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# Allied Pressure: Enforcing International Obligations Forbidding the Payment of Ransoms for Kidnapped Western Nationals

Andrew R. Schindler

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# Allied Pressure: Enforcing International Obligations Forbidding the Payment of Ransoms for Kidnapped Western Nationals

By: Andrew R. Schindler\*

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## I. INTRODUCTION

The United States maintains a stern policy when it comes to the payment of ransom for U.S. citizens who have been kidnapped: no concessions.<sup>1</sup> The policies of the United States government denies hostage-takers the benefit of obtaining ransom, prisoner releases and exchanges, policy changes, or other governmental concessions.<sup>2</sup>

Terrorist organizations maintain a ubiquitous presence in the Middle East, Africa, Asia, and South America.<sup>3</sup> The Middle East is the epicenter of the world's most powerful and relentless terrorist organizations that abide by no rules and recognize no boundaries in their ruthless pursuit to instill fear and assert their dominance in the regions they occupy. Aspirations of the magnitude<sup>4</sup> possessed by such groups do not come easy or cheap;<sup>5</sup> they materialize by way of violence, extortion, and sheer brutal force.<sup>6</sup> Significantly, the actions necessary to bring these plans to fruition require substantial financial resources.<sup>7</sup>

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<sup>1</sup> Press Release, Richard Boucher, U.S. Department of State, International Terrorism: American Hostages (Feb. 20, 2002), <http://www.state.gov/r/pa/prs/ps/2002/8190.html>.

<sup>2</sup> *Id.*

<sup>3</sup> *Organised Maritime Piracy and Related Kidnapping for Ransom*, at 27 ¶ 64, FATF Report (July 2011) [hereinafter *FATF KFR Report*]. “The Financial Action Task Force (FATF) interdependent inter-governmental body that develops and promotes policies to protect the global financial system against money laundering and terrorist financing.”

<sup>4</sup> Eric Schmitt and David D. Kirkpatrick, *Islamic State Sprouting Limbs Beyond its Base*, N.Y. Times, February 14, 2015, [http://www.nytimes.com/2015/02/15/world/middleeast/islamic-state-sprouting-limbs-beyond-mideast.html?hp&action=click&pgtype=Homepage&module=first-column-region&region=top-news&WT.nav=top-news&\\_r=0](http://www.nytimes.com/2015/02/15/world/middleeast/islamic-state-sprouting-limbs-beyond-mideast.html?hp&action=click&pgtype=Homepage&module=first-column-region&region=top-news&WT.nav=top-news&_r=0).

<sup>5</sup> Tony Capaccio, *Pentagon Says Islamic Fight Costs \$ 7.6 Million/Day*, Bloomberg, October 10, 2014, <http://www.bloomberg.com/news/2014-10-10/pentagon-says-islamic-state-fight-costs-7-6-million-day.html>. Pentagon officials estimate the top end of the estimate to be \$ 10 million daily, bringing the total cost to \$ 425 million from August 2, 2014 to October 2, 2014.

<sup>6</sup> See e.g., *Jordan pilot hostage Moaz al-Kasasbeh ‘burned alive,’* BBC, February 3, 2015, <http://www.bbc.com/news/world-middle-east-31121160>

<sup>7</sup> Capaccio, *supra* note 6. *But see* David S. Cohen, Remarks at the Center for a New American Security: Confronting New Threats in Terrorist Financing (March 4, 2014), <http://www.treasury.gov/press-center/press-releases/Pages/jl2308.aspx>. Although many regional operations require substantial funding, smaller and more isolated individual

Many terrorist organizations receive significant sums of money from interested donors; others engage in criminal activities such as illegal merchandising and narcotics trafficking.<sup>8</sup> But amongst the most-publicized and widely condemned financing methods utilized by Middle Eastern terrorist groups is the abduction and the extortion of Western citizens in order to gain political concessions<sup>9</sup> or ransom payments in exchange for their safe release.<sup>10</sup>

The devastating capabilities of terrorist organizations' lean operating models are compounded by the growing trend of multimillion dollar ransom payments.<sup>11</sup> The September 11, 2001 terror attack on the World Trade Centers that took the lives of 2,973 innocent civilians required \$500,000 to coordinate the operation; an amount that one ransom payment covers many times over.<sup>12</sup> The payment of ransoms compared to other revenue-generating activities is becoming a primary source for many terrorist organizations for the obvious reason that "they make far more revenue than it costs to execute."<sup>13</sup> Since the beginning of 2014, the Islamic State in Iraq and Levant, or "ISIL," has generated over \$20 million in revenue from hostage ransom payments.<sup>14</sup> Smaller groups such as Al-Qaeda in the Land of the Islamic Magrheb ("AQIM") "have been estimated to have collected at least \$65 million in ransom payments since 2005."<sup>15</sup>

Thus the question becomes, who is paying these exorbitant sums directly to terrorist organizations? That inquiry is not one so easily answered.<sup>16</sup> Under various United Nations Security Resolutions, all Member States are unequivocally forbidden to, directly or indirectly,

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attacks can cost as little as \$4,200 to bomb certain strategic targets, e.g., a UPS plane. The Boston Marathon bombings, for example, required a mere \$500 to carry out.

<sup>8</sup> See Christopher C. Harmon, *Terrorism Today* 73-75 (2d ed. 2008) [hereinafter *Terrorism Today*].

<sup>9</sup> See e.g., FATF KFR Report, *supra* note 4, at 25 ¶ 59.

<sup>10</sup> Press Release, Foreign & Commonwealth Office, UK welcomes UN Resolution on Terrorist Kidnap for Ransom (January 27, 2014), <https://www.gov.uk/government/news/uk-welcomes-un-resolution-on-terrorist-kidnap-for-ransom> [hereinafter *UK Resolution on Terrorist KFR*].

<sup>11</sup> FATF KFR Report, *supra* note 4, at 31 ¶ 75.

<sup>12</sup> The National Commission on Terrorist Attacks, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* 169 (W.W. Norton & Company 2004), <http://www.9-11commission.gov/report/911Report.pdf>.

<sup>13</sup> *Terrorism Today*, *supra* note 9, at 75.

<sup>14</sup> Press Release, The White House, Office of the Secretary of the Press Josh Earnest (October 23, 2014), <http://www.whitehouse.gov/the-press-office/2014/10/23/press-briefing-press-secretary-josh-earnest-10232014>.

<sup>15</sup> FATF KFR Report, *supra* note 4, at 26 ¶ 60.

<sup>16</sup> See *id.* at ¶ 61.

make ransom payments.<sup>17</sup> As leaders of the adoption of the pertinent resolutions,<sup>18</sup> the United States and the United Kingdom firmly maintain a “no-concessions” policy and have staunchly refused to make ransom payments or political concessions.<sup>19</sup> However, other countries, such as France, Italy, Spain, and Germany, have reportedly paid ransoms estimated to total \$120 million over the last decade,<sup>20</sup> although they deny having ever done so.<sup>21</sup> The proceeds are allocated to conduct vital operations such as paying salaries to jihadists, bribing local governmental officials,<sup>22</sup> conducting training, procuring weapons, recruiting efforts, distributing propaganda, and providing financial support to affiliate branches of like-minded jihadi terrorist groups.<sup>23</sup>

This Note discusses methods and techniques utilized by various organization to obtain the funds necessary for their ongoing operations. Additionally, this note emphasizes the impact and ramifications of ongoing violations of the UN Security Council Resolutions forbidding the payment of ransoms to terrorist organizations by European countries and suggests a resolution to foreclose a substantial source of terrorist financing by rallying the international community to publicly condemn and bring to a halt violations of those Resolutions that forbid such payments from being made.

## II. THE RISE OF KIDNAPPING FOR RANSOM AND POLITICAL CONCESSIONS

Kidnapping for Ransom (“KFR”) is not a particularly sophisticated nor innovative technique. In fact, examples of KFR date back to biblical times.<sup>24</sup> Although kidnapping in and of itself is a well-rooted historical practice, it has taken a new dimension in the past 15 years - extremist

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<sup>17</sup> See e.g., S.C. Res. 1904, P2, U.N. Doc. S/RES/1904 (Dec. 17, 2009).

<sup>18</sup> Section IV, *infra*.

<sup>19</sup> Rukmini Callimachi, *Before Killing James Foley, ISIS Demanded Ransom from U.S.*, N.Y. Times, August 20, 2014, [http://www.nytimes.com/2014/08/21/world/middleeast/isis-pressed-for-ransom-before-killing-james-foley.html?\\_r=0](http://www.nytimes.com/2014/08/21/world/middleeast/isis-pressed-for-ransom-before-killing-james-foley.html?_r=0).

<sup>20</sup> David S. Cohen, Remarks at Chatham House: Kidnapping for Ransom: The Growing Terrorist Financing Challenge (October 6, 2012), <http://www.treasury.gov/press-center/press-releases/Pages/tg1726.aspx> [hereinafter *Chatham House Press Release*].

<sup>21</sup> Rukmini Callimachi, *Paying Ransoms, Europe Bankrolls Qaeda Terror*, N.Y. Times, July 29, 2014, <http://www.nytimes.com/2014/07/30/world/africa/ransoming-citizens-europe-becomes-Al-Qaedas-patron.html> [hereinafter *Bankrolling Qaeda Terror*].

<sup>22</sup> FATF KFR Report, *supra* note 4, at 26 ¶ 59.

<sup>23</sup> Jimmy Gurule, *Unfunding Terror: The Legal Response to the Financing of Global Terrorism 3* (2008) [hereinafter *Unfunding Terror*].

<sup>24</sup> *Exodus 21:16; see also Deuteronomy 24:7.*

jihadi groups and the countries that pay ransoms have created a market for Western nationals in their pursuit to profit by KFR.<sup>25</sup>

In 2003, \$200,000 was the average amount sought for the release of kidnapped Western nationals.<sup>26</sup> Now, the amount sought, and paid, can reach up to \$10 million for a single hostage.<sup>27</sup> From 2010 to 2011 alone, there was a 20% increase in the price that hostage-takers could obtain for their organizations.<sup>28</sup> This trend is far-reaching. In a 2010 incident, AQIM demanded €70 million for the release of four French citizens that were taken hostage in Niger.<sup>29</sup> AQIM's annual budget is estimated to be €15 million,<sup>30</sup> a ransom payment amounting to a fraction of the amounts typically demanded is enough to fund their activities for a period of time extending far in the future.<sup>31</sup> The payment of such ransoms also have undoubtedly contributed to ISIL's unprecedented \$200 million dollar demand for the release of two Japanese hostages.<sup>32</sup>

In a 2012 letter to an Al-Qaeda affiliate, Bin Laden's former secretary wrote that spoils from ransom accounted for over half of his budget.<sup>33</sup> And groups such as Al-Qaeda in the Arabian Peninsula ("AQAP") derive almost their entire budget from KFR.<sup>34</sup> In one specific instance, a \$10 million ransom was paid to the Taliban in Afghanistan for the release of 21 hostages.<sup>35</sup> The spoils were declared a "God-sent opportunity" by a Taliban leader who further claimed that prior to Operation Nusrat—which led to the death of four British soldiers—the group "hardly had any funds to carry out such a major offence" but "[t]hanks to the ransom payments, however, the operation proceeded

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<sup>25</sup> Chatham House Press Release, *supra* note 21. The Press Release notes that KFR has now become one of the most important sources of income for terrorist organizations as state sponsorship is on the decline. Groups such as AQIM sometimes coordinate with local criminals to take foreign nationals and demand their governments pay huge ransoms or make other political concessions for their release, thereby making it more difficult to determine who is ultimately responsible for the physical perpetration of the abductions.

<sup>26</sup> Bankrolling Qaeda Terror, *supra* note 22.

<sup>27</sup> *Id.*

<sup>28</sup> See Chatham House Press Release, *supra* note 21.

<sup>29</sup> *Id.*

<sup>30</sup> FATF KFR Report, *supra* note 4, at 28 ¶ 65.

<sup>31</sup> See *e.g.*, *Id.*

<sup>32</sup> Heather Saul, *Isis Threatens to Kill Two Japanese Hostages Unless Government Pays \$200 Million Ransom*, The Independent, January 20, 2015, <http://www.independent.co.uk/news/world/middle-east/isis-threatens-to-kill-two-japanese-hostages-unless-government-pays-200m-ransom-9989256.html>.

<sup>33</sup> Bankrolling Qaeda Terror, *supra* note 22.

<sup>34</sup> See Chatham House Press Release, *supra* note 21.

<sup>35</sup> Massoud Ansari, *Taliban Use Hostage to Fund UK Blitz*, The Telegraph, October 15, 2007, <http://www.telegraph.co.uk/news/worldnews/1566163/Taliban-use-hostage-cash-to-fund-UK-blitz.html?mobile=basic> [hereinafter *Ransom Payments Fund UK Blitz*].

with full vigor.”<sup>36</sup> The Taliban leader also stated that the ransom provided the group with enough financial resources to wage a war for another year.<sup>37</sup> Other extremist groups relying on KFR as a primary financing mechanism include al-Shabaab, Boko Haram, and Ansaru.<sup>38</sup>

### III. OPERATING CHARACTERISTICS OF MODERN TERRORIST ORGANIZATIONS

Beginning with the 1990’s and through the turn of the millennium, technological advancements were the impetus for globalization and instantaneous connectivity for terrorist organizations. Satellite communication, the internet, social media, and media hosting services have provided terrorist organizations the opportunity to develop their propaganda campaigns and recruitment efforts in an elaborate and cost-effective manner.<sup>39</sup> As KFR becomes a growing means of funding the half of the battle taking place in the battlefield of the media,<sup>40</sup> countries that pay substantial ransoms are perpetuating the terrorist machine.<sup>41</sup> ISIL and its affiliates reportedly produce over 90,000 tweets<sup>42</sup> a day, causing global leaders to undertake a new global effort to stymie the group’s media clout, a task that has proven challenging to global leaders.<sup>43</sup> The expansive online presence has attracted the attention of not only regional, but global jihadists who sympathize with ISIL in the virtual and physical realm.<sup>44</sup>

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> David S. Cohen, Remarks at the Center for a New American Security: Confronting New Threats in Terrorist Financing (March 4, 2014), <http://www.treasury.gov/press-center/press-releases/Pages/jl2308.aspx> [hereinafter *New American Security Press Release*].

<sup>39</sup> *Unfunding Terror*, *supra* note 24, at 25.

<sup>40</sup> *Id.* As-Sahab, the media branch of Al-Qaeda is charged with the production and release of graphic recruitment and propaganda videos of beheadings, suicide bombings, and other terrorist attacks.

<sup>41</sup> *Id.* at 21.

<sup>42</sup> Dictionary.com, <http://dictionary.reference.com/browse/tweet>. “Tweet” is defined as “a very short message posted on the Twitter website: the message may include text, keywords, mentions of specific users, links to websites, and links to images or videos on a website.”

<sup>43</sup> Eric Schmitt, *U.S Intensifies Effort to Blunt ISIS’ Message*, N.Y. Times, February 16, 2015, [http://www.nytimes.com/2015/02/17/world/middleeast/us-intensifies-effort-to-blunt-isis-message.html?\\_r=0](http://www.nytimes.com/2015/02/17/world/middleeast/us-intensifies-effort-to-blunt-isis-message.html?_r=0) [hereinafter *ISIS’ Twitter Message*].

<sup>44</sup> *Id.*

*A. Advancements in technology reduce risks for terrorist entities negotiating for ransom*

Despite the fact that almost every banking institution maintains non-physical means for transferring money,<sup>45</sup> additional international efforts in hindering the use of financial systems<sup>46</sup> to transfer funds to terrorist organizations have substantially frustrated terrorist groups' efforts in utilizing banking services to obtain proceeds gained from KFR.<sup>47</sup> Given these restrictions, ideally, terrorist organizations are left with the risky maneuver of making hand-to-hand cash tradeoffs that can result in their capture.<sup>48</sup> However, one 2011 KFR scenario recounted by a released hostage details the efficient and sophisticated techniques utilized by terrorist organizations in order to obtain their ransom payments while eluding the inherent dangers of a physical cash deal.<sup>49</sup> An Italian tourist, Mariasandra Mariana, was abducted by Al-Qaeda, and while negotiating with the Italian government, her captors drove for days on "what appeared to be a well delineated route" littered with hidden gas cans and spare tires that were pinpointed on a GPS.<sup>50</sup> Infrequent satellite phone calls were made to the Italian government during her 14-month captivity and Mariana was forced to record video messages showing her surrounded by armed captors.<sup>51</sup>

ISIS recently released a video using "a relatively sophisticated surveillance drone" to coordinate its military activities.<sup>52</sup> Some

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<sup>45</sup> S.C. Resolution 1373, U.N. Doc. S/RES/1373 (September 28, 2001). Resolution 1373 was adopted for the purpose of establishing the FATF and the creating criteria and procedures necessary to freeze the assets identified as belonging to terrorist organizations.

<sup>46</sup> *But see*, FATF KFR Report, *supra* note 4, at 33 ¶ 83. The FATF report discloses the use of formal financial institutions in at least some KFR cases. The intentional use of such institutions is utilized as a means of tracing the remittances so as to gain a better understanding of who, and how, the money is ultimately infused into terrorist organization's operations.

<sup>47</sup> S.C. Resolution 1373, U.N. Doc. S/RES/1373 (September 28, 2001).

<sup>48</sup> *See* FATF KFR Report, *supra* note 4, at 33 ¶ 87.

<sup>49</sup> Bankrolling Qaeda Terror, *supra* note 22.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* 11 former hostages have confirmed the employment of similar tactics in Algeria, Mali, Niger, Syria and Yemen. The video messages were distributed online and in the media and resulted in rallies across Europe for the release of Mariana and two other Spanish hostages. It was reported that the demand for her release was \$ 8 million- \$10 million USD. This figure is nearly double than the reported average in the Chatham House Press Release, *supra* note 21.

<sup>52</sup> Peter Bergen and Emily Schneider, *Now ISIS has drones?*, CNN, August 25, 2014, <http://edition.cnn.com/2014/08/24/opinion/bergen-schneider-drones-isis/>. ISIS is not a first to utilize drone technology, Israel shot down a Hamas-piloted drone- one which possesses armed capabilities.

organizations, such as Hamas, possess drones that cost as much as \$200,000 that are utilized for surveillance and attack purposes.<sup>53</sup> The rapid proliferation of affordable mobile surveillance and communication techniques illuminates the efficiency every dollar terrorist organizations obtain is used in furtherance of its extremist manifesto to instill fear and oppress those who do not accept their views.<sup>54</sup>

*B. Media: Compounding public pressure and affordable recruiting*

Prior to the turn of the 21st century, grassroots terrorist organizations were limited in their influence and spreading of propaganda to leafletting and local media efforts such as radio, television, and newspapers.<sup>55</sup> However, the explosive growth of the internet, and more specifically, mobile internet access, has fueled ISIL's attack on Western values and has placed immense pressure on the U.S. and U.K.'s "no concessions" policies.<sup>56</sup> Although the media is a two-way street that can be utilized by both the hostage-takers and governmental authorities, the reactionary nature of the latter often fails to diminish the harm caused by the former.<sup>57</sup>

In addition to serving as a platform to increase public pressure on countries that make no concessions, the internet has been an extremely cost-effective way to recruit combatants<sup>58</sup> and spread public awareness of their purpose.<sup>59</sup> ISIS has taken its jihad online by establishing dozens of Twitter accounts<sup>60</sup> and posting YouTube videos in seven languages; when one account gets suspended by officials, a dozen more appear in its place.<sup>61</sup> Many experts are of the belief that the appeal of the extremist Islamist movement in the Middle East will continue to grow because of

<sup>53</sup> *Id.*

<sup>54</sup> Marc Rogers, *The Psychology of Cyber-Terrorism* 80-81 (Andrew Silke ed., Terrorists, Victims, and Society 2003) (2003).

<sup>55</sup> Terrorism Today, *supra* note 9, at 47-8. Newspapers, leafletting, and radio were the most commonly resorted to techniques for distributing propaganda. However, the ubiquity of the internet related media outlets has supplanted—although not replaced—the aforementioned sources.

<sup>56</sup> Brian Knowlton, *Digital War Takes Shape on Websites Over ISIS*, N.Y. Times, September 26, 2014, <http://www.nytimes.com/2014/09/27/world/middleeast/us-vividly-rebuts-isis-propaganda-on-arab-social-media.html>.

<sup>57</sup> Linda N. Deitch, Comment, *Breaking News: Proposing A Pooling Requirement for Media Coverage of Live Hostage Situations*, 47 UCLA L. Rev. 243, 255 (1999)

<sup>58</sup> Scott Shane & Ben Hubbard, *ISIS Displaying a Deft Command of Varied Media*, N.Y. Times, August 30, 2014, <http://www.nytimes.com/2014/08/31/world/middleeast/isis-displaying-a-deft-command-of-varied-media.html>.

<sup>59</sup> FATF KFR Report, *supra* note 4, at 28 ¶ 65.

<sup>60</sup> See ISIS' Twitter Message, *supra* note 44.

<sup>61</sup> *Id.*

its popular appeal to the economically impoverished regions where ISIL and other extremist groups target their recruitment efforts.<sup>62</sup> “The availability of online materials affords extremist groups, such as Al Qaida and its affiliates, greater access than ever before to vulnerable individuals in country [sic] and provides a wide reaching platform for their extremist messages.”<sup>63</sup> The group’s online recruitment efforts have not bolstered their numbers to an estimated 31,500 fighters<sup>64</sup> including over 200 Americans.

#### IV. COMBATting HOSTAGE TAKING GROUPS: THE RESPONSE OF PAYMENT OR THE RESPONSE OF FORCE

##### A. *The U.S and the U.K. ’s role as countries that pay with force*

“No-concessions” does not mean “no-help.”<sup>65</sup> The U.S. and the U.K. defy those terrorist organizations that seek to disgrace those countries that firmly maintain “no-concessions” policies by forcing captives to denounce their governments for their policies in rejecting to negotiate for their release.<sup>66</sup> In fact, both countries invest millions of dollars and risk the lives of special operatives by conducting Special Forces rescue missions.<sup>67</sup>

Despite the staunchly-honored no concessions policy, ISIL demanded a \$132 million ransom payment for the release of American hostage James Foley.<sup>68</sup> The ransom was not paid and Foley’s demise was a direct result of the fact.<sup>69</sup> Notwithstanding the tragic outcome, there is

<sup>62</sup> Jae-myong Koh, *Suppressing Terrorism Financing and Money Laundering* 7 (2006).

<sup>63</sup> Press Release, *Using International Partnerships To Tackle The Threat Of Global Terrorism*, James Brokenshire’s Special Address (June 25, 2013), <https://www.gov.uk/government/speeches/using-international-partnerships-to-tackle-the-threat-of-global-terrorism>.

<sup>64</sup> Lucy Westscott, *CIA Report ISIS Has Up to 31,500 Fighters*, *Newsweek*, September 12, 2014, <http://www.newsweek.com/cia-reports-isis-has-31500-fighters-270122>. CIA Spokesman Ryan Trapani stated that the new total, up from the previous 10,000 estimate, is due to stronger recruitment efforts following a bout of publicized battlefield success. The propaganda is primarily targeting young individuals across the U.S., the European Union, and the Middle East.

<sup>65</sup> Bankrolling Qaeda Terror, *supra* note 22.

<sup>66</sup> *Id.*

<sup>67</sup> David S. Cohen, Remarks Under Secretary for Terrorism and Financial Intelligence at The Carnegie Endowment For International Peace, *Attacking ISIL’s Financial Foundation* (October 23, 2014), <http://www.treasury.gov/press-center/press-releases/Pages/jl2672.aspx> [hereinafter *Carnegie Press Release*].

<sup>68</sup> Callimachi, *supra* note 20.

<sup>69</sup> *Id.*

evidence that remaining faithful to the “no-concessions” policy has directly resulted in a drastic decrease in the number of U.S. and U.K. citizens that are targets of KFR orientated organizations.<sup>70</sup> British and American officials have repeatedly and steadfastly asserted that their no-concessions policies play a major role in preventing British and American citizens from being targeted as victims for the exchange of ransom.<sup>71</sup>

*B. Europe’s role as countries that pay*

“[K]idnapping for ransom has become today’s most significant source of terrorist financing because it has proven itself a frighteningly successful tactic.”<sup>72</sup> This is largely due to the successful international effort to deprive jihadi militants of the benefits derived from more “traditional” sources of revenue, such as drug sales and illegal trading.<sup>73</sup> Despite this inescapable fact learned from past experience, European countries have made ransom payments for the release of their nationals on more than one occasion, and deny ever having done so.<sup>74</sup> The FATF’s investigative report has revealed, in fact, that many European countries have so systemically adopted the practice of paying ransoms that they have allocated a portion of their annual budget to such matters.<sup>75</sup> The payment of such ransoms are difficult, if not impossible, to trace because they are often conducted on a solely cash basis<sup>76</sup> and the governments of paying countries disguise the payments as being used for “humanitarian aid” purposes.<sup>77</sup> As discussed below, the effect of these disguised payments shrouds the paying countries with a veil of impunity as they accede to terrorist demands for the payment of ransom in exchange for their capture citizens.<sup>78</sup>

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<sup>70</sup> Chatham House Press Release, *supra* note 21.

<sup>71</sup> *Id.*

<sup>72</sup> Carnegie Press Release, *supra* note 68.

<sup>73</sup> FATF KFR Report, *supra* note 4, at 46 Annex Case Study #2.

<sup>74</sup> Carol Hills, *They’ll Never Admit it, but Many Countries Pay Ransoms to Get Their Hostages Back*, Public Radio International, <http://www.pri.org/stories/2014-08-21/theyll-never-admit-it-many-countries-pay-ransoms-get-their-hostages-back>.

<sup>75</sup> FATF KFR Report, *supra* note 4, at 35 ¶ 89; *see also* New American Security Press Release, *supra* note 39.

<sup>76</sup> FATF KFR Report, *supra* note 4, at 33 ¶ 87.

<sup>77</sup> Bankrolling Qaeda Terror, *supra* note 21. The same year that some Swiss hostages were released, Swiss lawmakers voted on a national budget with an increased line for humanitarian aid to Mali. The concealment of the payments in this way masks the transactions from the international arena, permitting the countries to maintain their payment policies with impunity.

<sup>78</sup> *See infra* sec. V.

V. LEGAL AND PUBLIC POLICY ISSUES SURROUNDING THE  
PAYMENT OF RANSOM TO TERRORIST GROUPS

A. *International Response to Taking of Hostages*

In response to the Iranian Hostage Crisis,<sup>79</sup> the United Nations (“U.N.”) enacted the International Convention against the Taking of Hostages.<sup>80</sup> The Convention classifies KFR as not merely a “predicate offense to terrorism-related crimes, but is itself a type of terrorism.”<sup>81</sup> The Convention laid down the framework for the international community to establish offensive measures in combatting hostage-taking by codifying anti-KFR laws in various cooperating countries across the globe that cooperate in the prevention of hostage-takings.<sup>82</sup> Following the adoption of the Convention, the U.N. Security Council took further subsequent remedial measures in an effort to thwart the growing trend of terrorist organizations utilizing KFR methods by adopting a plethora of Resolutions.<sup>83</sup> Significantly, the U.N. Security Council passed Resolutions 1904, 2133, and 2170 with the objective of combatting the payment of ransoms, making political concessions, or prisoner swaps in exchange for hostages.<sup>84</sup>

B. *United Nations Security Council Resolution 1904 (2009)*

After reiterating its “unequivocal condemnation” of Al-Qaeda’s “ongoing and multiple criminal terrorist acts,” the U.N. unanimously adopted Resolution 1904.<sup>85</sup> The council expressed concern over the increased number of KFR scenarios in the Middle East and Africa and permitted Member States to freeze the assets of organizations known to engage in KFR.<sup>86</sup> In doing so, the Council stressed that “terrorism can

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<sup>79</sup> Iranian Hostage Crisis Fast Facts, CNN Library, <http://www.cnn.com/2013/09/15/world/meast/iran-hostage-crisis-fast-facts/>. In 1979, 52 U.S. Citizens were held hostage for 444 days, prompting the adoption of the U.N. International Convention against the Taking of Hostages in the same year, *infra* note 81 and accompanying text.

<sup>80</sup> U.N. International Convention against the Taking of Hostages, Dec. 17, 1979, T.I.A.S. No. 11,081, 1316 U.N.T.S. 205. This was a direct response to the Iranian hostage crisis.

<sup>81</sup> Global Counterterrorism Forum, Algiers Memorandum on Good Practices Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists. <https://www.thegctf.org/documents/10162/36031/Algiers+Memorandum+on+Good+Practices+on+Preventing+and+Denying+the+Benefits+of+KFR+by+Terrorists-English>.

<sup>82</sup> U.N. International Convention against the Taking of Hostages, Dec. 17, 1979, T.I.A.S. No. 11,081, 1316 U.N.T.S. 205.

<sup>83</sup> *See generally, infra* notes 86-99.

<sup>84</sup> *See id.*

<sup>85</sup> S.C. Res. 1904, P2, U.N. Doc. S/RES/1904 (Dec. 17, 2009).

<sup>86</sup> *Id.*

only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States” to impede and impair the terrorist threat.<sup>87</sup>

Resolution 1904 expressly identifies the conveyance of ransom payments to individuals listed on the Security Council Resolution 1267 sanctions list<sup>88</sup> as an act that requires the assets of any person, entity, or state paying ransom to a terrorist organization to be frozen.<sup>89</sup> Therefore, under a plain reading of Resolution 1904, even a member state’s payment of a ransom to any terrorist groups, even for the release of their own nationals, requires an asset freeze because such a payment would be providing “financial assets or economic resources” to a terrorist organization.<sup>90</sup>

### C. *United Nations Security Resolution 2133 (2014)*

In the years following Resolution 1904, the Security Council expressed further concern over the “increase in incidents of kidnapping and hostage-taking committed by terrorist groups with the aim of raising funds, or gaining political concessions” and that “the payment of ransoms to terrorists fund future kidnappings and hostage-takings which creates more victims and perpetuates the problem.”<sup>91</sup> The Security Council further expressed its determination to secure the safe release of hostages *without* ransom payments or political concessions.<sup>92</sup> The mechanism by which the Resolution intends to achieve this objective is for “all Member States to cooperate closely during incidents of kidnapping and hostage-taking committed by terrorist groups” in order “to prevent terrorists from benefiting directly or indirectly from ransom

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<sup>87</sup> *Id.*

<sup>88</sup> S.C. Res. 1267, U.N. Doc. S/RES/1267 (Oct. 15, 1999). Resolution 1267 is a comprehensive resolution that has been utilized to serve as a list of terrorist organizations and entities, whether state or private, who provide material support to terrorist organization, and upon which sanctions have been imposed. The sanctions imposed by the 1267 list is further strengthened by subsequent Resolutions such as Resolution 1904. Any member is free to unilaterally add any state, person, or entity to the Consolidated List of sanctions.

<sup>89</sup> S.C. Res. 1904, P1(a), U.N. Doc. S/RES/1904 (Dec. 17, 2009)

<sup>90</sup> *Id.*

<sup>91</sup> S.C. Res. 2133, U.N. Doc. S/RES/2133 (January 27, 2014).

<sup>92</sup> *Id.* The Security Council also noted the strong condemnation of KFR by the much more expansive and encompassing Final Document of the sixteenth Summit of the Heads of State or Government of the Non-Aligned Movement. *See also* NAM 2012/Doc.1/Rev.2 (August 12-13, 2012), *available at*, <http://www.iranwatch.org/sites/default/files/nam-iransummitfinaldocument-083112.pdf>.

payments or from political concessions and to secure the safe release of hostages.”<sup>93</sup>

#### D. U.N. Resolution 2170 (2014)

In 2014, the Security Council adopted Resolution 2170<sup>94</sup> in response to the terrorist activities of ISIL. Essentially, the Resolution is an affirmation of Resolutions 1904 and 2133 and their condemnation of the payment of ransoms or political concessions in exchange for the release of hostages.<sup>95</sup> The council characterizes ISIL’s—and its affiliates’—”gross, systemic, and widespread abuse of human rights” by kidnapping civilians of specific nationality to raise funds in exchange for their release.<sup>96</sup> The Council also stressed that “terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, and international and regional organizations to impede, impair, isolate and incapacitate the terrorist threat.”<sup>97</sup> The Security Council’s repeated condemnation<sup>98</sup> of paying ransoms or making political concessions illuminates the repugnancy of the elaborate schemes European countries undertake to convey large cash payments to terrorist organizations.<sup>99</sup> Significantly, the Resolution reaffirms Resolution 1373 in that it “prohibit[s] their nationals or any persons and entities within their territories from making nay funds, financial assets or economic resources or financial or other related serves available” to any person or entity that has, or might, participate in acts of terrorism.<sup>100</sup> Furthermore, the resolution explicitly prohibits the payment of ransoms to any individual or group on the Al-Qaida Sanctions List<sup>101</sup> and calls for a freeze of the remitting parties assets, “regardless of how or by whom the ransom is paid.”<sup>102</sup> Yet, absent from every major resolution is a provision on how to deal with Member States that fail to live up to the binding obligations that Title VII of the U.N. Charter imposes on them to *not* make those payments.

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<sup>93</sup> S.C. Res. 2133, U.N. Doc. S/RES/2133 (January 27, 2014).

<sup>94</sup> S.C. Res. 2170, U.N. Doc. S/RES/2170 (August 15, 2014). Resolution 2170 was unanimously adopted and is binding on all Member States through Chapter VII of the United Nations Charter.

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> Bankrolling Qaeda Terror, *supra* note 22.

<sup>100</sup> S.C. Res. 2170, U.N. Doc. S/RES/2170 (August 15, 2014).

<sup>101</sup> S.C. Res. 1267, U.N. Doc. S/RES/1267 (Oct. 15, 1999).

<sup>102</sup> S.C. Res. 2170, U.N. Doc. S/RES/2170 (August 15, 2014).

## VI. ANALYSIS

*A. European countries have violated UN Security Resolutions and created a market for Western civilian hostages*

European countries' payments of substantial ransoms fuels and perpetuates the sustainability of the current models utilized by hostage-taking terrorist organizations<sup>103</sup> and has made their citizens into a profitable market.<sup>104</sup> The profits from the steady market they have created fund the organizations that threaten the national security of the US, Europe, as well as the military operatives engaged in the respective territories occupied by these groups.<sup>105</sup>

By European nations remitting cash for KFR payments,<sup>106</sup> the countries directly contravene the plain language of Resolution 1904 wherein it forbids the provision of "financial assets or economic resources."<sup>107</sup> In the context which the Resolution is oriented to address,<sup>108</sup> such payments would typically result in the payee's assets being frozen.<sup>109</sup> However, it poses a novel and unaddressed issue for U.N. Security Council leaders when allied countries such as France, Spain, Switzerland, Austria, and Italy are the states paying ransoms. Further, the lack of publicized tangible evidence<sup>110</sup> that the aforementioned countries are, in fact, making such payments further compounds the problems that arise from a lack of confrontation of the issue.

Although the aforementioned resolutions are not an express prohibition, but rather a recognition and encouragement by the Security Council that KFR payments are not to be made,<sup>111</sup> failure to abide by the Resolutions plain meaning renders them practically meaningless.<sup>112</sup> The ostensible prohibition against KFR having been historically undermined

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<sup>103</sup> FATF KFR Report, *supra* note 4, at 26 ¶ 59.

<sup>104</sup> New American Security Press Release, *supra* note 39.

<sup>105</sup> *See e.g.*, Ransom Payment Funds UK Blitz, *supra* note 36.

<sup>106</sup> Hills, *supra* note 75.

<sup>107</sup> S.C. Res. 1904, P2, U.N. Doc. S/RES/1904 (Dec. 17, 2009).

<sup>108</sup> *See e.g.*, Bureau of Counterterrorism Designated Foreign Terrorist Organizations, <http://www.state.gov/j/ct/rls/other/des/123085.htm>. Historically, violations of the Resolutions in this manner are committed by non-member terrorist sponsoring states such as Pakistan. In such a situation, assets of the donor would be frozen and that individual or entity would be added to the Resolution 1267 Sanction List.

<sup>109</sup> S.C. Res. 1267, U.N. Doc. S/RES/1267 (Oct. 15, 1999).

<sup>110</sup> Bankrolling Qaeda Terror, *supra* note 22.

<sup>111</sup> S.C. Res. 2133, U.N. Doc. S/RES/2133 (January 27, 2014).

<sup>112</sup> *See e.g.*, Bankrolling Qaeda Terror, *supra* note 22.

is evidenced by the repeated condemnation of not only the act of KFR, but the payments thereof.<sup>113</sup>

Similarly, the express objectives of Resolution 2133 are undercut by the secretive KFR remittances in that they flatly do not “secure the safe release of hostages without ransom payments or political concessions.”<sup>114</sup> Public denial and a purposeful lack of transparency surrounding such remittances is repugnant to the Resolution’s call for close cooperation and information sharing following a kidnapping incident and a ransom payment made as a result thereof.<sup>115</sup> In doing so, European countries are not taking measures “to counter terrorism [that] comply with their obligations under international law.”<sup>116</sup>

Resolution 2170’s affirmance<sup>117</sup> of Resolution 2133’s objective to foster international cooperation and a comprehensive international effort to impair the KFR financing mechanism, European countries continue to undermine Resolutions 1373, 1904, 2133, and 2170 by providing direct and indirect financial support to those terrorist organizations to which the ransom payments are made. Pursuant to the aforementioned Resolutions, among others, this would result in the paying countries becoming the subject of sanctions in the form of an asset freeze and placement on the Sanction List. However, the Resolution’s silence on the treatment of countries that are not terrorist sponsors but are responsible for the remittances at issue leaves unaddressed on how to impose actionable and forceful restrictions upon those parties that are paying ransoms in contravention to the policies outline and adopted by the Security Council.

### *B. Negotiating Payment of Ransom with Kidnappers Legitimizes their Power*

Acceding to the demands of terrorist organizations by engaging in negotiations for ransom or political concessions is a dangerous act in and of itself.<sup>118</sup> For a world power to negotiate and grant the demands of

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<sup>113</sup> S.C. Res. 1267, U.N. Doc. S/RES/1267 (Oct. 15, 1999).

<sup>114</sup> S.C. Res. 2133, U.N. Doc. S/RES/2133 (January 27, 2014).

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *See id.*

<sup>118</sup> *Hostage Negotiations With Terror Groups Like ISIS Raises Concerns*, CBS News, January 30, 2015, <http://www.cbsnews.com/news/hostage-negotiations-with-terror-groups-like-isis-raises-concerns>. ISIS has realized the hostages can be used as strategic pawns to not only add to their propaganda value, to give themselves more legitimacy -- you see them now negotiating with countries directly -- but also to create tensions in capitals of those countries that are engaged in the fight against ISIS itself.”

terrorist organizations legitimizes their presence as a political entity<sup>119</sup> and thereby solidifies their political agenda in the eyes of those located within their geographic region. “To make deals with such entities [is] to shame the legitimate power of elected state governments.”<sup>120</sup> A country’s very willingness to engage in any form of negotiations with a terrorist organization effectively establishes that their citizens are to be targeted as a way of gaining negotiating leverage for any and all reasons moving forward.

## VII. RESTORING THE MEANING OF “NO CONCESSIONS” WITH A UN RESOLUTION

“Not to pay ransoms to terrorists is to jeopardize innocent lives. But to pay ransoms is to help sustain terrorist groups that are dedicated to taking many other innocent lives.”<sup>121</sup> Without consistent application, the no-concessions initiative will not come to fruition and terrorist organizations will continue to target Western civilians on the basis of their nationality to secure another KFR.<sup>122</sup>

Furthermore, for a world power to negotiate with terrorist organizations on the basis of remitting a ransom payment would be to legitimize their authority in a way that gains them notoriety and publicity that further perpetuates their regional reign and global influence.<sup>123</sup> The problem is further compounded by the organizations utilizing social networking platforms and other forms of media to announce to the world the concessions they have gained from a major power, consequently, emboldening the terrorist groups and their tactics.<sup>124</sup>

Despite the already-existing Security Council Resolutions that obliquely address the payment of ransom for civilians, there remains an utter lack of direct acknowledgement on the matter—that countries are still paying ransoms despite repeated affirmations of their unwillingness to do so.<sup>125</sup> The United Nations must address the issue and meet it head-on with a resolution that not only explicitly acknowledges the ongoing repugnance to the aforementioned Resolutions.

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<sup>119</sup> Terrorism Today, *supra* note 9, at 128.

<sup>120</sup> *Id.*

<sup>121</sup> Chatham House Press Release, *supra* note 21.

<sup>122</sup> *Id.*

<sup>123</sup> See FATF KFR Report, *supra* note 4, at 28 ¶ 65.

<sup>124</sup> UK Resolution on Terrorist KFR, *supra*, note 11.

<sup>125</sup> See *supra* notes 86-99 and accompanying text.

### A. *A Call for Change: Draining Terrorist Group Funding Pipelines*

It is never an easy decision for a country to refuse to pay the release for one of its citizens. Governments with “no-concessions” policies are not cold-hearted, and do hold the safety of their nationals as being of the utmost importance. However, for the reasons discussed in this Note, the time is more pressing than ever; it is vital that “concession policy” countries drain the lifeline sustaining the operations of terrorist organizations. The average life expectancy for a small terrorist organization is one year;<sup>126</sup> depriving smaller cells of their primary financing mechanism will not only lead to their inability to raise funds for their own activities, but it also deprives the larger commanding cells higher up in the hierarchy from utilizing the smaller, harder to detect, and less predictable cells to conduct the various stages of the KFR process.<sup>127</sup>

This recommendation is not without its challenges—paying ransoms leads to the return of innocent civilians, but never having paid a ransom at all will just as likely prevent citizens being abducted. But, “[w]hen [terrorists] see that holding and negotiating for hostages is a slow, risky and less likely to produce benefits, hostage-takers will think twice.”<sup>128</sup> However, it is crucial that “every country . . . adopt and implement a no-ransoms policy.”<sup>129</sup> Not only will the adoption of this recommendation secure future generations of Western interests<sup>130</sup> in the Middle East as terrorist organizations will be deprived of financial resources and deteriorate, but it will bring countries back into compliance with Resolutions 1904, 2133, and 2170. Adopting this Recommendation will also foster intelligence and data sharing, promote an international coalition against KFR, and establish adherence to the aforementioned resolutions because there will be greater transparency, accountability, and forthrightness.<sup>131</sup>

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<sup>126</sup> Andrew Silke, *Terrorists, Victims, and Society: Psychological Perspectives on Terrorism and its Consequences* 33 (Andrew Silke ed., *Terrorists, Victims, and Society* 2003) (2003).

<sup>127</sup> *Id.* at 251.

<sup>128</sup> Lucas V.M. Bento, *Preserving Negotiation Whilst Promoting Global Order: Should We Bargain with Salt-Water Devils?*, 19 *Harv. Negot. L. Rev.* 285, 309 (2014).

<sup>129</sup> See Carnegie Press Release, *supra* note 68.

<sup>130</sup> Press Release, Foreign Secretary Supports UN Efforts Against Terrorism, Condemns Ransom Payments to Terrorists (September 27, 2010), <https://www.gov.uk/government/speeches/foreign-secretary-supports-un-efforts-against-terrorism-condemns-ransom-payments-to-terrorists>.

<sup>131</sup> *But see* Eric Rosand & Alistair Millar, *Strengthening International Law and Global Implementation* 63 (David Cortright & George A. Lopez eds., *Uniting Against Terror: Cooperative Nonmilitary Responses to the Global Terrorist Threat* 2007) (2007). “While increased cooperation, if it materializes, might improve the situation somewhat, it will

### B. *International Enforcement Mechanisms*

In order to reduce the number of KFR incidents there needs to be comprehensive enforcement measures of the UN resolutions that prohibit the payment of ransoms.<sup>132</sup> It is incumbent upon the United States, as the strongest state in the world, to take the lead and make demands to the Security Council so as to empower them in enforcing their resolutions.

Violations of Security Council Resolutions have historically resulted in economic sanctions on the violating states.<sup>133</sup> This is theoretically an option with respect to the countries making KFR ransom payments. However, it is not the most desirable one in the context of a friendly state; one that has violated a resolution in a non-violent and purposeful manner.<sup>134</sup> Sanctions, as well as military force, serve as the most coercive forms of intervention<sup>135</sup> and not only fail to serve their deterrent function based on the nature of the states' violation, but will also undermine and damage relations with those allied states. Furthermore, sanctions are fraught with implementation difficulties, and as such, they require a strong international coalition for their success<sup>136</sup> and many states will likely contest sanctions being utilized as a response to violating resolutions prohibiting the payment of ransoms by identifying them as a form of material support to terrorist organizations. Furthermore, the purpose of Security Council Resolutions is primarily to encourage participation, not to impose sanctions except in the most pressing of circumstances.<sup>137</sup> Therefore, imposing sanctions on allied-

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not address the underlying problem of different staff bodies that are unaccountable to each other with separate budgets, different leaders, and overlapping mandates.”

<sup>132</sup> *See Id.*

<sup>133</sup> *See* S.C. Res. 1267, U.N. Doc. S/RES/1267 (Oct. 15, 1999). Under this Resolution, any and all member states are free to add individuals, countries, and entities to the sanction list.

<sup>134</sup> *See e.g.*, Terrorism and the UN, Boulden & Weiss, pg. 163 (2004). In 2002, Russia claimed Georgia was not complying with Resolution 1373 and as a result threatened to invoke its right of self-defense.

<sup>135</sup> *Id.* at 158. The sanctions, however, would serve a deterrent effect to the countries that are directly (although somewhat involuntarily contrary to voluntary state donors) providing material support to terrorist organizations. Furthermore, imposing economic sanctions on ally countries diverges from past sanctions imposed by the U.N. For example, in 1992 the UN imposed economic sanctions on Libya because of its alleged support in the bombing of an American airplane, killing 270 people. *See* Chantal de Jonge Oudraat, Intervention in Internal Conflicts: Legal and Political Conundrums,” Working Paper No. 15 August 2000, Carnegie Endowment for International Peace, Washington, D.C.

<sup>136</sup> *Id.*

<sup>137</sup> David Cortright, George A. Lopez, Alistair Millar, & Linda Gerber-Stellingwerf, Global Cooperation Against Terrorism 33 (David Cortright & George A. Lopez eds., Uniting Against Terror: Cooperative Nonmilitary Responses to the Global Terrorist

cooperating countries is not only largely unheard of, but defies the purpose of the Security Council as a global anti-terrorism heading body.<sup>138</sup>

A more practical alternative is the public denunciation of the masked payments of European countries to terrorist organizations, thereby increasing global pressure on paying countries to stop their counterproductive policies. Increasing political pressure on our allied countries is the least hostile yet effective means of changing their masked payment policies. In fact, the U.N. has resorted to publicly sanctioning violating states, referred to as “name and blame.”<sup>139</sup>

For the UN Security Council to remain an effective tool in combatting terrorist activities such as KFR, the U.S. needs to take the lead and inject more financial and technical assistance to the Security Council to facilitate the functioning of its duties.<sup>140</sup>

### VIII. CONCLUSION

Terrorism, and more specifically, KFR, remains one of the largest threats to global security and peace in the 21st century.<sup>141</sup> The Security Council considers terrorism and KFR to be the largest threat to international peace. Without money, terrorists cannot terrorize. Bringing an end to payment of ransoms will deprive terrorist organizations of an essential lifeline—financial resources and political concessions in exchange for an endless cache of potential hostages. In bringing an end to the payment of ransoms to terrorist groups, there will be tough considerations for countries to face, and there must be consideration of what they are prepared to sacrifice in the present for the sake of international security and peace in the future. This will undoubtedly raise tough questions that will be the subject of harsh public criticism. Nonetheless, they are considerations that must be made with a sense of urgency. The urgency to do so is borne by the meteoric rise of KFR as a terrorist financing mechanism; failure to enforce the pertinent Security Council Resolutions has the ability to undercut longstanding international policies in such a way that render the Resolutions

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Threat 2007) (2007). Most member states and U.N. Counterterrorism Committee (“CTC”) officials have been unwilling to go as far as impose “forceful sanctions.” Rather, they prefer emphasizing encouragement and inducements to implement the resolutions adopted by the Security Council.

<sup>138</sup> *Id.*

<sup>139</sup> *Id.* at 46.

<sup>140</sup> *Id.* at 41.

<sup>141</sup> UK Resolution on Terrorist KFR, *supra*, note 11.

meaningless all while putting innocent citizens of all Western civilizations at risk, especially abroad.

Failure to effectively and steadfastly implement the anti-KFR measures will also have the effect of further undermining the Security Council Resolutions by diminishing the Security Council's credibility. As member and non-member states who make forbidden and secretive KFR payments continue to act with impunity, there will be less regard for the restraint that the Resolutions impose upon them; essentially, it would be as if the Resolutions did not exist.

Security Council Resolutions undoubtedly put a stop to these practices, at least in theory. The lack of enforcement and compliance with the aforementioned resolutions ostensibly achieves the goal of ending ransom payments and political concessions. By restoring the meaning to "no concessions" and adopting this Note's recommendation, there will an end put to, and, at the very least, substantially frustrate, the continuing viability of a condemned practice and promote a comprehensive approach to terrorist organizations that will ultimately teach that there is nothing to be gained by kidnapping innocent civilians and putting a price on their head to fund their extremist agendas. This is what the law requires and it is the right result—the implementation and enforcement of Resolutions 1904, 2133, and 2170 lies in the hands of the global community, particularly United States and the United Kingdom.

