest number of experts are given a higher weighting factor.

The fuzzy inference module enables us to quantify the response of the experts as a group to each of the twenty questionnaires. As the rules describing each scenario are weighted, the quantified values obtained are expressed relative to the total set of scenarios in the questionnaires. In this way, a particular rule will have greater weight compared to all the rules as a whole the more experts select it.

12 CASTILLO, José Miguel. Una solución a la planificación de operaciones para la defensa basada en agentes inteligentes. Ministry of Defence. 2009.

The quantified values for each questionnaire after the creation of the fuzzy inference module are shown in the table below:

	EV1	EV2	EV3	EV4	EV5	EV6	EV7	VALUE	RAT- ING
Questionnaire 1	o	o	o	o	o	o	o	0.151	Low
Questionnaire 2	o	o	o	o	I	I	o	0.538	Average
Questionnaire 3	o	o	I	o	o	o	o	0.529	Average
Questionnaire 4	o	o	I	I	I	o	o	0.5	Average
Questionnaire 5	o	I	o	I	o	o	o	0.624	Average (High)
Questionnaire 6	o	I	o	I	I	I	o	0.469	Average
Questionnaire 7	o	I	I	I	I	o	I	0.504	Average
Questionnaire 8	I	o	o	I	o	I	o	0.328	Low
Questionnaire 9	I	o	I	o	o	o	o	0.345	Low
Questionnaire 10	I	o	I	o	o	I	I	0.379	Average
Questionnaire 11	I	o	I	I	I	o	o	0.332	Low
Questionnaire 12	I	I	o	o	o	o	I	0.411	Average
Questionnaire 13	I	I	o	o	I	o	o	0.41	Average
Questionnaire 14	I	I	o	o	I	I	I	0.377	Average
Questionnaire 15	I	I	o	I	o	I	o	0.348	Low
Questionnaire 16	I	I	I	o	o	o	o	0.403	Average
Questionnaire 17	I	I	I	o	I	o	I	0.362	Low
Questionnaire 18	I	I	I	I	o	o	o	0.362	Low
Questionnaire 19	I	I	I	I	o	I	I	0.332	Low
Questionnaire 20	I	I	I	I	I	I	I	0.286	Low

o: The event does not exist in the scenario

I: The event exists in the scenario

## 6.8. Obtaining possible scenarios

Once the information had been analyzed using the computer-assisted system, the following results were obtained:

- Scenarios with Very High likelihood of occurring: NONE
- Scenarios with High likelihood of occurring: 43
- Scenarios with Average likelihood of occurring: 85
- Scenarios with Low likelihood of occurring: NONE
- Scenarios with Very Low likelihood of occurring: NONE

The HELP application provides a list of scenarios ordered from the highest to the lowest likelihood of occurring. From the High likelihood scenarios, below we show the one identified by HELP as the most likely.

### Solution 1

Event 3: The European Union has the capability to achieve the level of ambition established in the 2008 “Council Declaration on Strengthening Capabilities” for the CSDP’s military missions.

Event 4: The main military capability initiatives launched are successfully completed, taking as a reference the Capability Development Plan (CDP) approved by the EDA in July 2008.

Event 5: Development and optimization projects are carried out on the EU’s military capabilities, considering combining efforts, specialization and cost sharing, based on operational and economic efficiency criteria.

Event 6: A European Defence Technological and Industrial Base (EDTIB) is achieved that is capable of responding to the requirements of EU member states and to support the CSDP, based on the strategy set out by the EDA in May 2007.

Event 7: The EU’s capacity to anticipate, react to, plan and implement civilian missions is improved to ensure rapid and effective deployment, in accordance with the “Civilian Capability Objective 2010”.

## 7. CONCLUSION

In this article we have presented the idea of using foresight analysis of scenarios to foresee potential situations of crisis or risk. Using a simple technology tool that is applicable to strategic studies facilitates rapid preparation and analysis of information. We have examined in detail the processes for obtaining information from a group of experts in order to build future scenarios. A similar process may be used to analyze the implication of potential scenarios compared to other unrelated scenarios.

And because the HELP application helps in the analysis of scenarios and using this technology avoids the need for complex statistical methods, it is easy to repeat foresight studies, if the scenario changes or new events unexpectedly arise.

Comparing this work with classical methods reveals the following advantages:

- It is more natural to use linguistic labels rather than probability to define the likelihood and scale of events.
- It achieves a common opinion from a group of experts, without needing to use the Delphi method<sup>13,14</sup>.
- It studies the implications of a future scenario by analyzing events that could be changed to achieve an ideal scenario.

Finally, the applicability of this technology has been demonstrated through three real case studies.

It is worth highlighting the need to continue to monitor the future scenario designed, as the set of events influencing the scenario may vary as the future unfolds. For this reason, it is recommendable to review foresight studies of future scenarios on a biennial basis, at least.

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<sup>13</sup> TUROFF, Murray. *The Past, Present and Future of Delphi*. Futura journal. Helsinki, 2009.

<sup>14</sup> DALKEY, Norman C. *Méthode Delphi*. Dunod. 1975.

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## SECURITY AND FOREIGN ACTION IN THE EUROPEAN UNION: THE INCREASING IMPORTANCE OF THE EXTERNAL DIMENSION OF THE AREA OF FREEDOM, SECURITY AND JUSTICE\*

This article examines security and defence in the European Union from its founding treaties to the present. Some of the major aspects covered include NATO's role in the incorporation of security and defence into the integration process, the fall of the Soviet bloc and the disappearance of the Cold War military threat.

One of the aspirations behind the founding of the European Community was the search for lasting peace. Common security and defence became part of the legal framework of the European Union with signature of the Treaty of Lisbon.

The European Area of Freedom, Security and Justice is one of the mechanisms in the shared efforts and cooperation to ensure the security of the continent.

European Union, European Area of Freedom, Security and Justice, Treaty of Lisbon, security and common defence

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\* This paper is part of a larger research project financed by the Ministry of Science and Innovation (DER2009-13679), in which the author is the lead researcher.



## I. GENERAL: THE CONTINUING DESIRE TO INCLUDE SECURITY AND DEFENCE ON THE EU AGENDA

A desire to establish common European defence has been ever present since the early rejection by the French parliament of the failed Treaty to create a *European Defence Community* in 1954 to the present. However, European integration and collective defence then took very different routes and did not come together again until the last decade. The ultimate objective of the three European Communities created by the Treaties of Paris (1952) and Rome (1957) indirectly addressed military issues, aiming to achieve a lasting peace in Europe by sidelining the thorny “French-German” issue<sup>1</sup>. However, collective security in Europe has mainly been built around the Atlantic Alliance (NATO) and, to a far lesser extent, the Western European Union (WEU); in fact, renouncing its own military structure and remaining under the NATO umbrella was part of the WEU's DNA from its founding in October 1954 until its disappearance due to inactivity in 2010.

However, the new scenario resulting from the collapse of the “Eastern bloc” and the disappearance of the real military threat of the Cold War has created the conditions needed for these two paths to come together and to aspire to including security and defence on the European Union (EU) agenda. The Maastricht Treaty (1992) effectively

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1 A famous statement in the Schuman Declaration of 9 May 1950 establishes that “Europe will not be made all at once, or according to a single, general plan. It will be built through concrete achievements which first create a *de facto* solidarity”. This would require the “elimination of the age-old opposition of France and Germany” through integration that will establish “the first concrete foundation of a European federation indispensable to the preservation of peace”.

broke the ground<sup>2</sup>. Subsequently, once the issue had started to be addressed by the barely noticeable reforms to intermediary stations in Amsterdam (1997) and Nice (2001)<sup>3</sup>, the Treaty of Lisbon (2007) ushered in a new legal framework enabling the EU to develop its own defences in the context of the *Common Foreign and Security Policy* (CFSP).

However, the issue of security in the EU now far exceeds the scope of the CFSP<sup>4</sup>. The international spread of terrorism and its establishment as a lasting international threat following 11 September has widened the panorama for collective security in a new globalised world in which Europe is now far from the epicentre. Moreover, the disappearance of frontiers between member states in the “single market” has resulted in compensatory security measures being required to control external borders (to combat illegal immigration) and for legal and judicial cooperation on criminal issues (to fight transnational crime). In this paper we will be concentrating on this dimension,

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2 As Esther Barbé has stated, the Maastricht Treaty was “the meeting point for two processes that had over many years been formally separated: European construction and defence and security institutions”; BARBÉ, Esther: *La seguridad en la nueva Europa*, Catarata, Madrid, 1995, p. 157. In effect, the Maastricht Treaty, based on the seed of modest *European Political Cooperation* in the Single European Act (1986), was the first time that the then European Community had appeared on the European defence agenda. This was done in a way that was more programmatic (‘it could drive things’) than purely legal and, as shown by subsequent events, was more about intentions than realities. It was also articulated in a very nebulous way, as the three phase programme towards this European defence was still only hazily sketched out. Continuing with Esther Barbé’s metaphor in the aforementioned work on the ‘triad of European security’, the WEU would continue to play a ‘hinge role’ (linked to NATO for military issues and a basis for the Union’s defensive action) that did not serve to make a real defence policy for the EU possible. Also HERRERO DE LA FUENTE, Alberto A.: “Del ‘Informe Davignon’ a la Política Europeo de Seguridad y Defensa. Una evolución más aparente que real”, in ALDECOA LUZARRAGA, Francisco (coord.), *Los tratados de Roma en su cincuenta aniversario: perspectivas desde la Asociación Española de Profesores de Derecho Internacional y de Relaciones Internacionales*, Marcial Pons, Madrid, 2008, pp. 1249-1276.

3 The ample literature on the CFSP prior to the Treaty of Lisbon includes works by BARBÉ, Esther: “Evolución, presente y perspectivas futuras de la Unión Europea y de la Política de Seguridad y Defensa Común”, in PALOMARES LERMAN, Gustavo (ed.), *Política de Seguridad de la Unión Europea: realidades y retos para el siglo XXI*, Tirant lo Blanch, Valencia, 2002, pp. 23-40; FERNÁNDEZ SOLA, Natividad: “La política europea de seguridad y defensa en el debate sobre el futuro de la Unión Europea”, *Boletín Europeo de la Universidad de La Rioja* 2003, num. 11, pp. 10-26; GARCÍA PÉREZ, Rafael: *Política de Seguridad y Defensa de la Unión Europea*, UNED and the Instituto Universitario General Gutiérrez Mellado, Madrid, 2003; GONZÁLEZ ALONSO, Luis Norberto: “La política europea de seguridad y defensa después de Niza”, *Derecho Comunitario Europeo Journal* 2001, num. 9, pp. 197-240; HERRERO DE LA FUENTE, Alberto A.: “La política europea de seguridad y defensa”, in RAMÓN CHORNET, Consuelo (coord.), *Derechos y libertades ante las nuevas amenazas a la seguridad global*, Tirant lo Blanch, Valencia, 2005, pp. 79-130.

4 Now is not the time to get sidetracked on the interesting conceptual question of the scope of the idea of “collective security” and how this differs from other similar concepts, as we will be using the concept in a wide-ranging sense. However, it is interesting to read ORAKHELASHVILI, Alexander: *Collective Security*, Oxford University Press, Oxford, 2011, particularly pp. 4-21 (‘Essence and Definition of Collective Security’). Esther BARBÉ’s 1995 conceptual reflections are also of interest in the aforementioned work, *op. cit.* pp. 23-60.

which falls outside the scope of defence policy as such. In particular, we will be examining the *Area of Freedom, Security and Justice* (henceforth, the AFSJ) (II); within this, the external dimension is becoming increasingly important, and this (III) justifies focusing on the main actions undertaken by the Union in this area (IV) in order to assess its deficiencies and potential (V).

## II. SECURITY IN THE EU: SOMETHING MORE THAN THE COMMON SECURITY AND DEFENCE POLICY

### 1. Security in the heart of the CFSP: towards a common security and defence policy

The new legal framework for the Union in relation to the CFSP established in the Treaty of Lisbon (arts. 21 to 46 TUE) not only pushed forward the implementation of a more efficient diplomatic policy through the High Representative and the European External Action Service (EEAS)<sup>5</sup>, it also cleared away many of the previous obstacles to development of a true defence policy within the Union (e.g. updating of the objectives of the Petersburg missions and the creation of the European Defence Agency). In terms of defence, the founding treaties refer to a *Common Security and Defence Policy* (CSDP) -previously, this had been discussed more generically as a European Security and Defence Policy (ESDP); there are at least three elements of particular importance to this. First, a combination of ambitious objectives (art. 3.5. and 21 TEU) but in a very modest set up<sup>6</sup>. Second, an interesting *mutual assistance clause*, under which if a Member State is subject to armed aggression on its territory, “the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the UN Charter” (art. 42.7 TEU)<sup>7</sup>. Third, defence is

5 There is abundant literature on the subject, including the recent collection coordinated by Francisco ALDECOA LUZARRAGA, *La diplomacia común europea: el Servicio Europeo de Acción Exterior*, Marcial Pons, Madrid, 2011.

6 The specific regulation of the CFSP is so subject to institutional peculiarities (pre-eminence of the European Council and the use of unanimity, exclusion of the usual *ex ante* and *ex post* controls), legislative exclusions (non-adoption of legislative acts) and restrictions on competences (maintenance of the predominant role of the States) that from a material point of view we can talk fundamentally of an (imaginary) pillar of intergovernmental inspiration within the Union that otherwise exercises its competences (almost) fully in “community mode”. This is a conclusion we have already described in our “Preliminary study”, in MARTÍN y PÉREZ DE NANCLARES, José and URREA CORRES, Mariola: *Tratado de Lisboa — Textos consolidados del Tratado de la Unión Europea y del Tratado de Funcionamiento de la Unión Europea*, Marcial Pons, 2nd ed., Madrid, 2010, pp. 17-66, en p. 33. Refer for more detail to GONZÁLEZ ALONSO, Luis Norberto: “Quién dijo que desaparecen los pilares? La configuración jurídica de la acción exterior de la Unión en el Tratado de Lisboa”, in MARTÍN y PÉREZ DE NANCLARES, José (coord.), *El Tratado de Lisboa — La salida de la crisis constitucional*, Iustel, Madrid, 2008, pp. 393-403.

7 Refer for example to RUBIO GARCÍA, Dolores: *Las cláusulas de asistencia mutua y solidaridad introducidas por el Tratado de Lisboa: el refuerzo de la solidaridad y la defensa en la Unión Europea*, Fundación Alternativas-IEEE Working Paper 57/2011, Madrid, 2011.

considered an area for potential reinforced cooperation and possible permanent structured cooperation<sup>8</sup>.

As far as we are concerned here, the Treaty of Lisbon has opened new horizons for European security and defence in the general framework of the Union's external action<sup>9</sup>. However, questions of collective security are not limited to those established in the context of the CFSP. There are also at least two further areas with particular relevance and potential outside this.

## 2. Security beyond the CFSP: The increasing importance of the Area of Freedom, Security and Justice

The founding treaties in effect make provision outside the framework of the CFSP for other important provisions that also affect collective security and are in reality ultimately rooted in the desire to combat international terrorism and other threats to the *internal* security of the Union. These basically fall into two fundamental areas: one that straddles the CFSP and the Union's classic external action, and one that constitutes a whole sector of regulations with its own personality. Specifically, the first of these is the *solidarity clause* (art. 222 TFEU) in the external action title (title VII of Part V of the TFEU), rather than the defence title (title V). This originated in attempts post-11 September to combine resources and efforts in the fight against international terrorism, establishing that the Union and its Member States will act jointly in a spirit of solidarity, if any Member State is subject to a terrorist attack, or is the victim of a natural or man-made catastrophe<sup>10</sup>. This therefore goes beyond defence in its strictest sense, but it also has evident repercussions on this from the moment when the Treaty explicitly mentions the Union's obligation to mobilise all instruments at its disposal “including the military resources made available by the Member States”.

A second area of security regulation outside the CFSP and traditional external action is the aforementioned AFSJ. In fact, at present, one of the Union's main objectives is to

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8 See. Protocol 10 on the permanent structured cooperation established in article 42 TEU. Further details of the character, scope and problems of these flexibility mechanisms can be found in URREA CORRES, Mariola: “La política (común) de seguridad y defensa en el Tratado de Lisboa: la eficacia como objetivo, la flexibilidad como instrumento y la ambición como propuesta de futuro”, *Revista Europea de Derecho Europeo* 2010, num. 13, pp. 91-120. More specifically, on the peculiar instrument of permanent structured cooperation, refer to RUIZ CAMPILLO, Xira and BARROSO CORTÉS, Francisco: *La cooperación estructurada permanente: propuestas para España*, Fundación Alternativas Working Paper 37/2009, Madrid, 2009; BISCOP, Sven and COELMONT, Jo: “Permanent Structured Cooperation for Effective Armed Forces”, *Security Brief*, num. 9, The Royal Institute for International Relations, Brussels, 2009.

9 For all six contributions refer to the collection *La política europea de seguridad y defensa (PESD) tras la entrada en vigor del Tratado de Lisboa*, Strategic Papers-Ministry of Defence 145, Madrid, 2010. For a view of the future, see PERRUICHE, Jean Paul: “Los nuevos horizontes de la defensa europea”, IEEE Working Paper 2/2011 of 11 October 2011, pp. 6-13.

10 Cf. RUBIO GARCÍA, Dolores: *op. cit.* (*The clauses...*).

“offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime” (art. 3.2 TEU). To achieve this, the Union currently has wide-ranging competence shared with Member States (art. 4.2 j TFEU) to adopt the measures required to develop border control, immigration, asylum and civilian judicial cooperation polices, and for intensive police and judicial cooperation on criminal issues (arts. 67 to 89 TFEU)<sup>11</sup>. Not in vain in the light of progressive incorporation of state competences in this delicate area of internal and justice issues into the community fold, over the last three decades, the Union has approved a wide range of regulations of very varied natures<sup>12</sup>. We only have to think of the multiple actions undertaken by the Union under the successive Tampere (1999-2004)<sup>13</sup>, Hague (2005-2009)<sup>14</sup> and Stockholm (2010-2014)<sup>15</sup>

11 We dealt with the question of regulation of the AFSJ following the Treaty of Lisbon in depth in our previous work “El nuevo espacio de libertad, seguridad y justicia en el Tratado de Lisboa”, *Revista de las Cortes Generales* 2007, nums. 70-71-72, pp. 85-125. Also refer to, DIAZ BARRADO, Cástor M.: “El Espacio de Libertad, Seguridad y Justicia en el Tratado de Lisboa”, in *ib.* and FERNÁNDEZ LIESA, Carlos R. (coord.), *El Tratado de Lisboa — Análisis y perspectivas*, Dykinson, Madrid, 2008, pp. 81-96; VALLE GÁLVEZ, Alejandro del: “Espacio de Libertad, Seguridad y Justicia y Tratado de Lisboa”, in MARTÍN y PÉREZ DE NANCLARES, José (coord.), *El Tratado de Lisboa — La salida a la crisis constitucional*, Iustel, Madrid, 2008, pp. 417-435. Works in languages other than Spanish include PEERS, Steve: *EU Justice and Home Affairs Law*, 3rd ed., Oxford University Press, Oxford, 2011; *ib.*: “Mission accomplished? EU Justice and Home Affairs law after the Treaty of Lisbon”, *Common Market Law Review* 2011, pp. 661-693; KADDOUS, Christine: “Un nouveau cadre pour la dimension externe de l’espace de liberté, de sécurité et de justice”, in *ib.* and DONY, Marianne (coords.), *D’Amsterdam à Lisbonne — Dix ans d’espace de liberté, de sécurité et de justice*, Heilbing & Lichtenhahn, 2010, pp. 61-79.

12 It is worth noting that this incorporation of competences for internal issues and justice into the Union’s material actions has taken place through a range of successive methods that differed substantially in nature and intensity of competences. First, via jurisprudence, with the Court of Justice giving a *wider* interpretation of internal market regulations affecting issues such as visas and the legal position of nationals of certain other non-member states. Similarly, treaties constituting international agreements, such as Schengen and Dublin, that use the mechanisms of International Law to regulate aspects of external border control and the determination of asylum claims by the responsible State, for which the then European Community had no competences, have been agreed *extramurally*. Subsequently, as also occurred with the CFSP, this was also done on the inter-government basis introduced by the Maastricht Treaty; in other words, in an extra-Community pillar for internal and justice issues. The subsequent agreement of the Treaty of Amsterdam rechanneled some areas (immigration, visas and asylum) to the community method, but still left the aspects of the AFSJ most closely linked to national sovereignty (police and judicial cooperation on criminal issues) on the extra-Community pillar. And finally, the Treaty of Lisbon created a legal and institutional framework for all AFSJ questions that, unlike the continuing situation for the CFSP, is fully compatible with that for any other area within the competence of the Union.

13 Conclusions of the Tampere European Council of 15 and 16 October 1999.

14 Conclusions of the Brussels European Council of 4 and 5 November 2004.

15 Conclusions of the Brussels European Council of 1 and 2 December 2009.

Programmes, and their corresponding Action Plans<sup>16</sup>. These have created a complex web of regulations with intensive effects on national regulations in areas closely identified with the concept of sovereignty.

The fundamental point that we must underline is that the entry into effect of the Treaty of Lisbon brought to an end a lengthy process that, unlike the CFSP, is concluding with the full “Communitisation” (in competences, institutions and regulations) of this area<sup>17</sup>. Therefore, as with all other Union competences, this action includes both an internal action (in relation to the Member States) and an external action.

Nevertheless, until very recently, the external dimension of the AFSJ had remained in the background, with relations with other countries and participation in the work of international organisations related to the area being basically in the hands of the Member States. Furthermore, although the founding treaties provided competences for the Union to enter into international agreements, it retained a duality of legal bases, decision-making procedures and political and legal control mechanisms, depending on whether the international agreement dealt with a topic falling on the community pillar (visas, immigration and asylum) or the extra-Community pillar (police and judicial cooperation). In practice, this represented a serious obstacle to effective, coordinated and coherent action; the Treaty of Lisbon overcame this.

### III. THE EXTERNAL DIMENSION OF THE AREA OF FREEDOM, SECURITY AND JUSTICE: A NEW SCOPE OF ACTION FOR THE UNION

#### 1. The inseparability of the internal and external dimensions of the AFSJ: the Union's necessary external action in the AFSJ

In this new post-Lisbon legal set up, external action under the AFSJ is considered to be one of the Union's priorities in both the Stockholm Programme and its Action Plan<sup>18</sup>. The only clear conclusion we can draw at present from the Union's actions with

16 COM (2005) 184 final of 10.5.2005 (Ten priorities for the next five years. The Partnership for European renewal in the field of Freedom, Security and Justice); COM (2010) 171 final of 20.4.2010 (Delivering an area of freedom, security and justice for Europe's citizens).

17 The limitations and deficiencies that can still be identified in current AFSJ regulations are discussed in detail in ZAPATER DUQUE, Esther: “La dimensión exterior del Espacio de Libertad, Seguridad y Justicia en el Programa de Estocolmo: el reto de la integración y de la coherencia”, in PI LLORENS, Montserrat and ZAPATER DUQUE, Esther (coords.), *¿Hacia una Europea de las personas en el Espacio de Libertad, Seguridad y Justicia?*, Marcial Pons, Madrid, pp. 19-44; LIROLA DELGADO, Isabel: “La cooperación judicial en materia penal en el Tratado de Lisboa: ¿Un doble proceso de comunitarización y consolidación a costa de posibles frenos y fragmentaciones?” *Revista General de Derecho Europeo* 2008, num. 16, <http://www.iustel.com>.

18 A legal assessment of this external dimension of the AFSJ is given in the interesting paper by CREMONA, Marise: “EU External Action in the JHA Domain — A Legal Perspective”, in *ib*, MO-

regard to the AFSJ is that its internal and external dimensions are indissolubly linked<sup>19</sup>. Moreover, the external dimension is an essential instrument for achieving the AFSJ's internal objectives: without coherent and coordinated external action, it will be impossible for the Union's actions inside the borders of its Member States to be effective.

There are three main reasons for this. This is firstly because, as with all other competences attributed to the Union, all community policies have an external dimension, as the Court of Justice has recognised through its well-established *in foro interno in foro externo*<sup>20</sup> doctrine. Secondly, this inseparability of the internal and external dimensions manifests itself much more evidently in the specific scope of the AFSJ as, through the very definition of the area being regulated, the measures adopted in the internal ambit of the Unit already possess *per se* a certain external dimension affecting other countries. Thirdly, there are also specific actions that in themselves are a clear manifestation of this external dimension. For example, these might include readmission agreements, judicial cooperation agreements and even data transfer agreements with other countries.

It is therefore worth briefly pausing to delimit the legal scope of the external competences of the Union in this area.

## 2. The external competence of the Union in the ambit of the AFSJ: the fruitful set of express and implicit external competences

As we have already discussed, the Treaty of Lisbon has achieved full “communitisation” of the whole of the AFSJ. As a result, the Union's current shared competence in this area does not differ from that it has in other areas, such as the internal market, the environment and consumer protection. Consistently with this, the Union's external action in the AFSJ context is governed by the same general rules applicable to any of the Union's other shared competences, unlike the situation with the CFSP. Therefore, briefly summarising the complex regime of external competences currently existing under EU Law, we can talk of two basic mechanisms through which the Union can intervene in the international arena to achieve the security objectives set out in the AFSJ.

On the one hand, in accordance with the general provision in this area, the Union can enter into international agreements “where the Treaties so provide” (art. 216.1 TFEU). In this regard, there are *ad hoc* external competences to enter into interna-

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NAR, Jörg and POLI, Sara (eds.), *The External Dimension of the European Union's Area of Freedom, Security and Justice*, Peter Lang, Brussels, 2011, pp. 77-115.

19 In this context, it is also worth consulting FLAESCH-MOUGIN, Catherine (ed.), *Union Européenne et sécurité: aspects internes et externes*, Bruylant, Brussels, 2009; SANTOS VARA, Juan: “The External Dimension of the Area of Freedom, Security and Justice in the Lisbon Treaty”, *European Law Journal* 2008, pp. 577-597.

20 See below, II, 2.

tional agreements with other countries for the readmission of illegal immigrants (art. 79.3 TFEU)<sup>21</sup> and for granting asylum and subsidiary protection (art. 78.2 g TFEU)<sup>22</sup>. On the other hand, pursuant to classic jurisprudence from the Court of Justice on implicit competences, which has now been “legalised” by the founding treaties (art. 216.1 TFEU)<sup>23</sup>, the Union also has competences to enter into international agreements with other countries or international organisations to achieve the objectives established in the policy to establish the AFSJ, when this is provided for in a legally binding Union act entered into in the context of the AFSJ or when it is likely to affect common rules or alter the scope provided for in a binding legal act<sup>24</sup>. This form of external action has become more relevant following the Treaty of Lisbon coming into effect, with the disappearance of the express attribution of competences for police and judicial cooperation that formed what was known as the third pillar (previous articles 24 and 38 TEU); this will also be the implicit competence on which future international agreements in this important area will be based.

Having reached this point, it is worth examining the actual scope of the Union's external action based on these possibilities for action.

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21 This is specifically the possibility to “conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for entry, presence or residence in the territory of one of the Member States”. This competence base is not in reality an innovation of the Treaty of Lisbon as it was introduced by the Treaty of Amsterdam (previous art. 63.3 b TEC).

22 The Union likewise has competence to adopt “measures for a common European asylum system” including “partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or temporary protection”.

23 This jurisprudence construction condenses into the doctrine of parallelism between internal and external competences or *in foro interno in foro externo* that was formulated in the ruling of 31 March 1971, *Commission c. Council* (22/70, *Rec.*, p. 273), section. 16; ruling of 14 July 1976, *Kramer* (3, 4 and 6/76, *Rec.*, p. 1279), sections. 20 and 33. This doctrine was subsequently supplemented by decisions 1/76, of 26 April 1977, section. 3 and 1/94, of 15 December 1994, section. 95.

24 This is not the time to get sidetracked on a doctrinal discussion about whether this type of implicit external Union competence for the AFSJ is shared or exclusive in nature. It should be sufficient here that the thesis of exclusive competence in the sphere of the AFSJ have clearly been eroded by Protocol 23 on external relations of Member States with respect to the crossing of external borders, and by Declaration 36 relating to article 218 on the negotiation and agreement of international agreements by Member States in relation to the AFSJ.

#### IV. THE UNION'S RECENT ACTIONS RELATING TO THE EXTERNAL DIMENSION OF THE AREA OF FREEDOM, SECURITY AND JUSTICE: CONCERNS ABOUT CONTROLLING ILLEGAL IMMIGRATION AND THE FIGHT AGAINST TERRORISM

##### 1. The external dimension of border control, immigration and asylum issues: the role of readmission agreements and FRONTEX

The Union's external action in this area has related mostly to the fight against illegal immigration and what are termed *readmission agreements*, which form the backbone of this<sup>25</sup>. Initially, where there was no *ad hoc* competence for agreeing these, they simply consisted of a clause addressing the issue inserted into an international agreement on some other issue, usually a mixed cooperation agreement<sup>26</sup>. Subsequently there was an intermediary stage when, despite the existence of an *ad hoc* competence, such clauses continued to be included in international agreements, although making an explicit reference to the future negotiation of a specific agreement on this issue. Today, more than a dozen specific readmission agreements have been signed<sup>27</sup>, and the Commission currently has a negotiating mandate in at least half-a-dozen more cases<sup>28</sup>.

In practice, these agreements have given rise to a deep doctrinal dispute. From a political point of view, the political strategy behind the choice of countries with which to reach agreements has not always been clear. It is also difficult to understand how the Council has been able to approve a negotiating mandate with certain countries without having confirmation that, as a minimum, it would be possible to begin negotiations<sup>29</sup>. There are also serious questions from a legal perspective. These include, for example, the

25 Cf. for example, ARENAS HIDALGO, Nuria: “Los acuerdos de readmisión de inmigrantes en situación irregular. Diez años de política europea de readmisión a debate”, *Cuadernos Europeos de Deusto* 2010, num. 43, pp. 53-90.

26 The latter was basically the form used in the agreements at the end of the 1990s with a number of countries in eastern European and the Caucasus. This was the case with the clauses in international agreements with Russia (*OJ L* 327 of 28.11.1997), Ukraine (*OJ L* 49 of 19.12.1998), Moldavia (*OJ L* 181 of 24.6.1998), Armenia (*OJ L* 239 of 9.9.1999), Azerbaijan (*OJ L* 246 of 17.9.1999), Georgia (*OJ L* 205 de 4.8.1999) and Uzbekistan (*OJ L* 352 of 30.12.2002).

27 Such agreements have been signed with Hong Kong (*OJ L* 17 of 24.1.2004), Macao (*OJ L* 143 of 30.4.2004), Sri Lanka (*OJ L* 124 of 17.5.2005), Albania (*OJ L* 124 of 17.5.2005), Russia (*OJ L* 129 of 17.5.2007), Ukraine (*OJ L* 332 of 18.12.2007), Moldova (*OJ L* 334 of 19.12.2007), Macedonia (*OJ L* 334 of 19.12.2007), Montenegro (*OJ L* 334 of 19.12.2007), Serbia (*OJ L* 334 of 19.12.2007), Bosnia and Herzegovina (*OJ L* 334 of 19.12.2007), Pakistan (*OJ L* 287 of 4.11.2010) and Georgia (*OJ L* 52 of 25.2.2011).

28 This includes the negotiating mandates with Morocco, Turkey, Cape Verde, Belarus, China and Algeria.

29 There have been cases in which the Council has entrusted such tasks to the Commission but it was subsequently not even possible to open negotiations with these countries. This has happened with China and Algeria.

lack of confirmation of compliance with the requirements of the subsidiarity principle (art. 5.3 TEU and Protocol 2) and possible violations of the requirements of the principle of cooperation in good faith (art. 4.3 TFEU) in cases in which Member States continue negotiating their own agreements with countries with which the Commission already has a negotiating mandate. However, the most serious legal problems probably derive from the compatibility of such agreements with the international commitments undertaken by the Union and the Member States in relating to asylum and human rights<sup>30</sup>.

Moreover, the FRONTEX, agency was set up in 2007 to manage operational cooperation over the external borders of the Union's Member States<sup>31</sup>. FRONTEX has agreed a number of international agreements with various states<sup>32</sup> and international organisations<sup>33</sup> to improve the Union's external border control and fight the arrival of illegal immigrants in the Union. These agreements -known in practice as 'working arrangements'— also raise serious legal questions that even affect whether a Union agency can in reality have competence to enter into such agreements. Nevertheless, from an operational point of view, these arrangements provide coverage for a range of actions that have demonstrated their usefulness in practice.

## 2. The external dimension of police and judicial cooperation in criminal matters: the problems of some international agreements relating to terrorism

With regard to police and judicial cooperation in criminal matters, prior to the entry into force of the Treaty of Lisbon, intensive external efforts had been made based on *ad hoc* attribution of competences in the intergovernmental framework of the old third pillar<sup>34</sup>. For example, international agreements were signed on extradition and judicial assistance on criminal matters with other countries, such as the United

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30 In this context, the following are particularly relevant: the European Convention for the Protection of Human Rights and Fundamental Freedom (1950), the Geneva Convention relating to the Status of Refugees (1951) and its New York Protocol (1967), together with the Charter of Fundamental Rights of the European Union, which has been legally binding since the entry into force of the Treaty of Lisbon (art. 6.1 TEU).

31 Regulation (EC) n° 2007/2004, of the Council, of 26 October 2004, OJ/L 349 of 25.II.2004.

32 Such agreements, known as "working arrangements", have been reached with countries in Eastern Union (Russia, Ukraine, Croatia, Georgia, Belarus, Serbia, Albania, Montenegro and Macedonia), Africa (Cape Verde) and North America (USA and Canada).

33 This is the case with agreements with external international organisations (the International Organization for Migration) and other European Union agencies (Europol, Human Rights Agency, European Maritime Safety Agency, etc.).

34 In our doctrine, for all of these refer to MARTÍNEZ CAPDEVILA, Carmen: *Los acuerdos internacionales de la Unión Europea en el tercer pilar*, Thomson-Civitas, Madrid, 2009. For a more political than legal perspective, MISILEGAS, Valsamis: "The External Dimension of EU Action in Criminal Matters", *European Foreign Affairs Review* 2997, num. 12, pp. 457-487.

States<sup>35</sup>; agreements to extend Schengen to Norway, Iceland, Sweden and Liechtenstein<sup>36</sup>; agreements on security procedures for the exchange of classified information with around a dozen other countries;<sup>37</sup> and agreements on the transfer and processing of passenger number record (PNR) data by airlines<sup>38</sup>. There were not many such agreements, but they affected very sensitive areas for states and individuals.

Following the Treaty of Lisbon, this activity has obviously been based on a new legal basis, with a number of international treaties in this area being agreed with, in general, no particular difficulties. For example, these have served to continue expanding Schengen to non-EU members<sup>39</sup> and to regulate questions of criminal judicial cooperation<sup>40</sup>. However, the most difficult of these agreements has been that with the United States for the transfer of financial messaging data<sup>41</sup>, the SWIFT agreement (*Society for Worldwide Interbank Financial*). The European Parliament has expressed some very serious criticisms (well founded, in our opinion) about this in relation to its compatibility with certain fundamental European human rights requirements<sup>42</sup>. These criticisms have also been levelled at the internal dimension of the struggle against terrorism in the EU, even despite these being the most robust in the world<sup>43</sup>.

35 OJ L 181 of 19.7.2003. Cf. BUJOSA VADELL, Lorenzo: “Acuerdos de extradición entre la Unión Europea y los Estados Unidos de América sobre extradición y asistencia judicial en materia penal”, *Revista General de Derecho Europeo* 2004, num. 3 (<http://www.iustel.com>).

36 OJ L 26 of 29.1.2004, OJ L 292 of 21.10.2006, OJ L 53 of 27.2.2008 y OJ L 83 of 26.3.2008.

37 These have been agreed with Norway (OJ L 362 of 9.12.2004), Macedonia (OJ L 94 of 13.4.2005), Bosnia (OJ L 324 of 27.10.2004), Ukraine (OJ L 172 of 5.7.2005), Rumania (OJ L 118 of 5.5.2005), Bulgaria (OJ L 118 of 5.5.2005), Croatia (OJ L 116 of 29.4.2006), Iceland (OJ L 184 of 6.7.2006), the United States (OJ L 115 of 3.5.2007) and Switzerland (OJ L 181 of 10.7.2008).

38 OJ L 204 of 4.8.2007. Cf. ZAPATER DUQUE, Esther: “La cooperación entre la Unión Europea y los Estados Unidos en materia de terrorismo: El acuerdo sobre el tratamiento y transferencia de datos de pasajeros de la Unión Europea en vuelos con origen o destino a EEUU”, *Revista General de Derecho Europeo* 2004, num. 5 (<http://www.iustel.com>).

39 This also occurred with Iceland and Norway (OJ L 353 of 31.12.1009) and Switzerland and Liechtenstein (OJ L 160 of 18.6.2011).

40 This is the case with the international agreement signed with Japan (OJ L 39 of 12.2.2010).

41 OJ L 195 of 27.7.2010.

42 European Parliament Resolutions of 2006 (OJ C 303E of 13.12.2006) and 2007 (OJ C 287E of 29.11.2007). Cf. MONAR, Jörg: “The Rejection of the EU-US SWIFT Interim Agreement by the European Parliament: A Historic Vote and Its Implications”, *European Foreign Affairs Review* 2010, pp. 143-151. Reading these European Parliament resolutions reminds us of the equally belligerent position that this Union institution also experienced years ago with PNR agreements for the transfer of passenger data for flights to the United States (*see above*). It is worth remembering that the Parliament managed to have the Court of Justice annul that agreement, obliging the Union to renegotiate it: ruling of 30 May 2006, *European Parliament v. Commission and Council* (C-317/04 and C-318/04, *Rec.*, p. I-47221). An overview of the EU's relations with the USA in this area is given in LIRORA DELGADO, Isabel: “Terrorismo y cooperación penal: ¿un contexto más favorable para los derechos humanos en las relaciones transatlánticas?” in *International Law and International Relations Course at Vitoria-Gasteiz 2009*, UPV, Bilbao, 2010, pp. 363-394.

43 On this issue, refer to MARTÍN MARTÍNEZ, Magdalena: “Terrorismo y derechos humanos en

As seen in the previous section, some European Union agencies with competence in the subject have signed international agreements of various sorts. Some examples of this include the operating agreements of *Europol* with other countries<sup>44</sup> and with *Interpol*,<sup>45</sup> and *Eurojust* agreements with various other countries both in Europe and outside<sup>46</sup>.

The EU's participation in the 2010 Review Conference of the International Criminal Court is probably a milestone in its relations with international organisations, and should not be overlooked<sup>47</sup>.

## V. FINAL CONSIDERATIONS: POTENTIAL AND DEFICIENCIES

When we assess progress in this area, there can be no doubt that the coming into force of the Treaty of Lisbon brings with it substantial advances on AFSJ issues. These are far superior to those existing in the CFSP. The Treaty of Lisbon has rechanneled treatment of police and judicial cooperation on criminal matters to community institutions, rather than leaving it within the scope of mere intergovernmental cooperation. In other words, it has reinforced the position of the Commission (legislation initiation and oversight powers), the European Parliament (a decisive role in decision making) and the Court of Justice (control of legality and compliance), in detriment to the Council (representation of Member States). It has also substantially increased the competences of the Union in this area (the possibility of adopting a true *common policy* on immigration and asylum). It has made the decision-making process more democratic (introduction of the ordinary legislative procedure with shared decision-making powers for the European Parliament and the Council), whilst also making decision making easier (qualified majority rather than unanimity). We could also mention many other aspects, including strengthening of fundamental rights through the legally binding character of the Charter of Fundamental Rights of the European Union (art. 6.1 TEU) and the Union's planned signing up to the European Court of Human Rights (art. 6.2 TEU), currently at an advanced stage of negotiation.

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la Unión Europea y en el Consejo de Europa: ¿marcos de referencia mundial?” in *Cursos de Derecho Internacional y Relaciones Internacionales de Vitoria-Gasteiz 2009*, UPV, Bilbao, 2010, pp. 395-426.

44 This has happened with countries on our continent, such as Iceland, Norway, Switzerland, Croatia, Bosnia Herzegovina, Albania and Serbia, and also non-European countries, such as the United States, Canada and Australia.

45 Not published in the Official Journal of the European Union.

46 Signed with European countries such as Norway, Iceland, Croatia and Switzerland. Also with other non-European countries, such as the United States.

47 Cf. JIMÉNEZ CORTÉS, Claudia: “La participación de la UE en la Conferencia de Revisión de la Corte Penal Internacional de 2010: un ejemplo de sus limitaciones a la hora de luchar contra la impunidad de los crímenes internacionales”, in PI LLORENS, Montserrat and ZAPATER DUQUE, Esther: *op. cit. (¿Hacia una Europa de las personas...)*, pp. 187-210.

However, the results are not quite as satisfactory when we examine the Union's specific external action in the context of the AFSJ. In reality, the appearance depends on the prism through which we choose to observe the Union's agreements. As a result, the overall assessment will vary considerably depending on whether the approach taken focuses on efficiency and opportunity or on scrupulous respect for human rights and the principles of the *rule of law*. It seems clear that from the former perspective, the Union's external action in the context of the AFSJ has great potential and, as we noted at the start of this paper, is an essential tool for achieving the AFSJ's *internal* objectives. It will be difficult to achieve a common Union policy on immigration and asylum, or an effective response to international terrorism and cross-border crime, without correlating the Union's external action. Moreover, it will be difficult to understand “collective security” within the EU without considering the external dimension of the AFSJ. The actions taken also have the recommended flexibility in this strange external area, both in terms of form and basis. For example, it has been accepted without much discussion that the Union's agencies should be able to enter into international agreements with third parties when it is very difficult to accept that they should have such international capacities. Likewise, the significant restrictions on rights and freedoms in some agreements to achieve greater security have been no obstacle. For example, international commitments have been made with other countries, such as the United States, that are really stretching (at least) the limits of some fundamental rights that the Union is legally obliged to respect, with protection of personal data being one of the most noteworthy.

However, we consider that this external actions still suffers from at least two major deficiencies. Firstly, the objective of achieving a “global approach” to external action on immigration, enabling a certain balance between the fight against illegal immigration and the objective of effective cooperation on development with the countries of origin and consistency in the Union's development policy, has been a resounding failure; this has also been the case with pompously-named “mobility partnerships”. Furthermore, we cannot consider that the age-old aspiration of the *rule of law* to achieve a balance between the two poles that are referred to (not by accident) as Freedom *and* Security within the AFSJ has been achieved; it is worth remembering that the *rule of law* is one of the basic values on which the Union is based (art. 2 TEU). Security has (almost entirely) consumed freedom. In other words, the vast majority of AFSJ actions -particularly external actions- are based on security considerations<sup>48</sup>. In reality, the AFSJ's external agenda has been almost entirely based on security considerations, pushing freedom and justice into the back-

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48 Confirmation of this statement is provided in our work “El desequilibrio entre libertad y seguridad”, in *Informe sobre el estado del proceso de integración europeo*, Marcial Pons- Fundación Alternativas, Madrid, 2011, pp. 89-100. In this work we analyse in detail the specific actions taken by the Union in this area in 2010 and 2011.

ground<sup>49</sup>. It is certainly true that extreme threats may make a certain increase in security requirements necessary. But it is now 10 years since September 11 (or March 11 in the case of Spain), and the Member States and the Union still have in place regulations that clearly restrict aspects intimately linked to freedom, and that are also of extremely doubtful effectiveness. This is demonstrated every time that you go to an airport. In reality, security and a commitment to the essential principles of the *rule of law* are not contradictory objectives. Quite the contrary. Respect for these principles creates the most suitable conditions for effective long-term security. And the Treaty of Lisbon provides sufficient instruments to make this a reality, if the political will really exists for this.

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49 There is no shortage of doctrinal studies that, from a clearly political perspective, rechannel external action in the context of the ELSJ to a European agenda evidently based on security: BALZACQ, Thierry (ed.), *The External Dimension of EU Justice and Home Affairs — Governance, Neighbours, Security*, Palgrave MacMillan, Basingstoke, 2010 (numerous doctrinal references in pp. 249-276); and WOLFF, Sarah, WICHMANN, Nicole and MOUNIER, Gregory (eds.), *The External Dimension of Justice and Home Affairs — A Different Security Agenda for the European Union?*, Routledge, London, 2010.

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## EXTERNAL BORDER CONTROL AS A SECURITY TOOL: AN AP- PROACH TO THE NEW FRON- TEX LEGAL FRAMEWORK

This paper provides a legal analysis of the European Area of Freedom, Security and Justice arising from the Treaty of Lisbon. One of the most interesting aspects of its application and configuration is the development of the competences of the European Union and the Member States for control of Europe's external borders. In this work, we consider that the European Space has demonstrated its effectiveness in controlling the arrival of immigrants into Europe. Given the usefulness of these legal mechanisms, we can expect it to be developed over the coming years to correct some of the deficiencies identified so far.

Effective control of Europe's external borders will result in greater security for the Member States and for the Union as a whole.

European Union, Treaty of Lisbon, European Area of Freedom, Security and Justice, FRONTEX



## I. INTRODUCTION

The European Agency for the Management of Operational Cooperation at the External Borders, known as FRONTEX, came into operation in 2005. This gave the European Union an eminently technical tool to ensure technical assistance and cooperation between Member State border control agencies, and the creation of technology exchange and transfer programmes, particularly for sea borders<sup>1</sup>. There are many reasons why FRONTEX is useful. Some of these can be found in *Spain's Security Strategy*<sup>2</sup>, which reports how demographic imbalances<sup>3</sup> are risk factors, and that uncontrolled migration flows<sup>4</sup> have clear security implications<sup>5</sup>. In order

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1 An initial study of FRONTEX is contained in our paper “Control de fronteras exteriores y seguridad interna en la Unión Europea: la puesta en marcha de Frontex”, in ALDECOA LUZARRAGA, F. and SOBRINO HEREDIA, J.M. (coords.), *Migraciones y desarrollo: II Jornadas Iberoamericanas de Estudios Internacionales*, Marcial Pons, Madrid, 2007, pp. 469-482. It is also addressed more recently in RIJPMA, J.J.: “Frontex: Successful Blame Shifting of the Member States?”, *Real Instituto Elcano*, ARI, num. 69, 2010.

2 Available at <http://www.lamoncloa.gob.es/NR/rdonlyres/DoD9A8EB-17Do-45A5-ADFF-46A8AF4C2931/o/EstrategiaEspanolaDeSeguridad.pdf>.

3 *Estrategia Española de Seguridad. Una responsabilidad de todos*, in pp. 34-37.

4 *Estrategia Española de Seguridad. Cit.*, in pp. 70-73.

5 We refer, in the terms detailed in *Spain's Security Strategy*, to social conflict; the growth of urban ghettos; exploitation of immigrants by criminal organisations; destabilisation of some productive sectors of the national economy; extremist and identity radicalisation, and the presence of people from other countries, with no information about their real identities or nationalities, not knowing how many of them there actually are and whose activities might be difficult to control.

to combat these risks, Spain's Security Strategy proposes<sup>6</sup> making the control and monitoring of Spain's external borders that are part of the outer limits of the European Union more effective.

With this approach, we must be aware that the creation of FRONTEX as a tool to help with border control and monitoring has been made possible by a gradual transfer of competences from Member States -including Spain- to the European Union. This has involved a lengthy, ongoing process of “communitisation” that has not been without difficulties<sup>7</sup>. It has been achieved through reforming Treaties such as those of Amsterdam, Nice and Lisbon; this has consolidated the design of a real Area of Freedom, Security and Justice in the Union<sup>8</sup>.

Keeping this in mind, our objective in this paper is to analyse the current capabilities of FRONTEX as a tool for controlling the European Union's external borders. We will therefore discuss the competences of FRONTEX (II), which we will undertake focusing on the substantial reforms introduced by Regulation 1168/2011 to FRONTEX as originally established<sup>9</sup>. We will also address FRONTEX's external dimension and, therefore, its capacity to sign agreements with other states. Whilst these differ significantly from formal international agreements, they do raise some interesting issues that have not been fully resolved (III).

Having addressed these issues, we will turn our attention to some of the legal provisions that have extended FRONTEX's competences. In this regard, we will raise some of the legal problems that have arisen in operational cooperation over external borders coordinated by FRONTEX; in doing this, we will look at the regulations governing monitoring of external sea borders (IV). This legal instrument has not been free of controversy for the Commission and the European Parliament relating to the

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6 *Estrategia Española de Seguridad. Cit.*, in pp. 71-72.

7 Without going into too much details, it should be remembered that in the progressive erosion of intergovernmental policies (such as the original Cooperation in Justice and Home Affairs until its partial conversion into Title IV of the now outdated TEC, on visas, asylum, immigration and other policies related to the free movement of people (articles 61-69 TEC)), Member States demanded, among other guarantees, exclusion from control by the Court of Justice. For further details, refer to URREA CORRES, M.: “El Espacio de libertad, seguridad y justicia y la competencia del Tribunal de Justicia de las Comunidades Europeas: hacia una jurisdicción flexible”, *Bulletin of the Law Faculty of the Universidad Nacional de Educación a Distancia*, num. 23, 2003, pp. 65-101.

8 For more information on this issue, refer to MARTÍN Y PÉREZ DE NANCLARES, J.: “El espacio de libertad, seguridad y justicia”, in MÉNDEZ DE VIGO, I. (coord.), *¿Qué fue de la Constitución europea? —El Tratado de Lisboa: un camino hacia el futuro*, Planeta, Madrid, 2007, pp. 163-172.

9 Regulation 1168/2011 of the European Parliament and the Council of 25 October 2011 modifying Regulation (EC) 2007/2004 of the Council creating a European Agency for the management of operational cooperation at the external borders of European Union Member States (OJ L 304, of 22.11.2011).

procedure followed for its adoption. However, the progress it has made in consolidating regulations imposed by international law on operations on sea borders cannot be questioned (IV.1). We will also address the guidelines that cover the way it works and the attribution of responsibilities to states for search and rescue and disembarkation at sea operations coordinated by FRONTEX (IV.2). We conclude with some final reflections that should help us to assess the importance of having a robust legal framework that enables FRONTEX to function effectively, whilst rigorously respecting international law and, in particular, provisions relating to the fundamental rights of individuals affected by external border controls (V).

## II. FRONTEX'S COMPETENCES FOR BORDER CONTROL UNDER THE NEW REGULATION: COMMITMENT TO PROTECTING HUMAN RIGHTS AND RESPECT FOR INTERNATIONAL LAW

On 26 October 2004, the European Union Council approved the Regulation creating FRONTEX<sup>10</sup>. However, the Agency did not become effective until October 2005<sup>11</sup>. Following a suitable period since its launch and assessments of its operations<sup>12</sup>, on 25 October, Regulation 1168/2011 of the European Parliament and the Council thoroughly reformed FRONTEX's Regulation<sup>13</sup>. In the Commission's opinion, this reform was required to ensure that the Agency would work successfully and in a clearly defined way over the coming years, clarifying its mandate and correcting some deficiencies that had been identified<sup>14</sup>. Some of these deficiencies in the functioning of FRON-

10 Regulation 2007/2004/EC of the Council, of 26 October 2004, creating a European Agency for the management of operational cooperation at the external borders of European Union Member States (OJ L 349, of 25.11.2004, pp. 1-11). This Regulation was the object of an appeal for annulment from the United Kingdom that the Court of Justice dismissed in a ruling dated 18 December 2007. Refer to the commentary on this ruling by GARCÍA GUTIÉRREZ, L.: "ECJ – Decision of 18.12.2007, United Kingdom/Council, C-77/2005. Creación de la agencia FRONTEX – Validez – Exclusión del Reino Unido – Acervo y Protocolo de Schengen", *Revista de Derecho Comunitario Europeo*, num. 34, 2009, pp. 1083-1093.

11 Decision 2005/358 of 26 April establishing the headquarters of the European Agency for the management of operational cooperation at the external borders of European Union Member States (OJ L 144, of 04.05.2005, p. 13).

12 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. *Report on the evaluation and future development of the FRONTEX Agency* (COM (2008) 67 final, of 13 February).

13 OJ L 304, of 22.11.2011.

14 Before examining the proposed modification to the FRONTEX Regulation, it is worth understanding the thinking at the European Council meeting held in Brussels on 29 and 30 October 2009,

TEX are intimately related with the way the Agency works and its adequacy under international law, in particular with regard to Human Rights. FRONTEX's original Regulation are silent on this issue and this had to be addressed. The many references in the new Regulation to the Agency's commitment to human rights and international law should be understood in this context<sup>15</sup>. Of these, the Agency's commitment to perform its role “fully respecting applicable Union law, including the Charter of Fundamental Rights of the European Union; applicable international law, including the Geneva Convention relating to the Status of Refugees (...) and obligations relating to access to international protection, particularly the principle of non-return (...)”<sup>16</sup> is of particular importance. The Agency's undertaking to prepare a Code of Conduct applicable to all of the operations it coordinates is also to be welcomed. This establishes “procedures destined to ensure the principles of the rule of law and respect for basic rights, paying particular attention to unaccompanied minors and vulnerable persons, and those seeking international protection”<sup>17</sup>. Likewise, FRONTEX's commitment to prepare, develop and apply a *fundamental rights strategy* and to set up an effective mechanism to control respect for such rights in all of the Agency's activities<sup>18</sup> is also noteworthy.

Bearing this now explicit commitment to international law and fundamental rights in mind, the new FRONTEX Regulation reinforce the Agency's competences to help it achieve the objective for which it was created<sup>19</sup>. Let us examine how these are regu-

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and the position of the European Parliament as set out in Resolution 2008/2157 (INI), of 18 December 2008, on the evaluation and future development of the FRONTEX Agency and a European border control system (EUROSUR).

15 There are references in Considers 18 and 29 of Regulation 1168/2011, and in article 1.2.2; article 2b), section 1 a); article 2 a); article 5.1; article 9, 1.3; article 14 and article 26 a.

16 Article 1.2.2 of Regulation (EC) 2007/2004 of the Council in the new draft set out in Regulation 1168/2011 of the European Parliament and the Council, of 25 October 2011, *cit.*

17 The new article 2 a) of Regulation (EC) 2007/2004 of the Council in the new draft set out in Regulation 1168/2011 of the European Parliament and the Council, of 25 October 2011, *cit.*

18 The new article 26 a) of the FRONTEX Regulation states that FRONTEX shall establish a Consultative Forum to assist the Executive Director and management board in fundamental rights matters. The European Asylum Support Office, the Fundamental Rights Agency, the UN High Commissioner for Refugees and other relevant organisations will be invited to the Forum. The Forum will be consulted on the latest developments and application of strategy relating to fundamental rights, the Code of Conduct and core training programmes as referred to in the FRONTEX Regulation.

19 In this regard, the new article 1.2 of the FRONTEX Regulation states “while considering that the responsibility for the control and surveillance of external borders lies with the Member States, the Agency, as a body of the Union as defined in Article 15 and in accordance with Article 19 of this Regulation, shall facilitate and render more effective the application of existing and future Union measures relating to the management of external borders, in particular the Schengen Borders Code established by Regulation (EC) No 562/2006. It shall do so by ensuring the coordination of the actions of the Member States in

lated. Firstly, FRONTEX is assigned the function of coordinating operational cooperation among Member States in managing external borders<sup>20</sup>. In this regard, the Agency is responsible for examining, improving and coordinating proposals for joint operations, including requests from Member States related to situations requiring operational assistance and technical reinforcement, particularly in cases of specific and overwhelming pressures. The Agency may also initiate and carry out joint operations and pilot projects in collaboration with Member States in agreement with the host states<sup>21</sup>. In this regard, FRONTEX may put its technical team at the disposal of the Member States involved in the joint operations or pilot projects. The Agency may bring joint operations or pilot projects to an end if the conditions for these no longer persist. The Agency may finance or jointly finance joint operations or pilot projects through subsidies from its budget. The Agency will assess the results of such operations and report these to FRONTEX's management board. One major development in the new legal Regulation relates to the Agency's capacity to create a contingent of border guards called European Border Guard Teams, which it can deploy in joint operations or pilot projects<sup>22</sup>.

Secondly, FRONTEX has the competence to provide members of the European border guard teams with advanced training relating to their functions and competences. Prior to their taking part in operating activities, the Agency will ensure that all of its border guards and other Member State personnel involved in the European border guard teams “have received training in relevant Union and international law, in particular with regard to basic rights and access to international protection, together with guidelines relating to identifying people in search of protection so as to direct them as appropriate”<sup>23</sup>. Furthermore, the Agency will develop common core material for training border guards and will provide training at the European level for Member State border guards; this will include training in fundamental rights, international protection and maritime law.

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the implementation of those measures, thereby contributing to an efficient, high and uniform level of control on persons and of surveillance of the external borders of the Member States”.

20 Article 3 of Regulation (EC) 2007/2004 of the Council in the new draft set out in Regulation 1168/2011 of the European Parliament and the Council, of 25 October 2011, *cit.*

21 The new article 3 a) of the FRONTEX Regulation, detailing organisational aspects of joint operations and pilot projects, and more specifically, the obligation to prepare an operating plan stipulating organisational aspects with sufficient notice of the planned start of such joint operations and pilot projects, is of particular interest.

22 New article 3.1 3 of Regulation (EC) 2007/2004 of the Council in the new draft set out in Regulation 1168/2011 of the European Parliament and the Council of 25 October 2011, *cit.* Refer to the new articles 3 3 and 4 for the composition and deployment of these European Border Guard Teams.

23 Article 5 of Regulation (EC) 2007/2004 of the Council in the new draft set out in Regulation 1168/2011 of the European Parliament and the Council of 25 October 2011, *cit.*

Thirdly, FRONTEX is empowered to analyse risks. It will prepare a common comprehensive risk assessment method that it will apply in general and specific cases; the results of these will be submitted to the Council and the Commission. Having consulted the Member States affected, FRONTEX may assess their capacity to handle future challenges, including current and future threats and pressures on the external borders of the European Union. This applies particularly to Member States faced with specific and excessive pressures. To this end, the Agency may assess the Member State's border control team and resources. The Member States will provide the Agency with the information it needs on the situation and potential threats on its external borders<sup>24</sup>.

Fourthly, FRONTEX will proactively supervise and contribute to research into the control and monitoring of external borders. The results of this will be presented to the Commission and the Member States<sup>25</sup>.

Fifthly, FRONTEX is empowered to offer assistance to Member States subject to specific and excessive pressures or a situation that requires reinforced operational and technical assistance on its external borders<sup>26</sup>. Such aid may consist of: *coordination work*, assisting with coordination between two or more Member States to resolve problems on external borders; *assistance work*, sending experts and their own technical control and monitoring teams during the time needed by the competent authorities in the Member States affected; and *provision work*, deploying border guards from the European Border Guard Teams<sup>27</sup>.

Sixthly, FRONTEX will provide the assistance required for joint return operations by Member States, on request from the participating Member States. It will ensure the coordination and organisation of such joint operations, including contracting aircraft, in accordance with EU policy,<sup>28</sup> whilst not considering the suitability of deportation deci-

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24 Article 4 of Regulation (EC) 2007/2004 of the Council in the new draft set out in Regulation 1168/2011 of the European Parliament and the Council of 25 October 2011, *cit*.

25 Article 6 of Regulation (EC) 2007/2004 of the Council in the new draft set out in Regulation 1168/2011 of the European Parliament and the Council of 25 October 2011, *cit*.

26 In relation to this function, the FRONTEX Regulation was soon modified to establish a mechanism to create rapid border response teams capable of providing the rapid technical and operational assistance required for FRONTEX to be able to handle situations such as the arrival of a large number of nationals of non-EU countries at its external border intending to enter the European Union clandestinely. Regulation 863/2007 of the European Parliament and the Council of 11 July 2007 establishing a mechanism for the creation of rapid border intervention teams and modifying Regulation 1007/2004 of the Council with regard to this mechanism and regulating the functions and competences of the agents invited ("RABIT Regulation"); OJ L 199 of 31.07.2007, pp. 30-39).

27 Article 8 of Regulation (EC) 2007/2004 of the Council in the new draft set out in Regulation 1168/2011 of the European Parliament and the Council of 25 October 2011, *cit*.

28 Directive 2008/115/EC of the European Parliament and Council of 16 December 2008, on common standards and procedures in Member States for returning illegally staying third-country nationals.

sions. The Agency will prepare a Code of Conduct for the return citizens of other countries who are present illegally. It will apply this in all return operations that it coordinates. The Code of Conduct will specify standardised procedures to simplify the organisation of return activities, ensuring that these are applied humanely and fully respecting basic rights. The Agency will cooperate with the authorities in non-EU countries to determine best practice for obtaining travel documents and the expulsion of illegal immigrants<sup>29</sup>.

### III. THE EXTERNAL DIMENSION OF FRONTEX: ITS CAPACITY TO ENTER INTO AGREEMENTS WITH THIRD COUNTRIES

The FRONTEX Regulation originally provided for the Agency establishing appropriate cooperation with Europol for the performance of its functions. The new Regulation extends this collaboration to the European Asylum Support Office and the Fundamental Rights Agency and other Union agencies and bodies and relevant international organisations<sup>30</sup>. The Agency must also provide operating cooperation between Member States and third countries in the context of the Union's external relations policies<sup>31</sup>. In order to implement this mandate, on 1 September 2006 the Management Board of FRONTEX approved a Decision<sup>32</sup> setting out procedures for negotiating and concluding agreements with third countries and international organisations<sup>33</sup>.

The above poses two questions that should be clarified. One relates to the international capacities to act of FRONTEX and the other to the legal nature of the agreements FRONTEX can enter into. With regard to international capacity to act, we have no doubt that FRONTEX, as an Agency of the Union -i.e. a body governed by European

29 Article 9 of Regulation (EC) 2007/2004 of the Council in the new draft set out in Regulation 1168/2011 of the European Parliament and the Council of 25 October 2011, *cit*.

30 Article 13 of Regulation (EC) 2007/2004 of the Council in the new draft set out in Regulation 1168/2011 of the European Parliament and the Council of 25 October 2011, *cit*.

31 Article 14 of Regulation (EC) 2007/2004 of the Council in the new draft set out in Regulation 1168/2011 of the European Parliament and the Council of 25 October 2011, *cit*.

32 This Decision is available at [http://www.frontex.europa.eu/minutes\\_and\\_decisions/decisions/page5.html](http://www.frontex.europa.eu/minutes_and_decisions/decisions/page5.html). Just twenty days following approval of this Decision, FRONTEX's Management Board authorised its Executive Director to negotiate operational cooperation with Croatia.

33 This procedure, which is described on FRONTEX's web site, involves the Executive Director presenting a draft mandate to the Management Board detailing the negotiation guidelines. The Agency then consults the Member States and the Commission about these. Once the Management Board has approved the mandate, the Executive Director begins negotiations with the other country or international organisation. Once agreement is reached, and after consulting the Commission again, the Executive Director submits this to the Management Board to ratify the definitive version. The Executive Director can then sign the agreement.

public law and created by law to perform a specific technical, scientific or management task in the European Union- has its own legal personality. However, it lacks international capacity to act and, therefore, does not have the capacity to enter into international agreements. We can therefore conclude that the FRONTEX Regulation cannot refer to international agreements but rather to working arrangements, sometimes known as technical or operational arrangements, with the *bodies* of other states; this is the case, as a general rule, with Border Guard Services and the Ministry for the Interior.

In exercise of this competence, FRONTEX has signed agreements of this kind with a number of states and even some international agencies<sup>34</sup>. Agreements with states have been signed with Russia, Ukraine, Croatia, Moldavia, Belarus, Georgia, Serbia, Albania, Bosnia-Herzegovina, Montenegro, Macedonia and Cape Verde. Although it seems rather strange<sup>35</sup>, agreements have also been signed with the United States and Canada. FRONTEX has a mandate to open negotiations with Turkey, Libya, Morocco, Senegal, Mauritania, Brazil, Nigeria and Egypt<sup>36</sup>.

Whilst this is not the appropriate place for a more in-depth analysis, there are two aspects that do seem particularly interesting. The first is that these working arrangements are not published. We can only find out about their existence from press releases issued by FRONTEX when they are signed or from information in the Agency's annual report. Irrespective of the security issues that may on occasion condition access to the content of such agreements, it does not appear acceptable that we should resign ourselves to secrecy being the general rule for FRONTEX's operations.

The second interesting aspect relates to the content of the working arrangements, which set out how FRONTEX will cooperate with a State pursuant to the competences in its Regulation. It is difficult to address this issue when, as we mentioned above, these arrangements are not generally published. However, taking the functions delegated to the Agency as a reference point, the arrangements it enters into with other states to fulfil these functions will always include an information-sharing commitment. In addition to this commitment, there are arrangements that provide for

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34 FRONTEX's agreements with INTERPOL are of particular interest. This is one of the agreements announced in article 13 of the FRONTEX Regulation. FRONTEX has also reached agreements with ACNUR, Europol, the International Organization for Migration, the European Maritime Safety Agency, the European Fisheries Control Agency and the European Fundamental Rights Agency.

35 These may be surprising as they are not countries that the Agency has identified as priorities, which are usually countries that are candidates for membership, neighbouring countries and countries that are the source or transit points for illegal immigration. See [www.frontex.europa.eu/external\\_relations/](http://www.frontex.europa.eu/external_relations/).

36 The Commission document *A dialogue for migration, mobility and security with the southern Mediterranean countries*, in COM (2011) 292, of 24 May 2011, describes the importance that the Commission attributes to such agreements.

cooperation on risk analysis, cooperation with the authorities of other countries on research into border control and surveillance, training cooperation, and joint return operations.

As well as these working arrangements agreed by FRONTEX and other countries, European Union Member States may (and sometimes must) enter into their own cooperation-mechanism agreements with other countries. As FRONTEX does not have a legal personality, and because of the need to patrol the sovereign waters of other countries in joint operations, the Member States must enter into agreements with other countries. For example, Spain has such agreements with Morocco, Senegal, Mauritania, Cape Verde, Gambia, Guinea and Guinea Bissau. Of these, only the 21 February 2008 agreement with Cape Verde has been published. This was reported some two months after it came into effect<sup>37</sup> providing us with information on its content.

#### IV. REINFORCING THE COMPETENCES OF FRONTEX: SEA BORDER SURVEILLANCE OPERATIONS

The European Union wanted FRONTEX to have the capacity to act outside waters under the jurisdiction of its Member States<sup>38</sup>. This involved establishing a mechanism that would enable the operations on sea borders coordinated by FRONTEX to be carried out in accordance with the provisions of international law and that rescue and disembarkation operations should be carried out under a set of common guidelines.

37 The Agreement between the Kingdom of Spain and the Cape Verde Republic on joint surveillance of Maritime Spaces under the Sovereignty and Jurisdiction of Cape Verde came into effect on 3 April 2009 and was published in the Official State Gazette on 5 June 2009. Refer to Official State Gazette number 136, dated 5 June 2009, pp. 47545-47548. However, this did not stop Spain and Cape Verde carrying out joint patrols using Spanish naval and aerial resources in the sovereign waters of another country from March 2007 onwards under the Memorandum of Cooperation signed by the Ministry for the Interior and a Cooperation Protocol between the Ministries of Defence of Spain and Cape Verde.

38 As Gabriela OANTA correctly states “the provisions of the Schengen Border Code do not include the possibility for this European Agency [FRONTEX] to carry out interception and disembarkation operations. With regard to existing practice in this regard, it has been found that FRONTEX must be able to operate beyond the waters under the sovereignty and jurisdiction of its Member States, if these operations are to really meet their objectives. In other words, FRONTEX must be able to operate on the high seas and even in the territorial waters of other states”. In OANTA, G.A.: “Desarrollos jurídicos controvertidos en la vigilancia de las fronteras marítimas exteriores de la Unión Europea en el marco FRONTEX. A propósito de la Decisión 2010/252/UE”, in *El desarrollo del Tratado de Lisboa: un balance de la Presidencia española*, Colección Escuela Diplomática, num. 17, 2011, pp. 171-196, en p. 173.

To this end, the Council approved Decision 2010/252<sup>39</sup> to complete the Schengen Borders Code<sup>40</sup> with regard to surveillance of external sea borders through operational cooperation coordinated by FRONTEX. This Decision set out the need to establish complementary regulations for border surveillance activities by air and naval units of a Member State on the sea border of another Member State in the context of operational cooperation coordinated by the Agency. Two main objectives were established for achieving this. The first was to establish a number of regulations to be respected by FRONTEX as the coordinator of joint operations on sea borders (Annex, Part I). The second objective was to establish a number of (non-binding) guidelines relating to search and rescue of people in danger and the disembarkation of people intercepted or rescued during operations coordinated by FRONTEX (Annex, Part II). We will now look at the scope and content of these in greater detail.

### 1. Regulations applicable to operations on the sea borders coordinated by FRONTEX

In order to exclude the possibility of any breach of rights in operations on sea borders coordinated by FRONTEX, Decision 2010/252/EU set out a set of principles to be respected by the Agency in the sea border surveillance operations it coordinates. These principles are fully consistent with international law and human rights. For example, this is the case with the principle of non-return, under which it is not permitted to return any refugee whose life would be in danger to their country of origin or any other countries. However, it is also true that this Decision did not add anything more than the obvious need that such operations should comply with international law<sup>41</sup>. Nevertheless, the Decision was a substantial improvement on the original Regulation

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39 OJ L III, of 4.05.2010. For further information on this Decision, refer to the works of OANTA, G.A.: *loc. cit.* (“Desarrollos jurídicos controvertidos en la vigilancia de las fronteras marítimas exteriores de la Unión Europea en el marco FRONTEX. ...”) pp. 171-196; MORENO LAZ, V.: “The EU Regime on Interdictions, Search and Rescue, and Disembarkation: The Frontex Guidelines for Intervention at Sea”, *The International Journal of Marine and Coastal Law*, 25, 2010, pp. 621-635.

40 Regulation 562/2006 of the European Parliament and Council, of 15 March 2006, establishing a Community Code for border crossing (Schengen Border Code); (OJ L 105, 13 April 2006). Subsequently modified by Regulation 296/2008 of 10 April 2008 (OJ L 97, 9.04.2008); Regulation 81/2009, of 24 February 2009 (OJ L 35, 4.02.2009), Regulation 810/2009, of 5 October 2009 (OJ L 243, 15.09.2009) and Regulation 265/2010 of 5 April 2010 (OJ L 85, 31.3.2010). This regulation is completed by the Schengen Guide (C(2006) 5186 final, of 6 November 2006); rules relating to local border traffic on external frontiers (Regulation 1931/2006, OJ L 405, 30.12.2006) and the External Borders Fund for 2007-2013 (Decision 574/2007/EC, OJ L 144, 6.06.2007).

41 “No person shall be disembarked in, or otherwise handed over to the authorities of, a country in contravention of the principle of non-refoulement, or from which there is a risk of expulsion or return to another country in contravention of that principle (...)”, Council Decision of 26 April 2010, *cit.*, Annex, Part I, section 1.2.

as it ended the legal debate about the silence on this issue in the original FRONTEX Regulation. As we have stated elsewhere in this paper, this silence has been more than sufficiently overcome by the drafting of the FRONTEX Regulation 1168/2011<sup>42</sup>.

It is also worth noting the requirement expressly imposed by the Council Decision that “the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection and other persons in a particularly vulnerable situation shall be considered throughout all the operation” (Annex, Part I, section 1.3)<sup>43</sup>. This aspect is intimately linked to the training requirements of all agents involved in such operations, as we have mentioned above.

We would also like to highlight the Council Decision's reference to measures that could be applied during surveillance operations against ships and other shipping that is reasonably suspected of carrying persons and trying to evade border controls<sup>44</sup>. The Decision differentiates between whether the measures are adopted in *territorial waters or contiguous areas* (point 2.5.1), in which case prior authorisation is required from the host Member States, whose instructions must be respected, or on the *high seas outside such contiguous areas* (point 2.5.2.), in which case authorisation depends on whether the ship is under the flag of one of the states involved in the operation<sup>45</sup>. However, there is no mention of the procedure to be followed in an exclusive economic zone or in territorial waters. Rather than excluding such actions on the part of FRONTEX, it would appear reasonable to accept that the same procedure would apply as in the case of territorial waters and contiguous areas, accepting the legal regime of the waters in question. The procedure for cases in which there is reasonable

42 See. Section II.

43 Article 2b) 1 a) also establishes that “the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection and other persons in a particularly vulnerable situation shall be considered in accordance with EU and international law”.

44 This involves the following measures: a) requesting information and documentation on ownership, registration and elements relating to the voyage, and on the identity, nationality and other relevant data on persons on board; (b) stopping, boarding and searching the ship, its cargo and persons on board, and questioning persons on board; (c) making persons on board aware that they are not authorised to cross the border and that persons directing the craft may face penalties for facilitating the voyage; (d) seizing the ship and apprehending persons on board; (e) ordering the ship to modify its course outside of or towards a destination other than the territorial waters or contiguous zone, escorting the vessel or steaming nearby until the ship is heading on such course; (f) conducting the ship or persons on board to a third country or otherwise handing over the ship or persons on board to the authorities of a third country; (g) conducting the ship or persons on board to the host Member State or to another Member State participating in the operation. Council Decision of 26 April 2010, *cit.*, Part I, section 2.4.

45 In the first case, authorisation is the responsibility of the flag state. In the second case, confirmation of registration is requested from the flag state through the appropriate channels. If nationality is confirmed, the flag state is asked for authorisation, in accordance with the Palermo Protocol.

suspicion that the ship has no nationality or could be treated as lacking nationality is also regulated<sup>46</sup>. If authorisation from the flag state is not received, the ship will be monitored from a prudent distance.

To conclude, the Council Decision does not allow for any measures to be adopted other than those indicated without authorisation from the flag state “except those necessary to relieve imminent danger to the lives of persons” (Annex, Part I, point 2.5.2.6.).

## 2. Guidelines for search and rescue and disembarkation in the context of sea border operations coordinated by FRONTEX

Decision 2010/252/EU sets out the guidelines applicable to two types of situations: search and rescue and when disembarkation is required. As stated elsewhere, these guidelines are not binding. This does not stop it being necessary to include these in operational plans for joint operations coordinated by FRONTEX. However, whilst they are not legally required, it is obvious that they will affect the *modus operandi* of the operation<sup>47</sup>.

In *search and disembarkation situations*, European regulations establish an obligation on states to provide assistance to people in danger at sea, respecting the applicable provisions of international agreements on search and rescue and fundamental rights. Decision 2010/252/EU also sets out that units participating in operations at sea shall provide assistance to any vessel or person in distress at sea regardless of the nationality or status of such a person or the circumstances in which that person is found (Annex, Part II, 1.2). The Decision further establishes guidelines for shipping in an emergency situation but where the people on board refuse to accept such assistance. In this case, the unit must inform “the Rescue Coordination Centre and continue to fulfil a duty of care, taking any measure necessary to the safety of the persons concerned, while avoiding taking any action that might aggravate the situation or increase the chances of injury or loss of life” (Annex, Part II, 1.4).

Finally, with respect to *disembarkation*, the Regulation clearly sets out how disembarkation of people intercepted or rescued should be dealt with in accordance with international law and bilateral agreements. The operational plan shall not have the effect of imposing obligations on Member States not participating in the operation (Annex, Part II, 2.1). Except when otherwise specified in the rescue plan, the Deci-

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46 In this case, the unit involved “may send a boat under the command of an officer to the suspected ship”. If suspicions persist “[the participating unit] shall proceed to a further examination on board the ship, which shall be carried out with all possible consideration”; Annex, Part I, section 2.5.2.5; Council Decision of 26 April 2010, *cit.*

47 This opinion is shared in OANTA, G.A.: *loc. cit.* (“Desarrollos jurídicos controvertidos en la vigilancia de las fronteras marítimas exteriores de la Unión Europea en el marco de FRONTEX...”), on p. 178.

sion establishes that “priority should be given to disembarkation in the third country from where the ship carrying the persons departed or through the territorial waters or search and rescue region of which that ship transited” (Annex, Part II, 2.I).

In the event that this option is impossible, priority should be given to disembarkation in the host Member State unless it is necessary to act otherwise to ensure the safety of persons. Although this is a subsidiary responsibility, the inclusion of a responsibility on the host country has caused some consternation in some Member States that often assume this condition in certain FRONTEX operations. In addition to doubts that might arise around the capacity to make use of this clause when preparing the operational plan, I think it is worth considering the extent to which a guideline such as Decision 2010/252/EU might limit the viability of FRONTEX cooperating with certain states whose questionable compliance with some international standards means disembarkation would not be in a safe country. In other words, disembarkation would be taking place in a country where the physical and mental integrity of persons cannot be guaranteed and fundamental rights are not respected. The new FRONTEX Regulation considers this, stating: “in accordance with Union and international law, no person shall be disembarked in, or otherwise handed over to the authorities of, a country in contravention of the principle of non-refoulement, or from which there is a risk of expulsion or return to another country in contravention of that principle”<sup>48</sup>.

## V. FINAL REFLECTIONS

The gradual “communitisation” of policies traditionally associated with the inter-governmental method is now well established in the European Union; this is demonstrated by the regulation of the European Area of Freedom, Security and Justice under the Treaty of Lisbon. In this regard, the way that border control competences are exercised by the Union and the Member States has been effective and useful in terms of controlling immigration flows. The contribution of FRONTEX is beyond question. Irrespective of the reservations raised in this paper, it has established itself as an instrument that is useful and effective for border control. The approval of a new legal framework for its activities will further improve its effectiveness. As its regulation states “border control at the external borders is in the interest not only of the Member State at whose external borders it is carried out, but also of all Member States which have abolished internal border controls”<sup>49</sup>.

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<sup>48</sup> Refer to the new article 2b) 1 a of Regulation (EC) 2007/2004 of the Council in the new draft set out in Regulation 1168/2011 of the European Parliament and the Council of 25 October 2011, *cit.*

<sup>49</sup> Whereas 5 of Regulation 1168/2011 of the European Parliament and the Council of 25 October 2011, modifying Regulation (EC) 2007/2004 of the Council creating a European Agency for the man-

The European Union must continue strengthening the principles, regulations and guidelines that every Member State must respect for all external border control activities carried out jointly or coordinated by FRONTEX. It is therefore essential to squash any temptation for Member States to question the legality of making all such operations subject to international regulations on asylum, refuge and human rights. There can therefore be no doubt that the regulation in this area introduced by Decision 2010/252/EU of the Council, and the insistence of the new FRONTEX Regulation on this, is therefore the right strategy.

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## AL QAEDA TERRORISM IN THE ISLAM- IC MAGHREB (AQIM): AN EX- AMPLE OF SURVIVAL AND ADAPTABILITY

In this article we examine how Al Qaeda in the Islamic Maghreb (AQIM) has transformed itself over recent years into one of the most dynamic and productive parts -in terrorist terms- of Al Qaeda 'Central'. Exploiting the comparative advantage offered by the Sahel strip, in autumn 2012 AQIM was one of the major culprits for the deteriorating situation in the region. Its importance is demonstrated by its geographic scope, its terrorist attacks, its skill with propaganda and its significant terrorist financing activity. This is confirmed by its strategic strength in the north of Mali and its ties of all kinds with the highly active Nigerian terrorist group Boko Haram.

Al Qaeda in the Islamic Maghreb (AQIM); Algeria; Boko Haram; Salafist Group for Preaching and Combat (SGPC); Libya; Maghreb; Mali; Mauritania; Niger; Nigeria; Arab revolts; Sahel; Kidnappings; Illegal trafficking; Salafist Jihadi terrorism.



## I. INTRODUCTION

The terrorist organisation Al Qaeda in the Islamic Maghreb (henceforth, AQIM) is continuing to build its global reputation. It has spread beyond Algeria where it began in January 2007 as a successor to the Salafist Group for Preaching and Combat (SGPC). It is skilled in propaganda, with its “Al Andalus” Communication Institute producing videos on its own battlefield, and on others it has adopted, such as Nigeria. It has also created a robust financial basis for its activities, based on banditry and organised crime (kidnapping and drug and other illicit trafficking in the Sahel); this can be regarded as terrorist activity when used to fund Jihadi combat.<sup>1</sup>

The above serves as a presentation and justification for the purpose of this study, which is to test a working hypothesis that is becoming ever more widely accepted. This is that the decrease in the number of attacks claimed by or attributable to AQIM, and the ever decreasing difference between AQIM's economic activities and what we could term *major banditry*, show that the organisation is becoming closer to the world of organised crime and gradually moving away from terrorism. We can explain the particular nature of AQIM through a mixture of the nature of Salafist Jihadi terrorism and the volatile background to this in the Maghreb and, in particular, the Sahel. AQIM is still a terrorist group and is highly active. This is irrespective of whether it appears to be getting more involved in “mafia-type” activities, abandoning terrorist threats and moving towards crime.

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<sup>1</sup> The importance of illicit trafficking of all types in this part of Africa is discussed in DE LA CORTE IBÁÑEZ, Luis and GIMÉNEZ-SALINAS FRAMIS, Andrea: *Crimen.org. Evolución y claves de la delincuencia organizada* Barcelona, Ariel, 2010, pp. 411-413.

When AQIM carried out an intensive wave of suicide attacks in 2007 and 2008, nobody doubted that it was serious security threat for Algeria and the surrounding area. However, the passage of time and the relative slowdown in the pace of attacks has led some to claim the organisation is in decline. However, we argue that the unstoppable expansion of its territorial scope, its continued terrorist activities, despite the hostile environment, and, in particular, its intensive, sophisticated and successful economic and financial activities make AQIM a dangerous threat. This conclusion is not affected by the fact that it is not active in Europe or by its apparent internal struggles over leadership and splits: it attacks Europeans in the Maghreb and Sahel, faithful to the Jihadi concept of the universal battlefield, and its divisions and splits only result in increased diversification and greater scope for its terrorist tentacles.

## 2. AMBITIOUS GEOGRAPHIC SCOPE

The Sahel is a vast area of Africa, stretching from Mauritania in the west to Eritrea in the east.<sup>2</sup> In this study into AQIM's terrorist threat we are only interested in the western part of this strip. This includes the whole of Mauritania, the borders of the western Sahara, the southern most parts of Algeria and Libya, the north of Mali and Niger and, at its limits, western regions of Chad and, to the south, Burkina Faso and the north of Nigeria.

Terrorist actions have been becoming ever more frequent in the western part of this region over the last decade. These started with kidnapping of westerners in the south of Algeria by the SGPC and frequent terrorist attacks by the SGPC in Mauritania and northern Mali from 2005. The intensification of these attacks and ambushes over subsequent years led the European Union (EU) to approve its *Strategy for the Sahel* in March 2011, with the European Union's Counter-terrorism Coordinator highlighting the danger of any expansion of this threat in Africa, particularly to Mauritania, Mali and Niger.<sup>3</sup>

AQIM is organised into “katibas” or branches. The strip of the Sahel we are interested in is the domain of two katibas: that of Yahia Abou Ammar Abid Hammadu (alias Abdel Hamid Abou Zeid) -active between the south of Tunisia and Algeria and the north of Niger- and known as “Tarik Ben Ziyad”; and that of Mokhtar Belmokhtar (alias Khaled Abu El Abbas) -active in Mauritania, the south of Algeria and north of Mali- and known as “Al Mulathimin”. Many claim that there are substantial differ-

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2 Unidad de Coordinación de la Guardia Civil-Centro de Análisis y Prospectiva (CAP): *Indicadores: Sahel* Madrid, CAP-GC, August 2011.

3 For the *Common Strategy* refer to the *Council of the European Union 3076th Foreign Affairs Council Meeting* at [www.eu-un.europa.eu/articles/es/article\\_10849\\_es.htm](http://www.eu-un.europa.eu/articles/es/article_10849_es.htm) and for the actions of the EU's Counter-terrorism Coordinator, see “Recent Highlights in Terrorist Activity” *Combating Terrorism Center at West Point CTC Sentinel* Vol. 4, nº 10, October 2011, p. 26.

ences between these two “katibas”. However, whilst they are the most prominent and receive the most media coverage, we could also include others such as the Katiba led by Yahia Djuadi. Abou Zeid's branch is presented as being the most “terrorist” and the Belmokhtar branch the most “criminal”. This creates an initial differentiation -which we regard as somewhat pernicious- between “terrorists” and “bandits”. This characterisation is supposedly based on the greater cruelty of Abou Zeid, who had no compunction in killing two hostages -a British citizen in 2009 and a French citizen in 2010- when the governments in London and Paris failed to meet his demands, which were not just monetary. In comparison, Belmokhtar is presented as being more interested in making money, with political (i.e. terrorist) demands being secondary. However, no one should forget that Belmokhtar's branch has taken part in many bloody actions in the area in which the purely terrorist activities of the SGPC first and subsequently AQIM are most visible, with various attacks and ambushes in Mauritania, Mali and Algeria. Adn Abou Zeid's branch did not spring out of the ether. In 2003, as part of the SGPC, it was displaced from its area of action in north-east Algeria to the Sahel by sustained pressure from the Algerian authorities.<sup>4</sup>

This thesis of rivalry between the two leaders, and the resulting weakening of AQIM in the region worrying its emir Abdelmalek Drukdel (alias Abu Musab Abdel Wadud), observing the deterioration in the combat on the southern front from his refuge in the far north of Algeria, ignores the nature of the Sahel region. The enormous expanse of the region and the difficulties inherent to a desert make it a very different battlefield to the mountainous Cabilia region of Algeria where Drukdel is fighting within the triangle of Bumerdes-Bouira-Tizi Uzu, waging a classic armed struggle against the police, gendarmes, the military and community guards.<sup>5</sup> The volatile Sahel has always been a hotbed of a variety of illicit trafficking, with a sparse population of divided Tuareg communities taking on the governments in Mali and Niger. In this region, AQIM has to spend much of its time building alliances and wrestling to establish itself in certain areas whilst, at the same time, getting on with its purely terrorist work, i.e. harassing Algerian, Mauritanian and Malian forces, and training terrorists from a variety of places in their mobile camps.<sup>6</sup> It is worth noting AQIM's skill in overcoming these difficulties, including those of forging links with divided Tuareg groups, with whom they need to build loyalty to avoid leaks to the authorities. The difficulty of doing this is shown by how quick the Tuareg were to give up one of the fleeing sons of Muammar El Gadaffi to the National Transitional Council (NTC), despite his father always having boasted of his links with this community. On the other hand, at the beginning of

4 PORTER, Geoff D.: “The Impact of Bin Laden's Death on AQIM in North Africa” *CTC Sentinel* Special Edition, May 2011, p. 11.

5 For example, eight AQIM terrorists were killed in the Bumerdes region in the first two weeks of February, with a further five killed on the 20th of the month. Refer to “Cinq autres éléments de l'ex GSPC abattus à Boumerdès” *El Watan* 21 February 2012, at [www.elwatan.org](http://www.elwatan.org).

6 ECHEVERRÍA JESÚS, C.: “El terrorismo yihadista a las puertas de España: los campos de entrenamiento en el Sahel” *Grupo de Estudios Estratégicos (GEES) Analysis nº 20*, 5 July 2007, at [www.gees.org](http://www.gees.org).

2012, AQIM had been successfully hiding thirteen foreign hostages in Tuareg territory for several years whilst negotiating ransoms.

This latter point is important. The authorities in the countries in which they are active are making it ever more difficult for them to train their terrorists -for example, the Military Coordination Command set up by Algeria in September 2010, based in Tamanrasset, is starting to be effective at a sub-regional level. However, despite this, the progressive weakening of Mauritania over recent years and the surge in Boko Haram terrorism in northern Nigeria in 2011 and 2012 show that the organisation's terrorist activity continues to be important, although it might go unnoticed outside the region. There can be no doubt that the adaptation of AQIM terrorists to the terrain is a reality that makes it more difficult to combat them effectively.<sup>7</sup>

### 3. AQIM AND ATTACKS

AQIM's roots stretch back to the Algerian Armed Islamic Group (GIA) and the SGPC, and the model it follows is based on Al Qaeda, as shown by the SGPC's declarations of loyalty to this in 2003, 2005 and, definitively on 11 September 2006. This history, its transformation into AQIM in January 2007 and its subsequent development confirm this commitment. AQIM has shown itself to be a committed representative of its parent across an ever increasing area, not just in terms of tactics, but also through its commitment to Al Qaeda's expansionary and universalist approach.<sup>8</sup>

Some argue that Al Qaeda and AQIM have weakened, due to attacks being less frequent than they were; an inability to stage attacks on western soil; attacks being less devastating than in the past; and both leaders -Ayman Al Zawahiri and Abdelmalek Drukdel- being questioned internally and lacking charisma. In reality, both play the same role, providing inspiration and a stimulus to keep the terrorist machinery ready to act, carrying out activities such as kidnapping of westerners to achieve this; and both agree on the need to mutually support each other and not forget the legacy of Osama Bin Laden. They have shown their determination to keep fighting, taking advantage

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<sup>7</sup> Two examples of the types of actions that are occurring regularly in these three countries include the 15 September 2011 clash between soldiers from Niger and AQIM that left one soldier and three terrorists dead, and AQIM's 20 December kidnapping of a Mauritanian police officer on the Mali border. See "Recent Highlights ..." *CTC Sentinel* Vol. 4, n° 10, October 2011, p. 26, and Vol. 5, n° 1, January 2012, p. 27.

<sup>8</sup> Analysing the impact of Bin Laden's death on global Salafist Jihadism, in May 2011 the US analyst Geoff D. Porter argued that Ayman Al Zawahiri's probable ascent to the leadership of Al Qaeda would provide support for AQIM, because the Egyptian had traditionally been seen as closer to the Maghrebis than Bin Laden. Further to this argument, he added two additional arguments that support this closeness: Al Zawahiri's virulent hatred of France and his dedication to financing Al Qaeda, seeing AQIM's "financial" specialisation (discussed below) as particularly interesting. Refer to PORTER, G. D.: *op cit* p. 11.

of a range of illegal activities (kidnapping) for this, just like the Taliban with drugs in Afghanistan and Al Shabab with piracy in Somalia. They give these activities a “halal” (permitted by Islam) varnish by claiming they are to support Jihad and not for enrichment. Finally, both make use of videos and audio recordings distributed over the many Jihadi websites to provide propaganda for their struggle and to attract more recruits.

There are two frequently-heard assertions that should be analysed from the perspective of assessing the terrorist threat. The first is the displacement of AQIM activism towards the Sahel in the south, shows that it is gradual weakening; the other, which derives largely from the former, argues that the process of AQIM decline will become irreversible as it is diluted over such an immense area, with the additional temptation to become simply a group of bandits.<sup>9</sup> There can be no doubt that activity has been displaced to the south as a result of increased efforts by the Algerian armed and security forces. This has been making life progressively more difficult for the SGPC in the north, as we saw with the case of the Abu Zeid “katiba” in 2003. However, the terrorists immediately presented this as a blessing, as it enabled them to open up new battlefields. Faithful to their universalist vision of their struggle, they regard this as a necessary step, gradually spreading their activities to Mauritania, Mali, Niger and even Nigeria. The presence stretching back years of recruits from Nigeria and Niger in, first, SGPC and subsequently AQIM training camps is significant.<sup>10</sup> Furthermore, the opening of the Sahel front does not mean the terrorists are ignoring the northern front. There were major terrorist attacks and ambushes in various parts of the north of the country before the creation of AQIM and these have continued since, including suicide attacks since 2007. The pressure applied to AQIM in the north by the Algerian authorities, particularly on its sources of finance, has obliged the terrorists to seek finance in the south of the country, particularly in the Sahel.<sup>11</sup>

AQIM was therefore able to launch suicide attacks in Algeria in July and December 2007 -its most high-profile attacks- showing it to be one of the active Al Qaeda franchises. It also extended its activities to Tunisia, training Tunisian terrorists in Algeria who entered Tunisia in December 2006, and kidnapped two Austrian tourists in the south of the country in March 2008. It has also put significant pressure on Mauritania, against which the SGPC symbolically launched its activities by killing soldiers in Lemgheity in June 2005. Since its appearance, AQIM has focused on Mauritania, the weak link in security in the Maghreb. This has included attacks and kidnappings and resulted in the symbolic victory of the Dakar Rally, the emblematic competition of

9 For the weakening of AQIM in Algeria, see CRISTIANI, Dario and FABIANI, Riccardo: *Al Qaeda in the Islamic Maghreb (AQIM): Implications for Algeria's Regional and International Relations* Rome, Istituto Affari Internazionali IAI Working Paper 11/07, April 2011, p. 11.

10 ECHEVERRÍA JESÚS, C.: “El terrorismo yihadista a las puertas de España” *op cit.*

11 LEBOVICH, Andrew: “AQIM Returns in Force in Northern Algeria” *CTC Sentinel* Vol. 4, n° 9, September 2011, p. 11.

the infidel, being forced out of the country.<sup>12</sup> The November 2009 kidnapping of three Spanish charity workers on the busy road between Nuadibu and Nuakchott provided a strong indication of how AQIM is exploiting this weakness, and its willingness to take this route; it also showed the logistical networks it has set up in the region. Two of the three victims remained in AQIM's hands until August 2010. In September 2010, terrorists captured seven employees of French companies in Niger, seven of whom remain in the terrorists' hands two years later. There have been other kidnappings in this time in Algeria, Mali and Niger. In 2012, AQIM were holding thirteen foreign hostages, the most ever, and only exceeded by the 32 westerners captured by the SGPC in 2003.<sup>13</sup> The Jihadi attack on the Café "Argana" in Marrakech, which left 17 dead on 28 April 2011, was not claimed by AQIM, consistently with its negotiating strategy with France for the release of four French hostages it is holding. 8 of the 17 victims were French tourists. Whilst AQIM denied responsibility for the attack, it did congratulate those who carried it out and encouraged its followers to commit similar acts. Just two days after the attack, AQIM made threats to the Moroccan government to continue releasing Jihadi prisoners in the wake of the compassionate measures introduced by Mohammed VI shortly before.<sup>14</sup>

When we examine AQIM's alleged decline in 2011, we can see that this was not actually the case. There was in fact a major wave of attacks on Algerian soil in the middle of the year, coinciding with a critical point in the Arab uprisings that began in autumn 2010, and included the civil war in Libya. In April 2011 there were six attacks in Algeria against the Army and the Gendarmerie Nationale, resulting in 42 deaths and many injuries; in May there were eighteen attacks, one of which was the major "Al Qaeda-style" attack on the Azazga barracks in Cabilia, which left 21 dead and 66 injured. Shortly afterwards, in July and August, coinciding with Ramadan, a period traditionally considered propitious for Jihad, as it was by the bloody GIA in the 1990s, there were more what we might consider "Al Qaeda-style" attacks, because four of the 23 attacks were suicide operations and because of the nature of the targets. On 17 July, AQIM attacked a police station in Bordj Menaïel, killing two people; on 14 August, AQIM attacked another police station, injuring 33 people; on 19 August, three civilians were killed in a confrontation in Tizi Uzu, the capital of the Cabilia region; and on 26 August, the worst attack for a long time, and the closest to the Al Qaeda 'modus operandi', took place. In this attack, 18 people were killed in a double-suicide assault on the Chercell Military Inter-Arm Academy; 16 of these were soldiers, including two Syrian officers who were on a training course. This was one of the most difficult and important targets attacked over recent years, and is enough in itself to show that

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12 ECHEVERRÍA JESÚS, C.: "The Recent Terrorist Activities in Sahel-Sahara Area" *African Journal for the Prevention and Combating of Terrorism (African Center for the Study and Research on Terrorism of the African Union, Algiers)* Vol. 1, nº 1, June 2010, pp. 29-31.

13 ECHEVERRÍA JESÚS, C.: "La industria del secuestro en el escenario africano" *Ejército* nº 850, January-February 2012, pp. 114-115.

14 PORTER, G. D.: *op cit* p. 12.

terrorist activity is ongoing. It is also worth noting that, in addition to being one of the most prestigious facilities of the Algerian armed forces, being globally recognised for its courses and visitors, this double attack was in the western part of the country, a region that had been largely cleansed of the terrorist activity that was prevalent there in the 1990s. The AMIA attack coincided with another major suicide attack. This was Boko Haram's attack on the premises of a number of specialist UN agencies in Abuja, causing 18 deaths; and this followed a suicide attack on the federal police headquarters in Abuja on 16 June that killed two people.<sup>15</sup> AQIM also launched a cross-border attack on a Mauritanian military base in Bassiknou on 5 July; the terrorists escaped to Mali.<sup>16</sup> The intensive use of improvised explosive devices (IEDs) in this part of 2011 shows the availability of material to the terrorists; we can also deduce that some of this material would have come from the Libyan arsenals then being emptied as a result of the civil war then at its peak.<sup>17</sup> On 16 September, the US Embassy in Algeria warned of the danger of AQIM acquiring anti-aircraft capabilities from Libya.<sup>18</sup> The discovery of Nigerian (Boko Haram members) and Chadian nationals trained in AQIM camps in summer 2011, and the increase in terrorist and criminal activity in the Sahel at the same time, supports the theory of an increasing connection between AQIM and Boko Haram, and also demonstrates that the war in Libya is reinforcing the local threat in this strip of Africa.<sup>19</sup> In this regard, on 28 November, the British Foreign Minister, William Hague, warned of the danger of mercenaries who had fought in Libya joining the ranks of AQIM.<sup>20</sup> A year later, the situation in the north of Mali deteriorated significantly, with the government in Bamako losing control of territory in the opening months of 2012. This led the UN Security Council to unanimously approve Resolution 2071 on 12 October 2012, enabling the possibility of international military intervention to help the national government regain control.<sup>21</sup>

One of the major difficulties in getting an overview of AQIM's terrorist activity in the Sahel is the complexity of the region, as its presence and actions overlap with other pre-existing issues that are equally -or perhaps more- complicated. The rebellious attitudes of Tuareg populations in the north of Mali and Niger dates from long before, and the superimposition of AQIM on this now, and the Movement for Oneness and Jihad in West Africa (MOJWA) offshoot, in the area leads many to relate the two, or indeed

15 See "Recent Highlights ..." *CTC Sentinel* Vol. 4, n° 9, September 2011, p. 19. For the Abuja police station attack, see "Recent Highlights ..." Vol. 4, n° 7, July 2011, p. 23.

16 See "Recent Highlights ..." *CTC Sentinel* Vol. 4, n° 8, August 2011, p. 21.

17 LEBOVICH, A.: *op cit* p. 11.

18 See "Recent Highlights ..." *CTC Sentinel* Vol. 4, n° 10, October 2011, p. 26.

19 See "AQMI et Boko Haram: la filiation confirmée" *El Watan* 27 January 2012, at [www.elwatan.org](http://www.elwatan.org).

20 See "Recent Highlights ..." *CTC Sentinel* Vol. 5, n° 1, January 2012, p. 25.

21 See ECHEVERRÍA, C.: "¿Estamos cerca de una intervención militar en el norte de Malí?" *Atenea Digital*, 31 October 2012, at [www.revistatenea.es](http://www.revistatenea.es).

to try radically to separate them.<sup>22</sup> The same occurs with the aforementioned pre-existing scenario and the possible influence of the conflict in Libya that broke out in February 2011 -a civil war involving Tuareg elements traditionally supported by Gaddafi coupled with the destabilisation caused by the war itself and its ending- with some arguing there is a cause-effect relationship between events in Libya and the destabilisation of Mali in early 2012. In reality, we could also posit a relationship between the worsening of the security situation in the Sahel in general, and Mali in particular, with the drought that has been affecting the region for many months, and which means some twelve million people may need emergency aid in the coming months. In conclusion, we can point to many reasons for the Sahel being a very vulnerable region, but it will be much more so as a result of the activism of AQIM, both as a result of kidnappings of westerners and the spread of its radicalisation message, which has taken root, among other areas, in the turbulent north of Nigeria through Boko Haram.

#### 4. AQIM AND INTERNAL AND EXTERNAL PROPAGANDA

On 7 July 2011, just two months after the elimination of Bin Laden, the Instituto de Comunicación “Al Andalus” published a recording of an interview with Sheik Abu Ubaidah Yusef Al Annabi, a member of AQIM's Sharia Council, in which he swore loyalty to Al Zawahiri as the new emir of Al Qaeda.<sup>23</sup> On 3 August, an AQIM video claimed, as they usually do from time-to-time, a number of attacks by its members against the soldiers and police of the countries in which it is active. This video also contained interesting content in the form of statements by emir Drukdel and Al Qaeda emir Al Zawahiri, in which they gave their opinions on current topics, such as the Arab revolts and the need for commitment to the armed Jihad they preach. Emir Drukdel also sent a message to the French government in November 2010, indicating that negotiations for the release of the French hostages held by AQIM should be carried out directly with Osama Bin Laden: through this somewhat surreal format, Drukdel was once again demonstrating his loyalty and closeness to Al Qaeda's leader and his network of terrorist networks.<sup>24</sup>

The recordings published by AQIM have increasingly related to Nigeria, encouraging Boko Haram's bloody offensive to consolidate its Jihadi activism, serving as a model to be followed by others in other parts of the Islamic world. On 13 November 2011, Algeria's deputy-foreign minister announced that the links between AQIM and Boko Haram that had been apparent in their propaganda for some time had now de-

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22 In February 2012 there started to be talk of a fourth major Tuareg uprising, driven by ex-fighters returning well-armed from Libya, the drought of the previous months and the destabilising role of AQIM and, more recently, MOJWA over recent years in the northern part of the country; this has become a very real security issue. See “Malí. Los tuareg asaltan ciudades del norte” *El País* 19 January 2012, p. 6.

23 See “Recent Highlights ...” *CTC Sentinel* Vol. 4, nº 8, August 2011, p. 22.

24 CRISTIANI, D and FABIANI, R.: *op cit* p. 4.

veloped into coordination between the two.<sup>25</sup> It is significant that two of the most significant attacks by AQIM and Boko Haram in 2011 -both suicide attacks- took place on the same day (26 August). These attacks were presented in their propaganda as acts of holy war in different theatres: the UN headquarters in Abuja and the Chercell Military Academy (AMIA), which AQIM described as a “symbol of the power of the ANP (the Algerian armed forces) that supported Gadaffi”.<sup>26</sup>

The purpose of such propaganda is to attract recruits, initially to the SGPC and subsequently to AQIM. Those who argue that AQIM is gradually weakening point to what they regard as the dying request to the people of Tunisia from Ayman Al Zawahiri to rid themselves of President Zine El Abidine Ben Ali in January 2011, to reverse the direction of his efforts against AQIM; this invitation was met with little enthusiasm.<sup>27</sup> It has always been difficult to give even estimated numbers of the members of these terrorist organisations, or even the number of their members and sympathisers in Europe; however, it is even more difficult to do this in an area as volatile as the Sahel and Africa in general. The dynamics of kidnappings has revealed the varying levels at which many people in the Sahel region are involved with the terrorists, who must cautiously approach groups that are well established in the area to try to agree with them -not always successfully- certain loyalties. The number of fighters in the “katibas” may be more or less known, but we know less about the local groups involved with these and the terrorist groups that already existed in the area, such as Nigeria's Boko Haram. The picture is further complicated by the splits that take place in these groups. A good example of this is the AQIM offshoot “Jamat Tawhid Wal Jihad fi Garbi” (the Assembly for Monotheism and Jihad in the West, a name which subsequently evolved to that represented by MOJWA). This group claimed responsibility for kidnapping two Spaniards and one Italian from Saharan refugee camps in Rabuni, Algeria, who were released a year later.<sup>28</sup> Further evidence of AQIM's ability to adapt to the terrain by building loyalty is provided by the fact that they were holding nine western hostages in autumn 2012. This is despite the efforts that their countries will have been making to find them; the efforts of the local governments to stop the terrorists collecting funds from ransoms and other concessions; and despite the Tuareg uprisings in the region and the mass population displacements that have hugely altered the relatively calm scenario in which the terrorists had been able to move around easily in the area.<sup>29</sup> In

25 See “Recent Highlights ...” *CTC Sentinel* Vol. 5, nº 1, January 2012, p. 24.

26 See LEBOVICH, A.: *op cit* p. 8.

27 Some months later, on 11 October 2011, Al Zawahiri addressed the people of Libya urging them to adopt Sharia and not to trust the Atlantic Alliance that was helping them fight Gadaffi at the time. See “Terrorist Highlights ...” *CTC Sentinel* Vol. 4, nº 11-12, November 2011, p. 22.

28 CALVO, Erena: “Los cooperantes de Tinduf, vivos en un vídeo que han visto sus familias” *El Mundo* 13 December 2011, p. 18.

29 See ULD DAA, Maarouf: “Éxodo de tuaregs de Malí hacia Mauritania” *Diario de Navarra* 15 February 2012, and SAID, Rabia: “Conflit au Nord-Mali. L'Algérie appelle au dialogue” *El Watan* 15 February 2012.

comparative terms, it is interesting to note that, as we mentioned earlier, Saif El Islam could not manage to hide despite the cover major Tuareg networks had offered to him and his family, and that he was handed over to the NTC, whilst nobody seems to have seen the western hostages kidnapped in September 2010 or their kidnappers.

## 5. AQIM AND FINANCING: ANOTHER THEATRE OF COMBAT

The kidnappings we referred to earlier are now AQIM's main source of income. The fact that these have intensified recently, whilst the pace of attacks has fallen (although these are still not insignificant, as we saw in Algeria in mid-2011), has led some analysts to consider that the terrorist organisation is now moving more into straight banditry, or could easily do so in the near future.<sup>30</sup> It has been estimated that AQIM has so far collected over 50 million euros in ransoms. Taken together with the volume of illicit trafficking in the Sahel -including increasing drug trafficking- it is easy to see how this conclusion is reached.<sup>31</sup>

However, here we would like to introduce a new element into the analysis. This is the use of kidnapping as a weapon of war against the infidel enemy, a way of subjugating, humiliating and, simultaneously, extorting money from those who on other fronts they have been fighting, or are continuing to fight with attacks and ambushes in Europe, Iraq and Afghanistan. Abu Zeid and his “katiba” have been blamed for the killing of two hostages as part of its struggles with the United Kingdom, in the case of the British citizen Edwyn Dyer killed in 2009, and with France, in the case of the French citizen Michel Germaneau in 2010. The two hostages were cruelly killed during negotiations that featured the demands of a terrorist group, not just a group that wanted money. In the case of the British hostage, the demands included the British government releasing the terrorist ideologue Abu Qatada, considered to be Al Qaeda's “religious” voice in Europe. During the more recent capture of hostages in the Sahel in 2011, AQIM had no qualms about killing two French citizens and one German citizen when they resisted, without considering how valuable they would be, if they were kept alive.

However, at this point it is appropriate to remember the taking of the first 32 hostages in 2003 by the SGPC. At the time, this was considered -as it continues to be considered- a purely terrorist action, rather than a criminal one. The Al Qaeda-inspired group was set up in 1998 to rationalise, organise and increase the efficiency of the ever more chaotic Salafist Jihadi terrorism of the GIA. This kidnapping enabled the group to open a new front against its enemies: both the local enemy (Algeria) and the

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30 VIMEUX, Johanna: “Les dérives mafieuses d’AQMI au service du financement du terrorisme” *Défense* n° 149, January-February 2011, pp. 19-20.

31 ECHEVERRÍA, C.: “Terrorism Financing: The Particular Case of Al Qaeda in the Islamic Maghreb (AQIM)” *African Journal for the Prevention and Combating of Terrorism*, vol. 2, n° 1, December 2011, p. 53, at [www.caert.org.dz](http://www.caert.org.dz).

wider enemy (the West, which supported the Algerian regime and was symbolically represented by these tourists). Of course, these kidnappings also served to raise money. However, the purpose of financing terrorism is to keep the terrorist machine oiled with the resources and weapons it needs, buying volunteers and loyalty. It is not for personal enrichment, a major difference from the criminal groups that use kidnapping only and exclusively for monetary gain.

AQIM's kidnapping activity may also have had a contagious effect on other groups. This possibility is illustrated by the kidnapping of two European workers -one British and one Italian- from a construction company in the Nigerian state of Kebbi on 3 August 2012. Al Qaeda claimed responsibility for the kidnapping in a video release to the media a few days later.<sup>32</sup> And finally it is also worth remembering that the emir of Al Qaeda himself tried to pressurise the USA using a kidnap victim -the American charity worker Warren Weinstein captured in Pakistan- in a video distributed on 1 December 2011: blackmail in true AQIM style.<sup>33</sup>

## 6. CONCLUSIONS

In this analysis we have examined in depth the current situation and actions of the Salafist Jihadi terrorist group AQIM. We have used this to test our working hypothesis that AQIM is neither in decline -although the pace of its attacks has slowed and it is perhaps not recruiting as successfully as in the past (although this is difficult to verify)- and that its activities must necessarily lead it to gradually abandon terrorism to concentrate on banditry, through things such as the noxious practice of kidnapping, particularly foreigners.

We have shown in the paper how the choice of the Sahel as a battlefield was not solely due to the expulsion of terrorists from the useful parts of Algeria in the north by police and military pressure, but also due to the search for new fronts as part of the universalist strategy of the Jihadis. The terrorists have had some notable “successes” recently in Mauritania, Nigeria and Mali. However, the geographic and socio-political characteristics of the Sahel have obliged the terrorists to adapt and to pursue their combat objectives in a theatre very different to their traditional zone of operations in the north of Algeria, before they were pushed to the south. This redeployment in the Sahel marks a new stage in AQIM's struggle. The terrorist networks no longer have the fixation that the GIA and the SGPC had with Europe as a sanctuary and a battlefield in the 1990s and part of the last decade. Nevertheless, western countries remain

32 See “Recent Highlights ...” *CTC Sentinel* Vol. 4, nº 9, September 2011, p. 17. For the dramatic outcome of this kidnapping and the links between Boko Haram and AQIM, refer to ZENN, Jacob: “Boko Haram’s Dangerous Expansion into Northwest Nigeria” *CTC Sentinel* Vol. 5, nº 10, October 2012, p. 5.

33 See “Recent Highlights ...” *CTC Sentinel* Vol. 5, nº 1, January 2012, p. 25.

vulnerable to AQIM, mainly due to the ease with which it can attack nationals from these countries and their interests in the region, successfully blackmailing them for ransoms to release hostages, and even trying to accelerate their withdrawal from combat zones in Muslim territory, such as Afghanistan.

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## THE MUSLIM BROTHERHOOD FOLLOWING THE “25 JANUARY REVOLUTION”: FROM THE IDEALS OF THE PAST TO THE POLITICAL CHALLENGES OF THE PRESENT

In the framework of the Arab Spring, as the wave of social mobilisation of 2011 has come to be known, the revolutions in Tunisia and Egypt marked the beginning of a process which has deeply transformed the reality of many countries in the Arab World. In Egypt, the events that took place in Tahrir Square not only put an end to President Mubarak's dictatorship, but also paved the way for new political actors, among which the Muslim Brotherhood has played a key role. During the subsequent transition, the Brotherhood gained control of the National Assembly and positioned their leader, Mohamed Mursi, as the new President. The present debate is focused on the true democratic vocation of this movement and its relationship with the other social forces inside Egypt and beyond. This article intends to address these issues. To that end, it begins with an explanation as to the ideological and political evolution of the Muslim Brotherhood and its internal changes brought about by the end of the previous regime, closing with an analysis of its transnational influence and the possible international aftermaths.

[Islam, Islamism, Muslim Brotherhood, Egypt, Arab Spring](#)



## INTRODUCTION

**I**n 2011, a wave of social mobilisations took place in various Arab countries and which came to be known as the “Arab Spring”. This name is undoubtedly an attempt to draw a comparison between the historic process that unfolded in Europe in the mid-nineteenth century and the events that have taken place in the Arab World. We should not overlook the fact that that historic “People's Spring” was not the end of an era, but rather the definitive first steps towards transformations that had been brewing for decades. Far from considering the revolutionary path of Arab nations as completed, we start out from the premise that what we are witnessing is actually the beginning of a long road ahead. Despite the recent nature of the Arab uprisings, these are now equally as historic as those of the 19th century, though their evolutions may not be identical.

The Arab world is a cultural space with its own dynamic. Even taking into account its westernisation, also the product of history, it still has traditional and extremely deep-rooted Arab and Muslim foundations. Consequently, to expect the same outcome as that of the events in Western Europe almost two centuries ago would significantly limit our insight as to the fate of Arab societies. If the two “Springs” share any common ground, it does not go beyond an “awakening of the people”: a demand for access to power. All else is in stark contrast, which does not necessarily mean antonymic<sup>1</sup>.

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<sup>1</sup> Attempts have also been made to liken the fall of Arab dictators to the events in Europe following the fall of the Berlin Wall. While this may be a somewhat logical comparison, it is nevertheless misleading. Culturally, those countries had a model which they could identify with: the western model. However, the Arab nations will have to create their own model. This is an historic aspiration pending

The “25 January Revolution” of 2011 in Egypt and the consequences thereof is a perfect illustration of this point. The outcome of Egypt's first ever free general election brought this hidden reality into stark relief. The transition towards a new regime has begun but is yet to be fully realised. Within this framework, the rise of the Muslim Brotherhood (*al-Ikhwan al-Muslimin*) as a dominant force on the political stage is leaving its mark on the constitutional task, which must gradually take Egyptian society into a new phase.

To understand what can be expected from the changes in Egypt, it is appropriate to focus on the Muslim Brotherhood. A study is needed reminding us of its origins and traditional aspirations, as well as the challenges it is currently faced with. This new situation will affect the internal profile of the Egyptian government as well as both regional and international stability.

Before starting our analysis, we should first review some of the geopolitical facts that form the backdrop to the circumstances in Egypt; although the events in Tunisia may well have triggered the unrest within the Arab world, it has very little bearing on the Egyptian context.

When considering the parameters that best help to provide a framework for the revolution in Egypt, we should highlight the fact that the country has a surface area of one million square kilometres and a population of 82.5 million. Of these, 43.5% live in urban areas and the remainder are concentrated along the fertile valleys of the Nile<sup>2</sup>. It has a 66% literacy rate, 3.8% of its GDP is spent on Education and 2.4% on Health Care. These indicators mean Egypt ranks 113th on the HDI. It has an aggregate external debt of 16.2% (2010)<sup>3</sup>; the poverty rate is 22% (in 2008); unemployment is at 9.4% (in 2009).

Egypt's parliamentary tradition dates back to the late nineteenth century, when Khedive Ismail established the Advisory Council of Representatives (*Majlis al-Shura*) in 1866. From the establishment of the British Mandate, the Parliament or People's Assembly (*Majlis al-Shaab*) was dominated by the *Wafd* party, created in 1922<sup>4</sup>. In

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fulfilment. The new Governments will have to face the challenge of seizing this opportunity and States from beyond the Arab world will have to learn how to assimilate and cope with this new context.

2 The data corresponds to the United Nations HDI Index of May 2011 (the most recent data available at the conclusion of this paper).

<http://hdrstats.undp.org/es/paises/perfiles/EGY.html>.

For the case of Tunisia, the same source provides the following data: A population of 10 million within a surface area of 163,000 km<sup>2</sup>; a 77.6% literacy rate; 7% of its GDP is spent on Education and 3% on Health Care. Tunisia ranks 94th on the HDI.

3 This data was obtained from the World Bank. <http://datos.bancomundial.org/pais/egipto-republica-arabe-de>. The same source for Tunisia: external debt of 51.1% (2010); the poverty rate is 3.8% (in 2005); unemployment is at 14.2% (2008).

4 The *Wafd Movement* dates back to the 19th century, when it was the principal voice in negotiations between the Egyptians and the British that led to independence in 1922. In the first parliamentary

1952, it was at the very heart of political life thanks to the Free Officers Revolution, which soon led to a single-party regime, the National Union Party<sup>5</sup>, followed in turn by the Arab Socialist Union. In the 1980s, President Mubarak reinforced the ruling National Democratic Party, continuing the policies of his predecessor, Anwar al-Sadat. The party was dissolved in response to the “25 January Revolution”. The remaining parties have helped to maintain the, apparently democratic, multi-party system of the different Egyptian regimes, particularly since the mid-20th century.

In Egypt, there are also a number of active social movements. Among these, one in particular took centre stage in promoting the demonstrations of Tahrir Square: the *Kefaya* (Enough!) secular youth movement, founded in 2004<sup>6</sup>. However, the most influential and traditional movement has always been the Muslim Brotherhood, which has been deeply rooted in Egyptian society since the late 1920s. Its first participation in the elections came in 2005; as a consequence of the most recent revolutionary events, it has since gone on to become part of public life as a political group. With an eye towards the electoral process, it split into various parties, the largest being the Freedom and Justice Party (FJP), which obtained a landslide victory with almost 50% of the votes in the parliamentary elections that concluded in January 2012.

We shall now look at how the Muslim Brotherhood has evolved and the resulting consequences that may arise.

## THE PATH FOLLOWED BY THE MUSLIM BROTHERHOOD UP TO THE CREATION OF POLITICAL PARTIES

### The origins of the Brotherhood

It pertains to the group of movements that define what is understood as “political Islam”. To be able to analyse the current situation of the most important and oldest branch of the so-called political Islam, or moderate Islamism, we must go back a few years and briefly review the origins of its organisation and ideology.

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elections of 1924, it obtained a huge majority and became the leading player in the turbulent Egyptian politics over the following decades. The party was dissolved in 1952, then re-founded in 1983 under the name of New *Wafd* Party and has remained active through to the present day. See: Chatterji, Nikshoy C.: *History of Modern Middle East*. London, Oriental University Press, 1987. Pgs. 20-28.

5 The National Union Party, created and installed to power by Nasser, later became the Arab Socialist Union, which was in turn dissolved in 1978. Others have followed this party, upholding the Nasserist ideology to the present day. See: Chatterji, Nikshoy C.: *Opus cit*, Pgs. 251-252 and 414-417.

6 For more details on the role of this and other similar movements in the Egyptian mobilisations, see: “Atalaya sociopolítica de Casa Árabe”, no. 14, March-April 2011, pgs.7-10.

The Muslim Brotherhood was founded by Hasan al-Banna in the Egyptian city of Ismailia in 1928. He drew his inspiration from the different Muslim regenerationist movements, according to which of them endowed his theories with a political and social dimension. It was to become the most important organisation in Egypt and part of the Muslim world, as well as a benchmark for 20th century Islamic movements<sup>7</sup>.

Through his family, a young al-Banna was introduced to Sufism, a tradition which would greatly influence him. By way of a prayer group, he met Ahmad al-Sukkari, with whom he founded the Hasaniya Charitable Society, the purpose of which was to uphold Muslim moral thinking, combat the forbidden and address Christian proselytism. This Society and its goals would later become the embryo of the Muslim Brotherhood.

At the same time, his attachment to tradition and his nationalist sentiment grew still further due to the violent repression of 1919 following the uprising against British colonial authority and which put paid to the British Mandate.

The spread of “Kemalism” in Turkey, which put an end to the Ottoman Caliphate, together with the antipathy towards British colonialism and the wave of secularism which attracted the more affluent sections of Egyptian society, were seen by some sectors as an affront to Islamic traditions and principles. It was within this context that al-Banna decided to give definitive impetus to his preaching and calling towards Islam. As a teacher, he was able to attract groups of students, who followed him in his ambitions. They united under a credo that continues to this day: “Allah is our objective. The Prophet is our leader. The Koran is our law. *Jihad* is our way. Death in the service of Allah is our most exalted wish”.

The Muslim Brotherhood thus arose as a Movement that pursued a social model. They expanded a network organisation which gradually provided it with a service structure parallel to the Public Administration. Such planning led to their being seen as a threat to the regime's conception of State during the final years of King Faruq's reign. They did not become truly involved in political matters until the late 1940s. The outbreak of the first Arab-Israeli conflict was a turning point that led them to take this step. Al-Banna was assassinated in 1949.

In the 1950s, during the height of the Cold War, Said Ramadan, the founder's son-in-law and follower, maintained contact with President Eisenhower. At that time, the Muslim Brotherhood was perceived by foreign countries as the best instrument in the fight against the Nasser regime, who in turn began a campaign against the Brotherhood, ultimately dissolving it in 1954. Over the following decades, the Brotherhood was repressed and spent most of its time underground. Many left Egypt for Europe, the US and Saudi Arabia.

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7 Martín, Javier: *Los Hermanos Musulmanes*. Madrid, Los Libros de la Catarata, 2011. Pg. 17, 19, 21-22.

## Ideological division and radicalisation

At that time, Sayyid al-Qutb instigated an ideological transformation of the Movement, replacing the original doctrinal principles of al-Banna with a series of radical theses. These new ideas paved the way for their expanding the concept of *Jihad*, understood as the duty to apply *Sharia* or Islamic law in all of society and in the individual behaviour of each Muslim. This saw the beginning of their rejection by Western governments and those Arabs who had succumbed to westernisation. This in turn contributed towards the social isolation of its members. Such circumstances deepened the permanent misgivings as to the aims and actions of the Muslim Brotherhood, further increasing harassment. Al-Qutb was executed in 1966, but his followers received the protection of Saudi Arabia, and these ties led to contact with the *Salafist* Wahhabi movements. In the meantime, in the Middle East the Six-Day War of 1967 gave rise to fresh arguments for radicalisation.

During his presidency, Anwar al-Sadat allowed the Muslim Brotherhood to renew its activities as he saw this as a chance to counteract the remnants of Nasserism. This allowed the Brotherhood to reorganise. The end of its clandestine existence enabled the Brotherhood to recruit a new generation of followers from universities, but it did not set up its own political party as this was never on the agenda.

In the 1980s, the Brotherhood's situation changed completely when some members of its most radical branch were linked to the assassination of President al-Sadat. This branch, known as the Islamic Group (*al-Jama'ah al-Islamiyya*), had evolved towards terrorism following the Camp David Accords<sup>8</sup>. Although the normal practice was to deny all links to the Movement, some of its members took part in the political system as independent candidates of the different authorised parties<sup>9</sup>. Nevertheless, the tone of Hosni Mubarak's regime was that of closely controlling all humanitarian businesses or activities which, by way of its associations, were related to the Muslim Brotherhood. In spite of this, its social penetration was not curbed. This was because, as Mubarak's power became stronger and more corrupt, shifting toward foreign diplomacy, Egyptian society was neglected to an ever greater degree. That is to say, government social services became increasingly beyond the reach of the working classes who, as the elites close to power grew wealthier, suffered ever greater misery.

Such was the internal situation in Egypt. Once again, the regional context has to be taken into account. On this occasion, it was the Islamic revolutionary tidal wave unleashed by the return of *Ayatollah* Khomeini to Iran following the fall of Shah Reza

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8 Other groups were also involved in the President's assassination, such as Islamic Jihad (*al-Jihad al-Islami*), which Ayman al-Zawahiri subsequently joined while he was still a member of the Muslim Brotherhood. He was to spend years in prison accused of assassination. In 1998, he unified the Egyptian Islamic Jihad. He was later to become Osama Bin Laden's right-hand man and, as his successor, is the current leader of Al-Qaeda.

9 Some of its members took part in the 1984 and 1987 elections, though representing other political parties, such as the New *Wafd* or *al-Abrar*.

Pahlevi. Beginning in 1980, and coinciding with the outbreak of the first Gulf War between Iran and Iraq, the spread of Islamism soon penetrated Arab nations. Regardless of the differences existing between *Shiites* or *Sunnis*, the reform drive ultimately translated into a process of Muslim affiliation against Western governments. The failed unity pursued by the “Arab Nation” ideology, based on secular regimes of the 1950s and 60s, was replaced by Moslem identity. In other words, the *umma* or Muslim community embarked on its own model, which strived to replace the political systems of the previous four decades. From that moment on, the Islamic and secular models became antonymic.

In Egypt, the re-Islamisation of society was not long in coming. The promotion of charity was the most effective tool employed by the Muslim Brotherhood for presenting its work as a way to regain Islamic purity. During that period, it adopted a slogan that was to indisputably attract the masses towards the Brotherhood: “Islam is the solution”. In the last decades of the twentieth century, no political party slogan permitted in election campaigns was able to compete with this. It became a social hook backed up by real, visible solidarity. The Muslim Brotherhood thus began losing the image that had linked it exclusively to the poor. The middle classes and part of the elites, whether collectively or independently, were becoming increasingly instilled with that message and such activity. This explains why, as political Islamism gained followers, the restrictions imposed by the authorities also increased, as did their control of the Movement.

As time went on, the revolutionary attrition and fundamentalist behaviour of the regime in Iran caused much dissatisfaction among those who had been attracted to that purest of ideals associated with the *Ayatollahs*. This situation led to internal debate in the *umma* concerning the different ambits and degrees of application of the *Sharia*. The underlying difference between *Shiites* and *Sunnis* became increasingly evident. Faced with the fading idea of a worldwide Islamic system, the more radicalised sectors of the two sides of Islam increased their proselytism. In other words, among Arab societies, predominantly *Sunnis*, dissatisfaction with the Iranian model became ever more widespread and their support declined significantly.

At that time, the stage of Afghanistan, first in the throes of a civil war and subsequently at the height of the Taliban regime, became the ideal framework for those attracted to *Jihad*, now regarded as a Holy War, who had conceived the idea of recreating an Islamic Caliphate. This aspiration attracted many who, disillusioned by the weakening of *Shiite* Islamism, its years of splendour having been and gone, hoped for an alternative to the Iranian model. The aforementioned Ayman al-Zawahiri, an Egyptian doctor linked to the Muslim Brotherhood at the origin of his ascent, found in Afghanistan the chance to openly accuse the Movement of treason for having rejected the use of violence in the pursuit of *Jihad*. Let us remember that within this context al-Zawahiri became the main anchor for Osama Bin Laden and the Al-Qaeda network<sup>10</sup>.

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<sup>10</sup> As regards the Muslim Brotherhood's position in respect to Al-Qaeda, see the article by Marwan Bishara on its official website (19 January 2010).

<http://www.ikhwanweb.com/article.php?id=22699>.

All these circumstances did not go unmissed by the Brotherhood. On the one hand, most of its members distanced themselves from the radicalisation towards which part of political Islamism had evolved. But, on the other hand, the increased presence of Islam in public life was exploited by the Brotherhood for its greater expansion and work among moderate Muslims. In other words, it was the regional context that helped to raise social awareness of Islam. This is well illustrated by the more widespread use of veils among women and *galabeyas* (tunics) among men, though the underlying issue went far deeper than external appearance. A “good Muslim” was one who backed the spread of this alternative version of political Islamism in all walks of life. The rest, the defenders of system secularisation, were the exogenous elements of a society in which nationhood, the concept of *watan* or homeland, had been replaced by Islamic fundamentalism.

This explains how the Muslim Brotherhood became caught up in such a framework of debate and radicalisation. It also affords an insight into the Egyptian government's asserting of control and repression in the late 1990s.

### The return to moderation

The attacks of 9/11 gave the Muslim Brotherhood the chance to show both Egyptian society and the world as a whole its incompatibility with the Salafist jihadist sectors<sup>11</sup>. Though it once drew from their ranks, it had since distanced itself from them. The Brotherhood condemned international terrorism, as stated at the time by its spokesman Mohamed al-Hudaibi. This step represented a major turning point in its trajectory. It became increasingly necessary for the Muslim Brotherhood to show the distance it sought to maintain from the radical dynamic into which political Islamism had entered over the previous two decades. From that moment on, its leaders focused on the Brotherhood's conciliation with peaceful methods for transforming society, which did not imply renouncing its religious principles and values. In essence, it was a return to its ideological roots that would allow it to consolidate the trust which had spread among Egyptian society through its solidarity.

Despite its rejection of violence, the Muslim Brotherhood has never openly condemned the ideology and methods of al-Qutb. Rather, it had justified them as the logical “resistance” to government oppression, derived from its collusion with foreign powers. Its rejection of radical Islamism is, however, more evident, especially with regard to Al-Qaeda. Its specific positions on Palestine or Iraq still give rise to differing interpretations.

Even allowing for such ambiguities, the condemnation of the 9/11 attacks also led Mubarak to change his attitude towards the Muslim Brotherhood. This was not only a

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<sup>11</sup> Two branches exist within the Salafists and which share significant conceptual differences. The “Salafist Jihadists” permit the use of violence – Jihad or Holy War– for the expansion of Islam; the “Preaching Salafists” reject this concept. Ever since Osama Bin Laden disassociated himself from the Saudi dynasty, this division has become far more evident but, doctrinally, both movements share a strict view on the application of the *Sharia*, thereby distancing them from the Muslim Brotherhood.

result of his own initiative, but also of encouragement from overseas. The underlying reality of that democratic appearance could no longer be ignored or forcefully covered up. This is because, among other reasons, its roots in society were such that its containment directly affected the increasingly negative public opinion towards the regime. Such disrepute grew significantly once the intention to continue the dictatorship through the succession of Gamal Mubarak as President was revealed<sup>12</sup>.

On the other hand, true moderation of the Muslim Brotherhood seemed possible by way of its social visibility. If the Brotherhood could fit in with the political game, this would potentially lead to acceptance of the bases for a secular State and in which it would have a place. After all, the emergence at that time (2001) of the Justice and Development Party in Turkey showed the compatibility between political Islam and the democratic party system.

Thus, the most notable change in its history took place when the Brotherhood allowed some independent candidates, with their own identity as Muslim Brothers, to take part in the 2005 elections. The Brotherhood went on to acquire a hybrid status, whereby it was tolerated but not legalised. The results failed to calibrate its true acceptance in society, but they at least afforded the Brotherhood parliamentary representation: 88 seats out of 454. This was not enough to silence the critics of the regime. On the contrary; Mubarak decided to prolong his restrictive measures, keeping a third of the Brotherhood's member in prison, including some of its most important leaders. At local level, many of the elected Members saw their actions limited and were even unlawfully arrested.

Despite its social integration and its participation in the elections, during last years of the Mubarak regime the Muslim Brotherhood was considerably weakened due to internal rifts regarding the succession of its spiritual guide. This was not the first time that differences had surfaced. But this occasion was the first time they had been made public by the media. Such differences damaged its reputation by giving the impression that there was major attrition going on within the organisation.

Before the 2010 elections, the Brotherhood joined in with those parties calling for a boycott due to the lack of transparency in the electoral process with regard to candidacies outside the Democratic National Party. This again affected relations between the Brotherhood and the Mubarak regime as the Brotherhood felt it had been let down by such presidential manoeuvring, which one moment was favourable for its acceptance, the next moment for its marginalisation and persecution.<sup>13</sup>

Although the Movement's internal crisis had been resolved prior to the “25 January

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12 For more information on how this aspect influenced the outbreak of the “25 January Revolution”, see: Lampridi-Kemou, Athina: “Egipto la revolución inconclusa”, *Informe sobre las revueltas árabes*. Madrid, Ediciones del Oriente y el Mediterráneo, 2011. Pp. 59 y ss.

13 Nathan Brown: “The Muslim Brotherhood”. Carnegie Endowment for International Peace (April 13, 2011). Pg. 8.

Revolution”, it nevertheless revealed the existence of different groups, subsequently resulting in spin-off parties when elections were held following the fall of the dictatorship.

In recent years, the Brotherhood has often stated that it pursues a peaceful transformation of the political regime. The fact that it joined in with the demonstrations of Tahrir Square may be interpreted as being evidence of this. Far from having had no participation in the revolutionary outbreak, the Brotherhood has benefitted most from the end of the regime.

### The Brotherhood's presence in the “25 January Revolution”

When the demonstrations in Tahrir Square began, a group of younger, university activists from the Muslim Brotherhood fully participated from the first day. They did not do so as members of the Movement, but rather as Egyptian citizens against the dictatorial system. During the weeks-long mobilisations, they did not even appeal to the organisation's leadership, but rather they identified with new, young reformist leaders. Eventually, the whole Brotherhood became involved, including its most prominent representatives. However, the different steps that were taken during this process until Mubarak was finally overthrown brought into stark relief the rifts that existed between them. From the very outset, there was no consensus as to which position they should uphold. When Omar Suleiman, named Vice President during the “25 January Revolution”, opened a dialogue with the different members of the opposition, there was clear disagreement between the youths, who were seeking a total change of regime, and the elders, who were content to accept the usual set of concessions towards greater tolerance.

Today, the university youth linked to the Brotherhood tends to confer greater spontaneity on the organisation than that afforded by the elders. The youth makes use of new technologies for networking purposes. Around 70% of Egyptian website visitors are Muslim Brothers. The rejection of internal hierarchy in the election of posts is one of their doctrinal aspects. They are closer to understanding the practice of Islam as being a personal experience, which would in principle facilitate their empathy toward a multi-party system, even within a secular State. It is also obvious that a generation gap exists. Therein lies the main challenge for the Movement and its short-term ideological evolution. This does not mean that their ideals are no longer compatible with the pillars of Islam; indeed, many of the voices of reform uphold the *Ijtihad*<sup>14</sup> principle, implying a capacity for renewal and adaptation to modern societies.

Beyond such ideological differences, it should be noted that the current doctrinal principles of the Movement are the result of a return - according to them a definitive return- to its moderate origins. These foundations have not been altered even by its entry into politics.

This led to a situation whereby, following the long road it has travelled and with an eye towards the first free elections in Egypt, held in late 2011/early 2012, the Mus-

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14 Orti Pérez, Juan: “Islam y Democracia”, *Boletín de Información*, no. 280. Madrid, CESEDEN, 2003. Pg. 43.

lim Brotherhood founded three political parties: the Freedom and Justice Party (FJP) (*Al-Hurriya wa al-Adala*), recently created; the Centre Party (*al-Wasat*), founded in 1996 but only now legalised; and the youth party, known as the Egyptian Current Party (*al-Tayyar al-Masry*).

The differences between the three new parties have more to do with their degree of pragmatism, in their desire for integration in democratic parliamentarianism and political tolerance, than with their ideology. Having taken this step, the expression used among the members of the Brotherhood is “Islamic democracy”, given that it does not regard the order of Islam as being incompatible with today's demands for freedom, citizen consultation, equal rights and education for women or the adoption of Western technology in everyday affairs.

Finally, while not being a uniform movement, certain elements are common to all branches of the Muslim Brotherhood. All of them regard their political agenda as being less important than their social, humanitarian, charitable or educational agenda, which is what they believe will help them to transform society into an exemplary society. It is hoped that this will spread the Muslim paradigm as the foundation of global governance. According to the legacy of al-Banna<sup>15</sup>, this goal must be achieved gradually, through peaceful phases of social and political reform.

## CURRENT STATUS OF THE MUSLIM BROTHERHOOD

### Its continuity as a Brotherhood

Since its foundation, the Muslim Brotherhood has survived the various regimes and governments. We shall now analyse some of the key factors that have allowed it to prolong its existence as a Brotherhood in spite of the difficulties. There are various reasons behind it.

The first is well known: its structured, widespread and consolidated organisation. As Essam el-Aryam, Vice President of the FJP, affirms: “the Brotherhood may become weakened, but it always recovers; it may get sick, but it never dies”<sup>16</sup>. Indeed, the unflagging attempts by its detractors to dismantle the Brotherhood have favoured its cohesion and resistance.

The Muslim Brotherhood has an extremely hierarchical organisation. The highest representative of the Movement is also its spiritual or general guide. Since 2010, this post has been held by Mohamed Badia, a conservative professor who is nevertheless

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<sup>15</sup> The legacy of al-Banna is contained in a series of letters that he wrote for his followers and which constitute what is known as the theory of “Gradualism”.

<sup>16</sup> Al-Aryam, Essam: “Egypt: New Phase in Muslim Brotherhood”, 5 January 2010, <http://www.onislam.net/english/politics/africa/418513.html>.

willing to live in a multi-party and multi-religious regime. This post is decided by way of a secret ballot held within the *Shura*<sup>17</sup> Council, a conference that brings together all the Brotherhood's representatives, who are in turn chosen within their local cells. Being a consultative and representative system, all its members are obliged to follow the recommendations of its spiritual guide.

Its national operations are structured through a central office (Guidance Office) in Cairo, connected to a network of provincial and local branches as well as a series of Departments that would be equivalent to government ministries. From here, the spiritual guide (general guide) draws up the guidelines that the Brotherhood must follow throughout the country and also deals with international relations. The Brotherhood has its own courts of law. It also has an “Intelligence Service”<sup>18</sup>.

The sustained funding of the Muslim Brotherhood supposedly comes from donations made by its members in Egypt and other Arab countries, but this is one of the most secretive issues among its representatives. Contributions would come from donations made by individuals and foundations, from fund-raising activities, from *zakat* or compulsory charity –the third pillar of Islam - and from business fund investments. The Movement has close ties with major Islamic banks around the world.

Apart from its robust organisation, other psychological factors help to explain its continuity. The Muslim Brotherhood has always identified society with a culture that goes beyond the Arab culture itself: namely, Islamic culture. This has spread and become consolidated as the alternative to Western culture. This is not only a religious perception, but rather a vision for society, its organisation and its institutions. That does not necessarily imply incompatibility with the West. Yet certain elements have indeed led to its being presented in that way, such as the secular Arab dictatorships that followed the colonial era.

The Arab elites copied the same methods as their colonial rulers instead of creating their own model, which remains a pending issue for the Arab-Muslim world. Thus, it should come as no surprise that, following the revolutions that led to their downfall, new systems are emerging based on Islam. The Muslim Brotherhood has found its place within this framework.

Secular policies, promoted by dictators, have led to Islam's being identified as the true channel for political opposition, thus denying this function to the remaining lay groups. The repression of Islamists has helped to foster this perception. At the same time, governments have exploited this argument in order to win over Western powers, which has inevitably given rise to this interpretation.

On the other hand, within the framework of the aforementioned dictatorships and whether through fear or convenience, the secular opposition has been unable to deal

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17 Orti Pérez, Juan: Opus cit, Pag. 44.

18 Source: The Meir Amit Intelligence and Terrorism Information Center (June 2011).

with the regimes from within society. The limited criticism of governments made by Arab citizens have usually been issued from outside the country. This explains why the uprisings caught many non-Islamist sectors unawares and with no means of propaganda, whereas the Muslim Brotherhood had both a consolidated ideology and a solid structure.

Finally, the strength of the Muslim Brotherhood lies in its social actions, helped to an equal degree by the political circumstances. The succession of unassailable and corrupt governments has meant that the only aid targeting very large, disadvantaged sections of society has come from Muslim charity instead of the help that should be provided by public services. Such solidarity has been an essential vehicle for doctrinal propagation, but should not be regarded as the only method of persuasion. The Muslim Brotherhood has additional collective backing that has not arisen from such beneficence<sup>19</sup>. Namely, the support of liberal professionals, especially those linked to Medicine and Judicature, as well as many Trade Union leaders. This shows how the Brotherhood is seen as an actor representing the fight against social injustice in very broad terms, thereby encouraging allegiance.

For a long time and due to its clandestine nature, it was not possible to precisely gauge the Movement's capacity to influence society. Nevertheless, no-one was surprised at the social backing it received, firstly during the elections and, subsequently, in the race for the Presidency.

### Alliances in parliamentary elections

Despite its definitive legalisation, the Muslim Brotherhood has continued to provoke mistrust among those who do not share its ideology. One of the reasons behind this is the insistent tendency to believe it has a hidden agenda<sup>20</sup>. In other words, its moderate stances are no more than a smokescreen that has allowed it to enter the political arena in order to take power. Many believe the Brotherhood will ultimately reveal its true nature and introduce an Islamic State based on the *Sharia*.

This shows the importance of the current political climate in Egypt and in Arab society as a whole. The Brotherhood has gone from being marginalised to occupying centre stage in the political arena. Since its landslide victory in the general elections<sup>21</sup>, it has become the most influential force in the Constituent Assembly, charged with drawing up the new Constitution. Its members face the dilemma of evolving towards the definitive adoption of either a democratic or a fundamentalist system, wherein the

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19 Lampridi-Kemou, Athina: "The Muslim Brotherhood: A Centrifugal or Centripetal Force?", *Revista d'Afers Internacionals*, CIDOB, no. 93-94, 2011. Pg. 6-8.

20 Nathan Brown: *Opus Cit.* Pg. 4.

21 The Freedom and Justice Party obtained 38% of the seats set aside for political parties, followed by the *al-Nour* Party with 29 %. <http://www.rtve.es/noticias/20120121/hermanos-musulmanes-vencen-elecciones-legislativas-egipto/491424.shtml>.

latter would mean a reversal for the rights and liberties of Egyptian society. This does not seem to be the most likely option, although the FJP is under enormous pressure from the Salafists of the *al-Nour* party. However, we must not forget the different internal stances into which the Movement branched out in past decades, in accordance with the more or less radical tendencies.

In this regard, the existence of an alleged hidden agenda would bring the Muslim Brotherhood closer to the Salafists, but arguments exist which call for this approach to be ruled out. For instance, it is significant that the Brotherhood did not align itself with any Islamist forces during the general elections. On the contrary; even the most traditional wing of the Muslim Brotherhood, concentrated within the Freedom and Justice Party, had no objections to joining the Democratic Alliance coalition, which it shared with the liberal *Wafd* Party. As regards the other two parties, the Centre Party (*al-Wasat*) acted independently, whereas the Egyptian Current Party joined ranks with the Permanent Revolution block, which encompassed a diverse group of parties (left-wing, Coptic Christians and Sufis). Such positioning does not therefore reveal the much-feared hidden agenda. This does not mean the Brotherhood intends to renounce its religious profile. All indications point toward the Muslim Brotherhood's carrying forward the prejudices - well-founded or otherwise - in which it has been caught up for so many years. This is one the biggest challenges it currently faces: gaining the trust of society, both in Egypt and beyond.

Little has been said about the relations between the Muslim Brotherhood and the approximately six million Egyptian Sufis, many of which pertain to the Liberation Party. As happens elsewhere in the Arab world, such ties may prove hugely beneficial to the understanding of a plural, non-radical Islam. Indeed, the Sufi influence in rural areas of Egypt has traditionally carried a lot of weight, which would imply a trend towards the rapprochement of the two tendencies. We should not forget the importance that the rural vote has had for the Brotherhood's electoral success, since it has managed to attract the marginal classes through its charity that extends beyond the doctrinal differences between *Sunnis* and Sufis. In the best case scenario, within the framework of these new circumstances arising from the “Arab Spring”, it is possible that the necessary ideological maturity for bringing together political Islamism and Sufism may emerge. This has fuelled intellectual debate (including that of Hassan al-Banna<sup>22</sup> himself) within the different Muslim societies for many years.

Among the Islamist sectors, overcoming the clientelism of the different movements or branches of Islam towards a nationalist stance represents a step forward in the consolidation of a national and plural State. This is the essence of the message that most Muslim Brotherhood leaders tried to transmit from the moment they joined the “25 January Revolution”. And so it was maintained during its general election campaign, paving the way for the Brotherhood's incorporation into the dynamics of political parties coexisting with other secular parties. As illustrated by the previous

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22 Burgat, Françoise: *Islamism Face to Face*. Barcelona, Bellaterra, 2000. Pg.109-114.

example, the efforts of Mohamed Mursi have been following the same line since he became President of the Republic in June 2012. This is an important aspect within a society that is facing a new political reality, which does not involve dismantling the system itself, only the authoritarianism. A new reality in which the middle classes may come to power with their own social conscience.

Yet instead of this analysis, what predominates among observers is a predisposition to confuse the positions of the Muslim Brotherhood with those of the Salafists, for whom there is no hidden agenda whatsoever. They are highly transparent in their desire to convert the changes into a radical Islamic revolution. Indeed, this is the greatest temptation for the followers of the majority Freedom and Justice Party: to ultimately become engulfed in this context of religious fanaticism. As stated by Essam al-Eriam during the first elections<sup>23</sup>, the FJP has distanced itself from the Salafist members of the *al-Nour Party*. In contrast, he called for unity among all the Muslim Brotherhood, dispersed within the three parties. Even after being backed by the most radical sectors in the presidential elections, the evolution towards moderation announced by the Brotherhood was carried through. By way of illustration, amid the controversy over its desire to monopolise the draughting of the Constitution<sup>24</sup>, the Brotherhood refused to include an article proposed by the Salafists asserting the “sovereignty of Allah”.

Other regional circumstances may curb this trend toward Islamic radicalism. On the one hand, jihadist Salafism has been in a state of confusion since the death of Bin Laden. It seemed that the Arab uprisings had left the most radical members devoid of arguments, but the support received in the elections may make it necessary to refine this conclusion to a certain extent. However, the notoriously radical behaviour of the Salafist community and its efforts to remain isolated from society as a whole may prove to be a major barrier when it comes to imposing its objectives. They will not free society from violent episodes, but they will provide it with pretexts to react against them. If, on the contrary, progressive integration occurs, they will in all likelihood become more moderate and find their own niche among the Muslim Brotherhood voters.

On the other hand, we must not overlook the fact that the “25 January Revolution” had marked Arabic and nationalist overtones. This again suggests that any attempt to transform Egypt into an Islamic State will spark a strong social response. This is how the Muslim Brotherhood seems to have read the situation. It seems aware that it has been able to exploit a context that was not created by the Brotherhood itself. What is more, it is not exactly appropriate to establish this division between secular and religious sectors. Even though such a split may occur, it is not what characterised the general mobilisation of Egyptian society.

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23 Read the unequivocal statements from Essam al-Eriam, distinguishing the concept of *Sharia* upheld by the Freedom and Justice Party from its understanding by the *al-Nour Party*. <http://english.alarabiya.net/articles/2011/12/04/180672.html>.

24 Abdu Hassanein, Mohamed: Egyptian Constituent Assembly close to finalizing Constitution, in *Asharq Alawsat*, 6 October 2012. <http://www.asharq-e.com/news.asp?section=1&cid=31336>.

The Muslim Brotherhood is thus understood to have been pressured, during its constitutional work, into seeking a balance between those who fuelled the revolution and those who now intend to exploit its outcome. Amid this situation, the Brotherhood itself is shifting its ideas towards a model that will allow it to govern society.

### The political system model following ascent to the Presidency

The Muslim Brotherhood took a major step forward by deciding to present a candidate for the Presidential elections. In June 2012, Mohamed Mursi narrowly defeated Ahmed Shafiq, former minister of the Mubarak regime<sup>25</sup>. This fact is representative of the complexity involved in avoiding social fragmentation by way of the Republic Presidency. It entails creating a model which, while remaining true to those voting for Islamism, is also compatible with the other secular and progressive reality of Egypt.

Among the arguments that afford an understanding as to the proximity or estrangement between the Muslim Brotherhood and the Salafists, we can highlight the one relating to the future political system. The Muslim and democratic Turkish model presents a far more inclusive and persuasive model than the one offered by the more radical Islamists. Yet we cannot again assume that it will be easy to copy other models, even one in which the religious option is compatible with the democratic dynamic. There is no similarity between the historical trajectory of the Turkish political system and that of Egypt; even less so in the case of the Muslim Brotherhood. Indeed, the Justice and Development Party, founded in 2001 by the current Prime Minister of Turkey, Tayyeb Erdogan, acts upon the foundations of a secular State, but this is not the State model sought by the followers of al-Banna. In Egypt, there is intense debate between the secular conception of the State, defended by the liberals, and the denominational version of the Islamists. Faced with the likely electoral victory of the latter, the moral authority of the Grand Imam of al-Azhar, Ahmed al-Tayyeb, was consulted in an attempt to resolve this controversial issue. In a document accepted by both parties, the future State was defined as “modern, democratic and constitutional”, but which must be governed by the *Sharia*, meaning it would be denominational. As the Brotherhood itself affirms, denominational governance does not necessarily conflict with a respect for religious plurality. Yet it obviously differs significantly from the Turkish model.

For the Muslim Brotherhood, community values have priority over individual liberties and rights, a debate which must be resolved through the application of democracy. Therefore, part of the ideological evolution of these sectors will have to incorporate this change. Some observers point out that this principle had not been a barrier to political participation in the 2005 elections. But its effects have not been tested within a regime controlled by Mubarak's party.

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25 In the Presidential elections, it obtained 51.73% of the votes compared to the 48.27% of its rival, Ahmed Shafiq. <http://www.rtve.es/noticias/20120624/islamista-mursi-vencedor-elecciones-presidenciales-egipcias/539427.shtml>.

Following the strengthening of the Brotherhood, thanks to the overwhelming electoral support it received from Egyptian society, Mohamed Badie stressed<sup>26</sup> his intention to reconcile Islamic doctrine and democratic values, in reference to the *Shura* or consultation. However, the panorama remains somewhat ambiguous in terms of their aspirations regarding the change they expect from Egyptian society.

This confusion favours the conspiracy theories of those who still fear that it is all nothing more than a game of words. Indeed, those who regard it as such believe that the flexibility shown by the Muslim Brotherhood leaders is simply a new stage in the theory of “Gradualism”, as described by al-Banna himself. In other words, we would be facing a further step forward in the process of applying the *Sharia* to individuals, the family, society and the system of government, ultimately culminating in the restoration of Caliphate.

In late November 2011, Yusuf Qaradawi<sup>27</sup>, a disciple of the Founder and a spiritual guide for the Muslim Brotherhood, launched a *fatwa* reflecting this process towards Islamic governance. In his speech, Badie would seem to have echoed this. While it does not represent the Freedom and Justice Party, it does form part of its ideologies.

The goals presented by this party in its electoral programme also leave room for possible misinterpretations of this fusion of a modern, democratic State based on the application of the *Sharia*<sup>28</sup> according to the guidelines set out by *al-Azhar*. This may ultimately affect not only certain social norms, but the economic system as well.

In short, virtually everything said by those connected to the FJP can be given a second interpretation. Their public statements reveal signs of progress being made as regards liberties, albeit with some nuances. In view of such circumstances, it is hard to discern the true stance of the Muslim Brotherhood in the medium term. The most high-profile leaders of the Brotherhood seem to have changed their discourse as the months went by. Nor is it easy to tell when they are speaking on a personal level or on behalf of the Movement. Or to gauge the influence that the more charismatic or traditional leaders may have. The internal division when it comes to forming political parties thus reveals the existence of a generation gap. The university youth pertaining to the Brotherhood coincide in terms of their ideological foundations, but probably not as regards their political realisation.

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26 Halawa, Omar: “Brotherhood close to achieving its ultimate goal, says Badie” in *Egypt Independent*, 29 December 2011. <http://www.almasryalyoum.com/en/node/574431>.

27 Yusuf al-Qaradawi returned to Egypt from his exile in Qatar in February 2011. He was one of the members of the Muslim Brotherhood who took part in the protests of Tahrir Square. At that time, his sermons called for unity between Muslims and Coptic Christians in the fight against the Mubarak dictatorship. As a Sunni leader, he has tremendous influential capacity, channelled through his programme on the *Al-Jazeera* network, “*al-Sharia wal-Hayat*” (*Sharia* and Life), his website “*OnIslam*” and such works as “*Islam: The Future Civilization*”. <http://www.andrewbostom.org/blog/2011/12/09/>.

28 OnIslam and News Agencies: “Policies of Egypt’s Brotherhood (Factbox)”, Monday 05 December, 2011. <http://www.onislam.net/english/news/africa/454911-policies-of-egypts-brotherhood-factbox.html>.

Aside from what the political future of Egypt may have in store, following its victory in January's parliamentary elections and the Presidential elections of June 2012, the Muslim Brotherhood has undeniably entered a new phase in its history.

### The Muslim Brotherhood's relations with other social forces

The Egyptian Armed Forces, traditionally allied with the government, have been slow to assimilate the political transition, thus remaining a disquieting actor in the immediate aftermath of the revolution. This may be understood in broad terms, yet far more so if we talk about their relationship with the Muslim Brotherhood.

Following the downfall of President Mubarak, they became the two leading actors on the Egyptian stage. The Army had been the instrument most commonly used to repress and persecute the Brotherhood, so the difficulty in their mutual understanding was easy to foresee. Yet the “25 January Revolution” meant a radical shift in the attitudes of both.

The Muslim Brotherhood's relations with the Armed Forces began to change with the outbreak of protests. For a while, they both agreed on the need for a swift political transition. However, throughout 2011, but especially once the strength of the Islamists became clear (more so the Salafists than the Brotherhood), the military was reluctant to hand over the reins of power so easily. In any case, contact between the Superior Council of the Armed Forces and the Brotherhood has always been tenuous; or it has revealed major differences as regards the principles of the transition.

For months, the social unrest arising from this attitude on the part of the Military was seen as a risk that could have provided an opportunity to spark a military coup, wherein the most immediate losers would have been the Muslim Brotherhood since it had benefited the most from this new context<sup>29</sup>. For this reason, the Freedom and Justice Party ended up adding to the harsh criticisms coming from other groups against the governing role of the military leadership.

The clearest example of these tense relations came in August 2012, when Mursi relieved Field Marshal Tantawi as Chairman of the Supreme Council of the Armed Forces and Minister of Defence. The standoff between the Government and the Military had intensified following dissolution of the Parliament by the Field Marshal two months earlier. The visit by the US Secretary of State, Hilary Clinton, proved to be the final endorsement for Mursi to take such a step<sup>30</sup>. Predictably, this measure was to favour the decline of military power and, consequently, political change.

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29 Saad al-Katatni, elected President of Parliament on 23 January 2012 following the electoral victory of the FJP, used his inaugural speech to thank the Supreme Council of the Armed Forces for fulfilling the promise it made to the Egyptian people to hold elections.

30 Al-Jazeera, 16 July 2012. <http://www.aljazeera.com/news/middleeast/2012/07/2012715234146640765.html>.

The fall from power of the military leaders has been seen as a step in the right direction for the transition. This may encourage other secular sectors to collaborate with the President, given that the imposing of a new secular dictatorship would be unfeasible or undesirable. Egyptian society is aware that a return to the previous system could have unforeseeable consequences for the country, as well as for the Middle East and the Maghreb.

The Coptic Christians are the other sector that raises question marks over its relationship with the Muslim Brotherhood. The possibility of now being able stand in the 2005 elections led to the youngest and most well-educated sectors of the Movement to also acknowledge the sovereignty of the people, the democratic alternation and the rights of the minorities. Many even changed how they dressed by switching to Western styles. This step had a positive influence on bringing the Muslim Brotherhood and Coptic Christians closer together.

In December 2010, an attack took place on a church in Alexandria during the celebration of the Coptic Christmas. An attempt was made to lay the blame on Islamist groups, though vague details began to emerge pointing to a possible connection with the Mubarak regime. This was taken as a further attempt to justify the control and repression of the Muslim Brotherhood whereby, once this came to light, a situation of unprecedented solidarity arose between Coptic Christians and Muslims. When the first demonstrations in Tahrir Square began, the effects of this presidential manoeuvre could still be strongly felt. The opposition to the dictatorship ultimately achieved a unity which has become a matter of fact within Egyptian society. But, over time, attempts have been made to manipulate this.

The outbreak of mobilisations was the chance to highlight a possible, and now present, reality: the relationship between the Brotherhood and the Coptic Christians, who numbers amount to some 10 million Egyptians. During the outset of the "Arab Spring", the conciliatory tone between both communities and adopted by the Brotherhood was maintained. However, there is no denying the deterioration of the situation for the Christians as society has moved deeper into the transition process. The strength of religious Muslim extremism in the elections, especially with the rise of Salafism, has gradually weakened the Coptic Christian community, which is often a target for violence.

The initial hopes of the Christian community, focused on overcoming its prevalent condition as second-class citizens through democratisation, are still far from becoming a social reality. In the short term, their circumstances remain ambiguous, but not devoid of progress. For instance, the draughting of the new Constitution will maintain the *Sharia* as a source of law, though non-Muslims such as Christians and Jews will be able to turn to their own legal systems for civil matters. It is an accommodating, yet discriminatory, feature. Neither should it be overlooked that a Coptic Christian representative, along with a Salafist and a woman, has been included among the presidential advisers.

The role of the military and Christians within society will depend directly upon decisions closely connected to the evolution of the Muslim Brotherhood.

## THE TRANSNATIONALISM OF THE MUSLIM BROTHERHOOD

### The Muslim Brotherhood in other Arab countries

The constant persecution suffered by the Muslim Brotherhood in Egypt has favoured its expansion in other Arab countries. Among others, there are branches in Syria, Jordan, Sudan, Algeria, Libya, Tunisia and Morocco; and, in the Gulf, in Saudi Arabia, Qatar and Kuwait.

Since the 1940s, similar movements in terms of organisation and objectives have emerged in these countries. Their nature and performance capability have differed, according to the degree of tolerance or repression of each government. They have each gone through different phases. They have even become integrated into political institutions. Normally it is within the framework of municipal elections when they initiate their incorporation into the party system. Because their social work is what ensures them a large number of votes. All such communities are connected to the central Egyptian Movement, particularly so in regard to doctrinal aspects, though they remain virtually independent in terms of their actions. Despite this, they maintain ties that give the Movement an international dimension; i.e., a Global Brotherhood which repeats the structured organisation described above.

Up to this point, the transnationalism of the Brotherhood can hardly be called novel. But it can in other aspects. The first refers to the tools used for dissemination purposes. “Deterritorialisation”<sup>31</sup> has definitely been helped by Internet social networks, which were used in the mobilisations in both Tunisia and Egypt. As a consequence, the second aspect refers to the fact that, beyond their mere presence, what has been produced is a strengthening of their influential capacity. Indeed, links with the Brotherhood<sup>32</sup> itself or with other Islamist movements and which until now had been very weak are starting to multiply. In this regard, particular mention should be made of Tunisia and Libya, where there have also been occurrences and which, within the revolutionary framework, have completely changed their situation.

The Tunisian Muslim Brotherhood are concentrated in the al-Nahda Party, led by Rachid Ghannusi, who has now returned from exile in Britain following the fall of the Ben Ali regime. Its stance is more extremist than that taken by the Brotherhood in other countries.

The landslide victory of the Islamists in Tunisia has been one of the most astonishing developments within the panorama that arose in the aftermath of the dictatorships.

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<sup>31</sup> Roy, Oliver: *El Islam mundializado. Los musulmanes en la era de la globalización*. Barcelona, Bellaterra, 2003. Pg.169-187.

<sup>32</sup> Due to the success of the FJP in the elections, the Syrian Muslim Brotherhood sent a delegation to Cairo led by Faruq Tayfur, representing the leader of the Syrian Brotherhood.

Contrary to what was expected in Egypt, the rise of the Tunisian Muslim Brotherhood was not expected to reach the levels that it has achieved. Nor was it foreseeable that the Salafists would gain such momentum; they are currently seen as one of the main obstacles to consolidation towards a process of democratisation. Neither the high level of education among Tunisian society, nor the economic level of the middle classes - despite the sharp rise in unemployment over recent years - nor the country's political culture suffice to explain this drastic change in the situation<sup>33</sup>.

In Libya, the Muslim Brotherhood was also strongly repressed by Colonel Gaddafi. The problem facing the Brotherhood and Libyan society as a whole is not only whether to enter the democratic game, but rather one of creating the system itself, since the previous regime was not based on the existence of political parties.

The Libyan Muslim Brotherhood formed part of the National Transition Council that was established during the war of 2011 to lay the plans for a new regime once the dictatorship had fallen. Prior to the first elections to be called since 1969, Mohamed Sawan has been the central pillar of the Justice and Construction Party, which has shown itself to be ideologically open to the introduction of political changes within Libyan society, despite its Islamist profile. It failed to gain a majority in the elections of July 2012, thereby halting the dynamic rise of Islamism that began with the "Arab Spring".

### Relations with other Islamist movements

The Muslim Brotherhood has given its support to certain Islamist movements, regarding their actions as the compelled "resistance" to foreign occupation of Islamic lands, as understood in their doctrine. Such has been the case of *Hamas* in Palestine, *Hezbollah* in Lebanon or the Islamic Party in Iraq.

The Muslim Brotherhood was always the reference movement for *Hamas*, which was created as a result of the Palestinian Intifada in 1987. Its spiritual leader and founder, Sheikh Ahmed Yassin, belonged to the Muslim Brotherhood from the 1970s onward. In turn, they have always recognised the Palestinians' right to "resistance" against Israeli presence in the Middle East. This position has never altered. The Brotherhood has always been openly against Israel. Over the years, the discourse upheld by the Brotherhood in this regard has not distinguished between the civil Israeli occupation and the military operations of the Tel Aviv government. This argument has led the Muslim Brotherhood to condone terrorist actions, defined as legitimate acts. The case of the *Hamas* Movement, into which many members are integrated, is a perfect illustration of such behaviour.

In 2006, through the Change and Reform List (*kaa'mat al-taga'ir ual-islam*), *Hamas* obtained a clear victory in the parliamentary elections, whereby Ismail Haniya became the Prime Minister. The international reaction was not slow in coming, de-

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33 Algora Weber, M<sup>a</sup> Dolores: "Túnez busca un modelo", *Foreign Policy en español*, 3 August 2012. <http://www.fp-es.org/tunez-busca-un-modelo-arabe>.

spite the legitimacy of the elections: an immediate blockade of the Gaza Strip was put in place. Soon after, the fratricidal struggle between the factions in favour of *Hamas* and those supporting *al-Fatah* led to the breakdown of relations with the Palestinian National Authority. *Haniya* declared self-government in Gaza. The situation fully deteriorated in the aftermath of the Israeli attacks between 2008 and 2009.

More than twenty MPs linked to *Hamas* have been imprisoned by Israel, including the President of the Palestinian Parliament, *Aziz Dweik*. The effects of the “Arab Spring” in Egypt in relation to this situation have led to close ties being forged between *Haniya* and *Badie*, who has invited the Palestinian to join the Global Muslim Brotherhood.

The Muslim Brotherhood in Lebanon has its own organisation; the Islamic Association (*al-Jama'ah al-Islamiyya*). But they have also been associated with the Party of God (*Hezbollah*)<sup>34</sup>. The Muslim Brotherhood's influence on this movement is complex due to the circumstances surrounding it. While the Brotherhood has attracted the more moderate wing of the Lebanese Islamists, who claim to have dissolved their armed group known as “*al-Fajr*”, other sectors have become divided between the power of *Al-Qaeda* and the *Shiite* predominance of *Iran*. The first are associated with the Salafist Jihadists of “*Fatah al-Islam*”, a terrorist group fed by Palestinian refugees from southern Lebanon, and the latter, with *Hezbollah*. This country therefore represents one of the scenarios in which the struggle between the two great branches of Islam has best been revealed.

Following the Lebanese War of 2006, the influence of *Hezbollah* on Lebanese life was irrepressible. Its leader, *Hassan Nasrallah*, became very popular among the Lebanese people, regardless of their religious beliefs. The subsequent Israeli attacks on Gaza propitiated unity between *Nasrallah* and *Haniya*. In both cases, the usual formula for penetration, namely social work, was enhanced by a widespread social awareness as to their common purpose: resistance against Israel. Following these events, *Hezbollah* strengthened its presence in Parliament in the 2009 elections.

The “Arab Spring” could bring about a significant and surprising change in Lebanon. Not to its political system, which is firmly established due to its secular and multicultural profile, but to internal conduct of *Hezbollah*. It will all depend on how the remaining Islamist movements in the region evolve. This may be a complex process, as the transnational ties in the area are also complex. If the current spiritual guide of the Egyptian Muslim Brotherhood manages to steer the leader of *Hamas*, *Haniya*, towards moderation, it would be highly likely that they could induce some Lebanese sectors to adopt the same moderation. This would have an effect on the Lebanese Brotherhood, already integrated into society to a large degree, which could in turn

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34 Hamzeh, Nizar: “Lebanon's Islamist and local politics: a new reality”, *Third World Quarterly*, Vol. 21 no. 5, 2000. Pgs 739-759.

sway *Hezbollah*, thanks to its close relationship with Palestinian Islamists<sup>35</sup>. Should this relationship chain prove successful, it would bring about a major change in the region<sup>36</sup>. While it may not be wise to become overly optimistic regarding the outcome, neither should such a political shift be ruled out. Since mid-2012, there has been a gradual estrangement in the relations between Iran and *Hamas*. However, the biggest problem presented by these groups would continue to be the disarming of their militia, even if they were dissolved.

In relation to this possible evolution of the movements in Palestine and Lebanon, another conditioning factor is the worsening internal situation in Syria. *Hamas* has established the headquarters of its delegation on the outskirts of Damascus, so there are now ties between the Palestinian movement and the Brotherhood in this country. But even more importantly, the worsening situation directly affects the ties between Syria and Iran, since the *Shiite* Alawi minority of Bashar al-Asad's government is a means of communication for the Ayatollahs' influence. The possible triumph of a moderate Islamism, arising from the "Arab Spring", could stem the covert Iranian interference in the Syrian government. Pending the outcome of the people's rebellion against the Syrian regime, one may foresee that the ideological struggle between the regional powers will once again be settled therein.

If the situation in Syria changes radically and the current President is overthrown, the Muslim Brotherhood would have considerable support that could catapult it to power<sup>37</sup>. From that moment on, Syria's ties with Iran would be weakened and could be replaced by Turkey. Despite the fact that the Turkish model does not correspond exactly to the aspirations of the Brotherhood, Egypt's recently created Freedom and Justice Party has clearly been inspired by Erdogan's model. And this may be the same line chosen by the Syrian Muslim Brotherhood.

However, we must also consider the possible rise of Salafism, given Saudi Arabia's support of the rebels. This would seem the best way to prevent Turkey from gaining a more dominant foothold in the region. This scenario would mean Iran losing influence in the region. That would in turn weaken *Hezbollah*, who also supports al-Assad. Therefore, the "Arab Spring" could paradoxically lead to a re-Islamisation of the Arab

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35 "Badie meets Haniya in Cairo", *al-Masry al-Youm* (Egypt Independant), 27 December 2012. <http://www.almasryalyoum.com/en/node/571276>.

36 Al-Qaradawi, acknowledged leader of the Muslim Brotherhood and who reappeared in Egypt amid the "25 January Revolution", has for many years fluctuated between criticising and supporting *Hezbollah*. He rejects the movement's ambitions to spread *Shiism* in *Sunni* countries, but admires Nasrallah's firm stance against Israel.

37 It is thus understandable that the demonstrations originated in the city of Hama, home to the greatest concentration of Syrian members of the Muslim Brotherhood and where many were slaughtered in the 1980s. From the very outset of the demonstrations in Syria, Vice President Abdel Halim Jaddam, who was a member of the Syrian Muslim Brotherhood in 2005, has been promoting international intervention. This leader, who actually came from the Ba'ath Party, is highly criticised by some members of the Brotherhood in Syria.

world, but different from that of previous decades. Likewise, it would be accompanied by the recuperation of Arab nationalist spirit, distancing it from the Iranian positions.

In Iraq, the Muslim Brotherhood has united under the banner of the Iraqi Islamic Party (*Hizb al-Islami al-'iraqi*), yet they do not regard themselves as part of the Brotherhood in spite of its ideological influence. As happened in Egypt under Nasser, it was repressed in Iraq by Saddam Hussein during the Ba'ath regime. The party was banned from the 1970s onward, leading to its radicalisation. In 2003, it was made legal once more in exchange for its collaboration with the transitional government until, one year later, it retired from the political scene as a consequence of the bombing of Fallujah<sup>38</sup>. It later re-joined the system. It has some ministers within Maliki's government; at the same time, it is also his most powerful opposition.

Both *Hezbollah* and the Egyptian Muslim Brotherhood blame the sectarian divisions in Iraq on the US occupation. They blame radical groups for the religious intolerance that is destroying the country. They thus expressed themselves following the attack on a Baghdad church in November 2010<sup>39</sup>. The current Vice President of Iraq, Tareq al-Hashimi, who is accused of being a terrorist and was recently sentenced to death by an Iraqi court, belonged to the Iraqi Islamic Party until 2009. Since 2011, he has been living in Ankara under the protection of Erdogan's government with the assurance that he will not be extradited.

## THE MAJOR POWERS AND THE BROTHERHOOD

The main issue faced by the international community is the lack of trust in political Islam, which is only sometimes justified. The Muslim Brotherhood is not exempt from such mistrust. While it is perfectly true that the Brotherhood has spawned violent groups that have embraced terrorism, it also contains a multitude of Muslims who strive to bring about a social transformation based on Islamic morality.

The “Arab Spring” has aided the inevitable. The Muslim Brotherhood, as part of political Islam, has become a key player in terms of relations with the Arab world. This calls for a re-thinking of international relations.

In turn, the Muslim Brotherhood's access to the decision-making process will force it to adjust its ideological positioning for the sake of the pragmatism that is required for any Egyptian government.

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38 The visible head of Al-Qaeda in Iraq, Abu Musab al-Zarqawi, originally came from the Iraqi Islamic Party.

39 “Solidaridad musulmana con las víctimas cristianas de Bagdad” (4 November 2010), <http://www.welislam.com>.

Therefore, the influential capacity which the “Arab Spring” has afforded the Brotherhood entails a major challenge both for the Brotherhood and for all other international actors. The maintaining of international peace and security will depend greatly upon both the internal and external willingness to understand this new reality.

### United States

The United States does not see the revolutionary changes in the Arab world as a political issue, but rather as an issue of international security. This view entails a risk in itself, such as pushing the US government to go on the defensive. From a viewpoint of political realism, which guides the actions of the White House, no State goes against its own interests, but how such interests are managed is the overriding question.

The US has maintained diplomatic relations with other Islamist movements when these have become part of the political system, such as in the case of Morocco, Jordan or Kuwait. Yet, in Egypt, there has so far been virtually no contact at all. As regards Hamas in Palestine, contact is forbidden by law.

International order is dependent on whether Washington views the rise of the Muslim Brotherhood as a threat or as a chance to redefine its presence in the Middle East.

Relations between Washington and the Muslim Brotherhood has been affected by the events of the last decade. From the condemning of 9/11 through to the “Arab Spring”, the US government has maintained different attitudes, though the general stance has been one of acknowledgement.

For the Muslim Brotherhood, contacts with the US have always been complicated, which explains why such contact was usually denied while it was merely a Movement. When some of the more reformist members were incorporated into the Egyptian parliament in 2005, this position began to change.

Since the outset of the “25 January Revolution”, President Obama has sought to establish closer relations with the Brotherhood, which has brought him considerable criticism at home. This policy shows that the security criterion holds sway over all other criteria. What concerns the White House and is motivating this new approach is not so much the institutionalisation of the new Egyptian regime as the situation in which Israel is soon going to find itself. From now on, the US will have to rethink how it intends to maintain its influence in the region. To do so, it will need to establish an open dialogue with the Muslim Brotherhood.

Within this framework, the Turkish model appears to be the best formula for simplifying the management of its relations in the region. However, we must reiterate that there is no guarantee that this will be the profile of the new political system in Egypt. As regards the Arab uprisings, these have strengthened the Palestinian position, which can already be seen through the improved internal relations between *Hamas* and the Palestinian National Authority, which led to a request for the Palestinian State to be admitted into the United

Nations in September 2011<sup>40</sup>. The increasingly probable end of Bashar al-Asad's Syrian presidency can be interpreted in various ways, such as the cited Iran connection.

## Israel

The case of Israel best reflects the Brotherhood's ideology in justifying the “resistance” of the Palestinians, which Islamist groups regard as a sacred duty. Such sentiment runs deep in these movements. They may become part of the political scene, they may even recognise the existence of the State of Israel, but the Israeli authorities are fully aware that regional tensions are not going to disappear. Therefore, as far as the Israelis are concerned, the conflict in the region is here to stay.

The increasing Islamic influence on the governments in the region gives rise to two options. The first is to attempt to reach a balance through open dialogue with those groups that have become part of the political system, among which the Egyptian Muslim Brotherhood is the most important. The second and the least desirable due to its dramatic consequences would be to raise tensions to such a point as to trigger an armed conflict.

Just as Israel has already negotiated with *Hamas* and *Hezbollah*, it can also negotiate with the Muslim Brotherhood, who are far more willing to maintain a peaceful co-existence in the region. The Brotherhood's majority in the Egyptian parliament may now alter the situation. The Muslim Brotherhood regards the agreements between Egypt and Israel as null and void. Without making specific mention of the agreements signed in 1979, two issues have been announced that may result in major changes. The first refers to the willingness to have social support for an extension of the treaties. The second refers to the freedom to respond should Israel breach the agreement.

However, all statements from the leaders of the Brotherhood are highly ambiguous at this time. They seem intent on subjecting the treaties to a parliamentary decision, as opposed to the national referendum that had been promised. In any case, the electoral results suggest little variation in the final decision. The most we can hope for is a renegotiation that is more favourable towards the Egyptian position; an issue that will remain pending until the allocation of portfolios within the new government is known. The appointment of a Minister of Foreign Affairs from the FJP may trigger conflicts in the Eastern Mediterranean regions.

If these new politics are imposed on the region, two conditional factors come to light. Firstly, the political weight that the Muslim Brotherhood will acquire in other countries. Secondly, Israel's energy dependency in regard to Egypt. Unless further major developments occur in the region, the Israeli government will have to show that is prepared to make greater concessions to the Palestinians.

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<sup>40</sup> In October 2011, Palestine was granted admission to UNESCO as a Member State.

To all of the above, we must add another new factor which Israel will have to address: the strategical shift which the US intends to implement. President Obama, who raised new hopes in his foreign policy through his speech in Cairo, has come up against the inflexibility of Prime Minister Netanyahu regarding his policy on settlements<sup>41</sup>, which has stalled the negotiations between Palestinians and Israelis. Such debilitation has harmed the image of President Obama, who has failed to bring the Peace Process to fruition. Within this scenario, the White House has decided to make the Muslim Brotherhood its new partner.

To sum up, if the government in Tel Aviv were able to view these changes as an opportunity rather than a threat, possibilities would arise to moderate certain postures maintained by their neighbours.

## Europe

The Muslim Brotherhood is present in many European States. Europe has been one of the most common safe havens for those fleeing oppression in Egypt and other countries. During the Cold War, Europe's rejection of the policies introduced by Nasser became a pole of attraction for many members of the Brotherhood. Immigrant communities frequently include groups associated with this Movement. Upholding the Islamic morality of those who have abandoned the lands of Islam has always been one of the aims of the organisation. The Muslim Brotherhood has always tried to keep a low profile in public life, especially so after the attacks of 9/11 through fear of being confused with Salafist sectors. Despite this, in countries such as the UK, France or Germany major hubs exist which are indirectly connected to the Brotherhood. While it has never renounced its peaceful ambition to have the *Sharia* become the moral template for society, in reality and regardless of their indoctrination, most live side by side with the political system just like everyone else.

In Europe, they both share and contribute towards the rejection of Israel, whereby some members become involved with left-wing parties that foster anti-Zionist campaigns and actions. Such people seldom have direct attachment to Islamist terrorist groups<sup>42</sup>. As would occur anywhere else, they are exposed to ideological radicalisation through the Salafist groups who have also penetrated into Europe.

## Turkey

Within the framework of the “Arab Spring”, President Erdogan hopes to become a reference model for those promoting revolutionary change, whether through the prototype presented by his Justice and Development Party, particularly in the case of the Muslim Brotherhood, or through his actions within a democratic and secular system.

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41 Algora Weber, M<sup>a</sup> Dolores: “Las negociaciones palestino-israelíes en el proceso de paz de Oriente Próximo”. Documento de opinión, 24/2011. Higher School of National Defense Studies. [http://www.ieee.es/Galerias/fichero/docs\\_opinion/2011/DIEEEO24\\_2011ProcesoPazOrienteProximo.pdf](http://www.ieee.es/Galerias/fichero/docs_opinion/2011/DIEEEO24_2011ProcesoPazOrienteProximo.pdf).

42 Source: The Meir Amit Intelligence and Terrorism Information Center (June 2011).

Yet issues exist which raise doubts as to the influence that Turkey may have on the new Arab regimes. The balance of forces within the Egyptian parliament, inaugurated in January 2012 with a Muslim Brotherhood majority of 235 seats followed by *al-Nour* with 123, allows the draughting of a Constitution in which application of the *Sharia* can be accommodated far more significantly than that reflected in the Turkish Constitution, which was amended in 2010. In other words, once Egypt has overcome its social unrest, it is capable of creating a new model that acts as a far stronger pole of attraction than the Turkish model. The Turkish option would respond better to secular Egyptians, but these lack specific weight in public life. In the Turkish parliament, alongside the prominent Islamist group, the second major force is a secular social-democratic party. This is a different situation from that of Egypt, whereby the results will also differ.

This reality may affect the Turkish aspirations for its foreign policy towards the Arab world. Ankara's current opposition to Israel is the element connecting Turks and Arabs. But, once Egypt regains its role, Turkey may find itself being pushed out of region's diplomatic loop. The government that emerges in Cairo may be able to draw on Turkish mediation in the Middle East peace process, while maintaining its protagonism in the negotiations over Gaza. Especially now as it strengthens its ties with *Hamas* and holds the key for Agreements between Egypt and Israel.

However, Turkey's economic relations with Arab governments may become more successful and continuous. In spite of the internal reforms implemented by President Erdogan, Turkey is encountering an increasing number of obstacles to its possible admission into the European Union. It is clear that the Turks themselves are beginning to lose interest. The Arab world now represents a major opportunity to strengthen the Turkish economy, which has ably withstood the global crisis, but will doubtless establish trade links far removed from any bias Europe may have toward the region.

### Iran and Saudi Arabia

The balance of power between the two major Islamic powerhouses may become significantly altered by the “Arab Spring”. Although it would appear that internal stability is being maintained in both Iran and Saudi Arabia, the long-term consequences will ultimately come to light.

In 2011, it produced major internal issues in Iran, despite the social mobilisations not having been openly successful. The Ahmadinejad regime has been forced to intensify its internal repression for fear of a revival of the Green Movement. For the last two years, meetings have been held among those with the stronger voices daring to question the Islamist system imposed by the Khomeini revolution. It is becoming ever more obvious that the regime lacks the decisiveness required to resist the onslaught from the revolutionary changes in the region calling for political pluralism and respect for human rights. If to this we add the pressure being exerted by the international powers, as a consequence of Iran's nuclear programme, it may well end up succumbing to the consequences of the mobilisations led by its Arab neighbours. The fates of

Iran and Syria have become even more closely connected within this context. The fall of al-Asad would mean an irretrievable loss for Iran's objectives as regards its penetration in the Middle East. However, under the current circumstances in Syria, he would be unable to survive without Ahmadinejad.

Saudi Arabia exerts its influence both directly and by means of the Gulf Cooperation Council. During the "Arab Spring", it saw the need to address, firstly, the *Shiite* influence in Bahrain, which it curbed by sending its own Armed Forces in March 2011 and, secondly, the situation in Yemen, the destabilisation of which has heightened the risk of its being exploited by the greatest enemy of the Saudi dynasty: Al-Qaeda.

The Saudi authorities have attempted to stifle the revolutionary success in terms of its potential affect on the Gulf region. In the remaining Arab countries, the Saudis have supported the monarchies, such as those of Morocco and Jordan, which so far seem to have escaped the consequences of the uprisings by introducing certain reforms, in addition to the legitimacy to rule enjoyed by their monarchs.

The outcome of the Egyptian elections would indicate that the Saudis have supported the Salafist groups of the *al-Nour* Party. Saudi politics does not share the moderation that has allowed the Brotherhood to join the party system; nor does it share the religious and political pluralism through which the Brotherhood strives to gain internal and international trust. Similarly, the demonstrations led by the more extremist groups in Cairo and Tunisia throughout 2012 have been supported by the Saudis.

The "Arab Spring" has led to the rise of a State that could rival the Saudi influence in the Gulf region: Qatar. The broadcasting of all Arab uprisings by its *Al-Yazeera* network, together with the heavy investment it makes in those countries, has afforded the Qataris a leadership status in the Arab world, which to some degree pits them against Saudi Arabia. The Qataris have managed to keep up with the changes, whereas the Saudis have resisted them. To this, we must also add the results of their funding, which is enabling many Arab countries to overcome the economic crisis, by which the Maghreb and the Middle East have not remained unaffected. The economic stability of those countries with new regimes is crucial for their progress. The government of Doha is therefore associated with the revolutions for having tried to exploit this context.

Saudi Arabia and Qatar share strategic interests in terms of the new opportunities presented by the revolutions and the common need to curb the power of Shi'ism within the Arab world. Though such an assessment may be premature, certain data would suggest a future estrangement between the two Gulf powers should the Irani threat weaken.

## CONCLUSIONS

An increasing amount of data is being obtained which will soon allow us to make an assessment of the changes in Egypt and the Arab world, as well as the international dynamics.

The political normalisation of the Muslim Brotherhood has allowed the Movement to become integrated into the democratic game. Its balance and moderation will doubtless be one of the greatest challenges facing Egyptian society.

The Brotherhood, through its political party, will need to win over the trust of the secular parties, broad sectors of society and the Armed Forces. The only way this can happen is if it truly incorporates democratic values, pluralism and tolerance into its political ideology. It must also establish channels affording it compatibility with the practice of Islam.

If this transformation occurs, the Muslim Brotherhood may prove to be the chance for creating a model of governance that is extendible to the different Arab societies of the Maghreb and the Middle East. Without such doctrinal progress, the Brotherhood will be at the mercy of the influence exerted by Salafist groups. In which case, the Mubarak dictatorship could end up being replaced by an Islamist system, offering no guarantees for ensuring the success of the Tahrir Square revolution.

Therefore, the challenge for this movement will be its ability to evolve towards a political system to which its organisation will have to adapt. It is too soon to know which direction this new reality will take.

Although its positions on terrorism are somewhat blurred, by walking a line between what they regard as “resistance” to foreign occupation and unequivocal condemnation of attacks, the Brotherhood dissociates itself from the radical sectors.

In a best-case scenario, in the short term a peaceful re-Islamisation will be seen in the Mediterranean Arab nations. The Muslim Brotherhood belongs to the group of Islamist powers destined to transform the profile of this region over the coming years. Its definitive entry onto the political stage will enable it to reap the rewards of the renunciation of violence, which will help to strengthen Muslim transnationalism.

The international powers should not be expressing their concern over moderate political Islam, but rather those forces that inspire and promote radical movements, such as Salafism. The West's energy dependence on countries that have fundamentalist governments represents a barrier to its being able to contribute, from beyond the Arab world, to peaceful progress towards modernity. The spread of radical movements will be inevitable for as long as they are supported by heavy funding. In order that the “Arab Spring” may bear its fruits towards the creation of non-antagonistic political systems imbued with democratic values, foreign powers must address their own revolution; namely, the energy revolution.

A further conclusion that can be drawn from this study is the need to apply a long-term strategic vision for the Middle East. The changes in the Arab world do not only entail a period of transition for these societies. Due to their significance, they also imply changes for international politics as a whole. These transformations have been made from the inside up. Therefore, under no circumstances will international relations ever be the same as when the elites were in power.

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## THE MODERN THAI CONFLICT: NATIONAL SECURITY ISSUES AND PERSPECTIVES\*

The main purpose of this paper is to recall briefly the most relevant facts of the conflict that I have called the “modern Thai conflict”, as well as to brief about the main actors involved, the emotional and cognitive components of their interactions, the structural parts of the conflict itself and, finally, the issue of the insurgency in the South of Thailand, in order to better appreciate the current conflict resolution strategy in what is often an unknown conflict as far as the international community is concerned.

**Key words:** Asia, Conflict, Political and Security Relations, Governance, Insurgency, Fundamental Rights.

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\* The undertaking of this work has been possible thanks to the great help and persistent encouragement of *Alfonso de Juan SJ* and *Rassamee Krisanamis*, two colleagues who work untiringly for the sake of peace among the Thai people. I would also like to thank Juan Carlos Royo for his valuable insights and suggestions on this subject matter; along with Viraphong Boonyobhas, Professor of Criminal Law at Chulalongkorn University in Bangkok, Thailand, for his generosity and endless encouragement.



## APPROACH

When analysing a conflict such as this, one must work on the basis of two fundamental and frequently overlooked premises: Firstly, the fact that each conflict is unique, with its own causal and differential elements and, therefore, calls for specific and concrete responses. It is unfeasible to carry across those offered in other conflicts, even when they share some similarities. In this regard, it is also necessary to rid oneself of the typical Western clichés when undertaking a study of the parameters of Asian conflicts. The second premise is the indispensable study of the role played by the different actors involved in the origin and development of the conflict and its cognitive and emotional elements, along with an examination of the structural elements of the conflict itself. As shown by Galvache Valero<sup>1</sup>, analyses tend to circumvent seeking the causes of a specific conflict, or the study thereof is limited to the immediate sphere of the circumstances that have given rise to its manifestations and conditioning factors most proximate to the moment of observation. This makes it essential to conduct an analysis of the current Thai conflict which, combined with the aforementioned elements, will allow us to pinpoint its causal and differential elements, as well as future lines of action and the available resources. Only in this way can its evolution and possible outcome be analysed rationally.

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1 Galvache Valero, Francisco, “La actuación de los actores estatales a lo largo del conflicto de Irlanda del Norte”, in *Reflexiones sobre la evolución del conflicto en Irlanda del Norte*, Spanish Ministry of Defence, Madrid, 2007. p. 21.

## BACKGROUND

Since the democratic revolution of 1936, when Thailand adopted a constitutional monarchy as its form of government<sup>2</sup>, the country has had 17 charters and constitutions, faced 9 coups d'état and, excluding its current leader Yingluck Shinawatra, a total of 28 Prime Ministers have governed what was formerly the Kingdom of Siam. Of all its former leaders, one of the most popular and controversial figures is ex-Prime Minister Thaksin Shinawatra<sup>3</sup>, brother of the current PM.

### The government of Thaksin Shinawatra (2001-2006)

Thaksin Shinawatra, a Lieutenant Colonel of Police turned telecommunications mogul, burst onto the Thai political scene in 1994. In 1998, following the deep economic crisis in Asia that left the country on the verge of bankruptcy, Thaksin Shinawatra founded the Thai Rak Thai Party (TRT), with which he stood for and won the 2001 elections.

His undeniable charisma and the populist politics of his electoral programme - essentially based on providing the poorer classes with access to health care services and affordable medicine<sup>4</sup>, combined with the launch of stimulation programmes for the local agrarian economy through microcredits - soon gained him popularity among the country's rural lower-middle class. This social strata quickly identified with him as he was seen as the first politician of the modern era that had not come from the traditional Thai elite who, until then, had governed the kingdom. He thus managed to attract a broad spectrum of the electorate, particularly in the north, bereft of political options to which to adhere due to the absence in Thailand of left-wing parties. Thaksin Shinawatra renewed his term of office by a large majority following the 2005 elections, which had a record participation of 75%.

At the same time, while his popularity continued to rise, the development of neo-liberal policies of privatization, a controversial fight against drug trafficking - with

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2 For more extensive information on the present Thai royal dynasty, see: <http://www.mahidol.ac.th/thailand/chakri.html>. As regards the reigning Monarch, see: Various authors, *King Bhumibol: Thailand's Strength of the Land*, Bangkok, 2008.

3 For a more in-depth study of Thaksin Shinawatra, see, Pasuk Phongpaichit and Chris Baker, *Thaksin. The Business of politics in Thailand*, Silkworm Books, Chiang Mai, Thailand, 2005; McCargo, Duncan and Ukrist Pathmanand, *Thaksinization of Thailand*, Nordic Institute of Asian Studies, Denmark, 2005.

4 It is what became known as "The 30 Baht Project", due to the token amount originally established to part-finance access to health care services. For a critical view on these policies, see, Pasuk Phongpaichit, "Thailand under Thaksin: Another Malaysia?", *Working Paper No. 109*, in *Asia Research Centre*, Murdoch University, Australia, September 2004, pp 4 and ss.

accusations, alleged interrogations and deaths with no judicial control<sup>5</sup>, the erratic manner in which his government addressed the issue of insurgency in the South - where the *Tak Bai* massacre of 25 October 2005 was a sad milestone in the nation's history and its fight against insurgency<sup>6</sup> -, his control over the media, and attacks against freedom of the press, all led to the emergence of numerous critics.

In response to these accusations - those relating to corruption and abuse of power - in June 2007 the *Assets Examination Committee* (AEC) decided to freeze 76 billion Baht (some 2 billion euros) of his bank accounts for illicit personal enrichment and embezzlement. This decision - confirmed by the momentous sentence of the Supreme Court on 26 January 2010 - was followed by a further sentence of 21 October 2008, in which he was sentenced in absentia to two years imprisonment for abuse of power while Prime Minister<sup>7</sup>. Since this sentence was passed, Thaksin Shinawatra has been a fugitive from Thai justice, seeking exile from different countries and with various criminal cases pending along with an order for his arrest issued on 25 May 2010 for alleged acts of terrorism relating to the *Red Shirts* protests in 2010.

### The crisis of late 2005 and the Coup of 2006

One of the first voices to be raised in 2005 against the Thaksin Shinawatra administration was that of Sondhi Limtongkul, a well known media mogul, who embarked on a personal crusade for what he regarded as the defence of traditional Thai national values - ethics, religion and the Monarchy - which he deemed to be at risk from the constant attacks by Thaksin Shinawatra's government and the growing levels of corruption. This crusade led to the creation of the first large-scale popular movement against the Prime Minister, the *People Alliance for Democracy* (PAD), known as the *Yellow Shirts* due to its having adopted this colour of clothing, a symbol of the Thai king. Around this time, Sondhi Limtongkul suffered a controversial and still unexplained assassination attempt.

The PAD, encompassing 23 citizens' organisations, mostly brings together the Thai aristocratic elite, liberal intellectuals, part of the university academic community and

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5 For a critical view, see, Jaran Cosananund, "Human rights and the war on drugs: problems of conception, consciousness and social responsibility", *Thailand Human Rights Journal*, 1, 2003, pp 59 to 66. See also the English version of the report entitled "The war on Drugs, HIV/AIDS and Violations of Human Rights in Thailand", produced by the Human Rights Watch organisation, which is available at: <http://www.hrw.org/campaigns/aids/2004/thai.htm>.

6 On 25 October 2004, eighty-six alleged insurgents died in unexplained circumstances after being arrested by the police and by Thai troops in the district of Tak Bai, in Narathiwat province. This event came in the aftermath of the killing of one hundred and thirteen people at a mosque in Krue Sae on 28 April at the hands of soldiers and police. Most of the victims were militant Muslims.

7 Thus violating Art. 100 of the *National Counter Corruption Act*, which forbids any members of the government or their spouses from being stakeholders in contracts involving State agencies under their authority. This is the so-called *Ratchadapisek Land Case*.

the urban middle class of Bangkok. Its detractors accuse the PAD of basing its discourse on its own particular understanding of democracy which essentially favours the traditional upper class. The group began an intense campaign against Thaksin Shinawatra and, along with other social movements, held numerous protest rallies in early 2006 calling for his resignation and the beginning of an impeachment process.

At the height of the crisis - February 2006 - Thaksin Shinawatra dissolved parliament and called an April election, boycotted by the Democratic Party and the rest of the opposition, with accusations being made before the *Central Administrative Court* of electoral fraud for vote buying in numerous constituencies. While the TRTP won the elections, it failed to obtain 38 representatives in the South, a traditional stronghold of the Democratic Party, nor the minimum 20% of votes required to become elected in a district. Under Thai electoral law, it was not possible to form the Lower House, which led to a deep constitutional crisis.

A military coup seemed inevitable, and would indeed take place on 19 September 2006. Various high-ranking officers of the Royal Thai Army, led by its Commander-in-Chief, General Sonthi Boonyaratglin, staged a coup against Thaksin Shinawatra, taking advantage of his trip to New York to attend a United Nations conference. It became known as the “soft coup” due to the absence of violence. The military junta that was formed following its declaration, the self-proclaimed Council for National Security (CNS), set up a governing council and named retired General Surayud Chulanont as acting Prime Minister.

Meanwhile, the Constitutional Court passed another key sentence on 30 May 2007. It unanimously ruled that the electoral laws had been violated by the TRTP in the 2006 elections, thereby ordering the party's dissolution and the disqualification of 111 of its members. Sixteen months after the military coup and in accordance with the provisions set out in the new Constitution, a new general election was held on 23 December 2007.

### The crisis of late 2008 and 2009

Those elections were won by the People Power Party (PPP), who obtained 45% of the votes. Its leader, Samak Sundarajev, a seasoned politician and former Governor of Bangkok, became the twenty-fourth Prime Minister of Thailand on 29 January 2008. Samak and his party governed the country for just eight short months - January to September 2008 - in coalition with five minority parties<sup>8</sup>.

During that time, the political crisis deepened and the PAD resumed its activity with great enthusiasm, carrying out an intense mobilisation campaign among its followers and against the government of Samak Sundarajev in response to the draughting

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8 The Chart Thai Party, the Matchima Thipataya Party, the Pracharaj Party, the Puea Pandin Party and the Ruam Jai Thai Chart Pattana Party.

of a political amnesty law that would allegedly benefit Thaksin Shinawatra. In September 2008, a sentence passed by the Constitutional Court found Samak Sundarajev guilty of a “conflict of interest” by combining his office as Prime Minister with a TV cookery programme and obtaining unlawful private gain therefrom. This verdict led to his resigning as head of the government. Thereafter, the conflict was to experience moments of maximum confrontation and radicalisation. Thus, the appointment of Thaksin Shinawatra's brother-in-law, Somchai Wongsawat, as the new Prime Minister by the National Assembly on 17 September 2008, on the motion of the PPP and through the votes obtained from the parties pertaining to what had till then been the ruling coalition, led to wholesale rejection by the PAD. Not only did it continue with its occupation of Government House - which lasted from August to December 2008. It also extended its protests to the very doors of Parliament, where it came up against police repression of the demonstrators, resulting in the death of one and 45 being injured, which led to the resignation of the Deputy Prime Minister, who assumed all responsibility for the confrontations. The actions of the PAD reached their peak with the peaceful occupation of Dong Mueang Airport - where the government had temporarily set up its offices following the occupation of Government House - and Suvarnabhumi International Airport, whose closure was announced on 25 November 2008.

The crisis moved a step forward when, on 2 December, the Constitutional Court of Thailand passed another historic sentence dissolving the PPP for electoral fraud, along with two other groups from the coalition - the *Chart Thai* and the *Matchima Thipataya*. Their leaders were disqualified from holding public office for 5 years, including the recently appointed Prime Minister, Somchai Wongsawat, who was forced to resign. In response to this decision, on 3 December the PAD announced the end of its protests and abandoned the airports and public buildings.

Following a parliamentary vote held on 15 December 2008, Abhisit Vejjajiva, leader of the Democratic Party since 2005, took office as Prime Minister. Vejjajiva won this vote through the support of his party along with that of certain Members of the dissolved ruling coalition who had opted to change sides.

In addition to his connection to certain members of the PAD, his parliamentary election linked him to the traditional aristocratic politics.

As from March 2009, members of the civil movement known as the United Front of Democracy Against Dictatorship (UDD), which emerged in 2006 in opposition to the military coup that deposed Thaksin Shinawatra as well as to the other major civil movement in Thailand, the PAD, stepped up their protests against the Prime Minister, whom they accused of leading a government imposed by way of a judicial and military coup in another guise. Due to the colour of their attire, they became known as Red Shirts.

## THE MODERN THAI CONFLICT

### The “penultimate” crisis of 2010

The start of the modern Thai conflict, involving the same political protagonists as we have been describing thus far, can be pinpointed to the transition of 2009-2010. Thus, on 12 March 2010, the *Red Shirts* began their anti-government rallies in Bangkok, following on from those initiated the previous year. The rallies culminated on 2 April with the occupation of the Ratchaprasong, symbolic area in the centre of Bangkok and home to the city's top hotels and most luxurious stores. There, they set up their base camp, where some 3,000 people lived - increasing to almost 25,000 at times - until 19 May, when they were evicted by the army. They subsequently tried to occupy the financial districts of *Silom* and *Sathorn*, the latter being known as the Wall Street of Thailand and a symbol of the country's modernity and economic prosperity. This latest attempt at occupation was unsuccessful, but it allowed the Red Shirts to set up another camp right outside the aforementioned district, in the popular *Lumpini* park. This site was to become the true stronghold of the Red Shirts, where violent factions merging with the red movement decided to establish their battlefield.

A key moment in the dispute took place on 10 April. Over the previous days, violent incidents had broken out in Bangkok, including attacks involving grenades, bombs and molotov cocktails, with around 35 such incidents being reported in one month<sup>9</sup>. But the so-called “Bloody Saturday”, when confrontations between protesters and the army resulted in 25 dead and 800 injured on both sides, marked the start of an escalation of violence without precedent in the Thai conflict.

Another key date in the conflict is 29 April. That day saw the storming of Chulalongkorn Hospital by Red Shirts guards. This event was of exceptional importance for two reasons: firstly, because the images of the raid on a hospital and the subsequent evacuation of its patients outraged public opinion, casting greater doubts as to the peaceful nature of the red movements. Secondly, because it brought into stark relief the deep division between its various factions.

The last key date prior to the eviction took place on the evening of 13 May, when a marksman killed a Major General and expert on terrorism while he was giving an interview to foreign media. This officer, an authentic symbol for many Red Shirts, was in charge of security at the red camp. His death caused demoralisation, loss of direc-

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<sup>9</sup> The abovementioned attacks are described in detail in the 30 March 2010 edition of *The Nation* newspaper. Likewise, you can also refer to a chronological list of the sabotage and violent attacks, produced by Doctor Deekana Tipchanta and containing exhaustive documental information, available at <http://blog.nationmultimedia.com/ThaiTalk/2010/05/29/entry-1>.

tion and the dispersal of the violent armed factions that were converging with the movement, as well as a fear of impending government action.

Finally, on 19 May, the army carried out “Operation Encirclement at Ratchaprasong”<sup>10</sup>. It commenced with the storming of *Lumpini* and surrounding area and culminated with the taking and removal of the Red Shirts' camp in Bangkok. Immediately after, those unhappy with this eviction and surrender committed a string of urban terrorist acts all over the city, including the torching of 31 buildings in Bangkok and numerous acts of sabotage and vandalism, triggering physical and emotional chaos nationwide.

Between March and June, according to government data, the toll came to 92 dead and 1888 injured. Such figures reveal the high levels of violence and confrontation that was reached over this period. It would be fair to say that these events intensified the escalation of the Thai conflict to unprecedented heights. A conflict that differs from its predecessors for various reasons. Firstly, although it began on 14 March as a peaceful and democratic protest, part of the Red Shirts movement degenerated into an urban war that culminated in the events of 19 May. In the meantime, Thai civilians started a resistance against the government and army which also developed into an armed struggle. Thus, a faction converging with the red movement and known as the Black Shirts employed violent means in order to achieve political goals. For the first time in its modern history, violence was employed in Thailand not only against the establishment, but also against Thai civilians, in contrast to what occurred in October 1973, 1976 or May 1992. The use of violence by insurgents in the south is a different issue.

A second differentiating reason is that the described violence posed a serious threat to National Security. The members of the violent factions converging with the red movement were labelled as terrorists by the government who, instead of the common and regular legal procedures<sup>11</sup>, applied exceptional, highly restrictive regulatory measures to the conflict that greatly affected fundamental rights and were clearly intended for repressive purposes.

### The 2011 General Elections and the Government of Yingluck Shinawatra

On 3 July 2011, elections to the National Parliament were held without incident. With a participation of 75%, the elections were won by the Puea Thai Party, the political backbone of the Red Shirts and offspring of the outlawed TRTP and PPP, obtaining 265 of the 500 parliamentary seats. Its leader, Yingluck Shinawatra, sister of the former prime minister and a successful businesswoman with no previous political experience, governed in coalition with five minority parties. Since taking office, she

<sup>10</sup> A detailed description of this urban military operation is available at: <http://prachatai.com/english/node/2642>. Consultation dated 25.08.2012.

<sup>11</sup> Such as the *Emergency Decree on Public Administration in Emergency Situation B.E. 2548* (2005), published in the *Government Gazette*, volume 122, of 16 July 2005, p 58; and the *Internal Security Act (ISA) B.E 2551* (2008), published in the *Government Gazette*, 125, 39 a, of 27 February 2008, pp. 33-44.

has earmarked national reconciliation as a key priority. Indeed, the effective governance of Thailand, threatened with near collapse because of all the occurrences of the last few years, is the greatest challenge facing the current administration. In addition to the conflict in the South, other major challenges for the new government, which has already been heavily reshuffled, include<sup>12</sup>:

- The coordination of a possible return to Thailand, by way of amnesty or pardon and modification of the 2007 Constitution, of Thaksin Shinawatra, a fugitive from Thai justice following his 2008 sentencing in absentia for abuse of power. His return would trigger a political and social crisis of unforeseeable consequences.
- The reincorporation into public life of the 111 members of the dissolved Thai Rak Thai Party founded by Thaksin Shinawatra, having completed, in May 2012, the five-year disqualification imposed on them by the Constitutional Court in 2007.
- Control of the Red Shirts movement, which brought Yingluck Shinawatra to power. Its leaders have failed to obtain key posts in the government, besides those still serving time in prison.
- The pressure to amend article 112 of the Penal Code, which provides for lese-majesty crimes.
- The evolution of the territorial dispute between Thailand and Cambodia over sovereignty of the Temple of Preah Vihear territory. This dispute escalated in February 2011 following an armed confrontation between the armies of both countries, leading to at least five deaths.
- The consequences of the crisis arising from the controversial handling of the 2011 floods, the worst in the country's history. There were over six hundred deaths and almost thirteen million people were affected.
- Upholding the forever complicated balancing act with the army, whose role in Thai public life has been the object of some controversy.

As regards relations between Yingluck Shinawatra's government and the Armed Forces, it is important to point out that, while the new government was accepted from the outset by the Commander-in-Chief of the Royal Armed Forces, General Prayuth Chan-ocha, it must not be overlooked that this General, unquestionably loyal to the Monarchy, led the military in its confrontations with the Red Shirts on "Bloody Saturday", so his relationship with the red movement is hardly without friction. Yet General Prayuth has been extremely prudent in all his interventions since Yingluck Shinawatra came to power, refusing to make any kind of political statements. What is more, dur-

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<sup>12</sup> As regards the existing challenges in Thailand in terms of human rights, see, Human Rights Watch, *Thailand: Country Summary*, January 2012.

ing the 2011 floods, the head of the Royal Armed Forces maintained a position in line with that of the government, whereby the army was ultimately given the task of controlling the situation, helping the victims and re-establishing security in the affected areas. This has enabled it to win back favour with the Thai people who, according to the latest opinion polls, once again regard the army as one of their most valued institutions, ahead of the political class. It will be extremely interesting to monitor the evolution of this relationship, particularly when an amendment of the Defence Ministry Administration Act is in the pipeline aimed at professionalising the Armed Forces. This would limit the control over remodelling currently enjoyed by military leaders and which affects the appointment and transfer of high-ranking officers. Thus increasing the power of the Minister of Defence.

### The final report from the *Truth and Reconciliation Commission of Thailand*

In July 2010, Vejjajiva's government set up the Truth and Reconciliation Commission of Thailand (TRCT), which has a mandate to seek out the truth concerning the violent events of March and May, along with the reconciliation of the Thai people. This commission, whose legitimation was accepted by the government of the current PM Yingluck Shinawatra, officially presented its final report in September 2012. Its 351 pages are only available in Thai and no official English translation existed at the time of publishing. There are, however, translations of the speeches given by the members of the commission, the summarised recommendations and a definition of reconciliation<sup>13</sup>.

While it may not specifically state who was responsible for the deaths that occurred during the disturbances, it does contain important findings supported by forensic evidence, such as the connection between the Black Shirts, or Men in Black, and the security guards of the United Front for Democracy against Dictatorship (UDD) in at least two confrontations with the authorities<sup>14</sup>. In this respect, one criticism of the report is that the conclusions reached on certain allegations are merely based on clues as opposed to real evidence. Whatever the case may be, we should bear in mind that this commission is not formally transnational in legal terms nor its reports binding. The commission was therefore granted only limited powers to access key information and to force all implicated parties to testify. Ultimately, as shown by Ben-Josef Hirsh, MacKenzie and Mohamed Sesay, it must be pointed out that truth and reconciliation commissions, product of an international standard and an essential element of nation reconciliation, democratisation and post-conflict development, do not conform to the rules concerning the collection of criminal evidence and which afford a broader perspective as to the nature and causes of violence. Commission hearings and their final

13 See: Press Release for the Final Report of the Truth for Reconciliation Commission of Thailand, Monday, 17 September, 2012, Grand Mercure Fortune Hotel, Bangkok.

14 In the confrontations that took place at the Kok Wua intersection in Bangkok, close to the Democracy Monument, and in the clashes around Pratunam on 10 April 2010.

reports, if published, serve as a kind of official recognition of the victims' suffering and loss, aimed at providing a therapeutic effect for victims and for society as a whole<sup>15</sup>.

In particular, the text produced by the TRCT accuses the Security Forces of negligence in its handling of the disturbances, as well as leaders of the red movement for having encouraged the escalation of violence. It also criticises the 2006 coup, claiming that it worsened the political problems in the country.

In turn, the report puts forward 13 recommendations for achieving long-term national reconciliation, including a reform of the army and its strict neutrality in political issues; the need to increase the independence of judicial power; the application of restorative or transitional justice principles; a proposal to amend article 112 of the Penal Code in order to protect the fundamental right to free speech; the reform of lese-majesty crimes; resolving of the economic and social inequalities within Thai society; and, finally, the setting up of permanent and fluid communication channels between the political authorities and citizens.

The challenge facing Yingluck Shinawatra's government is precisely the implementation of the commission's recommendations for the sake of true national reconciliation in a still-divided Thailand. As pointed out by Colleen Murphy, the processes involved in political reconciliation are both complex and controversial, since the morality of pursuing permanent reconciliation is somewhat blurred and there is considerable disagreement as to the most effective processes for promoting political reconciliation. So this cannot be accomplished simply through the political elite, but rather it depends upon citizen cooperation and involvement<sup>16</sup>. And this is also a challenge for the Thai people.

## STATE, NON-STATE AND VIOLENT ACTORS

### The government of the Kingdom of Thailand: Abhisit Vejjajiva and Yingluck Shinawatra

The only State actor involved in the conflict that we have been analysing is the government of the Kingdom of Thailand.

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15 Ben-Joseph Hirsh, Michael; MacKenzie, Megan; and Mohamed Sesay, "Measuring the Impacts of Truth and Reconciliation Commissions: Placing the Global "Success" of TRCs in Local Perspective", *Cooperation and Conflict*, volume 47, issue 3, September 2012, pp. 386-403.

16 Colleen Murphy, *A Moral Theory of Political Reconciliation*, Cambridge University Press, 2010. In relation to the scant understanding of the long-term effects and consequences of the TRCs and the absence of mechanisms for gauging the impacts of such commissions, see, Ben-Joseph Hirsh, Michael; MacKenzie, Megan; and Mohamed Sesay, "Measuring the Impacts...op. cit.

At the start of the conflict, it adopted a fundamentally passive policy, which in Thailand has been summed up by the expression “*mai pen rai*” (never mind), which illustrates the idiosyncratic essence of the Thai people.

In May, the government gave the Red Shirts leaders the so-called Road Map for National Reconciliation, along with a promise to dissolve parliament in September 2010 and hold a general election the following November. While the road map was initially accepted by the red leaders, much to everyone's surprise and perhaps pressured by the most hardline sector linked to former Prime Minister Thaksin Shinawatra, they presented new demands for abandoning their camp in the centre of Bangkok. The democratic government replied with an ultimatum which, under the silence of the Red Shirts, culminated in the military intervention of 19 May.

There are currently 61 members and followers of the red movement serving prison sentences in Thailand for various crimes relating to the 2010 disturbances. Some are on parole, while others are still awaiting trial. Their support was a key factor for bringing Yingluck Shinawatra to power. In this regard, we should highlight the fact that, in January 2012, he approved certain compensatory measures for the victims - activists and followers of the Red Shirts - of the political protests that have occurred since 2006. The opposition reproaches the discrimination of his not having approved a similar package for all victims of the confrontations that took place in Tak Bai and Krue Sue, in Southern Thailand, during Thaksin Shinawatra's mandate.

### The People Alliance for Democracy (PAD)

Diverse political and social groups, arising through processes of internal convergence, have proven to be key actors in this conflict. The first such group to show it had the capacity to promote mass mobilisation was the ‘yellow shirts’ Following the 2006 coup, the PAD was dissolved, only to re-group in March 2008 in response to the draughting of a new political amnesty law, allegedly for the benefit of Thaksin Shinawatra, hidden with the constitutional reform proposed by the government. This led to the movement's decision to formally enter the political arena in June 2009 through the creation of the New Politics Party (NPP).

Along with other groups from civil society, it organised numerous rallies in 2006 and 2008. The actions of the PAD during the 2010 crisis can be summed up by its symbolic presentation to the government and army of a document calling for the strict application of the law against anti-government demonstrations.

### National United Front of Democracy Against Dictatorship (UDD)

Emerging in 2006, the ‘red shirts’ are the second social movement in terms of importance and also, together with the Thai government, the second key actor in the 2010 crisis. The political backbone of this movement is the Pheu Thai Party, which feeds its ranks from those loyal to Thaksin Shinawatra, offspring of the dissolved TRT and PPP, and which is currently the ruling political party. Its rank and file is essentially the rural

population in the north and the working classes in the capital and provinces. Particularly in 2010, Thai academics, intellectuals and entrepreneurs also donned the red shirt.

Their key demands were: immediate dissolution of Parliament and the calling of an early general election; reform of the constitutional monarchy; repeal of the 2007 Constitution and reinstatement of the one approved in 1997; and weakening of the traditional elite (the *ammart*) through the elimination of double standards.

As regards foreign influences, various attempts were made to internationalise the conflict. They appealed for intervention from the United Nations, the European Union and the United States, with varying degrees of success. While the United Nations stressed the need to conform to the principle of proportionality and international standards on the resolution of conflicts - in the use of arms by government officials - the EU parliament described the confrontations as “a threat to democracy”.

### The violent actors (*Black Shirts*)

The essential fact distinguishing the modern Thai conflict and making it the most intense in the nation's recent history is the merger of Red Shirts and violent actors, the Black Shirts, who were the protagonists of the armed confrontations and political violence of 2010.

While not all the Red Shirts movement is violent nor entirely made up of terrorists, political violence undoubtedly acquired a leading role in the 2010 crisis, with a combination of rhetoric and tension that posed a danger for the upholding of democratic values. When the violent faction known as the *Black Shirts* became involved in the protests, the peaceful red-shirt demonstrators found it hard to disassociate themselves from the violence. Indeed, most red movement leaders have yet to denounce any of the 360 acts of violence and sabotage.

## TERRORISM AND THE MALAYSIAN-MUSLIM INSURGENCY IN THE SOUTH

Most current approaches to terrorist conflicts in South-East Asia relating to Muslim societies must necessarily consider the infiltration, establishment and growth within the area of such international terrorists groups as *Al-Qaeda* and *Jemaah Islamiyah* (JI). Just as I have upheld in previous papers, the insurgent Malaysian-Muslim violence in southern Thailand represents a local, politically-based conflict aimed at obtaining greater autonomy<sup>17</sup>. The existence of increasingly strong connections has

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<sup>17</sup> Beatriz Larriba Hinojar, “La insurgencia del sur de Tailandia: financiación de un conflicto permanente”, González Cussac (dir.), *Financiación del terrorismo, blanqueo de capitales y secreto bancario: un análisis crítico*, Valencia, 2009. As regards its depiction as a non-international armed conflict, see,

been evidenced between separatists in southern Thailand and terrorist groups, both regional and transnational, particularly over the last few years. Thailand might even be regarded as a transit centre for regional terrorists. Yet, as things stand, the geographical limits of the Thai conflict combined with the *modus operandi* of the insurgency, or the lack of knowledge regarding the identity of its leaders, the specific demands and its organisational structure, lead to a belief that there is insufficient evidence to confirm the existence of direct ties between the regional terrorist networks of *Al-Qaeda* or *Jemaah Islamiyah* and local militants<sup>18</sup>. Or between the latter and the so-called State sponsors of terrorism, such as Syria or Iran.

In contrast to what occurs in other nearby terrorist conflicts such as in Indonesia, deriving from the ideology of creating an Islamic State, the insurgent violence in southern Thailand arose with the aim of regaining territory “occupied” by Thailand and re-establishing a political, cultural and religious identity for the Muslim provinces in the south, the majority Malays. Its historic origins date back to the early 20th century when, in 1902, the independent Sultanate of *Pattani Darussalam*, along with six other Malay Sultanates, were incorporated into the Kingdom of Siam. This annexation was ratified in 1909 by way of a treaty establishing the borders of the British colonies in Malaysia and the modern Thai State.

The conflict encompasses the provinces of *Narathiwat*, *Pattani* and *Yala*, where 80% of the population is of Malaysian origins, without its having yet spread to the rest of the country. Since the early 1930s, with the emergence of an organised Islamic political movement in the south, violence has been ever-present in that region. While the 1960s and 1980s saw the separatist resistance groups re-organise into armed groups, the true re-birth of insurgent violence occurred between 2001 and 2004, since when the insurgency has gone through its period of maximum confrontation and radicalisation.

It is estimated that, between 2004 and 2012, 5,086 people have been murdered and a further 8,485 injured in *Yala*, *Pattani*, *Narathiwat* and four districts of *Songkhla*, with the educational community being one of the most badly hit<sup>19</sup>. Likewise, the insurgency has evidently become more sophisticated in recent years. This has been revealed by its perpetration of more elaborate and efficiently coordinated attacks, though its organisational structure continues to be based on highly compartmentalised, independent cells. In addition, its greater sophistication has translated into a change of strategy, including the deliberate selecting of victims among those Buddhists and Muslims who either work or collaborate with the government; the

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Benjamin Zawacki, “Politically Inconvenient, Legally Correct: A Non-international Armed Conflict in Southern Thailand”, *Journal of Conflict & Security Law*, Oxford University Press, 2012, pp. 1-29.

18 In the same vein, see, International Crisis Group, *Southern Thailand: Insurgency, not Jihad*, Asia Report No. 98, 18 May 2005, Singapore/Brussels, pp. 1-39.

19 Source: *Southern Violence January 2004 to February 2012*, Deep South Watch/Prince of Songkla University, Pattani Campus, Thailand, 2012.

*Munafiks* or hypocrites<sup>20</sup>. The numbers reveal the magnitude of the violence. They also reveal how, after years of fruitless talks with successive governments - the latest being initiated in August 2012 -<sup>21</sup>, the Thai State has yet to address the problem from a multi-disciplinary perspective, which is necessary in order to address a conflict that certainly does not correspond to conventional parameters. Here it is the army, not the government, who has a key role in handling the insurgency.

Today, as explained throughout this paper, Thailand continues to suffer moments of political instability that threaten its governability, whereby insurgent groups also become more vulnerable to future infiltration by *Jemaah Islamiyah* (JI) or related groups. At the same time, lack of continuity in the development of political agreements to counteract the economic, political, educational and social underdevelopment in this region of southern Thailand on the part of a Thai State highly centralised in Bangkok only increases the threat<sup>22</sup>.

Attacks continue to occur on a daily basis within this region of South-East Asia, thereby dragging on one of its bloodiest internal conflicts, which is in turn becoming one of the greatest risks and threats to security, political order, the national interests of the Thai State and the freedom of its citizens.

## CONCLUSIONS

The final settlement of the modern Thai conflict - the most intense in the country's recent history - must come about through national reconciliation. Yet, at the time of publishing, effective governance of Thailand, constantly put under threat by all the occurrences of the last few years, is the greatest challenge facing the country<sup>23</sup>.

The government faces the difficult task of implementing the recommendations proposed by the Truth and Reconciliation Commission of Thailand to promote true na-

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20 As regards the Muslim victims of the insurgency, see, Watcharin Komolmalai, Metta Kuning, and Don McNeil, "Muslim Victims of Terrorism Violence in Southern Thailand", *International Journal of Business and Social Science*, Vol 3, No. 13, July 2012, pp. 114-119.

21 It is important to highlight the failure of the National Reconciliation Commission, set up in March 2005, which is when the conflict began to reach its highest levels of confrontations.

22 For a more detailed analysis of the violence that followed the 2011 elections, see, Srisompob Jitpiromsri, "The Protracted violence amidst the Unstable Political Situation after 2011 Elections", *Deep South Watch Center for Conflict Studies and Cultural Diversity*, Prince of Songkla University, Pattani Campus, Thailand, September 2011, pp. 1-16.

23 Of particular interest in terms of National Security, Defence and governance in Thailand is the work of Professor Thitinan Pongsudhirak, entitled "Thailand's Security Outlook: External Trends and Internal Crises", Various authors, *Asia Pacific Countries' Security Outlook and Its Implications for the Defense Sector*, The National Institute for Defense Studies, NIDS Joint Research Series, No. 5, Japan, 2010, pp. 85-92.

tional reconciliation. In addition to this is the need to address the conflict in the south from a multi-disciplinary perspective. In this regard, the new national Security strategy for the south, drawn up by the current government and embodied in the so-called *Pentagon II* plan, represents an attempt to improve the coordination of all government agencies involved in security and service provision in the region, but it also presents certain contradictions with its policy for the opening of peace talks. We can infer from this a lack of adequate strategic and operational reflection based on proactive analysis which may favour an efficient response to the escalating violence in the region.

Based on all of the above, Thailand's role in the upholding of regional order and achieving a balance in relation to China's economic and military rise in power may prove to be a key factor over the coming years. Providing it can overcome the aforementioned challenge of achieving effective governance in the country.

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*Ship of the Line Captain*

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## REVIEWS

**Henry Kissinger, *China*, Editorial Debate, 2012**



*“[China] in its own category—too big to ignore, too repressive to embrace, difficult to influence and very, very proud.”*

Madeleine Albright\*

Henry Kissinger's “On China” was published by Penguin in May 2011, and translated into Spanish by Debate (Barcelona 2012). The 624 pages present a novel approach to trying to reveal the true nature of this Asian powerhouse. The complexity and opacity of this spirit has always fascinated the Western mind. Its increasing economic might and geopolitical potential will be key factors over the coming decades, making it ever more essential to understand the country.

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\* Quoted by the author in the book summarised

The author departs from a classic book on geopolitics, international relations and history. He attempts to produce an x-ray of the Chinese character and spirit through his huge documentary research and in-depth knowledge of the country's leading figures at a crucial time in its history. This was a period that saw the Maoist regime open up to the world and approach its great imperial enemy, culminating in the Mao-Nixon summit 40 years ago in 1972. And this was an enemy with which it had had both ideological and direct confrontations: the bloody Korean War, the Vietnam War and successive crises over Taiwan.

What is the book's objective? To avoid the inevitable? Based on a profound analysis of China's spirit, Kissinger attempts to avoid the logic of the inevitable, as exemplified in the "Crowe" memorandum. Sir Eyre Crowe was a British diplomat educated in Germany. The son of a British consul and a German mother, in his memorandum he commented on the impossibility of avoiding conflict between Germany and Great Britain, irrespective of the policies of their leaders.

The author here confronts this vision head on, linking geopolitical theory with a mathematical zero sum game. He opposes this with an approach that could produce genuinely positive results. He does not shirk the tremendous cultural prejudices that make it so difficult to address the incredible rise of the "Middle Kingdom", based on an understanding that can only be achieved through in-depth knowledge.

In an initial historic approach, that may not be overly objective from an academic point of view, the author aims to understand the idiosyncrasies of the Chinese people and their titanic struggle to achieve harmonious development, always within their own terms. The Sino-centric system, in which the civilised world is symbolically separated from barbarism by the Great Wall, has been systematically shaken by external powers that have upset the harmony of the "everything under the sun", which has reinvented and rebuilt itself by continuously incorporating and assimilating external influences into its culture.

This Confucian vision of existence came into head-on collision with the expansionary thirst and messianic vision of a rapidly growing West, shattering Chinese culture and tradition traumatically and often humiliatingly. In an initial, brutal and unequal encounter, China was forced to open up to the sale of opium -banned in China at the time- making enormous profits for British companies in the East Indies. From that time onwards, the history of China's "everything under the sun" has been in permanent confusion and disorder.

This chaos was, according to the author, a fixture in China until the death of Mao and Deng Xiaoping's policies of openness and economic development. The author accompanies us on a fascinating journey with his direct knowledge of the key figures in this period: Mao Zedong, Zhou Enlai, Deng Xiaoping and Hua Guofeng. This is a brilliant and profound analysis of a period that would have a deep impact on China's current rise. This has been sweetened diplomatically by the expression "China's peaceful development". This is a period when, led first by Mao, China broke away from for-

eign interference, making the people proud again. However, this also involved abandoning history and tradition, miring the leadership in economic stagnation stuck in an alien ideological purity; Mao himself would come to recognise this as having been a failed attempt<sup>1</sup>.

This pride stems from the combination of the two characteristics most cherished by the Chinese -pride and tradition- as exemplified in the symbiosis of their two great ideologues, Confucius and Mao, in the mausoleum in Tiananmen Square. This combination of lineage and tradition, culture and development, and scientific progress is striving for harmonious development to maintain the stability of their universe. They have used and drawn support from the outside elements they need, whilst remaining particularly sensitive to not introducing perverse effects into a structure that has always been recognised as unstable.

The author tries to understand a not-so-distant past, living with the ghosts of a history stretching back to the First Opium War in 1839. The Chinese are a people who feel themselves the masters of a historic opportunity to return to a place they believe they should never have lost. The author studies this picture of progress and regression in detail in relation to the 1989 events in Tiananmen Square, including the passage of time as a political and strategic factor, with the stage and procedures playing key roles.

Kissinger is still active in international circles through his “Kissinger Associates” consultancy. He presents us with two philosophies that we need to understand in order to understand and contribute to a world that, more than ever, needs to be tolerant of diversity. He asserts that “American exceptionalism is missionary. It holds that the United States has an obligation to spread its values to every part of the world”. Meanwhile, “China's exceptionalism is cultural and does not proselytize or claim that its institutions are relevant outside China”. Yet it tends to judge “all other states as various levels of tributaries based on their approximation to Chinese cultural and political forms”. These are two ways of understanding life that shape the understanding of reality, and that the author exemplifies through two strategy-based board games, chess and weigi-go.

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<sup>1</sup> In the book Kissinger explains that during one of their meetings, Nixon was trying to be charming with his host Mao, recognising the great transformation that China had achieved: Mao, speaking sadly, thanked him, but assured him that this was not real. In his own words, he considered that there had only been any change in a few small areas near the capital.



# JOURNAL OF THE HIGHER SCHOOL OF NATIONAL DEFENSE STUDIES

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During this period, the experts involved in the peer review will give the editorial board their assessment and any recommendations that they would make to the author to improve the article.

The editorial board will acknowledge receipt of the originals within seven working days of receipt, informing the author of the date on which they will send the reasoned decision.

Once the article has been returned with corrections and any suggestions, the author has ten days to send the definitive version to the editorial board. Approval of the article by the editorial board means that any further revisions by the author prior to publication must be limited to correcting errors, with no changes to the content.

*Pre-print* versions of one or more articles may be published. Authors will be informed of this in advance.

## 3. Instructions for contributors

4.1. Articles should be sent by email to the Higher School of National Defense Studies at: [ieee2@IEEE.ES](mailto:ieee2@IEEE.ES)

4.2. Articles should be between 6,000 and 12,000 words. Summaries should not exceed two thousand words, with bibliographic notes not exceeding one thousand words.

4.3. Originals may be in Spanish or English.

4.4. The article should include a 150 word summary and a list of key words, in both Spanish and English.

4.5. Every page should be numbered in the bottom-right corner.

4.6. The article should be structured as follows:

Title

The name of the author(s) in Arial 10

The professional status of the author(s) and the institutions they are attached to, with the email address of the author(s), shown at the foot of the page with an asterisk.

Main sections, numbered in capitals and bold.

Secondary sections, numbered in lower case and italics.

Third-level subsections, numbered in lower case.

We recommend numbering as follows: I. I.I. I.I.I.

4.7. Original works should be sent in a Word document, accompanied by the CV of the authors and a short biography of around 150 words. The body of the message must contain the authors' professional status, the institution to which they belong and the following personal information: postal address, email address, telephone number and national identity number (DNI). A short summary (three or four lines) of the originality and scientific relevance of the thesis in the article should also be included.

4.8. An alphabetical bibliography should be included at the end of the article.

## 4. Style guidelines

The style guide of the IEEE Journal follows the stipulations of the Ministry of Defence's Publications and Cultural Heritage Subdirectorates-General.

- 5.1. The authors must follow the spelling conventions of the Spanish Royal Academy (2010 version).
- 5.2. The articles must be written in Arial 12, with 1.5 line spacing.
- 5.3. The text should be justified, with a three centimetre top and left margin, and 1.5 centimetre bottom and right margin.
- 5.4. Paragraphs should not be separated using the return key, and tabs should not be used.
- 5.5. Words or phrases should be highlighted in italics or in quotation marks.
- 5.6. Words and phrases should not be underlined, and text boxes should not be embedded.

5. 7. Quotations of more than four lines should be put in quotation marks and separated by a blank line at the start and end of the quote.
5. 8. We recommend using chevron quotation marks, reserving simple quotation marks for fragments within the quote.
5. 9. If there is any inaccuracy in a quotation, this must be marked sic, in italics and square brackets
5. 10. Any words omitted from a quote should be marked with ellipsis in square brackets.
5. 11. If you would like to highlight a fragment of a quote, it should be in italics, with the following footnote: (\*) Author's italics.
5. 12. Footnotes should be inserted using the Microsoft Word footnote function, and should be numbered. Footnotes should be in Arial 10, single spaced and justified. The format used should be: SAMANIEGO, Pedro. El cultivo de árboles en la Patagonia, Barcelona: Pomaire, 1999, p. 25.
5. 13. The bibliography used in the work should be included at the end. It should be on a separate page entitled “bibliography”, in lower case and bold. Entries should be as follows: SURNAME(S) (or the publishing institution, magazine, etc), first name(s), Book title in italics, Place, Publisher, Year.
5. 14. Images should be numbered in Arabic numerals, and tables in Roman numerals. Tables should be accompanied by a brief description.

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