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Occasional Paper

Closing the Gap

Assessing Responses to Terrorist-Related
Kidnap-for-Ransom

Anja Shortland and Tom Keatinge



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Published in 2017 by the Royal United Services Institute for Defence and Security Studies.



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RUSI Occasional Paper, September 2017. ISSN 2397-0286 (Online); ISSN 2397-0278 (Print).

Printed in the UK by Park Communications, Ltd.

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RUSI is a registered charity (No. 210639)

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Acknowledgements

The authors gratefully acknowledge an impact development grant from King's College London. The authors are also grateful to the numerous individuals who provided their insights, willingly shared their experiences, and gave of their time as peer reviewers for this paper. The nature of the topic means that they remain anonymous.

Executive Summary

GOVERNMENTS CONTINUE TO be concerned about kidnapping as a source of terrorist finance. A host of international commitments, underpinned by UN Security Council Resolutions and domestic laws, forbids the commercial resolution of terrorist-related kidnappings and prevents governments from making concessions to terrorists. Yet, it is also common knowledge that, in practice, the UN ban lacks the support of key signatories, who prioritise the immediate preservation of life over their counterterrorism commitments. The authors argue that the current approach increases the returns from kidnapping for groups designated as terrorist organisations by the UN (hereafter ‘designated terrorists’) and increases the terrorist threat to citizens of all states.

This paper highlights the negative unintended consequences of the status quo: a partially applied ban, where some governments make concessions to terrorists. When some governments negotiate on behalf of their citizens, kidnapper expectations and ransoms escalate. Terrorists abuse hostages whose governments refuse to negotiate in order to raise the pressure on countries which do. Because of the official ban, government negotiations are conducted in secret. This makes it more difficult to share information that might assist negotiation strategies, help track the money and identify the perpetrators after ransoms are paid.

This paper outlines three different options which would help to ‘close the gap’ between the commitments of some governments and their actions in response to the kidnapping of their citizens by designated terrorists.

- The first option requires a global, rigorously applied and scrupulously monitored commitment to prevent any concessions to terrorist organisations. This would eliminate hostage-taking as a source of terrorist finance, although terrorists might still kidnap for propaganda purposes. However, the paper shows that the international community remains polarised and is not ready to commit to enforcing such a ban.
- A second option is that governments exit from the market for hostage negotiations and decriminalise private resolutions of terrorist hostage incidents. The insurance sector already offers effective solutions for the prevention and resolution of criminal kidnappings. These solutions would become available for those exposed to the risk of terrorist kidnap.
- A third option would be a new policy framework modelled on existing private sector solutions. Private entities would be allowed to make financial concessions, but governments would create effective (multilateral) institutions to monitor and minimise such payments.

The main aim of the paper is to precipitate an open, honest and inclusive policy debate on this intractable problem. In the long run, terrorist financing through kidnapping should be eliminated

by adopting the first option. However, the authors argue that the unsatisfactory status quo can be immediately improved by shifting responsibility for ransoming from governments to the private sector. Eventually, public opinion may shift in favour of a genuine 'no concessions' policy. This would be greatly encouraged by efforts to collect evidence that supports the development of a clear policy narrative linking ransom payments to subsequent terrorist attacks.

Introduction

IN APRIL 2014, Daesh (also known as the Islamic State of Iraq and Syria, ISIS) released French hostages Edouard Elias, Didier François, Nicolas Hénin and Pierre Torres after ten months in captivity.¹ The four were publicly embraced by then French President François Hollande on the tarmac at Vélizy-Villacoublay Air Base before being reunited with their families. Their joyful reunion stands in stark contrast to the subsequent videotaped beheading of journalists and aid workers from the US and Britain later that year. These brutally different outcomes are attributed by many to the fact that the US and the UK maintain a strict ‘no-concessions’ policy for terrorist-related hostage taking. France – despite endorsing various UN Security Council Resolutions banning ransom payments to terrorists – reportedly paid €13 million to secure the release of its nationals.² Such incidents illustrate the bleak choices faced by governments when responding to the capture of their citizens by terrorists.

Governments know that engaging with, and offering large concessions to, designated terrorists creates greater insecurity for others, who may be targeted in the future. Yet, despite the signing of communiqués and the passing of UN Security Council Resolutions, de facto political commitment to implementing the blanket ban on concessions varies across countries. For example, after UN Security Council Resolution 2133³ – which calls on states to prevent ransom payments and political concessions from benefiting terrorists – was passed in 2014, Argentina’s representative noted that the response to kidnapping must take the specific circumstances of each incident into account. The diplomat added that such measures should not undermine the potential payment of ransoms for hostages.⁴ This statement aptly illustrates the gap between the aspiration to prevent substantial concessions (including the payment of ransoms) to designated terrorist groups and the reality of the actions of many nations when faced with hostage situations.

A new approach is needed if terrorist groups are not to continue to benefit from multimillion-dollar cash injections. This paper seeks to find ways to narrow the gap between the currently polarised responses of states to the terrorist-related kidnapping of their citizens. The words and actions of UN member states must become more consistent to reduce the financial appeal of innocent individuals as hostages for terrorist organisations. The authors discuss the merits and drawbacks of a variety of possible approaches to improve on the current situation.

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1. Hannah Strange, ‘Four French Journalists Freed After 10-Month Hostage Ordeal in Syria’, *The Telegraph*, 19 April 2014.
 2. Yann le Guernigou and Madeline Chambers, ‘France Denies it Paid Ransom for Syria Reporters’, *Reuters*, 26 April 2014. This is not an isolated incident. It is estimated that between 2008 and 2014 European nations paid more than \$125 million in ransoms to Al-Qa’ida alone. See Rukimini Callimachi, ‘Paying Ransoms, Europe Bankrolls Qaeda Terror’, *New York Times*, 29 July 2014.
 3. UN Security Council Resolution 2133, 27 January 2014, SC/11262.
 4. UN, ‘Security Council Adopts Resolution 2133 (2014), Calling upon States to Keep Ransom Payments, Political Concessions from Benefiting Terrorist’, press release, SC/11262, 27 January 2014.

I. International Law on Ransom Payments and its Interpretations

MULTILATERAL ORGANISATIONS HAVE focused on the financial consequences of terrorist-related kidnap-for-ransom (KfR). A complete ban on ransom payments would eradicate the financial incentive to kidnap people, although it would not end kidnapping for political purposes. Unless the ‘no ransoms’ policy is perfectly credible, however, kidnappers will occasionally test stakeholders’ resolve to uphold it. In this case, a ban on ransoms may be in direct conflict with a hostage’s right to life. Most people agree that it would be better never to pay ransoms – however, a majority would also pay up to save a loved one’s life.¹ Taking this ambivalence into account, most countries allow private individuals and firms to make concessions to criminals to resolve kidnappings. In the case of terrorist organisations, however, the balance of interest tilts towards preventing concessions. Ransom payments to terrorists are likely to be used to fund further terrorist acts and fuel more kidnappings. People, firms and states have a moral duty not to contribute to the success of terrorist organisations. If they pay ransoms, they become complicit in the crimes and atrocities that are facilitated by their financial contribution to the terrorist organisation.² A ban on the payment of ransoms to terrorists (or anyone who may pass some of the money to a proscribed organisation) is therefore officially enshrined in UN Security Council Resolutions and national and international counterterrorism finance laws.

The issue of terrorist finance (and thus ransom payments to designated terrorist groups) is the subject of several UN Security Council Resolutions. According to Resolution 1267 (1999), all countries must freeze all financial resources that could benefit the Taliban – which by implication includes ransoms.³ In the following years, this resolution was clarified and extended. In Resolution 1373 (2001) there is a general obligation in paragraph 1(d) to prevent and suppress the financing of terrorist acts and in 1(e) to prevent trans-border payments to terrorist organisations, although ransoms are not explicitly mentioned.⁴ The stance on ransoms was finally made explicit in Measure 8 of Resolution 1989 (2011), which forbids payment of ransoms to Al-Qa’ida affiliates.⁵ Resolution 2133 (2014) is dedicated solely to tackling terrorist-related KfR. The Council reminds countries of their international commitment regarding the ransom ban and calls on states to prevent private sector entities from paying or facilitating

1. See, for example, YouGov, ‘Public: We are Right not to Pay Ransoms’, 4 September 2014, <<https://yougov.co.uk/news/2014/09/04/public-we-are-right-not-pay-ransoms/>>, accessed 14 June 2017; YouGov, ‘Public Expect Military to Rescue US Hostages’, 25 August 2014, <<https://today.yougov.com/news/2014/08/25/public-expect-military-rescue/>>, accessed 14 June 2017.
2. Jeffrey W Howard, ‘Kidnapped: The Ethics of Paying Ransoms’, *Journal of Applied Philosophy* (Vol. 34, No. 3, May 2017).
3. United Nations Security Council Resolution 1267, 15 October 1999, S/RES/1267.
4. United Nations Security Council Resolution 1373, 28 September 2001, S/RES/1373.
5. United Nations Security Council Resolution 1989, 17 June 2011, S/RES/1989.

ransoms.⁶ Resolution 2199 (2015) reminds states that Al-Qa'ida affiliates in Iraq and Syria should not receive ransoms.⁷ Resolution 2253 (2015) extends the ransom ban explicitly to Daesh.⁸

The international legal framework on terrorist-related KfR has thus been unanimously adopted by the UN Security Council on several occasions. Yet, as previously noted, the reaction of member states to the introduction of Resolution 2133 reveals differing national interpretations. Argentina's representative, speaking after the Resolution's adoption, said '... measures to identify, freeze, seize or confiscate the funds or other assets that were the product of hostage-taking ... should not undermine the possible payment of ransom for hostages'.⁹ This is clearly problematic: if a ban on ransom payments does not undermine the possible payment of ransom for hostages, then the Resolution is worthless.

Box 1: The Impact of Ransoms on Terrorist Organisations

Terrorist groups place considerable value on kidnapping as a form of funding. Nasser Al-Wuhayshi, the former leader of Yemen-based Al-Qa'ida in the Arabian Peninsula (AQAP), which is estimated to have earned \$20 million from kidnap-for-ransom (KfR) in 2011–2013, called the kidnapping of hostages 'an easy spoil ... a profitable trade and a precious treasure'.¹ In a newspaper interview, Oumar Ould Hamaha, a Mali-based commander in Al-Qa'ida in the Islamic Maghreb, a group that has amassed at least \$90 million from KfR, noted that 'lots of Western countries are paying enormous sums to the jihadists. The source of our financing is the Western countries. They are paying for jihad'.² In several recorded messages, Al-Qa'ida leader Ayman Al-Zawahiri has urged supporters worldwide to kidnap Westerners,³ and as of late 2014, Daesh was estimated to have raised up to \$45 million from KfR.⁴

Thus, as a source of revenue, KfR can have a significant impact on the operational capacity of terrorist groups, as evidenced by statements made by Taliban representatives in Afghanistan regarding the

1. David Rohde, 'Column: Did America's Policy on Ransom Contribute to James Foley's Killing?', *Reuters*, 20 August 2014.
2. Adam Nossiter, 'Millions in Ransoms Fuel Militants' Clout in West Africa', *New York Times*, 12 December 2012.
3. Edith M Lederer, 'UN: Islamic State Group Got up to \$45M in Ransoms', *Associated Press*, 25 November 2014; Rania El Gamal, 'Al Qaeda Chief Urges Westerner Kidnappings', *Reuters*, 26 April 2014.
4. UN Security Council, 'Sixteenth Report of the Analytical Support and Sanctions Monitoring Team Submitted Pursuant to Resolution 2161 (2014) Concerning Al-Qaida and Associated Individuals and Entities', S/2014/770, 29 October 2014.

6. United Nations Security Council Resolution 2133, 27 January 2014, S/RES/2133.

7. United Nations Security Council Resolution 2199, 12 February 2015, S/RES/2199.

8. United Nations Security Council Resolution 2253, 17 December 2015, S/RES/2253.

9. UN, 'Security Council Adopts Resolution 2133 (2014), Calling upon States to Keep Ransom Payments, Political Concessions from Benefiting Terrorist'.

\$10-million ransom allegedly paid to secure the release of South Korean hostages in 2007. According to a Taliban fighter, the ransom replenished the stockpiles of weapons and explosives needed to undertake Operation *Nusrat*, a Taliban offensive against British forces in southern Afghanistan, later that year.⁵ The Philippines-based jihadist group Abu Sayyaf turned to KfR as a lucrative funding source and propaganda tool in 1993. Ransoms enabled it to offer attractive financial terms to new recruits to swell its ranks and replenish weapons and equipment lost in conflict and during moves.⁶

Some policymakers claim that ‘hostage takers looking for ransoms distinguish between those governments that pay ransoms and those that do not – and make a point of not taking hostages from those countries that do not pay ransoms.’⁷ However, in practice, kidnapping is normally ‘passport-blind’ – the nationality of the victim is discovered only after the abduction has occurred. Over the past few years, Abu Sayyaf has captured several Westerners apparently indiscriminately, including Canadians Robert Hall and John Ridsdel, who were taken from a holiday resort on Samal Island in the southern Philippines in September 2015.⁸ This raid came less than a year after two German citizens, Stefan Viktor Okonek and Henrike Dielen, were released from captivity by Abu Sayyaf for, according to the hostage takers, a ransom of \$5.6 million.⁹

The testimonies of those familiar with these two events, suggest that the premium payment made for the release of the German hostages probably emboldened Abu Sayyaf to step up kidnapping operations. Insiders attribute the recent sharp rise in the number of piracy attacks undertaken by Abu Sayyaf directly to the increase in financial resources available to the group from ransom payments.¹⁰ Escalating ransom expectations proved fatal for some of the recent hostages: the terrorists murdered both Canadians as well as German sailor Jürgen Kantner.¹¹ As these cases indicate, the payment of super-normal ransoms and the lack of inter-government transparency and consistency can have far-reaching and highly damaging consequences.

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5. Massoud Ansari, ‘Taliban Use Hostage Cash to Fund UK Blitz’, *The Telegraph*, 14 October 2007.
 6. McKenzie O’Brien, ‘Fluctuations Between Crime and Terror: The Case of Abu Sayyaf’s Kidnapping Activities’, *Terrorism and Political Violence* (Vol. 24, No. 2, March 2012), pp. 320–36.
 7. US Department of the Treasury, ‘Remarks of Under Secretary David Cohen at Chatham House on “Kidnapping for Ransom: The Growing Terrorist Financing Challenge”’, 5 October 2012.
 8. Edith Regalado, ‘4 Kidnapped in Samal Resort’, *Philippine Star*, 23 September 2015.
 9. Manuel Mogato, Karen Lema and Michael Nienaber, ‘Philippine Militants Free Two German Hostages’, *Reuters*, 17 October 2014.
 10. Michael Peel, ‘Islamist Militant Piracy Troubles Philippines’, *Financial Times*, 9 February 2017; Authors’ interview with crisis responder, London, March 2017.
 11. Jack Moore and Eleanor Moss, ‘How a Love of the Sea Led a German Couple into the Hands of Pirates, ISIS and Death’, *Newsweek*, 8 March 2017.

Divergent National Priorities

There is now a body of statistical research investigating whether making concessions to terrorists raises the probability of more kidnappings. Most academics, commentators and policymakers agree that paying ransoms encourages further kidnappings.¹⁰ Moreover, premium ransoms can trigger a vicious circle: supernormal returns on kidnappings encourage further abductions and more thorough probing of how much stakeholders are willing to pay. If previous records are broken, the circle begins again.¹¹ However, there is a dispute about the impact of a victim's nationality. Here, the conclusions reached depend on the definition of terrorism adopted, the country case selection, the time period of the investigation and the statistical methods employed. Patrick T Brandt and colleagues conducted a comprehensive study in 2016 that suggested that countries which rarely make concessions to terrorists – such as the US and the UK – have prevented an escalation of terrorist kidnappings post-2008.¹² However, this picture may be distorted by the less frequent presence of citizens of 'non-concessionaires' (countries that do not make concessions to terrorist kidnappers) in areas where terrorist-related kidnappings occur. Indeed, research by the US Combating Terrorism Center (CTC) at West Point suggests that 'nationality ... does not appear to influence who gets kidnapped'.¹³ Most hostages, it seems, are simply in the wrong place at the wrong time.

Even if a country maintained a completely watertight unilateral ransom ban, this would not prevent the kidnapping of its citizens. Abductions are generally either opportunistic or targeted against firms' or NGOs' transport, accommodation or offices. When targeting vehicles, such as white Toyota land-cruisers (used by many NGOs), kidnappers are passport-blind until after the abduction.¹⁴ If a country's citizens travel or work in or near territory controlled by terrorists, they will occasionally be caught up in hijackings and abductions, regardless of their national government's stance on ransoms. As former British hostage Colin Freeman observed, '[O]ften it's only after [the kidnappers] abduct someone that they find out what nationality they are'.¹⁵

Ideally, a unilateral ransom ban would – if perfectly credible – result in kidnappers releasing hostages they cannot monetise. This occasionally happens with local employees of humanitarian organisations.¹⁶ However, Western hostages still have political value to terrorists,

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10. Patrick T Brandt and Todd Sandler (2009), 'Hostage Taking: Understanding Terrorism Event Dynamics', *Journal of Policy Modeling* (Vol. 31, No. 5, September–October 2009), pp. 758–78.
 11. Anja Shortland, 'Governing Kidnap for Ransom: Lloyd's as a "Private Regime"', *Governance* (Vol. 30, No. 2, April 2017), pp. 283–99.
 12. Patrick T Brandt, Todd Sandler and Justin George, 'Why Concessions Should Not Be Made to Terrorist Kidnappers', *European Journal of Political Economy* (Vol. 44, No. 1, September 2016), pp. 41–52.
 13. Seth Loertscher and Daniel Milton, 'Held Hostage: Analyses of Kidnapping Across Time and Among Jihadist Organizations', Combating Terrorism Center at West Point, December 2015, p. VII.
 14. Safer Yemen for Sustainable Security, 'Changing Tactics and Motives: Kidnapping of Foreigners in Yemen 2010–2014', May 2014, <<http://safer-yemen.com/onewebmedia/Kidnapping-of-Foreigners-in-Yemen.pdf>>, accessed 14 June 2017.
 15. Colin Freeman, 'David Cameron Wants a Global Ban on Ransom Payments. As a Former Hostage, I Think He's Wrong', *The Telegraph*, 18 December 2013.
 16. *Swissinfo*, 'Humanitarian Staff Kidnapped in Mali Set Free', 16 May 2017.

and unfortunately, terrorists sometimes leverage political value by publicly humiliating and maltreating hostages. Backing this point, the CTC's research indicates that 'nationality appears to be important in determining the fate of individuals once kidnapped'.¹⁷ Hostages from non-concessionaires are more likely to be killed, tortured or detained indefinitely, while most hostages from concessionaires are eventually freed.

Consequently, there appears to be fundamental disagreement about what attitude to terrorist ransoms best serves the national interest. Countries seek to balance the most fundamental human right of hostages (to life) with a moral responsibility towards the terrorists' potential future victims. States also balance their national interest in facilitating their citizens' and companies' operations in complex and hostile territories with their moral responsibility to hostages. It is likely that the relative shift in kidnappings towards 'concessionaires' (countries that make concessions to terrorist kidnappers) observed in Brandt's data is due largely to US and UK citizens being less likely to be deployed in areas where terrorists operate.¹⁸

There was no proper political debate and consensus on these issues before the UN blanket ban on ransom payments to designated terrorists was instituted. It is apparent that some governments signed up to the UN Resolutions, and the 2016 Japan G7 and 2013 Lough Erne G8 communiqués¹⁹ come to different political conclusions when faced with actual hostage situations – or the political fallout after gruesome murders. For example, in 2015, US President Barack Obama's administration clarified (and qualified) its own 'no ransoms' policy by stating that families would not face prosecution for making private concessions to terrorists.²⁰ This followed the public outcry and revulsion over the Daesh beheadings of US hostages and pressure from the family of James Foley, the war correspondent beheaded by Daesh in August 2014. However, the statement clearly undermines the US commitment to prevent private sector entities from funding terrorism. It is still unclear what the impact of this policy shift is having on terrorist perceptions regarding the monetary value of US hostages.²¹

Perhaps even more worrying are the figures reported in the media for European government-negotiated ransom payments to free Daesh, Al-Qa'ida and Abu Sayyaf hostages.²² While people now expect to see multimillion dollar settlements for terrorist-related kidnappings, few are aware that professional private negotiators operating in the same region discreetly negotiate safe hostage returns at a fraction of this cost.²³

17. Loertscher and Milton, 'Held Hostage', p. vii.

18. For example, interviews with NGOs operating in, or close to, areas where designated terrorist groups are active reveal that they are mindful of the nationality of their staff members and the approach taken by their home countries towards hostage negotiations.

19. HM Government, '2013 Lough Erne G8 Leaders' Communiqué', 18 June 2013; Government of Japan, 'G7 Ise-Shima Leaders' Declaration', 27 May 2016.

20. The White House, Office of the Press Secretary, 'Presidential Policy Directive/PPD-30 – Hostage Recovery Activities', 24 June 2015.

21. Larisa Epatko, 'Despite Advances Under Obama, Lack of Transparency Can Hinder Hostage Families', *PBS*, 5 May 2017.

22. Callimachi, 'Paying Ransoms, Europe Bankrolls Qaeda Terror'.

23. Anja Shortland, 'Governing Criminal Markets: The Role of Private Insurers in Kidnap for Ransom', *Governance* (25 June 2017), doi: 10.1111/gove.12290.

II. Assessing the Status Quo

UNDER THE CURRENT system, only governments can make concessions to terrorists: citizens, firms and insurers are prevented from doing so by law.¹ There is no authority that can force the signatories to uphold UN Security Council Resolutions on terrorist ransoms. Even ‘naming and shaming’ is generally avoided: it is considered more diplomatic to voice general ‘concerns about the attitude of some nations’. In this chapter, the authors argue that putting government officials in charge of secret negotiations with terrorists produces unintended and highly detrimental consequences.

If it is known or suspected that a government funds ransoms, terrorists assume that they can demand as much as they want – whoever is put on the phone to front the negotiation. This is problematic as terrorists perceive states as having unconstrained financial resources. Furthermore, negotiations may proceed messily along several lines, with terrorists making mixed demands of states (money, policy change, prisoner releases, etc.).

Because of their formal commitment to a ransom ban, concessionaires often hide their activities by engaging local or regional brokers and middlemen, who may expect a commission on the ransom. Some ransoms are paid or arranged by third countries hoping for political gains that would vastly exceed even a sizeable ransom. Ransom discipline is not a priority for the mediators in either scenario, even if competitive bidding between them is avoided.

Government officials can crumble under media pressure. Threats to hostage life are part and parcel of every hostage negotiation. Terrorists use social media to broadcast their threats to put maximum pressure on governments to raise their offers. Negotiations end only if stakeholders remain firm with their final offer. If applying pressure yields a sizeable increase in the ransom, it will be repeated again and again. Any company or family must remain firm when they have exhausted all fundraising possibilities.² Governments find it difficult to demonstrate credibly that they ‘cannot afford’ another million.

There are many kidnapping gangs in the world. In general, they maximise their returns by building reputations for releasing live hostages after receiving the ransom. However, if there is a portfolio of hostages and some of them have little or no economic value, it may be profitable to torture or murder them to drive up the price of others. While criminal gangs try to operate

1. The new UK Counter-Terrorism and Security Act 2015 provided what then Home Secretary Theresa May described as a ‘clarification’ to put an end to ‘uncertainty about insurance and reinsurance payments for kidnap and ransom, and to help prevent an important element of terrorist financing’. This was specifically ‘to make sure UK-based insurance firms do not provide cover for the payment of terrorist ransoms’. For further details, see Tom Keatinge, ‘Kidnap for Ransom: Helpful Clarification or Unnecessary Complication?’, *RUSI Commentary*, 8 January 2015.
2. If they have professional support, private entities rarely exhaust their financial means. Instead, they aim to pay the minimum amount needed to resolve the hostage situation.

discreetly, terror organisations may raise their profile by such acts of provocation. Citizens of non-concessionaires are therefore at extreme risk if caught alongside concessionaires' citizens.

Governments try to hide or deny the full extent of ransom payments, in contravention of their international commitments. If a payment is disguised as 'international aid', how much of it is going to the terrorist group and how much to middlemen?³ Obfuscation means that opportunities to coordinate between states and share information about the negotiation process are limited. Negotiators are therefore often in the dark about the opposition's ransom target. Ransoms paid at an excessive rate can be prevented if negotiators know whether a specific group of kidnapers generally settles for around half, or even 10% or 1%, of their initial demand.

In policing international crime, a common strategy for investigating and prosecuting criminal acts and preserving lives is to 'follow the money'.⁴ If criminals' assets are likely to be seized and the proceeds of crime must be spent discreetly, the attraction of the deed is greatly reduced. Not every nation has the surveillance capability to monitor ransom drops with high-resolution satellite or drone imagery. Tracking where the money is taken and spent can provide valuable intelligence that helps law enforcement to degrade the wider criminal network. Transnational criminal ransoms are therefore tracked by Interpol – including all side payments. However, if officially no ransoms are paid to terrorists, then wide intelligence sharing becomes problematic. Focusing the debate on whether ransom payments are made therefore potentially interferes with the strategic aim of degrading terrorist networks by following the trail of ransom funds.

In summary, the authors argue that when governments negotiate concessions, payments are usually higher and politically more damaging than private resolutions. Given the UN mandated ban, member states' 'plausible deniability' is more important than ransom discipline. Citizens from non-concessionaires are at greater risk of death and torture, meaning that responsible firms and NGOs resist deploying them in many areas of the world. If countries deny that concessions are made, there is little scope for learning from previous negotiations and international law enforcement is less effective. In the face of this lack of unity, the well-intentioned ban on making financial concessions to terrorists has many unintended consequences.

3. Callimachi, 'Paying Ransoms, Europe Bankrolls Qaeda Terror'.

4. The World Bank, *Pirate Trails: Tracking the Illicit Financial Flows from Piracy off the Horn of Africa* (Washington, DC: The World Bank, 2013).

III. Alternative Scenarios

1. Building Multilateral Consensus for a Universally Observed Ban

Existing studies on the effect of paying ransoms on subsequent kidnappings can be further refined, but such statistics are unlikely to convince policymakers focused on the immediate preservation of their citizens' lives. A more promising approach would be to focus public discourse on the link between paying ransoms and international terrorist activity. Researchers are already investigating whether ransom payments are funding subsequent attacks against the foreign interests of concessionaires, or attacks within these states themselves, but more work and better data are necessary. With the current rise of nationalist sentiments in many countries, politicians will seek a clear narrative of (narrowly defined) national interest before changing policies. Incontrovertible evidence could shift public and political opinions to favour upholding the ransom ban.

However, if some countries continue to flout the ransom ban, those implementing it may feel they are making unnecessary sacrifices and be less inclined to adhere to their international obligations. For example, so far there has been no media attention on China's attitude to ransoms, yet there are concerns being expressed over large-scale Chinese foreign direct investment in Africa. Unless China sees good reason to join and adhere to the commitments of the no-concessions resolution, its firms will have a competitive advantage in operating in complex and hostile territories where nations such as the US and the UK are unwilling to operate due to the terrorist-related kidnap threats posed to their employees.

Furthermore, the UN is yet to present a universal definition of terrorism, according to which organisations are proscribed. This means that some countries may be inclined to view a group as 'militant' rather than 'terrorist' to support their commercial interests in a region. This leaves open the possibility of ransom payments should citizens pursuing investment and development opportunities be kidnapped.

To become practicable and effective, the ban on ransom payments to terrorists must be universal – and enforceable. Unless there is an open and transparent monitoring process and a credible threat of sanctions on countries flouting the ban, international resolutions can and will occasionally be ignored by (almost all) nations.¹ In Brandt, Sandler and George's work, the difference between non-concessionaires and concessionaires is one of degree: non-concessionaires merely adhere to the ban more consistently than concessionaires, but they also make concessions in certain circumstances.²

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1. The UN's 1267 Committee (also known as the Al-Qa'ida Sanctions Committee) monitors adherence to the ransom ban, but does not 'name and shame'.
 2. Despite its stance on resisting demands from designated terrorist organisations, in 2014 the US chose to trade five Taliban prisoners held at Guantanamo Bay for the return of US soldier Bowe

Campaigning for a strict regime in which sovereign states are punished for non-adherence to their commitments can therefore be counterproductive. Most countries would prefer not to subscribe to agreements which potentially subject them to sanctions or require them to punish close allies. Full international cooperation on this matter therefore requires a long and difficult process of consensus-building. Such a process would greatly benefit from an international champion, preferably a country that is perceived to be independent, yet experienced, in this matter. An independent mediator could engage with this polarised debate to draw together views and opinions that may inform a consensual approach to which all countries can genuinely commit. In the meantime, the existing regime could be improved upon.

2. Private Resolutions

The current UN ban on ransom payments applies if a political or criminal organisation is labelled as 'terrorist'. By default, kidnappings without the 'terrorist' label are subject to a different regime – that for 'criminal' kidnapping. In criminal cases of ransom kidnappings, private resolutions are the norm.³ In these cases, few countries have tried to prevent families from making financial concessions to retrieve their loved ones.⁴ Similarly, firms that put their employees in harm's way while conducting their business have a duty of care, and they make every reasonable effort to retrieve their staff from kidnappers.⁵ Law enforcement then focuses on denying criminals the use of the ransom money.

The complexity and cost of resolving hostage crises take an emotional and financial toll. In response, an entire industry has formed, offering comprehensive services to those exposed to the risk of kidnapping. Various experts provide risk mitigation and protection services, advise on conducting ransom negotiations, manage ransom drops and offer hostage retrieval services. The most common way of accessing these services is through KfR insurance.

The fact that kidnapping is insurable and that there is affordable insurance that helps firms to fulfil their duty of care towards employees should give us pause for thought.⁶ The availability of insurance suggests that it appears to be possible to achieve the safe retrieval of hostages with a high degree of probability. Furthermore, the availability and affordability of this insurance

Bergdahl. While this was justified as an exchange for a prisoner of war whose life was in imminent danger, for many this act represented the granting of a substantial concession to what was (and remains) a group designated as terrorist by the UN. See Brandt, Sandler and George, 'Why Concessions Should Not Be Made to Terrorist Kidnappers'.

3. Kidnappings by deranged or depraved people are dealt with by the police.
4. In 1991, the Italian government passed a law freezing the bank accounts and assets of those who had a family member kidnapped, in order to prevent them from raising the funds for ransom payments. See Clyde Haberman, 'Italy Sets Hard Line on Kidnappers and on Ransom', *New York Times*, 18 February 1990; *Petroleum Review*, 'Ransom Payments – Funding Terrorism, Are They Legal?', August 2013.
5. See, for example, Humanitarian Practice Network, *Operational Security Management in Violent Environments: Good Practice Review 8*, Revised Edition (London: Overseas Development Institute, 2010).
6. For an example, see further details for Hiscox, one of the main providers of such insurance, <<http://www.hiscoxbroker.com/executive-risks/kidnap-and-ransom/>>, accessed 7 July 2017.

implies that kidnappings are rare events among the insured and that this sector has not experienced the same inflationary ransom dynamics as that observed in a 'terrorist market'. Why are the incidence and cost of resolving kidnappings predictable enough to sell insurance?

Anja Shortland has previously studied the comprehensive governance regime that makes kidnapping insurable.⁷ Insurers successfully tackle major economic problems and provide governance to prevent excessive numbers of kidnappings and ransom inflation. First, insurers solved the problem of adverse selection: those most likely to experience a problem are most keen to obtain insurance. Insurers therefore carefully screen applications. Firms can obtain cover only for sensible projects with a clear risk-management strategy. Otherwise, insurance cover is denied.⁸ Second, insurers solved the problem of moral hazard: in general, obtaining insurance makes people less careful. Kidnap insurance therefore comes with a raft of obligations, such as undertaking training, to prevent and mitigate risk. Firms must also keep knowledge of the insurance cover hidden from staff, so they do not relax their vigilance. Moral hazard also applies to damage limitation: if the insurer pays the ransom, the insured are less cost-conscious than if the ransom comes out of their own pocket. Therefore, in contrast to most other forms of non-life insurance, KfR insurers impose ransom limits and require the stakeholders to raise the cash themselves initially. Customers are reimbursed only after a thorough check that the conditions of the insurance were not violated.

Crucially, stakeholders receive detailed advice from professional crisis responders who are well informed about current ransom expectations (of the kidnapper group, or at least in the region), common negotiation strategies, likely threats and past negotiation durations. They have tactics for managing kidnapper expectations, preventing violence and reassuring stakeholders during the stressful bargaining period. Crisis responders also coordinate the ransom drop and hostage retrieval. They often employ specialists to facilitate these potentially perilous exchanges, when kidnappers are at their most vulnerable, nervous and prone to violence. In insured criminal kidnappings, more than 97% of hostages are returned safely to their families after the payment of ransoms that neither encourages an abduction boom near the first kidnap nor results in ransom inflation.⁹

The key to stable (and hence insurable) criminal markets is that there should not be supernormal returns for a specific crime. Payment of a \$1-million ransom where \$10,000 was expected will encourage every small-time criminal in the area to consider kidnapping as a way to make money. Crisis responders know the kidnappers' approximate target ransoms, which vary by victim type. Professional negotiators ask the most credibly cash-constrained entity to front the negotiation and carefully manage kidnapper expectations by developing a cover story: a debt-ridden working-class family; a bitter neglected wife ready to divorce her hostage husband; or a firm on the brink of bankruptcy. Stakeholders thus try to pay the minimum ransom to settle the

7. Shortland, 'Governing Kidnap for Ransom'; Shortland, 'Governing Criminal Markets'.

8. Families are screened less carefully, but will be penalised if they are targeted repeatedly.

9. Luis Lobo-Guerrero, 'Biopolitics of Specialised Risk: An Analysis of Kidnap and Ransom Insurance', *Security Dialogue* (Vol. 38, No. 3, 2007), pp. 315–34; Shortland, 'Governing Kidnap for Ransom'.

case rather than desperately liquidating all their resources. As a result, professionally conducted criminal ransom settlements are almost always a fraction of the original ransom demand.

This system works only because every KfR insurer follows this protocol. It would be easy for individual insurers to cut corners for short-term gains, but premium ransom settlements undermine market stability and affordability for everyone else. Unlike the international terrorist ransom ban, however, the criminal regime has an enforcement mechanism. The majority of insurers underwriting KfR cover are members of Lloyd's of London, and those that are not, reinsure their kidnap exposure through Lloyd's.¹⁰ Within Lloyd's there is a common protocol, which is flexible enough to adapt to any emerging kidnap hotspot. Membership in a syndicate must be renewed on an annual basis. As a private members' club, Lloyd's has the power to expel any syndicate suspected of undermining the market. Vital information about kidnap risks and ransoms are shared only within the club. The cost of gathering equivalent information outside the Lloyd's market is prohibitive. This barrier to entry means that club membership is valuable and insurers will rarely risk losing it for short-term advantages.

The difference between the regimes is particularly evident when kidnappers are regarded as 'terrorists' by some countries and as 'criminals' in others, or when terrorists and criminals operate in the same territory. Criminal business is generally resolved safely, cheaply and discreetly. Private resolutions for the hostages taken by Abu Sayyaf were settled in the region of \$100,000 until the German government paid \$5.6 million for two hostages.¹¹ Most firms and ship owners operating in Nigeria expect to pay five-figure sums to retrieve kidnapped workers and sailors¹² – but ransom expectations for Italian nationals are around the million-dollar mark.¹³ 'Tribal' kidnappings of foreigners in the Yemen used to be resolved for five-figure sums – compared with million-dollar settlements with AQAP. Such enormous price differentials create a secondary market for hostages, in which opportunistic criminals pass hostages to terrorists. A pragmatist may therefore wonder what exactly is gained by applying or acknowledging the 'terrorist' label.

The reasons for doing so should be seriously examined. For example, in 2012 the UK's piracy ransom taskforce considered whether the connections between Somali pirates and the country's Salafist jihadist Al-Shabaab warranted the 'terrorism' label for piracy. There was huge pressure from ship owners intent on protecting and retrieving their crews, ships and cargo to prevent this. Ultimately, it was decided that there was insufficient evidence to make a concrete connection between Somali pirates and Al-Shabaab and thus warrant a regime change.¹⁴ In view of the evidence above, such pragmatism is laudable.

10. Shortland, 'Governing Kidnap for Ransom'.

11. Authors' interview with crisis responder, London, March 2017.

12. Interviews with crisis responders in London in 2016 and naval officers monitoring West African piracy in London, 2013–14.

13. Tom Kington, 'Nigerian Kidnappers "Received Ransom Downpayment"', *The Guardian*, 11 March 2012; *Italy Magazine*, 'Hostage Says He Was "Released" by Nigerian Kidnappers', 18 April 2009.

14. Foreign and Commonwealth Office, 'Piracy Ransoms Task Force Publishes Recommendations', 11 December 2012.

It is often impossible for anyone to operate in territory controlled or threatened by terrorist groups without making payments that may end up in their hands. Governments already make pragmatic choices about allowing 'humanitarian exceptions' to counterterrorism laws – for example to facilitate aid deliveries.¹⁵ Yet, if a kidnap occurred in this context, insurers would be prohibited from facilitating a commercial resolution. Given that an effective regime exists to minimise the financial returns of kidnapping and thereby prevent its escalation, serious consideration must be given to the advisability of sidelining its experts in the most sensitive cases.

In Scenario 2, the current distinction between criminal and terrorist kidnappings would therefore be abolished: negotiating ransoms for the release of hostages would become a private matter. Families or employers would be responsible for retrieving hostages, rather than relying on governments to come to their aid. This shift in responsibility should reduce the number of targets available to terrorists: a higher emotional and financial cost of being kidnapped is likely to deter many non-essential activities currently undertaken by those who feel implicitly insured by their government.

However, private entities would be permitted to seek private insurance – subject to the usual confidentiality clauses in the case of employers. Insurers have developed highly effective risk-mitigation strategies: they cannot afford for their customers to be soft targets. Those operating in regions where designated terrorist groups are active would therefore be less likely to be kidnapped under a private, rather than under the current *de facto* public insurance regime. The expected return for kidnappers will therefore be lower, which reduces the attraction of kidnapping as a fund-raising strategy. Terrorists might still kidnap for political purposes, but they will no longer have an absolute advantage in ransoming hostages. This will end the current financial incentive for opportunists and criminals to sell hostages to terrorists. The authors therefore argue that (re)privatising the problem of terrorist kidnappings is likely to significantly reduce the number of terrorist hostages and financial transfers to terrorists.

3. A Robust International Regime to Reduce Terrorist Kidnappings

A third approach is to design an international regime that accepts divergent national priorities and builds on the success of private governance in the criminal hostage market. The new regime would maintain the distinction between criminal and terrorist kidnappings, leaving the former to the private sector and regulating the latter. The 'terrorist' label could be more cautiously applied: for example, distinctions might be made between the 'affiliates' of proscribed terror organisations. Thus, governments would control the rules of engagement with those organisations that pose the greatest threat to international security. To reduce returns to terrorist kidnappers, such a regime needs to have credible solutions to the challenges of adverse selection, moral hazard and negative spillovers from premium ransom settlements between countries. Moreover, the system would need to deliver benefits even if only a subset

15. Jason Burke, 'Anti-Terrorism Laws Have "Chilling Effect" on Vital Aid Deliveries to Somalia', *The Guardian*, 26 April 2017.

of countries chooses to participate. It must also provide a credible exit strategy for countries where citizens currently expect government protection.

Regarding adverse selection, governments need to make clear that they will never again pick up the tab for tourism or unauthorised humanitarian or religious missions in terrorist territory.¹⁶ People choosing to travel against official advice should seek prior clearance from an approved authority and receive detailed guidance on risk mitigation. If clearance is obtained and the risk-mitigation guidelines are fully implemented, hostages would receive professional support to negotiate a resolution. Whether private financial concessions would be legal (and under what conditions) could be decided by governments individually – there does not need to be a one-size-fits-all solution. What is important is that the rules are clear and strictly implemented.

Regarding moral hazard, as in Scenario 2, private individuals must be held financially responsible for funding ransoms (if they are allowed). This puts demonstrably cash-constrained entities in charge of negotiations. Further constraints could be implemented, such as forbidding crowdfunding or philanthropic donations to families. Stakeholders would be obliged to employ government-accredited negotiation specialists to benefit from the existing expertise. A robust accreditation scheme will prevent charlatans from offering their services. In the private sector, there is intense competition among negotiators and only the most successful negotiators are in permanent employment. Governments should be very cautious about recruiting from the ‘second tier’ of freelance negotiators – they should aim to employ the negotiators based on their performance record and *modus operandi*.

Those neglecting travel advice or risk-mitigation guidelines and anyone too poor to raise a ransom might be referred to an approved charity with limited and opaque funding to negotiate their eventual return. Otherwise, terrorists might try to press their luck with governments when hostages prove unable to raise a satisfactory ransom. This system is already practised in Somalia, where the ‘lost mariners’ – the sad legacy of Somali piracy – are slowly being released for small ransoms thanks to the efforts of a humanitarian mercy mission.¹⁷ This has shown that kidnappers keep hostages alive for years even if all they can eventually expect is a reimbursement of ‘expenses’. This business model is not an attractive source of terrorist finance, as keeping hostages fed and guarded comes at considerable expense for their captors.¹⁸ Unlike the present situation where criminals pass hostages on to terrorists, under this regime, terrorists will no longer command an absolute advantage when negotiating ransoms. Thus, criminal hostage-takers would consider negotiating the release of the abductees directly rather than passing them on to terrorist groups.

16. Such as the case of the Italian aid workers in Syria. See Stephanie Kirchgaessner, ‘Two Italian Aid Workers Freed in Syria after Multimillion-Dollar Ransom Paid’, *The Guardian*, 15 January 2015.

17. Colin Freeman, ‘British-Led Mercy Mission Frees Sailors Held Hostage by Somali Pirates for Nearly Five Years’, *The Telegraph*, 22 October 2016.

18. See James Harkin, *Hunting Season: James Foley, ISIS, and the Kidnapping Campaign That Started a War* (New York, NY: Hachette, 2015), p. 15.

By bringing ransoms out of the illegal realm, payments to terrorists could be monitored and information on expected ransoms and terrorist tactics shared between the approved negotiators. Police would obtain additional intelligence enabling them to 'follow the money'. The more centralised the formal regime, the greater the scope for international collaboration on law enforcement. Anyone caught making unauthorised payments should be prosecuted and face a fine proportional to the ransom payment – perhaps by a central authority rather than their own government.

Given the private sector's considerable expertise in preventing and resolving hostage crises through relatively minor financial concessions, a public-private partnership would deliver relatively quick results. If governments are willing to spend the money they would otherwise spend on ransoms and negotiations on high-quality services, Scenario 3 would deliver the same benefits as Scenario 2. However, governments would be in the driving seat and the international community would be able to monitor kidnap developments and ransom flows.

The final question is how to sanction governments that have signed up to the UN regime, but decide to intervene directly on behalf of their citizens when it seems politically opportune to do so. One option might be to institute a system of punitive fines proportional to the ransoms paid. If this money was paid into a fund to compensate the victims of subsequent terrorist attacks, it would send a clear signal about how terrorists spend ransoms and undermine public support for government intervention. Disbursements could be highly public, creating a powerful counternarrative to media-led 'save-our-hostage' campaigns. Jeffrey W Howard argues that states that insist on paying ransoms and thereby funding evil should at least try to mitigate the effects of doing so.¹⁹

19. Howard, 'Kidnapped: The Ethics of Paying Ransoms'.

IV. Discussion

EACH OF THE three scenarios discussed improves on the status quo in that terrorist funding from ransoming hostages would likely be significantly reduced. By making hostages less attractive as a funding source, kidnapping would be reduced in the medium term. The three scenarios differ because the latter two facilitate the payment of limited ransoms to preserve life. Below is a short summary.

Scenario 1

A complete ban on making concessions of any form to terrorists.

This would be the end of kidnapping as a terrorist financing strategy. However, a ban on ransoms does not end kidnapping for political purposes – and every country's resolve to abide by the ban will occasionally be cruelly tested by terrorists. The authors argue that any consensus excluding some countries or creating 'special cases', or one that cannot be monitored and enforced, is likely to be counterproductive. It is therefore essential that if a ban strategy is adopted, the signatories' commitments are bolstered by strong monitoring and enforcement institutions. Otherwise, it will be impossible to signal a clear policy change from the previous half-hearted commitments.

Creating the consensus for an enforceable ban would benefit from clear evidence linking ransoms to terrorist attacks in concessionaires. Unless public opinion decidedly shifts against funding terrorists through ransom payments, the media will continue to campaign on behalf of the victims' families, encouraging terrorists to maltreat hostages and broadcast their plight to ratchet up public pressure. The full implementation of the current regime probably requires the leadership of a highly credible, impartial and convincing international champion. It requires an open and honest discussion of the opaque motivations of those countries that do not adhere to the UN-mandated ransom bans. If their reservations cannot be overcome, then any new public affirmation of the existing principle is at best worthless and at worst counterproductive.

Scenario 2

Decriminalising private ransom payments and allowing at-risk populations to obtain insurance on a confidential basis.

This does not resolve the moral problem of paying organisations that are likely to use ransoms to attack and terrorise others. However, it will quickly and completely remove cash-rich, impatient governments from ransom negotiations and thereby significantly reduce the benefits of hostage-taking for terrorists. With private resolutions, ransoms would be lower (especially if counterterrorism laws remain in place for banks, thus excluding loan funding, and if

crowdsourcing or philanthropic funding is likewise criminalised) and political concessions would be avoided. Scenario 2 offers concessionaires an immediate, credible exit strategy from paying ransoms, without demanding unnecessary sacrifices from their citizens: the private sector's track record for retrieving hostages is outstanding. The Obama administration's suggestion that families would not be prosecuted for trying to ransom loved ones indicates that some politicians would prefer to privatise the hostage problem.¹ But privatising the hostage trade without letting citizens access the risk-mitigation and crisis response services developed by insurers puts lives at risk and may result in higher than necessary ransoms. Scenario 2, therefore, envisages that private insurers replace the public insurance that now automatically covers citizens of concessionaires. This will level the playing field among nations and reduce the number of targets and value of hostages for terrorists. On the negative side, a fully private and insurable solution would 'normalise' financial transactions with terrorists, contrary to current international law. Governments would leave the private sector to shape the terms of engagement with terrorist hostage-takers. On the other hand, any concessions could be closely monitored by governments. Ransom payments could become a useful intelligence tool to degrade terrorist networks.

Scenario 3

Governments would withdraw from negotiating on behalf of their citizens, but retain control over the rules of engagement with the worst terrorist groups.

Governments would ensure that potential victims get the best advice to prevent kidnappings in the first place and that hostage stakeholders settle for the lowest possible ransoms. Scenario 3 requires significant institution-building and financing, which would signal commitment to the new regime. In return, terrorist ransoms would be reduced, political pressure for government intervention would be minimised and multi-issue bargaining avoided. The regime can rely on existing private sector solutions and expertise. Its effectiveness will depend on experts competing for government contracts and providing funding to ensure the best quality private sector service is available. Scenario 3 provides some flexibility for governments to step in for special cases; but they would do so in the knowledge that they will also pay a fine to compensate the future victims of terrorism.

We see Scenario 3 as a potential stepping stone towards Scenario 1. It will emphasise citizens' responsibility for their own security, without giving the impression that their governments do not care. The enforcement mechanism will enhance public awareness of the link between terrorist ransoms and atrocities. Ultimately, this may create public pressure for a strict and comprehensive ban.

1. The White House, Office of the Press Secretary, 'Statement by the President on the U.S. Government's Hostage Policy Review', 24 June 2015, <<https://obamawhitehouse.archives.gov/the-press-office/2015/06/24/statement-president-us-governments-hostage-policy-review>>, accessed 26 June 2017.

Conclusions

THIS PAPER HAS explored how states, faced with the kidnapping of their nationals by terrorist groups, can 'close the gap' between their concessionary actions and international commitments under UN Security Council Resolutions and other agreements, such as those decided at the 2016 Japan G7 and 2013 Lough Erne G8 meetings. While several recent papers assessed the (often anecdotal and limited) evidence related to terrorist KfR, little new policy thinking has been developed to address this troubling issue. In theory, UN member states consider a universal, complete and fully credible ban to be the best response to terrorist KfR. However, current practice is far removed from this ideal. A formal ban, ignored by most UN member states, is detrimental to expatriates of both concessionaires and non-concessionaires. It undermines the UN's credibility, has led to rampant ransom inflation and fosters dishonesty and distrust between allies. Opaque and excessive payments to terrorists heighten security risks for all citizens. The policy question is therefore how one can improve on the status quo while minimising the political and human cost of doing so.

The authors argue that a new approach is needed to close the gap between those who uphold their obligation not to pay ransoms to terrorists and those who do not. There is no denying the fundamental differences between national priorities in terrorist-related hostage situations. Citizens of states such as the US, Canada and the UK, which mostly adhere to their international commitments, are often killed by their terrorist hostage-takers, while citizens from more accommodating states tend to survive. The current system is therefore applied with little conviction by many countries whose actions diverge damagingly from internationally agreed commitments. Until this is understood and appreciated, approaches to terrorist-related hostage-taking will remain polarised.

Concessionaires are not proud of paying multimillion dollar ransoms to proscribed organisations, but find it politically impossible to deny their citizens a right to life. This paper has outlined three possible alternative scenarios to the current system. Each would improve on the status quo – but consensus-building is required to design a system that can be genuinely supported by all states. A country that is perceived as independent yet experienced in dealing with KfR could usefully act as a champion for policy change. The first step would be to engage in open and honest conversations with both concessionaire and non-concessionaire governments to draw together a clear understanding of differing national perspectives. In 2013, in considering human rights issues related to terrorist hostage-taking and the payment of ransoms, the UN's Human Rights Council Advisory Committee recommended that '[S]tates engage in an open and result-oriented discussion

on how to tackle this challenging issue'.¹ The debate should also be informed by the considerable experience and availability of data in the private sector. Considering the recent rise in terrorist attacks in Europe, the authors believe that it is time to openly debate workable solutions to this policy problem. The suggestions developed in this paper show that there are multiple options for improving on the status quo.

1. UN General Assembly, 'Human Rights and Issues Related to Terrorist Hostage-Taking: Report of the Human Rights Council Advisory Committee', 4 July 2013, A/HRC/24/47, p. 21.

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