BIOMETRICS AND COUNTER-TERRORISM
Case study of Somalia

Author

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ABOUT THIS REPORT

In 2017, the UN Security Council adopted Resolution 2396 requiring member states to develop and implement systems to collect and share biometric data for the purposes of tackling terrorism. For human rights and civil society groups, this embrace of biometric technology is worrisome. The "War on Terror" has already led to a widespread erosion of civil liberties, a tendency that biometric technologies risk only accelerating. Through an in-depth focus on measures implemented in Somalia, this report highlights the negative human rights implications and ethical concerns surrounding the use of biometrics for counter-terrorism and other purposes, focusing on the dubious benefits that biometric initiatives have had so far and known detrimental effects on local populations.

GLOSSARY

DHS:	US Department of Homeland Security
DOD:	US Department of Defense
FAO:	Food and Agriculture Organization of the United Nations
INTERPOL:	The International Criminal Police Organization
IOM:	International Organization for Migration
MIDAS:	The Migration Information and Data Analysis System developed by the IOM
PISCES:	Personal Identification Secure Comparison and Evaluation System, a border control database system developed by the US Department of State's Terrorist Interdiction Program (TIP)
TFG:	Transitional Federal Government of Somalia
UNHCR:	The United Nations High Commissioner for Refugees
USAID:	The United States Agency for International Development

Figure 5: Map of Somalia (Not Including Somaliland)
Source: Wikimedia Commons

SOMALIA AND THE BIOMETRIC POLICING OF MOBILE BODIES

Somalia has lacked a strong, centralized state since the start of the Somali civil war in the late 1980s. Though often portrayed as a "failed state", Somalia is best understood as a space where sovereignty is layered, contested, and fragmented.[1] Nominally ruled by the Federal Republic of Somalia based in Mogadishu, many regions of the country are effectively governed by militant groups, quasi-state actors, powerful factions, and foreign powers. Actors such as US special forces and the African Union Mission in Somalia (AMISOM) routinely carry out or oversee security and military operations in the region.

Consequently, externally driven interests and funding flows have deeply shaped the nature of both counter-terrorism and biometric initiatives in the region. The spread of biometric technologies has been enabled by a range of foreign and intergovernmental and military and non-military actors, often working in coordination with the Federal Government of Somalia. These include agencies and organizations like the US Department of Defense (DoD), the UN Trust Fund for the Fight against Piracy, the EU Naval Force Somalia, the UN Refugee Agency (UNHCR), the International Organization for Migration (IOM), and the United States Agency for International Development (USAID). Several of these organizations are responsible for humanitarian and developmental initiatives in Somalia and, in some cases, military and non-military uses of biometrics blur together.

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1 Ken Menkhaus, "State Failure, State-Building, and Prospects for a 'Functional Failed State' in Somalia", *The Annals of the American Academy of Political and Social Science* 656, no. 1 (2014): 154-172.

Figure 6: Somali Custodial Corps (prison guards) receive training in biometric registration
Source: UN Assistance Mission in Somalia (UNSOM)

The use of biometrics in Somalia raises profound concerns about the collection of sensitive data from non-citizens and combatants. Foreign powers and international organizations working in Somalia operate in an extra-territorial setting with an inevitably more limited understanding of politics on the ground. Since the mid 2000s, which saw the rise of the militant Islamic group Al Shabaab, Somalia has come to be seen as a key hub in the "Global War on Terror."[2] In the wake of 9/11, biometrics was touted as a way of tackling unconventional, asymmetric insurgencies and identifying threats associated with mobile, non-state actors.[3] Seeking to keep the Somali conflict contained within the Horn of Africa, global powers have increasingly turned to such technologies. Many of the biometric initiatives in Somalia are focused on differentiating "friend" from "foe" and on monitoring mobile bodies, whether those of fishermen, refugees, migrants, or travelers moving across ports of entry and exit.

ANTI-PIRACY BIOMETRIC INITIATIVES

Biometrics are seen as a means of reigning in individuals and populations who, by moving outside Somalia's territorial boundaries, provoke particular anxiety within the international community. Anti-piracy efforts led by UN and US agencies over the last decade are illustrative of such trends. Since 2009, several multi-national efforts have employed biometric technology to combat piracy around the Gulf of Aden.

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2 Abdi I. Samatar, "Ethiopian Invasion of Somalia, US Warlordism & AU Shame", *Review of African Political Economy* 34, no. 111 (2007): 155-165; and Roland Marchal, *Situation Report: Changing Paradigm in Somalia* (Institute for Security Studies, 14 December 2009), https://www.africaportal.org/publications/changing-paradigm-in-somalia/.

3 In 2005, former CIA officer and national security expert John D. Woodward argued that: "To respond to the asymmetric nature and global mobility of terrorists today, U.S. authorities must have the tools to determine a person's previously used identities and past activities…One important tool in this effort is biometrics." John D. Woodward, "Biometrics in the War on Terror", *The Rand Blog*, 18 December 2005, https://www.rand.org/blog/2005/12/biometrics-in-the-war-on-terror.html.

The much-sensationalized problem of piracy was triggered by the start of the Somali civil war and the subsequent disbandment of the Somali navy. International fishing trawlers took advantage of the instability and lack of a sovereign authority to illegally encroach into Somalia's territorial waters, triggering reprisal attacks by Somali fishermen. Such defensive attacks quickly developed into a profitable criminal enterprise, which disrupted shipping routes, garnered enormous international attention, and attracted strong-armed responses from the world's naval powers, leading to the formation of US and NATO-led multinational anti-piracy taskforces.[4]

Pirates not only "fall in the gray zone between military combatants and civilians", as Eugene Kontorovich argues, but the line between pirate and legitimate fisherman is often blurry and ambiguous.[5] This is among the many reasons why the international community has faced difficulties reigning in piracy and prosecuting pirates. Due to a variety of conflicting international regulations and rules, the detention and prosecution of pirates has been so costly that many countries have preferred to set suspected pirates free. Other naval powers struck deals with East African nations like Kenya and the Seychelles to try pirates locally. However, allegations quickly emerged that judicial proceedings breached human rights standards and that innocent people were being tried and convicted.[6]

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4 For more on the issue of piracy off the coast of Somalia, see Awet Tewelde Weldemichael, *Piracy in Somalia: Violence and Development in the Horn of Africa* (Cambridge University Press, 2019); and Abdi Ismail Samatar, Mark Lindberg, and Basil Mahayni, "The Dialectics of Piracy in Somalia: The Rich Versus the Poor', *Third World Quarterly* 31, no. 8 (2010): 1377–94.

5 Eugene Kontorovich, "'A Guantánamo on the Sea': The Difficulty of Prosecuting Pirates and Terrorists", *California Law Review* 98 (30 March 2009): 245, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1371122.

6 Kontorovich, "'A Guantánamo on the Sea'"; Brittany Gilmer (associate professor of criminology and criminal justice), interview with author, 9 April 2020; Michael Onyiego, "Seychelles to Establish Regional Court to Prosecute Pirates", *Voice of Africa*, 5 May 2010, https://www.voanews.com/africa/seychelles-establish-regional-court-prosecute-pirates; and Deborah Osiro, "Somali Pirates Have Rights Too: Judicial Consequences and Human Rights Concerns", ISS Paper 224 (Institute for Security Studies, July 2011), https://www.files.ethz.ch/isn/136726/PAPER224.pdf.

Over the last decade, biometric registration was embraced as a means of both combatting piracy and providing ostensibly neutral, actionable evidence to show that someone in custody was "intent on carrying out such acts" and not simply a hapless fisherman.[7] Biometrics have been part and parcel of so-called "catch and release" tactics whereby pirates are detained, interrogated, registered, and then freed. Since 2009, the US Navy has crosschecked biometric data collected during such operations against the DOD Automated Biometric Identification System (ABIS). INTERPOL has also compiled a database of fingerprints, photographs, and other identifying details of suspected Somali pirates.[8] In 2010, the European Union decided that "information on suspected maritime pirates" collected by the EU Naval Force Somalia, including fingerprints, would be shared with INTERPOL and checked against its global databases "with a view to facilitating the identification and traceability of suspects, as well as their prosecution."[9] The logic behind such data collection is to identify suspects and strengthen judicial proceedings. As professor Katja Jacobsen explains:

> It can, for example, be difficult to deliver sufficient prove in court that the person suspected of piracy was indeed intent on carrying out such acts. Biometric registration is believed to solve this problem: if international naval forces that take part in NATO's piracy mission collect and store biometric fingerprints from suspects that they

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7 Katja Lindskov Jacobsen, "Biometrics as Security Technology: Expansion Amidst Fallibility", DIIS Report 2012: 07 (Copenhagen: Danish Institute for International Studies, 2012), 24, https://www.files.ethz.ch/isn/145708/RP2012-07-Biometrics_web.jpg.pdf.

8 United States Biometric Task Force, *Annual Report FY09* (Dec 2009), 33, https://fas.org/man/eprint/biometric09.pdf; David Axe, "CSI Somalia: Interpol Targets Pirates", *Wired*, 18 June 2009, https://www.wired.com/2009/06/csi-somalia-interpol-targets-pirates/; and Jacobsen, "Biometrics as Security Technology", https://www.files.ethz.ch/isn/145708/RP2012-07-Biometrics_web.jpg.pdf. By the end of 2011, Interpol reported that its Global Maritime Piracy Database contained "more than 4,000 records of personal information on pirates and financiers" including "pirates' telephone numbers and phone records; hijacking incidents;" and "vessels and ransom payments". The International Criminal Police Organization (INTERPOL), *Annual Report* 2011 (2012), 20, https://www.interpol.int/content/download/10958/file/Annual Report 2011-EN.pdf.

9 Interpol, "European Union Decision endorses central role of INTERPOL against maritime piracy off Somalia", 16 December 2010, https://www.interpol.int/es/Noticias-y-acontecimientos/Noticias/2010/European-Union-Decision-endorses-central-role-of-INTERPOL-against-maritime-piracy-off-Somalia.

encounter, then this might eventually serve as evidence of 'intent' if this person is captured again.[10]

The use of biometrics for such evidentiary purposes would go beyond traditional uses of forensics in a courtroom setting.

On the surface, biometrics may appear to offer a neutral, objective means of authenticating someone's identity and even proving intent. But such evidence is often anchored in myriad assumptions. The repeat capture of the same individual at sea does not always necessitate guilt. This is largely because identifying suspected pirates aboard detained vessels is often a fraught, impromptu activity characterized by vast power differentials. Guns, ladders, and grappling tools are often taken to be concrete proof of ill intent. Yet the mere presence of guns is not sufficient confirmation of piracy since many people are armed in insecure regions like Somalia, and detaining authorities can easily claim that such evidence was thrown overboard.[11] Ultimately, naval personnel operating in international waters, a notoriously unregulated space, have enormous power and discretion in determining who to detain and biometrically register.

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10 Jacobsen, "Biometrics as Security Technology", https://www.files.ethz.ch/isn/145708/RP2012-07-Biometrics_web.jpg.pdf, 24; and UN Security Council, *Report of the Secretary-General Pursuant to Security Council Resolution 2020* (2011), S/2012/783 (22 October 2012), 12. It is difficult to know how often such evidence has been used in courtroom settings as trial transcripts are not easily accessible. A recent UN Security Council letter cited an instance in which biometric evidence from INTERPOL "confirmed that a pirate arrested following the hijacking of" a Yemen-flagged dhow "had been previously detained" two years earlier in connection with another attempted hijacking. UN Security Council, "Letter Dated 1 November 2019 from the Chair of the Security Council Committee Pursuant to Resolution 751 (1992) Concerning Somalia Addressed to the President of the Security Council", S/2019/858*, 1 November 2019, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2019_858_E.pdf.

11 Brittany Gilmer, interview with author, 9 April 2020.

BIOMETRIC REGISTRATION OF FISHERMEN

Biometrics are not simply neutral tools of identification. They can actively construct ideas of criminality and intent. They can also be used to determine who is authorized to move freely and who can be considered a legitimate recipient of aid. In 2013, the UN Trust Fund for the Fight against Piracy approved the development of a biometrics-based fishermen database "to support monitoring and surveillance of fisheries resources, while providing important information to counter-piracy forces."[12] The Somali Fishermen Registration Programme was premised on the idea that "pirates" and "fishermen" could be neatly distinguished from one another.[13]

Between 2013 and 2015, the United Nations Food and Agriculture Organization (FAO) began biometrically registering artisanal fishermen and providing them with identification cards. Designed for the Ministry of Fisheries and Marine Resources in the Somali regions of Puntland, Galmudug, and Somaliland, this program was intended to gather data to better improve the fishing sector while simultaneously combatting piracy. Launched aboard an EU Naval Force vessel, the FAO and Somali authorities claimed that the Fishermen Identification Database System would help anti-piracy forces more easily distinguish legitimate fishermen from pirates.[14] "Establishing a system for identifying

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12 Adam Vrankulj, "UN Approves Funding To Support Anti-Piracy Efforts in Somalia, Includes Biometrics", BiometricUpdate, 3 May 2013, https://www.biometricupdate.com/201305/un-approves-funding-to-support-anti-piracy-efforts-in-somalia-includes-biometrics.

13 Brittany Gilmer, interview with author, 9 April 2020.

14 As President of Puntland State Abdiweli Mohamed Ali explained: "It is a method or a means to distinguish pirates from fishermen". Food and Agriculture Organization of the United Nations, "Piracy: FAO, Puntland President launch Somali Fishermen Database", 18 August 2014, YouTube video, https://www.youtube.com/watch?v=TDWm6Q5CC3I; UN Security Council, "Report of the Secretary-General on the situation with respect to piracy and armed robbery at sea off the coast of Somalia", S/2014/740, 16 October 2014, https://www.un.org/ga/search/view_doc.asp?symbol=S/2014/740; and "Fishermen Identification Database System (FIDS) in Somalia", Food and Agricultural Organization of the United Nations, http://www.fao.org/emergencies/fao-in-action/projects/detail/en/c/381872/. See also Ladan A. Affi, Afyare

Somalia's maritime community, and sharing that information with international naval forces", explains maritime crime and justice expert Brittany Gilmer, "was imagined as a starting point for more objective monitoring of Somalia's waters."[15] Ironically, the project was launched at a time when piracy off the coast of Somalia was already waning.[16]

The Somali Fishermen Registration Programme quickly became a site of political brokerage by local actors, which further compounded existing inequalities. According to Gilmer, heads of local fishing associations played a key role in determining who would be considered a "legitimate" fisherman and who would be deemed ineligible. Among those most likely to be accused of being illegal fishermen or pirates were people from rural, pastoralist backgrounds, who were often perceived to be encroaching on the livelihoods of more-established coastal fishermen.[17] This biometric initiative "helped create a new group of maritime 'others'", who were not "afforded the same freedoms of mobilities at sea as legitimate fishermen."[18] Those excluded from the program "were also rendered ineligible for future development programming geared towards registered fishermen."[19] Not only was the registration process highly discretionary, but many former pirates were denied the opportunity to shed their criminal status, transition into legal occupations, or benefit from development aid.

A. Elmi, and Said Mohamed, "Avoiding Somalia: what prevents onshore solutions to piracy?", *Global Affairs* 1, no. 3 (2015): 305-314.

15 Brittany Gilmer, "Fishermen or Pirates? Somalia's Registration Programme in Focus", Oxford Research Group (blog), 17 August 2017, https://www.oxfordresearchgroup.org.uk/blog/fishermen-or-pirates-somalias-registration-programme-in-focus.

16 "Somalia: International Piracy Attacks Reach Five-Year Low in 2012", *AllAfrica*, 17 January 2013, https://allafrica.com/stories/201301180240.html.

17 Brittany Gilmer, "Fishermen, Pirates, and the Politics of Aid: An Analysis of the Somali Fishermen Registration Programme", *Geoforum* 77 (Dec 2016): 111, https://doi.org/10.1016/j.geoforum.2016.10.017.

18 Gilmer, "Fishermen or Pirates?"

19 *Ibid*.

HUMANITARIAN BIOMETRICS

According to Gilmer, some fishermen shunned the Somali Fishermen Registration Programme, convinced that their biometrics would be shared with US counter-terrorism agencies and somehow turned against them.[20] Such fears are not unfounded. In many cases, humanitarian and developmental uses of biometrics have merged with security and military operations, blurring the boundary between recipients of aid and counter-terrorism targets.[21]

In the first two decades of the twenty-first century, biometrics was not only embraced as an anti-piracy tool; it also became increasingly common in the humanitarian and aid sectors. Today, the biometric data of millions of Somali refugees, internally displaced people, and other vulnerable populations are stored by non-military actors, such as the UNHCR and World Food Program (WFP), which operate in highly securitized environments like Somalia and neighboring Kenya. According to a recent Privacy Impact Assessment, the UNHCR provides biometric data to the US Department of Homeland Security (DHS) when referring refugees for resettlement.[22] US federal agencies are given refugees' profiles, which include face, fingerprint, and iris data. Even if refugees are refused admission, the DHS permanently retains their biometric data, storing
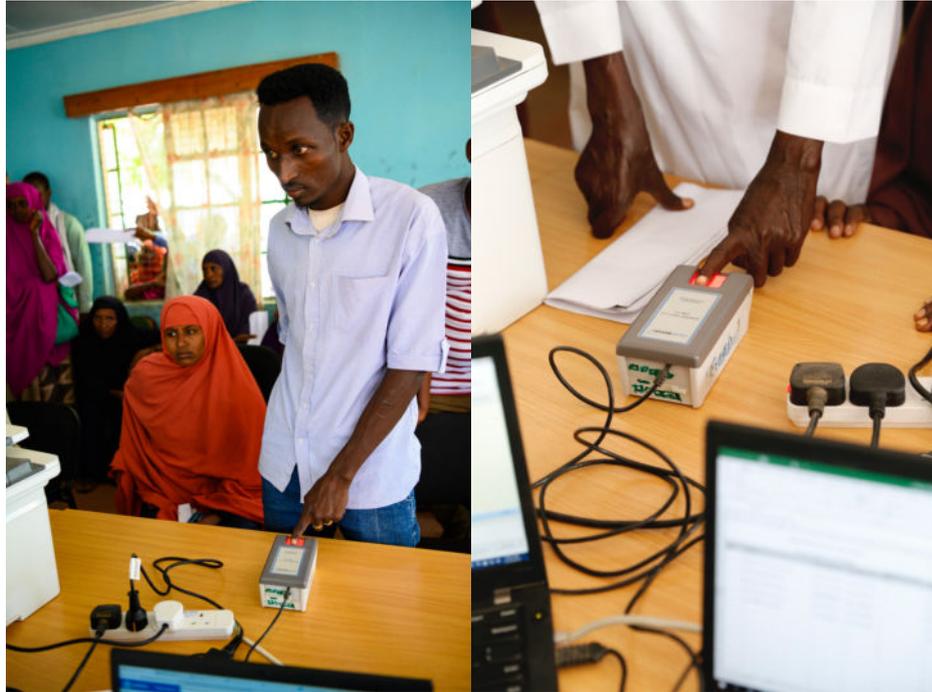
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20 Brittany Gilmer, interview with author, 9 April 2020.

21 Katja Lindskov Jacobsen, "Shadowy Conjunctions in the War on Terror. A Two-Fold Laboratory Analysis: Imaginaries and Infrastructures in Somalia's Multiactor Biometrics" (unpublished paper, 2020); and E. Tendayi Achiume, "Racial Discrimination and Emerging Digital Technologies: A Human Rights Analysis", Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. United Nations Office of the High Commissioner for Human Rights, A/HRC/44/57, 18 June 2020, https://undocs.org/en/A/HRC/44/57.

22 US Department of Homeland Security, "Privacy Impact Statement for the UNHCR Information Data Share", DHS/USCIS/PIA-081, 13 August 2019, https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis081-unhcr-august2019.pdf.

it on Homeland Security's vast Automated Biometric Identification System
(IDENT).[23]

Figure 7: Residents of Garissa, Kenya have fingerprints scanned by UNHCR officers
Photograph by Klein Ongaki (left) and Rich Allela (right) with support from Privacy International

In Northeast Africa, we see increasing interoperability between refugee and
counter-terrorism databases. In a leaked 2009 letter about the Dadaab refugee
camp on the Kenya/Somali border, the then US ambassador encouraged the
Kenyan government to "cross-check refugee prints" against its Terrorist
Indictment Program/PISCES system in order to "catch terrorists posing as
refugees."[24] Initiated by the Department of State, PISCES (a biometric

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23 Jack Corrigan, "DHS is Collecting Biometrics on Thousands of Refugees Who Will Never Enter the U.S",
   NextGov, 20 August 2019, https://www.nextgov.com/emerging-tech/2019/08/dhs-collecting-biometrics-
   thousands-refugees-who-will-never-enter-us/159310/.

24 Information sited in Claire Walkey, Caitlin Procter, and Nora Bardeli,, "Biometric refugee registration: between
   benefits, risks and ethics", *International Development LSE* (blog), 18 July 2019,

watchlisting and border control system developed by Booz Allen Hamilton Inc.[25])
has been installed at ports of entry across the world, including Kenya.[26] A 2015
UNHCR assessment report noted that the "increased interest on the part of law
enforcement authorities in access to data on non-Kenyan citizens" raises
"concerns that confidential asylum-seeker data could be used for non-
protection-related purposes."[27]

Efforts to protect refugees are fundamentally undermined if host countries are
able to obtain biometric data typically collected by humanitarian organizations.
Kenya, for instance, has a long history of systematic discrimination and targeting
of Somalis, refugees and citizens alike.[28] In light of this, the UNHCR has been
rightly concerned about handing over sensitive data to the Kenyan government.
These reservations are grounded in concerns that "confidential asylum-seeker
data could be used for non-protection-related purposes."[29] Yet in spite of such
concerns, the UNHCR began sharing data and empowering the Kenyan
government to develop its own refugee database. Since 2011, Kenya has
gradually and unevenly taken over refugee registration in the country with
training and support from the UNHCR, which now provides the government
access to relevant parts of its biometric registration and case management IT
system.[30]

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https://blogs.lse.ac.uk/internationaldevelopment/2019/07/18/biometric-refugee-registration-between-
benefits-risks-and-ethics/.

25 "MEP raises alarm over security of Malta's border control software", *Independent* (25 January 2015),
https://www.independent.com.mt/articles/2015-01-25/local-news/MEP-raises-alarm-over-security-of-
Malta-s-border-control-software-6736129388.

26 Canada: Immigration and Refugee Board of Canada, *Kenya: Exit controls at airports, including whether border
officials check for police or criminal records* (2013-December 2014), 15 December 2014, KEN105013.E,
https://www.refworld.org/docid/566e6e2e4.html.

27 Madeline Garlick, Elspeth Guild, Caitlin Procter, and Machiel Salomons, "Building on the Foundation: Formative
Evaluation of the Refugee Status Determination (RSD) Transition Process in Kenya", UNHCR Policy Development
and Evaluation Service PDES/2015/01 (April 2015), 23, https://www.unhcr.org/5551f3c49.pdf.

28 Keren Weitzberg, *We Do Not Have Borders: Greater Somalia and the Predicaments of Belonging in Kenya*
(Athens: Ohio University Press, 2017).

29 Garlick et al. "Building on the Foundation", 23.

30 The Norwegian Refugee Council and the International Human Rights Clinic at Harvard Law School, Recognizing
Nairobi's Refugees: The Challenges and Significance of Documentation Proving Identity and Status (November
2017), https://hrp.law.harvard.edu/wp-content/uploads/2017/11/recognising-nairobis-

Refugees across Northeast Africa have expressed concern about their biometric data being shared without their consent with third parties. As journalist and researcher Tesfa-Alem Tekle reports, refugees in Ethiopia's camps worry that their information might be "shared with either their host country or country of origin" leading to "discrimination, forced repatriation or retaliation".[31] Nevertheless, many feel that they must choose between surrendering their sensitive personal information or being denied essential, often life-saving services like food and shelter.[32]

The ease with which biometrics from people in vulnerable positions has been shared, however indirectly, with government and counter-terrorism agencies raises serious questions about the desirability of collecting such sensitive information in the first place. While UN agencies, like the UNHCR, are undoubtedly concerned about issues of data confidentiality, they often share data with host and funder nations.[33] However, donor and host countries do not always share the same humanitarian priorities. Many of the nations funding biometrics initiatives are anxious to contain refugee and political crises within Africa. In recent years, European countries have turned increasingly to

refugees_nrc_ihrc_november2017_embargoed.pdf; Claire Elizabeth Walkey, *The Transfer of Responsibility for Refugee Affairs from United Nations Refugee Agency to Government of Kenya* (PhD thesis, Oxford University, 2019). For more on the impact of the transfer of responsibility for refugee registration from the UNHCR to the Kenyan government, see Keren Weitzberg, "In Kenya, Thousands Left in Limbo Without ID Cards", *Coda Story*, 13 April 2020, https://www.codastory.com/authoritarian-tech/kenya-biometrics-double-registration/.

31 Tesfa-Alem Tekle, "Refugees in Ethiopia's Camps Raise Privacy and Exclusion Concerns over UNHCR's New Digital Registration", *Global Voices*, 19 March 2020, https://globalvoices.org/2020/03/19/refugees-in-ethiopias-camps-raise-privacy-and-exclusion-concerns-over-unhcrs-new-digital-registration/. See also Elise Thomas, "Tagged, Tracked and in Danger: How the Rohingya Got Caught in the UN's Risky Biometric Database", *Wired*, 12 March 2018, https://www.wired.co.uk/article/united-nations-refugees-biometric-database-rohingya-myanmar-bangladesh.

32 Claire Walkey, Caitlin Procter, and Nora Bardeli, "Biometric Refugee Registration: Between Benefits, Risks, and Ethics", *International Development LSE* (blog), 18 July 2019, https://blogs.lse.ac.uk/internationaldevelopment/2019/07/18/biometric-refugee-registration-between-benefits-risks-and-ethics/; and Katja Lindskov Jacobsen, *The Politics of Humanitarian Technology: Good Intentions, Unintended Consequences and Insecurity* (London: Routledge, 2017).

33 For example, an Oct 2016 UNHCR PowerPoint on the "UNHCR's Policy on the Protection of Personal Data of Persons of Concern" states that an "Awareness of the particular sensitivities related to the personal data of refugees and asylum seekers" is "Weighted against the need to share information with Governments and partners", https://data2.unhcr.org/en/documents/download/52473.

surveillance technologies to "manage" migration, fueling public anxiety about asylum seekers and potential terrorists "flooding" onto the continent.[34]

THE BIOMETRIC POLICING OF MIGRANTS

In recent years, Western states have taken steps "to prevent would-be asylum seekers from reaching their territories where their claims would be heard" by outsourcing and externalizing border security, bringing technology deep into African states and along migration routes.[35] Somali migrants are among the mobile groups who are increasingly subject to biometric governance techniques aimed at better regulating migration and, in many cases, facilitating deportation. Journalist Giacomo Zandonini notes that "The EU's strategy for controlling" irregular migration "includes sharing data on who is trying to make the trip and identifying to which countries they can be returned."[36] To this end, the EU and European member states fund various border management systems in Africa, including the IOM's Migration Information and Data Analysis System

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34 Petra Molnar, European Digital Rights (EDRi), and the Refugee Law Lab, "Technological Testing Grounds: Border Tech Is Experimenting with People's Lives", Novembre 2020, https://edri.org/our-work/technological-testing-grounds-border-tech-is-experimenting-with-peoples-lives/.

35 Erika L. Iverson, "Permanently Waiting: The Kenyan State and the Refugee Protection Regime", in *Citizenship, Belonging, and Nation-States in the Twenty-First Century*, eds. Nicole Stokes-DuPass and Ramona Fruja, 230 (New York: Palgrave Macmillan, 2016).

36 Giacomo Zandonini, "Biometrics: The New frontier of EU migration Policy in Niger", *The New Humanitarian*, 6 June 2019, https://www.thenewhumanitarian.org/news-feature/2019/06/06/biometrics-new-frontier-eu-migration-policy-niger.

(MIDAS).[37] MIDAS captures fingerprints and facial images at border points across 16 African countries.[38] It is also installed at 16 of Somalia's ports of entry.[39]

Migrants and asylum seekers who do manage to arrive on European shores face additional forms of biometric control, including capture in the European Asylum Dactyloscopy Database (EURODAC), which identifies countries of first asylum. Somali irregular migrants often actively try to avoid having their fingerprints taken by Italian and Greek police, as such data capture can limit their ability to claim asylum in wealthier, more "favorable" countries further north.[40] Global inequalities are thus mirrored in the array of biometric systems that follow migrants from origin to transit to destination countries. These biometric measures risk undermining humanitarian protection.

Systems like MIDAS are also indicative of the often-blurry line between migration management and counter-terrorism. In addition to collecting and processing traveler information and aggregating and exchanging migration data, MIDAS is aimed at identifying security threats.[41] According to IOM literature, the system improves border security through automatic checks of "recorded entry and exit

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37 Zandonini, "Biometrics"; and Philippe M. Frowd, "Developmental borderwork and the International Organization for Migration", *Journal of Ethnic and Migration Studies* 44, no. 10 (2018): 1659. See also PI, "The Future of the EU Trust Fund for Africa: Policy Briefing", Sept 2019, https://privacyinternational.org/sites/default/files/2019-09/EUTF%20Policy%20Briefing.pdf.

38 International Organization for Migration (IOM), "MIDAS: A Comprehensive and Affordable Border Management Information System", https://rosanjose.iom.int/site/sites/default/files/Documents/midas-brochure-3-v1-web-english.pdf. X Infotech supplied the IOM with biometric scanners, passport readers, and capturing and matching software in Kenya, South Sudan, and Somalia. "Biometric Solution for International Office of Migration", X Infotech, https://www.x-infotech.com/biometric-solution-for-international-office-of-migration-iom/

39 US Department of State Bureau of Counterterrorism, *Country Reports on Terrorism 2018* (United States Department of State Publication, October 2019), 43, https://www.state.gov/wp-content/uploads/2019/11/Country-Reports-on-Terrorism-2018-FINAL.pdf.

40 Anja Simonsen, "Fleeting (Biometric) Encounters: Care and Control at Italian Border Sites", in *The Biometric Border World: Technologies, Bodies and Identities on the Move*, eds. Karen Fog Olwig, Kristina Grünenberg, Perle Møhl and Anja Simonsen (Abingdon: Routledge, 2020).

41 Zandonini, "Biometrics", https://www.thenewhumanitarian.org/news-feature/2019/06/06/biometrics-new-frontier-eu-migration-policy-niger.

data against national and INTERPOL Alert Lists."[42] With support from the US
Department of State, the IOM recently upgraded MIDAS at many of Somalia's
ports of entry. They installed ten-digit fingerprint readers at Mogadishu's Aden
Abdulle International Airport and the Mogadishu Seaport in 2018.[43] The IOM
claims that these "new 10-digit readers will enable comparability of captured
biometrics against national and international alert lists", including the US PISCES
system and the INTERPOL Network databases (MIND and FIND), which "store the
biometric records of internationally suspected criminals."[44] The World Bank has
also encouraged the creation of a biometric national ID card for Somalia linked
to the MIDAS system.[45]

At the same time, the IOM's efforts to secure Somalia's borders have been
hampered by numerous technical and political limitations. As Philippe M. Frowd
notes in his ethnography of biometric entry-exit controls in West Africa, many
security interventions are performative in nature, enabling local and international
actors to project an image of modern, fortified borders while failing to truly
secure them.[46] Over forty of Somalia's recognized border points do not have the
MIDAS system installed.[47] Recent reports from the US Department of State noted

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42 IOM, "MIDAS: A Comprehensive and Affordable Border Management Information System",
   https://www.iom.int/sites/default/files/our_work/DMM/IBM/updated/midas-brochure18-v7-en_digital-
   2606.pdf.

43 IOM press release, "IOM Upgrades Biometric Fingerprint Scanners to Enhance Somalia's Border Management",
   6 June 2018, https://www.iom.int/news/iom-upgrades-biometric-fingerprint-scanners-enhance-somalias-
   border-management; and "IOM Upgrades Fingerprint Readers in Somalia", *Planet Biometrics*, 13 Aug 2018,
   https://www.planetbiometrics.com/article-details/i/7199/desc/iom-upgrades-fingerprint-readers-in-somalia.

44 "IOM Upgrades Biometric Fingerprint Scanners to Enhance Somalia's Border Management",
   https://www.iom.int/news/iom-upgrades-biometric-fingerprint-scanners-enhance-somalias-border-
   management.

45 Chris Burt, "Somalia Launching Foundational Biometric Identity Program", *BiometricUpdate*, 10 July 2018,
   https://www.biometricupdate.com/201807/somalia-launching-foundational-biometric-identity-program; and
   World Bank Group, *Towards a Somali Identification System: ID4D Diagnostic* (Washington, DC: World Bank
   License: Creative Commons Attribution 3.0 IGO, 2016), 23,
   http://documents1.worldbank.org/curated/en/185701524689472792/ID4D-Country-Diagnostic-Somalia.pdf.

46 Philippe M. Frowd, *Security at the Borders: Transnational Practices and Technologies in West Africa*
   (Cambridge: University Press, 2020), 156.

47 World Bank Group, *Towards a Somali Identification System,*
   http://documents1.worldbank.org/curated/en/185701524689472792/ID4D-Country-Diagnostic-Somalia.pdf.

that: "MIDAS provides biographic and biometric screening capabilities" in Somalia, but "procedural and network connectivity deficiencies" have "limited its effectiveness."[48]

This raises questions about proportionality and efficacy. Proponents often justify invasive biometric data collection in the name of national and international security. However, many biometric initiatives fail to deliver on promises of enhanced security. Somalia's new biometric passport program, for example, has been met with allegations of serious security breaches. According to a 2012 report from the Monitoring Group on Somalia and Eritrea, "multiple passports" were "being issued to the same individuals under false identities" and foreigners were able to obtain "Somali passports thanks to the intervention of senior TFG [Transitional Federal Government] officials."[49] The report also states that Al-Shabaab members as well as "one of Somalia's most notorious pirate leaders" were among those who received passports "with the full knowledge of senior" Somali officials.[50] The introduction of expensive biometric passports and exit-entry systems is thus difficult to justify even on supposed security grounds.

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48 US Department of State Bureau of Counterterrorism, *Country Reports on Terrorism 2018*, 43, https://www.state.gov/wp-content/uploads/2019/11/Country-Reports-on-Terrorism-2018-FINAL.pdf; and US Department of State Bureau of Counterterrorism, *Country Reports on Terrorism 2017* (United States Department of State Publication, September 2018), 41, https://www.state.gov/wp-content/uploads/2019/04/crt_2017.pdf.

49 Letter from the Members of the Mentoring Group on Somalia and Eritrea to the Chairman of the Security Council Committee, Pursuant to Resolutions 751 (1992) and 1907 (2009), "Report of the Monitoring Group on Somalia and Eritrea Pursuant to Security Council Resolution 2002 (2011)", 27 June 2012, https://fas.org/man/eprint/semg.pdf.

50 *Ibid.*

AMORPHOUS THREATS

The limitations of the IOM's border management system suggest that the value of collecting sensitive biometric information may not outweigh the risks. Despite the international fervor for biometric technology, there is little publicly available evidence that can attest to its efficacy in preventing or combating terrorism and other criminal activities in Somalia or abroad.[51] Piracy off the coast of Somalia was already waning when the organizations like the FAO began advocating for and adopting biometrics as an anti-piracy tool. Its decline likely had little to do with the introduction of new technologies.[52] Criminal and militant groups in addition to well-connected individuals have found myriad ways of skirting biometric controls. In 2011, during a routine inspection at a dry port in Mombasa, the Kenya Revenue Authority chanced upon a stash of fake Somali passports and identification cards as well fingerprint machines in a container from the United Arab Emirates.[53] Moreover, large amounts of money have been invested in ambitious biometric projects that too often flounder due to structural limitations and lack of local buy-in. In March 2019, the Somali Federal Government announced that it had finished biometrically registering the entire Somali National Army. Yet according to a recent UN Security Council report, "fewer than half" of those who appeared on Baidoa and Mogadishu Army registration documents in 2017 and 2018 and "fewer than one fifth" of "sector 60 soldiers who had been issued Federal Government-marked weapons in late 2017" were captured on the new 2019 biometric registration roll.[54]

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51 Katja Jacobsen (senior researcher at University of Copenhagen), interview with author, 16 April 2020.

52 Joshua Keating, "The Decline and Fall of Somali Piracy", *Slate*, 16 Jan 2014, https://slate.com/news-and-politics/2014/01/the-decline-and-fall-of-somali-piracy.html.

53 Linda Benyawa, "Fake Somalia passports, IDs found at port", *The Standard,* 17 November 2011, https://www.standardmedia.co.ke/busia/article/2000046828/fake-somalia-passports-ids-found-at-port.

54 UN Security Council, "Letter Dated 1 November 2019 from the Chair of the Security Council Committee Pursuant to Resolution 751 (1992) Concerning Somalia Addressed to the President of the Security Council", S/2019/858* (1 November 2019), https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2019_858_E.pdf.

Nevertheless, the idea that biometrics are an effective means of combatting terrorism and cross-border crime remains an unquestioned, almost sacrosanct assumption in many policy and security circles. As Privacy International argues: "Security or crime-prevention concerns are frequently given as a motivation for states to introduce biometric identity schemes for their populations…even when there is actually little or no security advantage".[55] Much more evidence is required to warrant the continued collection, indefinite storage, and sharing of such sensitive data.

In postcolonial contexts like Somalia, where there is enormous reach for foreign and local actors to deploy technology in the absence of democratic oversight, there is a particular need for greater transparency and accountability around biometrics. Somalis are subject to range of local, foreign, and intergovernmental authorities, who often collect and share biometric data in non-transparent, undisclosed ways. In combat and extraterritorial settings, there is greater scope for derogations from international law and fewer judicial mechanisms of accountability. Somalis have little if any legal recourse if their data is misused by a humanitarian organization or if they end up erroneously listed on or falsely identified by an international watchlist. Due to ever-expanding surveillance efforts, Somalis are losing control over their most sensitive personal information.

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55 PI, Briefing on the Responsible Use and Sharing of Biometric Data (2020)
  https://privacyinternational.org/advocacy/4064/briefing-responsible-use-and-sharing-biometric-data-
  counter-terrorism.