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Winter 1-31-2021

Do the Tactics of Armed Groups Affect Organizational Behavior? The Case of Kidnap for Ransom

Tyler Young
tyleryoung@aucegypt.edu

The American University in Cairo

School of Humanities and Social Sciences

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A Thesis Submitted by

Tyler Brandon Young

Under the supervision of Dr. Marco Pinfari

Submitted to the Political Science Department

February 5, 2021

In partial fulfillment of the requirements for
the degree of Master of Arts
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has been approved by
Dr. Marco Pinfari _____
Thesis Supervisor
Affiliation:
Date _____

Dr. Sophie Haspeslagh_____
Thesis First Reader
Affiliation:
Date _____

Dr. Sean Lee_____
Thesis Second Reader
Affiliation:
Date _____

Dr. Nesrine Badawi _____
Department Chair
Date _____

Dr. Zeinab Taha _____
Dean of HUSS
Date _____

Acknowledgements

I would like to take this space to acknowledge those who encouraged, helped, and guided me during my Master's program, without whom, I would not have been able to climb this mountain.

Thank you to my advisor Dr Marco Pinfari for your advocacy, guidance, humor, and wisdom.

Thank you to my Dr James Sunday for your advice, encouragement, and sincerity.

Thank you to Dr Sophie Haspeslagh for your insight and experience that enhanced the quality my thesis.

Thank you to my friends who supported me for these several years. There are too many to mention here. Thank you to my family too. Thank you very much to my wife Sarah who encouraged me when I needed it the most. Were it not for you this thesis would not have been completed.

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Chapter One

Introduction

1.1 Introduction and Research Problem

In January 2008, four Western tourists were kidnapped while on holiday in West Africa.[1] The tourists were seized on their drive to Niger from Mali after attending a cultural event when shooting started. One vehicle escaped, but the other carrying a Swiss couple, a German woman, and a British man was disabled by gunfire. Next they were taken to a nearby country.[2] Despite conflicting reports that the tourists were taken by a rebel group, al Qaeda in the Islamic Maghreb (AQIM) initiated ransom negotiations.[3] AQIM opened negotiations with the British government for Edwin Dyer in exchange for a high-ranking member of an armed group imprisoned in Britain. After the British government rejected this offer, AQIM made a second offer for €10 million for Dyer and one of the Swiss hostages.[4] This offer too went unmet, and Mr. Dyer was executed. However, the Swiss couple and the German woman were freed for a reported €8 million.

This tragic story is one of many like it that occurs regularly. Suddenly armed assailants rush unsuspecting aid workers or an improvised check point apprehends a

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1. "Organized Maritime Piracy and Related Kidnap for Ransom," *Financial Action Task Force Report*, July 2011, 27.

2. *Ibid*, 27.

3. *Ibid*, 27.

4. Matthew Weaver, "British Hostage Edwin Dyer 'Killed by al-Qaida'," *The Guardian* (London, UK), June 3, 2009.

businessperson or journalist unfamiliar with their surroundings. Conditions in captivity are Spartan, if not harsh, and life as a hostage may last months to years if ransom negotiations proceed slowly. If a family, government, or other private source will not or cannot pay a ransom the death of the hostage is almost certain.

Arquilla and Ronfeldt of the RAND Corporation argue terror groups are presented with different challenges than other illicit groups.[5] Asal and Rethemeyer found a strong terrorist organizational structure correlates positively with that group killing more people.[6] Crenshaw's work shows a distinction between collective rationality of terrorist organizations and the rationality of individual terrorists,[7] and she argues that these two interests are not automatically in line with one another in spite of ideology.

Armed groups must adapt to operate in unwelcoming hostile locations. Their illegal activates require them to operate stealthily to complete their operations without detection from authorities. However, this normally contradicts with their efforts to coordinate the tactics that they practice, e.g. bombing public buildings or shooting a police station, to perpetrate acts of violence. Jacob Shapiro calls the tradeoff between terrorist operational effectiveness and organizational security as the "terrorist dilemma."[8] The more successful or numerous terror attacks an organization conducts, the more

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[5]. John Arquilla and David Ronfeldt, *Networks and Netwars: The Future of Terror, Crime, and Militancy* (Santa Monica, CA: RAND Corporation, 2001).

[6]. Victor Asal and R. Karl Rethemeyer, "The Nature of the Beast: Organizational Structure and the Lethality of Terrorist Attacks," *The Journal of Politics* 70, no. 2, (2008): 437.

[7]. Martha Crenshaw, "The Logic of Terrorism: Terrorist Behavior as a Product of Strategic Choice," in *Origins of Terrorism: Psychologies, Ideologies, Theologies, State of Mind*, ed. Walter Reich (Baltimore, MD: Johns Hopkins University Press, 1998): 8.

[8]. Jacob N. Shapiro, *The Terrorist's Dilemma: Managing Violent Covert Organizations* (Princeton, NJ: Princeton University Press, 2013).

earnestly it must develop increasingly sophisticated standard operating procedures (SOPs) that are instrumental to masking the identity of an organization, in addition to other operational aspects. Here, armed groups have an upper hand because kidnappings are normally conducted in public areas. In fact, kidnappings are vastly underreported – so reliable statistics are difficult to come by, because many ransoms are negotiated only between perpetrators and victims' families.[9]

1.2 Research Question, Hypothesis, and Essential Definitions

Does the tactic of kidnap for ransom affect the organizational behavior of armed groups? This is the primary question addressed by this thesis. The hypothesis this work posits is that: Kidnappings enlarges the infrastructure demands required to house victims, increases financial resources from ransom payments and often succeeds in wrestling concessions from local governments, particularly where authorities are ineffectual or anemic. Kidnap for ransom (KfR) is different from other ways terrorist organizations raise funds, e.g. robbing banks, trafficking narcotics, or legal business ventures because, unlike kidnapping, these other activities do not have a terror component. "Kidnapping is the confinement without legal authority of a person by one or others, against the will of the confined person. In so doing, the perpetrator or perpetrators often seek some political, financial or other advantage or benefit, such as the payment of a ransom or the release of imprisoned compatriots."[10] As such,

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[9]. Everard Philips, "The Business of Kidnap for Ransom," in *The Faces of Terrorism: Multidisciplinary Perspectives,* ed. David Canter (Chichester, UK: Wiley-Blackwell, 2009) 191.

[10]. See *supra* note 1, 25.

kidnapping can be considered a type of hostage taking,[11] which the 1979 UN International Convention Against the Taking of Hostages requires signatories to implement effective measures to prevent, prosecute, and punish as manifestations of international terrorism.[12]

Of secondary importance is the broader issue of funding sources, specifically the narcotics trade. On its face these topics appear tangentially related to KfR. Yet, based on the research of the case studies the influence of the cocaine trade in Colombia and the opium trade in Afghanistan is undeniable. KfR is commonly practiced by both armed groups to varying degrees over the lifespan of each group as a tool to pursue their political goals as well as to increase revenue. In terms of the wider discussion around sources of funding for armed groups narco-trafficking is undoubtedly more significant to providing the means that allow for organizational expansion. While it appears that this topic derivates from the research question it picks up the where the analysis of KfR fails to provide sufficient evidence of organizational change for the FARC and the Taliban. With a bevy of financial assets, the FARC and the Taliban were able to attract new recruits, develop their material capabilities, and ideological cleavages that did not drastically alter their fundamental makeup. This discussion of funding sources will arise again in Chapter Four.

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[11]. Article 1 of that convention states that "[a]ny person who seizes or detains or threatens to kill, to injure or to threaten to detain another person (hereafter referred to as the "hostage") in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or Juridical person, or a group of persons, to do or abstain from doing any act as explicit or implicit condition for the release of the hostage commits the offense of taking of hostages ("hostage-taking") within the meaning of this Convention."

[12]. See *supra* note 1, 25.

Some related questions that this thesis will answer to help us understand dark networks that commit acts of terror are: Does organizational behavior change as a group matures tactically? Boyns and Ballard (2004) were the first to recognize the importance of human capital to terrorist organizations because knowledge, training, and skill are required to build complex bombs logistically coordinate attacks on convoys.[13] In their 2008 paper that explores the lethality of terrorism, Asal and Rethemeyer test six hypotheses related to the organizational aspects of terrorism in which they quantitatively test for human capital in dozens of terrorist organizations.[14] To measure this variable they use quantity of members as a proximate for human capital, because the authors believe that as the number of members in a terrorist group increases so does the number of individuals who have advanced training useful for attacks. In this paper I will use their same logic of number of members in a terrorist organization in what I call *organization maturity*, i.e. the greater number of well-trained members a group acquires, the more mature it becomes. Why do groups choose to practice political kidnapping instead of kidnapping for ransom or vice versa? Of secondary importance I will also explore: If there is empirical evidence supporting an effective strategy to counter kidnapping such as a refusal to pay captives' ransoms? Are there more recent developments in the practice of kidnappings from this century than in its "heyday" from the 1960s to 1990s? For instance, are kidnappings conducted by ISIS or the Taliban of journalists and civilians different from those of earlier decades?

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[13]. David Boyns and James David Ballard, "Developing a Sociological Theory for the Empirical Understanding of Terrorism," *American Sociologist* 35, no. 2, (2004): 14.

[14]. See *supra* note 6, 439.

This research is important because it looks inside the black box of extremist groups to understand the particular aspects of how they operate, which will allow policymakers to tailor more precise response to acts of terror. Jacob N. Shapiro (2005a, 2005b, 2006, 2010) in particular has conducted years of research focused on funding and inner operations of terror networks. Knowledge of a terror group's organizational structure may lead to predicting how to counter violent acts and increase the likelihood fewer people will be abducted in the future. No less important than the organizational aspect is the financial one to the goal of combating global terrorism. in recent years policy makers have paid attention to minimizing KfR as a method to shrink the financial support for terrorist organizations, particularly as their nationals have been abducted abroad. In addition to more practical deductions one can gain from this research, learning more about organizational structures of "dark networks" is beneficial because they are among the key non-state institutions, together with NGOs and MNCs, that compete with states for influence in the globalized society of the 21st century.

Readers familiar with literature on terrorism know that scores of definitions of terrorism exist. One widely accepted definition is Hoffman's (2006) who notes five criteria: (1) political aims or motives by the perpetrator, (2) violence or threatening violence, (3) induces psychological repercussions of fear or terror beyond a particular attack, (4) conducted by an organization or individual, (5) perpetrated by a sub-national group or non-state entity.[15] These conditions distinguish terrorism from other acts of violence or other groups involved in illegal activity. This last point excludes the possibility of state terrorism, which is problematic when discussing some violent acts by

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[15]. Bruce Hoffman, *Inside Terrorism* (New York City: Colombia University Press, 1998), 40.

governments. Without a classification for acts of terror committed by states - such as the Saudi Air Force indiscriminately bomb Yemeni civilians in the Yemeni Civil War – we venture towards bias in favor of state action and possibly ignore the seriousness of that type of violence. For the purposes of this research such a disagreement can be set aside because the topic of state terrorism will not be addressed here.

A defining characteristic of kidnapping is that the victim and perpetrators are concealed until a resolution, either positive or negative, occurs – normally outside of the public eye. Despite there being many forms of kidnapping, the two necessary elements of kidnapping are "human life and the hostage as carrier of symbolic capital."[16] The assumption that human life itself is valuable and that its value is undermined when it is traded for money or symbolic capital by kidnappers. "Symbolic capital" is what kidnappers aim to receive through committing the act. Although demands vary from monetary, social, e.g. equal rights for a disenfranchised ethnic group, or political, e.g. the release from prison of comrades the acquisition of these things increases the prestige of the perpetrators. Many forms of kidnap exist that range from bride kidnapping (wherein a man kidnaps a woman he wishes to marry an old custom that still occurs in some parts of the world to tiger kidnappings when someone is forcibly taken and obligated to commit a crime themselves.[17] Bride kidnapping is in fact unique because its primary goal is not economic or political and could be described as an abduction because the targeted individual is intended to stay with her captor long-term.

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[16]. Rodanthi Tzanelli, "Capitalizing On Value: Towards a Sociological Understanding of Kidnapping," *Sociology* (2006): 935.

[17]. "Pair escape 'tiger kidnap' ordeal," *BBC News* (London, UK). July 28, 2007. http://news.bbc.co.uk/2/hi/uk_news/northern_ireland/6920668.stm

The types of kidnapping commonly recognized by business scholars, criminologists, and political scientists can be distinguished by either the economic or political motivations of the abductors, and these are the two categories pertinent to this study. Ransom monies acquired from KfR enable terrorist groups to pursue many activities including:

"recruit and indoctrinate new members, acquire sophisticated weapons and communications gear such as satellite phones, establish training camps and support units, including "safe houses" and transportations operations, as well as provide financial resources which can be used to bribe government officials law enforcement personnel who can be of use to a terrorist organization in conducting its nefarious activities."[18]

Economic motivated kidnappings seek money in exchange for a person's release whereas politically motivated kidnappings seek symbolic capital through political concessions, like the release of fellow combatants from an enemy prison.[19] These are generalities and in reality nearly all cases of KfR are composed of a financial if not economic element—the difference being the scale of income gained but also the motivations of the hostage takers as well. Indeed, al Qaeda in the Islamic Maghreb (AQIM) is estimated to have amassed at least $65 million between 2005 and 2011 from kidnappings alone.[20] Between 2008 and 2009 the average price for a hostage's ransom was $6.5 million.[21]

Two important ideas to remember about kidnappings are (1) there is a financial factor present in all cases and (2) the sociopolitical status of the hostage is important

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[18]. See *supra* note 1, 26.

[19]. Rachel Briggs, *The Kidnapping Business* (London: Foreign Policy Centre, 2001), 61.

[20]. See *supra* note 1, 26.

[21]. See *supra* note 1, 26.

with respect to the ransom payment.[22] This has led some, including Turner, to assert that there is no meaningful distinction between political and economic kidnapping despite the motivations of the perpetrators, because the economic and political are always interacting – fogging rigid typologies.[23] Although this position does cloud typologies of kidnappings as essentially for financial or political objectives, I think Turner is essentially correct in his assessment. Monetary or political motives for kidnapping are useful ways to study the phenomenon yet in the real-world things are rarely so clear and these classifications are not meant to be iron laws. When An additional way to help us clearly think about kidnap for ransom (KfR) is the definition utilized by the Global Terrorism Database which identifies terrorism as: (1) intentional acts, (2) practice of violence of the threat of violence, (3) propagated by a sub-national group, (4) directed at accomplishing a political, economic, religious, or social goal, (5) is aimed at targeting a larger audience, and finally (6) outside the context of legitimate warfare.[24] This criteria of what constitutes terrorism is different from Hoffman's definition above but it illustrates how a kidnapping can be an act of terror and not violent crime. Abducted persons taken for political reasons may have a symbolic status or be valuable in their own right, and their kidnapping is used to bring attention to an issue important to a group. Other times people are taken for immediate monetary purposes that may serve long-term political goals.

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22. See *supra* note 15, 932.

23. Mark Turner, "Kidnapping and Politics" *International Journal of the Sociology of Law* (1998): 146.

24. Global Terrorism Database, "Codebook: Inclusion Criteria and Variables," *START University of* Maryland, last modified July 2018, 10.

The two main types of goals of the kidnappings that armed groups conduct are political and financial. Kidnappers will abduct those from a variety of backgrounds e.g., rich, poor, urban, rural, male, female, so long as a ransom can be paid, and there is no objective by the kidnapper besides monetary gain for the use of the organization.[25] Naturally, foreigners often make for high value targets due to their relative wealth compared to locals in less developed nations yet in some nations kidnapping of locals make up as high as 90 percent of all crimes annually.[26] However, in Nigeria and South Africa between 1985 and 2000 kidnapped locals constituted only 20 to 40 percent of the total due the high level of poverty in those nations over this time, according to Briggs.[27] Some writers describe kidnap for ransom as a business, not simply because there is financial motive for this action but also because it requires complex organizational structures.[28] Victims of political kidnappings are normally targeted individually and held for a multitude of objectives like vengeance, raising awareness to a group's cause, or to create a climate of fear in a target population.

The etymology of the word kidnap can be traced to 17th-century Britain, when children were taken in the night for ransom. Impressment of American sailors into service by the Royal Navy was a prime reason for the United States to declare war against Great Britain in 1812. Kidnappings in the 20th century gained worldwide prominence during the 1960s in Latin America, spread to Europe in the 1970s, then to

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[25]. See chapters three and five for discussions on target selection and the behavior of Kidnappers towards their victims.

[26]. See *supra* note 20, 19.

[27]. See *supra* note 20, 20.

[28]. Phil Williams, "Transnational Criminal Networks," in *Networks and Netwars*, eds. John Arquilla and David Ronfeldt (Santa Monica, CA: Rand Corporation, 2001).

the Middle East in 1980s. More recently kidnappings reached epic levels in Chechnya and American occupied Iraq. This paper will not consider hostage situations, in which victims are seized but held in public, or hijackings, when many victims are held often on an aircraft or bus.

1.3 Objectives, Methodology, and Materials

In this work the author will use theories of organizational behavior to understand if and how kidnappings by armed groups affect the organizational structure of such groups. The author will explore several themes related to the tactic of kidnap for ransom, broader themes of financing, and use examples of groups that follow such patterns to support these claims. This work explores the ways armed groups change organizationally over a long period of time. Some groups among those studied have different objectives that highlight differences between political kidnappings and kidnappings for ransom which, it is thought, shape organizational structures.

The author will answer the research questions mentioned above by means of the comparative method. The comparative method is typically imagined in one of two ways: either as the way to describe political or social systems or as means of informing about a process, the goal of which is to solve research puzzles that cannot be solved without comparing and logical reasoning.[29] Comparative case studies range from the smallest single case study during a set time period when many variables can be studied to the largest study of all relevant cases over all time and space focusing on only a small number of variables, e.g. pooled time series analysis. A single case study is not

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[29]. Paul Pennings, Hans Kerman, and Jan Kleinnijenhuis, *Doing Research in Political Science, Second Edition* (London: Sage Publications, 2006) 19-20.

explicitly comparative but may still implicitly be so, and it has the advantage of providing greater detail. Sometimes these are called "thick cases" and when a deviant example is considered it can help generate theories about what makes it an exception to the rule. At its broadest, a comparative study encompassing all possible germane cases has the obvious value of casting a wide net, yet it may have the shortfall of treating time as a constant variable.[30] When choosing among approaches one must balance between a large number of cases with a few common variables versus control over a smaller number of cases that allow for a larger number of variables under consideration. A middle way between these extremes, which is used in this study, is to analyze two or more cases in a set time period normally before and/or after a specific event such as an economic crisis or political transformation. This approach has the benefit of a focused comparison derived from the research question.

The logic of comparison is closely related to the issue of inquiry (what is studied) and unit of observation (what object is considered in studying a phenomenon) that is traced back to John Stuart Mill (1806-1873) who developed the 'most similar' and 'most different' tools of comparative research commonly used by students and scholars. What today we call MSSD (most similar system design) and MDSD (most different system design) aid researchers by easily allowing them to recognize what traits are similar and dissimilar respectively among cases in order to isolate pertinent factors for study and cancel-out the noise of differing case contexts. This work utilizes a MDSD across a diachronic time span with temporally diverse locations of Colombia and Afghanistan.

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[30]. *Ibid*, 22.

Once one knows what to compare and why the next steps executed should create a design that helps the researcher answer their primary question. Asking oneself a series of questions will lead to the most direct and best possible way to solve a research question. Pennings, Kerman, and Kleinnijenhuis (2006) suggest four questions to lead scholars through what can be a confusing process to understanding how an effective study should look. First, what political concepts, e.g. actors, institutions, processes, are imbedded in the question? This question sets researchers on the road of theory seeking evidence to support it that results in a logical interpretation by researchers.[31] Secondly, how well do the theoretical concepts "travel", i.e. faithfully comparable from one system to another in a way that supports internal and external validity?[32] [33] Thirdly, what are possible cases that could shed light on the research question? Lastly, how does the researcher account for time, i.e. synchronic or diachronic, and space, i.e. where does this case take place, when selecting case(s) for observation? Finally, the researcher may decide to use many or few cases and then a MSSD or MDSD. In summary scholars must follow a series of steps in order to create the best possible organization design that answers his or her research question.

To test these hypotheses, the author will compare two case studies. The strength of the case study is the detail it provides a complex social phenomenon in context that

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[31]. *Ibid*, 44.

[32]. David Collier, "The Comparative Method" in *Political Science: The State of the Discipline II*, ed. A.W. Finifter (Washington, D.C.: APSA, 1993), 108.

[33]. Todd Landman, *Issues and Methods in Comparative Politics: An Introduction, Second Edition* (Oxford: Oxford University Press, 2003), 70.

illuminate the theoretical issues studied.[34] A case study is a research strategy, not a methodology where context is deliberately included among variables that place emphasis on understanding processes. Due to the multitude of data available in a case, researchers need to construct a sound theoretical framework to cut through extraneous information that may lead a study off track. Without a focused theoretical framework, a case study may exhume interesting descriptive information without any wider significance. Theory-building by case study tends to be inductive, like the work of a detective who must piece together evidence to understand all relevant aspects of a crime and discard superfluous information.[35]

The independent variable that will be attempted to isolate is kidnapping/drug trafficking and the dependent variable is organizational structure. Such cases selected here are of two well-known organizations. First, featuring the Revolutionary Armed Forces of Colombia (FARC), a Marxist-Leninist oriented insurgency connected to the Colombian Communist Party (PCC) that fought the Colombian government for over 50 years for greater income equality and broader rights over their land. Second, the Afghan Taliban (Taliban), not to be confused with Tehrik-i-Taliban Pakistan (TPP) a separate but associated group of the Afghan Taliban, is a hard-line Islamist organization that practices an austere form of Sunni Islam alien to many Muslims, but which governed Afghanistan from 1996 when they nominally won the Afghan Civil War to 2001 at which point they were overthrown by a NATO coalition led by the United States. These groups

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34. Jean Hartley, "Case Study Research" in *Essential Guide to Qualitative Methods in Organizational Research*, eds. Catherine Cassell and Gillian Symon (Thousand Oaks, CA: Sage Publications, 2004), 323.

35. Robert K. Yin, *Case Study Research: Design and Methods* 2nd Edition, (Thousand Oaks, CA: Sage Publications, 1994),

have disparate ideologies, the FARC are Marxist-Leninist and the Taliban Islamic fundamentalist; additionally, they operate in radically differ diverse environments northern South American and South Asia but similar temporal spaces of the late 20th century through early 21st century. Among various other tactics of terrorism both groups are well known for their publicized kidnappings. With respect the kidnappings examined in this work both local and foreign hostages will be considered. Both sets are vital for telling a comprehensive narrative on the phenomenon although for the sake of the argument in Chapter Four those cases will focus on foreigners. These individuals do get a lot of the international media attention and their captivity is often more significant to international affairs. This being said, to ignore the kidnappings of locals, that in most locations and times compose the majority of cases would be to deny the context of the problem and pain an overly occidental picture that is inaccurate.

Due to the well-publicized condition of both organizations primary sources are necessary for this research to make any claims beyond generalities. Conducting interviews with those who were kidnapped or members or former members of terrorist groups is unrealistic so primary sources will need to come from news articles, interviews, or memoirs/autobiographies. Secondary sources are also employed to explore organizational behavior theory and the histories of the two groups. I will examine data by searching for changes in patters of kidnapping practice and organizational practice with attention to specific events that could show causality of an organizational change after the adoption of new tactics.

1.4 Outline

The plan for the remainder of this work is as follows: A comprehensive literature review in Chapter Two will explore topics relevant to group behavior, structures, and the theoretical roles groups play for healthy human behavior. Armed group organization patterns can skew hierarchical to the point of leadership by a dictatorial leader or as decentralized as a lone wolf who may or gain inspiration through the Internet from organizations with which he or she is unassociated. It will conclude by exploring boundaries of research on kidnap for ransom and what is lacking in this discourse.

Chapter Three will seek to understand why terrorist organizations decide to kidnap for ransom. It could be that kidnapping with political motivations will achieve different goals. There is some disagreement amongst writers on how to categorize different forms of kidnapping and where meaningful differences exist. Some questions that this chapter will ask are: What factors might influence a group to practice this tact rather than car bombings or target assassinations? Are there environmental or time factors that prompt groups to implement this use of force? This chapter focuses the reader's attention to kidnapping by telescoping from a broad view of armed group target selection through the lens of ideology to a narrower focus terrorist target selection based on strategy finally arriving at what makes kidnap for ransom appealing as a tactic of terrorism.

By observing two case studies Chapter Four will address the main research question posed above: Does the tactic of kidnap for ransom affect the organizational behavior of armed groups? At first glance, it would seem the answer would be negative - but we cannot know for certain until the data has been examined. The results that this author

observed were not what was hypothesized and the causal mechanism of KfR did not have the explanatory power that was anticipated. Generally, the greatest changes observed in both groups that took place in the FARC and the Taliban were in their ability to continue their struggle against the enemy; the ideological change of its members, or what might be called drift. Some less significant developments resulted in either organization too.

Finally, Chapter Five concludes this study by inquiring about the prevalence of kidnap for ransom of foreigners, which makes international headlines and whether it is an act of terror that should concern societies. In response to this small but not insignificant threat, should states encourage or discourage ransom payments to abductors to free abductees? These two areas represent the current lines of inquiry into research on kidnapping; therefore, it is fitting to end this study here. A concluding section will summarize the most important findings uncovered in this work and suggest additional areas of research scholars may explore.

Chapter Two

Review of Literature

This chapter will develop the theoretical basis for the organizational framework of armed groups from their topmost level of leadership to the bottommost cellular level. It will begin with an examination of the importance of groups to human society and well-being. Later, the discussion will move to the intricate and murky world of financing of terrorism. The application for this exploration is utilized in Chapter Five, which focuses on implication of paying kidnappers' ransom and how states have reacted against their countrymen's kidnappings. Finally, the last section of this chapter will explore the practical matter of the procedure of a kidnapping and the modius operand of perpetrators.

2.1 The Fundamental Elements of Groups

Shapiro identifies three dimensions of organizational design within covert networks for the purpose of comparing networks with one another. The three dimensions he identifies are: interconnectedness, hierarchy, and specialization.[36] Degree centrality – "or the average number of connections to an individual in a network" – is one method to measure interconnectedness. For example:

> …consider two networks, Network A is a network of four cells of size six and one or two outside connections per cell. Network B is a cellular network with six cells of size four and two outside connections per cell. By most reckoning, network B would seem more interconnected, yet the mean degree centrality of the Network A is higher, 5.3 for Network A vs. 3.5 for Network B.

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36. Jacob N. Shapiro, "Organizing Terror: Hierarchy and Networks in Covert Organizations," (Unpublished working paper, Stanford, CA, 2005), 7.

We can determine by the outcome of Network A as more connected that this measurement favors dense connectedness within cells.

A group is three or more people working together to achieve a task, so group dynamics refer to the set of relationships of those in any group. They are the building blocks of many terror groups, businesses, political parties, or other successful cooperative ventures. Groups exist to fulfill six human needs: (1) inclusion with a community, (2) a need to give and receive love, (3) to exert power over others, (4) a need to communicate and alleviate stressful situations, (5) for enjoyment and to have fun, and (6) a need to communicate to lower anxiety.[37] An aggregate, or several people in the same location and time not devoted to a task is not a group. For example, there is a difference between volunteers working on a political campaign and an audience watching two candidates debate in an auditorium. Another important difference between a group and an aggregate of people is that groups are interdependent. Interdependence arises when the members of a group are working together on a common task.

Several features contribute to a group's successful accomplishment of its goals. Without observing basic norms, a group cannot effectively operate, but following norms is not sufficient for success. Norms are established standard expectations of attitude that direct behavior of a majority of members that must be observed.[38] Group commitment of a member to his or her comrades and to the values and mission are vital

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37. Scott A. Myers and Carolyn M. Anderson, *The Fundamentals of Small Group Communication* (Thousand Oaks, CA: Sage, 2008), 10.

38. James H. Davis, *Group Performance* (Reading, MA: Addison-Wesley Publishing, 1969) 82.

for cohesion and are composed of three types: emotional, intellectual, and moral.[39] A certain amount of trust is essential with any relationship. In terms of group dynamics without trust new members cannot be accepted into a group and little work could be done because members would act alone. Once trust is established support can grow so that members of a group may rely on one another for positive psychological reinforcement during times of emotional stress or material scarcity.

Social identity theory (SIT) analyzes interactions between in-groups and out-groups postulating that individuals enhance their views of themselves by comparisons with an out-group, which has value and emotional significance to group membership. Self-classification with a group increases the value one ascribes to themselves, and increases the defensiveness one feels when their group is attacked.[40] When a valued social group is perceived to be attacked, e.g. an attack on a national or religious activity, then those who share that group identity tend to hold negative views of the outside aggressor group. Once a member has internalized the group identity an assault against the wider group is perceived as an assault on the particular member.[41] This theory is based on the assumption that in-groups view out-groups as inferior to them or in competition with them.

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39. Natalie J. Allen and John P. Myer, "The Measurements and Antecedents of Affective Continuance and Normative Commitment to the Organization," *Journal of Occupational Psychology* 63, (1990): 2.

40. Henri Tajfel and John C. Turner, "An Integrative Theory of Intergroup Conflict," in *The Social Psychology of Intergroup Relations*, eds. William G. Austin and Stephen Worchel (Monterey, CA: Brooks/Cole, 1979), 33-47.

41. Brooke M. Rogers, et al, "The Role of Religious Fundamentalism in Terrorism Violence: A Social Psychological Analysis," *International Review of Psychology* 19, no. 3 (2006).

Formalization as identified by organization theorists is "the extent to which rules, procedures, instructions and communications are written, and the degree to which rules are explicitly defined."[42] A high level of formalization prescribes the behavior of group members, clear communications, quality control of operations, well-defined roles and tasks, and develops SOPs to diminish uncertainty.[43] Behavior of members, can be regulated three ways. (1) Positional formalization of behavior relating to a job description can stipulate qualifications one must possess to in order to qualify for a position. (2) Work flow behavioral formalization reminds individuals of specific tasks they are required to complete. (3) Rules based behavioral formalization, for instance this might be a code of conduct individuals must follow to stay in good standing as member to their organization. Strong formalization moderates what might otherwise be unpredictable relationships when group members unfamiliar with each other meet; this in turn fosters institutional memory. Longer institutional memory helps groups avoid mistakes made in the past; it aids groups' effectiveness by allowing them to recognize patterns over time through multiple interactions with outsiders or within their organization. The terrorist's dilemma hinders formalization as standard operating procedures (SOPs) become more predictable and regular counterterrorism (CT) officers can more easily detect the patterns of groups via their communications and repeated behavioral patterns.[44]

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42. Brecht Volders, "Assessing the Terrorist Threat: Impact of the Group's Organizational Design?," *Studies in Conflict & Terrorism* 39, no. 2, (2016): 114.

43. Henry Mintzberg, *Structure in Fives: Designing Effective Organizations* (Upper Saddle River, NJ: Prentice-Hall, 1983), 33-39.

44. See *supra* note 8, 115.

The structure of any terrorist group is molded by that group's necessity to secure itself from CT authorities of the state and its desire to effectively implement its attacks, which are often competing objectives. Most of the previous research conducted on terrorist organizational structure covers single case studies despite large open-source datasets such as the Global Terrorism Database (GTD).[45]

2.2 Organizational Structure and Leadership Style in Terrorist Organizations

An organizational structure is another variable in the equation of a successful terror attack. It is an intangible structure of people consisting of lines of authority and communication that attract and train new recruits, raise revenue, conduct operations, and compete with rivals. Successful organizations learn and adapt to new challenges and no matter their field or industry act as a force multiplier whereas poor organizations are chaotic, prone to making mistakes, and are at a greater likelihood of being taken over by rivals. The standard way of viewing groups that commit terror is through a hieratical or horizontal structure but other typologies persist. Jackson distinguishes among networks, groups, and movements while Kilberg separates among all-channel, market, hub-spoke, or bureaucracy types of groups that commit acts of terror.

With respect to hierarchy, organization charts can hide the true nature of an organization's hierarchy. Given that in reality we can say a group is hierarchical if those who provide a political and ideological vision also exercise operational direction.[46] The aspects that leadership controls are twofold. Firstly, the specific operational elements

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45. Peter Neumann et al., "Locating Al Qaeda's Center of Gravity: The Role of Middle Managers," *Studies in Conflict & Terrorism* 34, no. 9, (2011):

46. See *supra* note 2, 11.

that includes targeting, planning, and execution of a covert act. Secondly, the logistics, procurement of materiel, and financial and accounting features require supporting covert acts, so the two types of control are operational control and resourceful control. Shapiro identifies four features of operational control or resource control he claims classify an organization's hierarchy:

- An organization is *centralized* when the center directly controls operations and resources.
- An organization is *de facto centralized* when either (1) the center controls resources, delegates operations, but has a credible anility to monitor operations and withhold resources if operations are not carried out to its liking; or (2) the center controls operations, delegates resource procurement, but has a credible ability to engage in violence against factions.
- An organization is *de facto decentralized* when either: (1) the center controls resources, delegates operations, but does not have a credible ability to monitor operations; or (2) the center controls operations, delegates resource procurement, but does not have a credible ability to engage in violence against factions. In tis case, control is exercised only at the whim of the factions.
- An organization is *decentralized* when the center provides only ideological guidance and cells self-fund or coordinate among themselves regarding operations and resources.

Hierarchical structures consist of a large base of support culminating with a small pinnacle of leaders subdivided by increasingly small strata of order. Fraser and Fulton say terror organizations have four levels. At the top the smallest level of commanders draft strategy and provide vision and guidance, but it is difficult for them to communicate with their subordinates so they little direct daily supervision over the group's activities.[47] Just below the commanders is the active cadre who actually perpetrate acts of terror and who are normally skilled in one area attack, e.g. bomb making or computer hacking

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47. Jonathan Matusitz, *Terrorism and Communication: A Critical Review* (Thousand Oaks, CA: Sage, 2013), 282.

and have their own subordinates that support their work. Active supporters, who Matusitz claims are the most important strata of the hieratical structure because successful attacks cannon occur without the logistical support, safe houses, or money raised by them, work directly under cadre members. On bottom is the largest group called passive supporters who are difficult to identify because they do not always openly support terror groups, yet they are nevertheless essential for a climate of political success that accepts the ideas and worldview of terror groups.

In the past two decades terrorist networks have taken on an increasingly decentralized and horizontal shape. Most terror groups number fifty or fewer members, so they lack the expertise and manpower to pull off sophisticated attacks beyond soft targets with minimal security. Hamas is an example of a horizontal group in which members are selected to participate in an attack based on that individual's expertise to complete a task. It is also common for cells in horizontal networks to operate openly in mosques and other social gatherings while other cells operate more covertly – a phenomenon known as special differentiation.[48]

Decentralization has costs and benefits associated with that variety of organizational design. Indeed, a decentralized organization has an advantage over the hierarchical or centralized organization with respect to evading CT authorities due to their more numerous links between cells than a top-down structure.[49] On the other hand, decentralized groups face principal-agent problems when, for example, cell leaders ignore the orders of the center, or when leaders at the highest levels do not have the same understanding as leaders on the ground regarding the situation at the

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48. *Ibid*, 282.

49. Paul R. Pilar. "Counterterrorism After Al Qaeda," *The Washington Quarterly* 27, no. 3, (2004):

grass-roots level. The disconnect between a terrorist organization and the population they claim to support can and does have negative effects in their campaigns at times "confusing tactical success for strategic achievements". Fewer connections between cells restricts the capability for problem solving of unexpected tribulations by low-level commanders that force extra mental demands upon senior commanders.[50]

Leadership style may be classified in two categories of authoritarian or charismatic. Authoritarian leaders exert strong control over the organization they direct through strong-arm tactics and a tight organizational structure with closed decision making. Outside of the small cadre of leadership lower strata of members have little say regarding the goals or strategies of their group; moreover, this may lead to close mindedness and groupthink by a leadership that can lead to rash thinking and mistakes made. Powerful authoritarian leaders commonly use punishment and fear to enforce their decisions, which discourages factionalism. Active supporters under authoritarian leadership regularly receive military style training to promote discipline among the ranks and to develop recruits' basic fighting skills. Well-known examples of groups under authoritarian leadership are the PIRA and the Red Army Faction (RAF).

Some scholars have compared terror groups with charismatic leaders to cults that rely upon the personality of a single inspiring leader who is normally a gifted communicator or a brilliant strategist. According to Durkheim,[51] a cult is a group of people organized around shared ideas and solidified by traditions and rituals – indeed a broad definition. It is possible for the charismatic leader to attract numerous followers

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50. Jay R. Galbraith. "Organizational Design: An Information Processing View." *Interfaces*, 4, (1974):

51. Emile Durkheim, *The Elementary Forms of Religious Life* (New York: The Free Press, 1995).

but his or her greatest strength is also the terror group's greatest weakness. When such a leader is no longer in charge due to death, capture, or a change in his or her beliefs such a group may fall apart because of the centrality of the one who is no longer present. Charismatic leaders possess many of the same traits of: intelligence, ability to harness emotion to effectively communicate an inspiring message, decisiveness, adaptability, and levelheadedness under stress. Two examples of terror groups that are characterized as having charismatic leaders are the PKK once led by Abdullah Öcalan and al-Qaeda partly founded by Osama bin Laden.

In addition to the qualities of a charismatic leader he or she performs roles that distinguish them from an authoritarian leader that when harnessed are powerful tools for motivation. Heads of personality cults appear larger than life to their followers who may inspire worship for members; consequently, the teachings of such as person are taken unequivocally as truth. A leader as a positive role model improves the self-image and legitimacy of a terror group's cause for which it struggles. Storytelling can add a mystique to the past exploits of a group that can help them become folk heroes, or it can create an inspiring vision of the future once the group's goals are attained. These features of the charismatic leader assist to draw in passive and active supporters adding to the rank that in turn legitimizes that group.

In order for a terrorist group to implement KfR on a large scale over an extended period of time, a well-organized structure must exist. If, for instance, a terrorist organization is diversifying into KfR when they already have experience in human trafficking or smuggling, it will be easier to modify preexisting procedures, tactics, and supply chain for this purpose. There are a number of physical and conceptual

similarities between human trafficking, smuggling, and kidnap for ransom. All three activities require differentiated cells to execute the specialized activities required for a successful completion of an operation. For instance, these activities necessitate guards, drivers, money handlers, surveillance teams, and storage facilities or safe houses, however the emphasis on each role may differ based on whether a group is smuggling, kidnapping, or human trafficking.[52] Still, the physicality of taking, holding, and hiding people is similar in all three cases, so there is not a great deal of difference between the misdeeds practically.

Small groups do not have the expertise of their larger counterparts that can train their members for specified duties. A small group will likely have better success with KfR in a politically and socially insecure environment where authorities are not trusted by the populace either because the authorities are ineffective or corrupt. For instance, following the collapse of the Saddam Hussein's regime in Iraq, and the dismantling of the Iraqi armed forces, that allowed the country to descend into a chaos where widespread KfR was possible. At that time, small, unorganized criminal gangs took advantage of an unstable environment to exploit unprotected citizens for easy monetary gain. Sometimes, hostages would then be sold to insurgent groups too.[53] This is how common street gangs can work with insurgents and armed groups in a convoluted nexus of crime and terrorism for political and financial advantage.

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52. Everard Phillips, "The Business of Kidnap for Ransom," in *The Faces of Terrorism: A Multidisciplinary Perspective,* ed. David Canter (Chichester West Sussex, UK: Wiley-Blackwell, 2009), 187-207.

53. Robert Looney, "The Business of Insurgency: The Expansion of Iraq's Shadow Economy," *The National Interest*, 81, 2005, 4.

2.3 The Significance of Cells to "New Terrorism" Organizations

Cells are the building blocks of many modern day organizations, which were introduced by the IRA after Michael Collins studied terrorist tactics of the 18th and 19th centuries.[54] There is no set configuration of cell organization or hierarchy, yet they consist of a small subset of an organization designated for a particular mission and are cordoned off from other cells in their vicinity.[55] This decentralized organizational characteristic represents one feature of 'new terrorism'. That is, a horizontal body of networks sometimes without a central leadership as opposed to a top-down hierarchy.[56] Overall, the Taliban displays more features new terrorism features than the FARC that should be considered an 'old' terrorist group. Isolation of cells is a strength of their design because if one cell is eliminated it cannot offer any information regarding the activities of its neighbors to CT authorities. It is not uncommon for cells to have a detached connection to its leadership, which practically means that the details of its planned mission are at the discretion of cell members. More autonomous cells are sometimes called sleeper cells especially when they are located in a foreign state. A notable feature of the cell is its clandestine nature that protects it against recognition by enemy organizations and is designed to impart fear into the target population who is

54. See supra note 13, 296.

55. Jonathan R. White, *Terrorism and Homeland Security* (7th ed.). (Belmont, CA: Wadsworth, 2011).

56. According to Kurtulus there are four primary features of new terrorism: 1 A less-obvious political motivation that is more religious in nature; 2 a decentralized organization structure or 'non-group' groups; a greater amount of violence that is less discriminate than in the past; the intention to use and ability to acquire WMDs.

unaware when or if an attack will happen.[57] Three obstacles exist in identifying clandestine cells: (1) missing information about intent, target, and timing; (2) identifying who is and is not a member of the cell; (3) keeping track of the moves of the cell that are constantly morphing.

Clandestine activities foster stronger bonds of trust and support as an "us versus them" attitude, which develops in addition to the defensive position secrecy offers. Members of the cell frequently recruit from among their personal connection to preserve the bonds of loyalty established in the cell. This severely limits the number of potential newcomers who will likely join yet this aversion to open enlistment of those not in members' social circle guards from the potential detection and elimination of the cell.[58] Sleeper cells, those that lay dormant but become active at a predetermined time or by its own determination, may or may not be clandestine once active in the target community.

Self-starter cells are a newer innovation to the terrorist group family that unlike other cell forms has little or no connection to the original organization. Individuals who belong to this type of terror cell are often called amateurs and when a group that commits an act of terror, like al-Qaeda for example, has many self-starter cells it is said to be franchising. A cause for the proliferation of franchises is the ease of communication available through the Internet both through the worldwide continuous coverage of terror groups via the news and the ability of extremists to spread their

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57. Matenia P. Sirseloudi, "How to Predict the Unpredictable: On the Early Detection of Terrorist Campaigns." *Defense and Security Analysis* 21, no. 4 (2005).

58. Bonnie H. Erikson, "Secret Societies and Social Structure." *Social Forces* 60, no. 1 (1981).

message through social media, online propaganda, and digital publications that glorify violence and extremist ideologies.

Since the invasion of Afghanistan and the subsequent dismantling of centralized al-Qaeda self-starter cells have been a foremost concern to policymakers in North America and Western Europe. Evidently these fears have not been unwarranted due to the number of high-profile attacks since the early 2000s including Madrid 2004, London 2005, and many others around the globe. Decentralization of terror networks has the potential for greater danger than more traditional forms of small groups of extremists because they do not need to travel in order to receiving training, do not need to communicate with known individuals who are identified as dangerous to state governments, they receive less suspicion because they are commonly citizens of the target state, they can easily target soft targets, e.g. cinemas, schools.

Terrorism, as in crime, is not always a group activity. Individuals who commit acts of terror alone are called lone wolves because they work alone and are not directed by central leadership. Despite their perceived individuality lone wolves are normally inspired by the goals of a group or its ideology. Lone wolves idealistically or naïvely believe their violent actions will further a righteous cause against a wicked or ignorant society despite overwhelming odds against them. Hoffman[59] makes a distinction between lone wolf terrorism and individuals who are sometimes called lunatic assassins. Those two categories of attackers may use similar tactics and target the same people (students at a university or a celebrity); although, they have different purposes

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59. Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 1998) 42.

Successfully orchestrating a terrorist campaign requires coordinating many specialized tasks including: fundraising, intelligence gathering, weapons knowledge, recruiting new members, public and media relations, and security. For this reason, basic levels of interconnectedness and hierarchy must be present and a group operating in the proper environment fertile to terror campaigns. Specialization refers to the range of tasks a cell is expected to complete.[60] A number of constraints exist on specialization; for example, in the decentralized organization if interconnectedness is sufficiently high and multiple secure communication lines occur where group members can plan attacks with reasonable certainty their conversations will not be detected. Greater hierarchical organizations with lower levels of interconnectedness can nevertheless specialize if group leaders efficiently allocate resources without arousing detection from security authorities. Low-level specialization is possible in any organizational form, but may also lead to corruption within the group limiting the goals of its aims.[61] When interconnectedness is limited among specialized groups, communication is retarded and ultimately the ability to exchange ideas and learn from past mistakes made by other cells. The difficulty with studying specialization is that in the literature a distinction is not normally

Organizations must be concerned with the space and time in which they operate in addition to their structural design or leadership. Working in conjunction with environmental factors can make a crucial difference between success and failure for any group. For terrorist organizations this means coming to grips with normally

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60. See *supra* note 2, 13.

61. See *supra* note, 14.

operating in a hostile environment. Yet, sometimes it can mean taking advantage of a space with limited government presence or that is governed poorly where they can raise funds, plan operations, or train recruits in relative safety.[62] Face-to-face interactions generate higher levels of trust among members and commanders can more easily control their subordinates. However, the greater the amount of space and longer the time a terror group operates the more it exposes itself to CT measures by governments. Complex operations that require many months of planning and frequent communication between members pose a hindrance to the relative security of an organization and place greater stress on operational space and time. This inherently increases the probability of detection or leaks. Knowing these things makes the 9/11 hijacking all the more impressive, because training and planning for that operation took over a year, and meetings were conducted around the world.

2.4 The Financing of Terrorism

Financing of terrorism is a murky and convoluted subject that combines funding sources, funding methods, and funding channels which often traverse states and include legal and illegal activities. Money is the blood that runs through the body of the terrorist organization delivering nutrients to all extremities and inner organs. Ramzi Yusef, the man convicted for attacking the World Trade Center in 1993, admitted had he had the suitable funds he could have built the bomb he intended to bring down the twin towers.[63] Since the recognition of transnational terrorism, especially after 9/11, terrorism

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62. "Countries Report on Terrorism" (U.S. Department of State 2013), 236

63. Matthew A. Levitt, "The Political Economy of Middle East Terrorism," *Middle East Review of International Affairs* 6, no. 4 (2002): 2.

financing has become a significant source of interest for policy makers and researchers. According to the International Convention for the Suppression of the Financing of Terrorism, funds for terrorism are: "assets of every kind, whether tangible or intangible, moveable or immovable, however acquired, or legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travelers checks, money orders, shares, securities, bonds, drafts, letters of credit."[64] This is obviously a vast category of financial instruments.

As mentioned above, a feature of New Terrorism is its generally flatter organizational structure. With respect to financing of their operations cells are expected to raise a greater share of their own funds. Probably no where do we see a stronger element of new terrorism in the FARC and Taliban case studies than in the realm of fundraising. In both cases, although to a different degree, observers can see a generally decentralized approach to fundraising. For the FARC financial decisions are often but not exclusively made at the front, or mid-level, of the group. While the Taliban's district commanders, mid low-level leaders, normally take a lead in raising and spending monies. The greatest development in fundraising from older groups to newer ones is loss of state funding as a primary source of income.[65] Groups from the IRA to Hamas and Hezbollah raised a great deal of their income from Iran, Libya, and Syria; although, they still participated in criminal activity like armed robbery, KfR, and drug smuggling.[66]

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64. Article 1, paragraph 1 of the Convention. The United Nations (1999)

65. Michele Zanini, "Middle Eastern Terrorism and Netwar," *Studies in Conflict & Terrorism* 22, no. 3 (1999): 249.

In particular the Gaddafi regime in Libya suffered for its support of terrorist causes during the 1980s when two Libyan fighters were shot down by American F-14s and in another instance when Tripoli was bombed in 1986.[67]

The relative importance of kidnap for ransom varies across terrorist organizations, yet it is a consideration when examining terrorist financing. Not only does this tactic vary across organization, but also by the developmental stage of a group, the economic environment where they operate, operating costs required for a to function.[68] Potential financial and political rewards of a kidnapping must be balanced against the costs of running the group's wider operation. Acquiring weapons comes with a danger and a price as well as the caring for hostages and paying kidnappers and guards. By way of reducing costs, hostages may be kept in farmhouses, abandoned buildings, cellars with others captured at different intervals. This was a common observation of former FARC hostages. In this respect, comparing two similar terrorist organizations can offer some insight into the differences between groups that do and do not heavily kidnap.

EU and US government officials estimate, for instance, that al Qaeda in the Arabian Peninsula (AQAP) likely has a much lower operating costs than other groups with higher social welfare costs, such as Hamas or Hezbollah; it instead focuses primarily on operations.[69] Efforts to track and prevent funds to AQAP are difficult

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66. Jeffrey M. Johnson and Carl Jensen, "The Financing of Terrorism," *The Journal of the Institute of Justice and International Studies* 10 (2010): 104.

67. *Ibid*, 104.

68. "Organized Maritime Policy and Related Kidnap for Ransom," *FATF Report*, (2011): 30.

69. *Ibid,* 31.

because monies transmitted frequently and in small amounts transmitted through discrete *hawalas.* AQAP does not engage high levels of KfR due to adverse risk factors. Conversely, EU and US officials agree that KfR is one of AQIM's primary sources of income, which is estimated at €15 million annually.[70] Increased kidnappings over the past decade in the African Sahel have provided AQIM with the financial resources to conduct numerous more operations in North Africa. American officials estimate the average ransom price per hostage is $1 million that is paid for recruitment, administrative costs, and operations.[71]

A unique feature of Islamic terror financing are charities funded through *zakat* often translated as almsgiving in English. *Zakat* as one of the five pillars of the faith is a fundamental demonstration of righteousness and an ancient method for promoting economic equality between rich and poor.[72] American court records indicate Yassin al-Qadi, a Saudi businessman who the American government consider a financier of charity projects and terrorism, moved CHF1.46 million from a Swiss bank account to the Quranic Literacy Institute of Chicago, which distributes Islamic textbooks.[73] According to the FBI the Quranic Institute purchased property in Woodbridge, Illinois outside of Chicago in a manner that attempted to hide the source of the money as coming from al-Qadi International. Furthermore, the U.S. Justice Department claims this property investment by the Quranic Institute was intended to generate income for a Mohammed

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70. *Ibid,* 31.

71. *Ibid,* 31.

72. Nimrod Raphaeli, "Financing of Terrorism: Sources, Methods, and Channels," *Terrorism and Political Violence* 15, no. 4 (2003): 62.

73. *Ibid*, 66.

Salah, a confessed Hamas operative who was arrested over January 1993 in Israel.[74] This case was part of a larger investigation into Mr. al-Qadi's financial contributions.

Sources of income for financing of terror operations are derived from a variety of sources of both legitimate and illegitimate means and fronts of businesses and NGOs. For instance, the gem and precious metals industry can be a shadowy domain for moving valuable, small, and unmarked commodities across borders. Al-Qaeda heavily invested in the West African diamond market after its assets were frozen by the American government in 1998 following the bombing the bombings in Tanzania and Kenya of US embassies. Established diamond buyers in Sierra Leone and Liberia had difficulty purchasing products for their costumers because new buyers were paying between 15 to 30 percent higher for the stones than the market price.[75]

Funds are raised by other curious means like cigarette smuggling, automobile resale, credit card fraud, and counterfeiting of consumer products. Two brothers of Lebanese background were convicted in the United States for reselling cigarettes across state lines then using the proceeds to purchase military equipment including night-vision goggles, rife scopes, metal detectors, laser range finders, and others to Hezbollah associates in Lebanon.[76] An official with Interpol testified before the United States Senate Foreign Relations Committee that al-Qaeda and Hezbollah have begun counterfeiting "Nike shoes, Calvin Klein jeans, and Sony small electronic equipment', an innovation in fundraising for terrorism. The commercial cost from breaking intellectual

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74. *Ibid*, 66.

75. *Ibid*, 74.

76. *Ibid,* 76.

property rights was estimated at between $200 and $250 billion annually according to this same senior official.[77] Three Pakistani men and one Saudi man were detained in Frankfurt Airport by customs officials because they were linked to a scheme whereby German luxury cars were bought then sold at a considerable markup in Saudi Arabia, according to the Bundeskriminalamt BKA or German federal police. Furthermore, they were one of 12 believed money-laundering rings in Germany supporting militant training camps in Afghanistan, Lebanon, Pakistan, and Palestine.[78]

The *hawala* is another is another noteworthy financial conduit not only for its distinctiveness but also for its ubiquity within some Muslim communities. It is the transfer of money from one agent to another without the use of commercial financial institutions like banks or money exchange, so in this way it is informal. *Hawala* literally translates to remittance in English. They are estimated to move $2 trillion annually which accounts for only 2 percent of all money moved around the globe.[79] However, more specific data on *hawala* is largely conjecture.[80] What is special about *hawalas* is that for consumers they are simple to use, cheaper for moving money than Western financial institutions, and provide a great deal of anonymity for the consumer because transactions leave no paper trail. Efforts to regulate these informal wire services have received some critique from the IMF and other free-market advocates as raising the cost of business thereby hurting small users.

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77. *Ibid,* 75.

78. *Ibid*, 76

79. *Al-Hayat* (London, UK), Jun. 11, 2002.

80. See *supra* note 36, 70.

Cash couriers are an old profession which have taken on greater importance in the past several decades as moving money through the international financial system has become more closely monitored by governments. The same can also be said for the use of message couriers for a similar reason that electronic communications that are not encrypted are easily captured by CT authorities with or without the cooperation of telecom firms. According to a study by the Council on Foreign Relations, the physical movement of money by couriers is "abetted by weak border controls and a cash-based culture very unlike the Western credit-and-electronic based economy.[81] To illustrate, in April 2001 a policeman noticed Mohammed Suleiman Vaid attempting to cross the South Africa-Swaziland border walking awkwardly. Upon searching Mr. Vaid, the officer discovered five pounds of South African Rand concealed in the man's underwear. In a specially made bodysuit under her niqab Mr. Vaid's wife had the equivalent of $90,000 in Rand.[82] It was later uncovered that the man had crossed from South Africa to Mozambique 150 in the previous 18 months.

As qualitative and quantitative date on the functioning of terrorist organizations are difficult to acquire, tracing the spending practices of any group is likewise challenging. Fortunately, it is possible to gain a generalized understanding of the budgets of some groups from public statements and captured financial documents. The Afghan Taliban have publicized specifically how ransom money they receive is used in operations against coalition troops. In an interview conducted by *The Telegraph* newspaper with Taliban representatives Mullah Hezbollah said,

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81. William F. Wechsler and Lee S. Wolosky, "Terrorist Financing" Report by Council on Foreign Relations New York, NY (2002): 16.

82. "Spreading Influence in South Africa, Mounting Evidence of al-Qaeda Links," *The Wall Street Journal* (New York, NY), Dec. 10, 2002.

"It was a God-sent opportunity. It has helped us to multiply our stockpile of weapons and explosives to wage battle for at least a year or so." Mullah Hezbollah continued, "We were really concerned when we received orders to launch *Operation Nursat,* because we had hardly any funds to buy weapons to carry out such a major offence. Thanks to the ransom payments, however, the operation proceeded with full vigor."[83]

Some especially detailed reports come from captured records from al Qaeda in Iraq that were analyzed by the Rand Corp. Although, this data is specific to AQI, now ISIS, it is illustrative of the budget of one group that uses KfR as a terror tactic. The budget is as follows:[84]

Funding AQI Operations in other regions	56%
Administrative Costs	11%
Military Operations	10%
General Treasury	9%
Payroll/Medical	5%
Border Activities	2%
Security	1%
Shura Council	1%
Media	1%

2.5 Opportunity in Civil Conflict

This study relies heavily on the contributions of those who have developed theories and conducted research in the literature of greed in civil conflicts and civil conflict economies. People are not regularly considered natural resources as are timber or gemstones yet kidnapping for ransom is not so different than exploiting these other

83. See *supra* note 36, 32.

84. See *supra* note 36, 32.

resources. In both cases people and inanimate (non-animal) natural resources are typically exploited in illegal markets, during civil conflicts, both must be processed or stored somehow, and then sold in a market or ransomed in the case of people. The greed hypothesis is the dominant approach in conceptualizing civil conflict outbreaks, continuation, and lethality. Brenner (2016) criticizes this theory and others that treat rebel groups as unitary actors as ideas with little empirical evidence to support. As far back as the 1970s Scott similarly criticized multifaceted social movements as being simply labeled "communist" or "nationalist".

Ross' (2004) work examines how civil wars begin, their duration, and intensity by testing 13 hypotheses to identify the causal mechanisms that link these topics to natural resources. He found eight cases of the 13 tested that were statistically significant and positive. Most notably they were: 1) resource wealth in an area is more likely to lead to the outbreak of civil war, a finding that Collier and Hoeffler (2002) also agree. 2) Many commodities e.g., oil, minerals, and non-food cash crops, are casually linked to occurrences of civil war, which is similar to the results of Fearon and Laitin (2002), and de Soysa (2003) that oil-exporting states are more likely to experience civil war. 3) Drug trafficking did not lead to civil war in Ross' data, but that it did lengthen the duration of civil war. 5) The prevalence of 'lootable' natural resources does not always correlate to higher levels of conflict e.g., AGs may cooperate to mine diamonds. 6) Resource wealth and civil wars are linked by a variety of mechanisms that at the time of his paper's publishing were not well understood. Large N quantitative studies can only take researchers so far in identifying such mechanism and more case studies are required to uncover those linkages.

Fearon (2004) seeks to uncover why some civil wars last longer than others. More specifically his research asks what conditions contribute to a swift victory for one side or a stalemate? What Fearon discovered is that coups and popular movements like that of Iran in 1979 conclude quickly. Anti-colonial wars since 1945 and tend to not last long. Conversely, civil conflicts between a smaller ethnicity that is back by another state against a dominant ethnicity last longer. As well, civil wars last longer when rebel groups are able to sell traffic narcotics or profit from extortion.

LeBillon 2001 seeks to discover the theoretical relationships among natural resources, armed conflicts, and the historical processes by which they are embedded. He does this by analyzing the materiality, geography, and other socio-economic processes of armed conflicts and how it relates to natural resources. The author finds that natural resources and conflicts are related in a couple different manners: 1) conflicts are motivated by control of resources and 2) those resources are used to finance conflicts yet case 2 is more common. Exploitation of natural resources does influence the agendas and structures of AGs but this is not as significant as the underlying political grievances that motivate civil conflict. Concerning vulnerability of society to violence, the greater level of 'lootability' of a resource and the economic dependence on that resource then the greater likelihood a society is to succumb to civil conflict. Naturally, not all states commonly considered to have a high level of reliance on primary have histories of civil strife but geography and political economy lend themselves to exacerbating conflicts.

Collier and Hoeffler (2004) also investigate the causes of civil war using a dataset of the years 1960-1999. They offer two competing hypotheses regarding the

onset of internal wars familiar to this subset of literature. Rebellions may arise from unusually strong grievances like inequality, few political rights, or ethnic, religious, and societal divisions. However, rebellion may come from atypical opportunities for belligerents to make financial gain. To test their hypotheses, the authors developed an econometric model to identify instances of civil war. This article updates Collier and Hoeffler (1998) which concluded that rebels must make-up losses incurred during conflict after hostilities end in order to justify initiating a conflict. What they discovered since that work is that rebels quickly cover their military costs and then some during a civil war. In light of this realization the authors developed a model that prioritized opportunities for violence better predicts conflict than one that prioritized political grievances. An important factor for influencing opportunity for rebellion is the availability to finance spending on rebel's materiel and labor costs especially via the sale of primary commodities. Such incentives for profit make the decision to rebel easier. Similarly, young men, and women in some cases, have few opportunity costs to forgo joining a rebel AG when there are few educational institutions in their area or means to earn good wages. Finally, there is greater probability for rebellion in sparsely populated geographic areas. The authors three primary findings are consistent with the economics literature on causes for civil war.

2.6 Kidnapping as a Tactic of Armed Groups

There does not exist a great deal of research dedicated to studying kidnappings; however, this is changing within the past fifteen years. Case studies documented this tactic with reference to specific groups such as the FARC or particular cases like that of

Aldo Moro and the Red Brigades. Pires, Guerette, and Shariati conducted a study using multiple sociopolitical independent variables, which empirically challenge common claims that kidnappings occur in failed and weak states. It claims to be the first study of its kind and the results affirm predictable outcomes that the highest rates of KfR occur in states with challenged "socioeconomic, sociopolitical, and security" circumstances.[85] There is neither great amount of theoretical writing on the related topics of hostage taking or hijackings of planes, buses, or boats – all tactics that involve preventing the movement of humans unless in return for financial or political compensation. However, of note is Tzanelli's article that critiques the two debates of KfR as a purely political or financial motive and she puts forth the notion that kidnapping is a natural effect of capitalism. This work separates itself from other studies on the topic due to its theoretical approach. Most of the work conducted in this topic comes from

In fact, the terrorist tactic that has received the most significant volume of special attention in the wider terrorism literature in the past two decades is suicide attacks. This could be due to the prominence of armed groups in that time, al-Qaeda, the Taliban, Islamic State or it could be due to the unique nature of someone giving their life for a cause. In Martin's words, suicide attacks have an indelible appeal because they:

> possess an intelligence and flexibility other weapons do not have; inflict significant psychological damage on an enemy; are relatively "cheap" weapons, so long as the reservoir or volunteers is maintained; and exact a high human toll from an enemy while at the same time incurring acceptable losses.[86]

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85. Stephen F Pires, Rob T Guerette, Auzeen Shariati, "Specifying Kidnapping for Ransom Epidemics at the Global Level: A Matched-Case Control Design," *Studies in Conflict & Security* 40, no. 2 (2017): 140.

86. Gus Martin, *Understanding Terrorism: Challenges, Perspectives, and Issues* (Thousand Oaks, CA: Sage Publications, 2017) 284.

Nevertheless, it is somewhat unusual that not more tactics have received so much attention as suicide terrorism considering, for example, the innovation of cyber terrorism. It has the potential to create tremendous harm when used to attack vital infrastructure like power plants, water filtration plants, or hospitals and banks. Finally, though, to put the incidence of KfR into perspective below is the following pie chart depicting "Hostage Taking" as a small proportion of all terrorist attacks for one year.[87] Within the hostage taking category is the even smaller subset of kidnap for ransom.

Figure 10.1 Tactics Used in Terrorist Attacks Worldwide, 2013

- Hostage Taking 6%
- Facility/Infrastructure Attack 6%
- Assassination 8%
- Armed Assault 23%
- Bombing/Explosion 57%
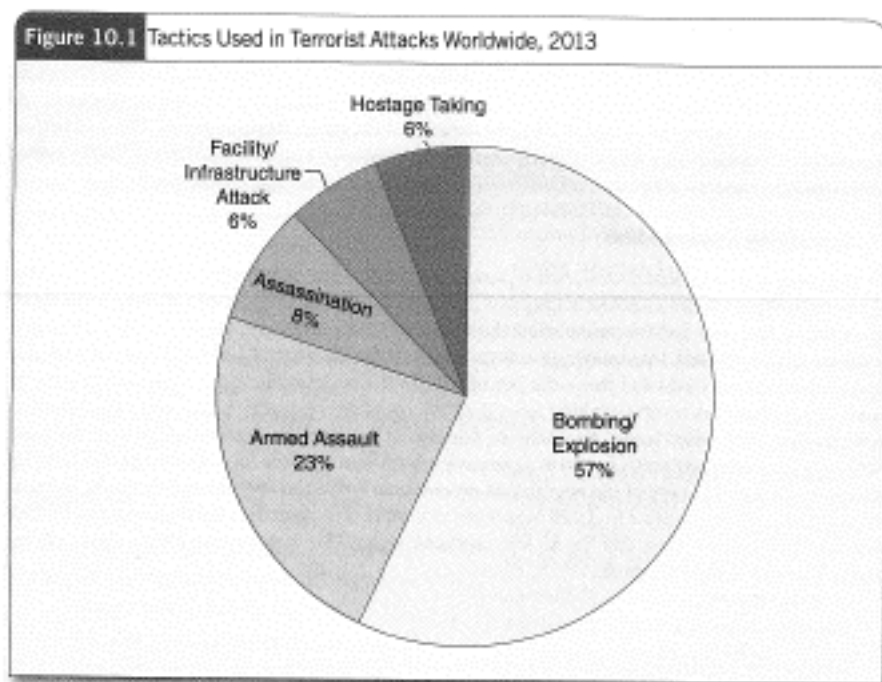
Source: Office of the Coordinator for Counterterrorism. *Country Reports on Terrorism 2013.* Washington, DC: U.S. Department of State, 2014.

The existing literature on kidnapping runs in two primary tracks of works exploring the fundamental questions of who, what, when, where, and why. Who is being kidnapped? What groups are kidnapping? When (which year) are kidnappings occurring? Why are kidnappings happening (for either financial or political reasons)?

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87. *Ibid,* 291.

While the other primary, and newer, strain of work on KfR explores the efficacy and ethics of paying ransoms to kidnappers for the purpose of safely freeing hostages. Both sets of work emphasize quantitative methods of small N and large N samples and data sets that span decades. Studies dedicated to various questions on ransom payments also often use historical illustrations and case studies to enhance their argument.

With respect to establishing basic facts about KfR, Forrest's study stands out from the others in regards to how well it describes the groups involved in kidnapping, the countries where it occurs the most, the nationalities of hostages using 40 years of data with the conclusion that kidnapping has increased over that period.[88] Yu also presents an interesting analysis from which he develops five typologies of kidnapping hotspots that he uses to determine different motivations of kidnappers and to determine how best to resolve those abductions.[89] Type 1 are hotspots where KfR is a by-product of recent war. Type 2 is where kidnapping is chronic and even morphed into a business. Type 3 hotspots occur where there is internal social strife and conflict typically between two ethnic or religious groups. Type 4 is the country of Nepal where "terrorists" mostly use kidnapping to make political propaganda messages and where there is also a low casualty rate of hostages. Type 5 is Nigeria where foreign employees of MNCs, especially oil companies, are targets of local kidnappers. Ransom payments from these cases are commonly used to then invest in small infrastructure projects in local communities. In this manner Type 5 is unique. Then, Briggs work based on her study of

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88. James J F Forrest, "Global Trends in Kidnapping by Terrorist Groups," *Global Change, Peace & Security*, 24, no. 3 (2012): 313.

89. Minwoo Yun, "Implications of Global Hostage-taking and Kidnapping," *The Korean Journal of Defense Analysis*, 29, no. 2 (2007): 162.

geographic KfR hotspots develops the idea as kidnappers as business owners that take into account risk versus reward which is to a great deal determined by the environment in they operate. That is, for example, states with weaker governments face lower risk in their kidnapping business, which is of course more advantageous to kidnappers. Her work then goes on the describe current (in the year 2000) policies designed to combat KfR; in this way Briggs work is a bridge to the other main body of kidnapping literature.

Easily the most significant contribution to the discussion on making ransom payments is journalist Joel Simon's book published in 2019 *We Want to Negotiate: The Secret World of Kidnapping, Hostages, and Ransom* because he addresses both sides of the argument for and against paying ransoms using nearly 50 years of data and reviews the current academic and policy evidence to support his claim that to not pay ransoms is counterproductive.[90] Also, of note is Jenkins 2017 Rand publication "Does the U.S. No-Concessions Policy Deter Kidnapping of Americans?" because he traces the evolution of the American no-concessions policy since the Nixon administration highlighting its inconsistencies and raising hypotheses about why such a policy fails to meet policy makers' desired goals in his opinion.[91] What is also noticeable is that Jenkins references Rand's previous work in the 1970s on the subject of public policy towards the American ransom policy and how those past findings still ring true.

Similar to Jenkins paper is one authored by Loertscher and Milton of the United States Military Academy Combating Terrorism Center *Held Hostage: Analyses of*

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90. Joel Simon, *We Want to Negotiate: The Secret World of Kidnapping, Hostages, and Ransom* (New York, NY: Colombia Global Reports, 2019).

91. Brian Michael Jenkins. "Does the US No-Concessions Policy Deter Kidnappings of Americans?" *RAND Corporation* (2018).

Kidnapping Across Time and Among Jihadist Organization.[92] These authors examine kidnappings by Jihadist groups since the year 2000 and conclude that kidnappers act opportunistically with respect to whom they take yet an abductee's nationality does play a role in how likely they are to be released. So, Loertscher and Milton decided that public policy is a factor in whether a hostage is released but they do not cite which policies effect such outcomes. The outlier study written by Brandt, George, and Sandler, which uses a fancy Bayesian Poison change-point model, in their in quantitative analysis of three cohorts of states that differ in their willingness to negotiate with kidnappers comes to nearly opposite results of the above authors.[93] Brandt, George, and Sandler argued that as "terrorists" were more successful in getting concessions, either financial or political, they are more likely to continue to kidnap in the future. In light of these findings they suggest states adopt a no-concessions policy so as not to motivate more kidnappings of their nationals.

Current literature on kidnapping does well at identifying the geographic areas in which the phenomenon happens most frequently and those authors who develop these descriptions do estimate the numbers of hostages across area and time, such as this is possible to acquire accurate statistics. The literature as it stands also identifies the most prominent groups that kidnap including vital information such as their origins, development, ideology, and goals. Vital to presenting this data are the cataloguing work of the Global Terrorism Database at the University of Maryland and the Center for

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92. Seth Loertscher and Daniel Milton, "Held Hostage: Analyses of Hostage Across Time and Among Jihadist Organizations," *The Combating Terrorism Center at West Point* (West Point, NY), (2015).

93. Patrick T Brandt, Justin George, and Todd Sandler, "Why Concessions Should Not be Made to Terrorist Kidnappers," *European Journal of Political Science* 44, (2016).

Analytics at the University of New Haven. In the area of policy discourse around paying kidnappers' ransoms, the conversation has shown promise and there are opportunities for more research around this topic. Many opportunities also exist for those who wish to engage in ethical debates on whether it is permissible to make ransom payments to kidnappers. What is lacking from discussions around kidnapping, and what this work seeks to fill in the gaps of, is how are armed group, insurgents, and other similar types of organizations effected by their choice of kidnapping? This author's inquiry into how organizational structures of terror groups change based on their choice of tactics is an attempt to push the boundaries of the current understanding of kidnap for ransom.

2.7 Conclusion

Groups give protection, meaning, and value to our lives. Without them societies, cities, and nations would not be possible, and human life could not escape its primitive beginnings. They develop socializing features that promote the cohesion of its members and the accomplishment of goals. Norms are a socializing feature that related to a behavior that may be shared across a wide variety of identifies. Formalization is a measurement of how well things such as communication, rules, and duties are made explicit. Social Identity Theory is a method to scientifically analyze groups based on their behavior towards in-group and out-group members.

Hierarchy is one measure of organizational structure that is indicated by the degree to which those with ideological or political influence also have operational influence. Two important dimensions of understanding leadership are the degrees of charisma and authoritarianism leaders exhibit. Cells or a cellular structure are the

building blocks of many contemporary terrorist organizations that exist to operationalize a unique task. Members of cells may form close personal bonds due to the tense and dangerous environments in which they work and commonly recruit from pre-existing relationships of family and friends. A terrorist group must pay close attention to the context in which they operate in addition to its organizational behavior. Competent leaders and middle managers are needed, as kidnapping requires detailed planning and organization to be sustained of a long period of time. Leaders must identify and mitigate risks to their enterprise, including such variables as: detection from CT authorities, the skillset and resources of their group, and a comprehensive understanding of the economic, political and social climate. Beyond the political, social, and economic forces present in an area, environmental, physical geography, and climate can play an important role in the planning of an attack or wider strategy.

If KfR is to become a viable 'enterprise' for armed groups, it will likely need to be profitable from the outset. When records are available, financial data on terrorist organizations can illuminate an otherwise shadowy topic. Its study is important because money is the lifeblood that nourishes every member of the body a terrorist group. A hallmark of terrorist cells is that in modern times they must provide their own funding due to a general lowering of state sponsorship since the end of the Cold War. Since that time, alternative funding sources including KfR, the narcotics trade, and smuggling of people and goods have become popular sources of revenue. A unique support feature to Islamic fundamentalist groups is the practice of funneling revenue through charities from *zakat.* Another such feature is the use of *hawalas* that allow currency to be discretely sent around the world outside of the Western banking system that is

monitored by governments. With the diversity of black-market funding sources and the ability to receive legitimate and ill-gotten money surreptitiously, it is difficult for CT authorities to follow the financing of terrorism.

To armed groups, KfR has a political value, which it does not to criminals. One attraction to this act is that it can simultaneously raise funds for other operations and increase fear in a populace that in turn de-legitimizes the government of the state. A second primary benefit to the kidnappers is that they can promote their cause through the publicity of a series of kidnappings or the abduction of a high-profile individual. The goal for insurgents is to convert their prisoner into political concessions from their hostage's home country. Trust between negotiators and kidnappers is thin, but some trust must exist between the parties for an exchange to take place in order for hostages to return home. During this thrust and parry of negotiations, kidnappers have the upper hand because they hold a human life. Tzanelli identifies three ascending steps of increasing violence are the negotiating tactics of silence and threats towards the opposition negotiating team, abuse of the kidnaped victim, and murder of the kidnapped victim. Areas of the globe where KfR is most prolific are South Asia and northern Latin America.

Chapter Three

The Targets and the Tactics of Armed Groups

3.1 Introduction

Kidnap for ransom is a ubiquitous phenomenon spread unevenly over our globe. It is a crime of opportunity and sometimes high volume whose culprits do not expect to be caught. There are somewhere between 25,000 and 100,000 reported kidnappings a year despite most of the incidents of KfR being unreported to government authorities.[94] In January 2014, the United Nations Security Council passed a unanimous resolution expressing concern about the increase in terrorist kidnapping for ransom due to the fact that current payments incentivize future kidnappings.[95] This form of terrorism occurs in every part of the world, yet certain states have a notorious reputation for high incidence of KfR where the phenomenon is concentrated. Some authors suggest, through case studies and anecdotal evidence, that kidnapping epidemics are most likely to happen in corrupt, fragile states where violence is widespread.[96] The phrases fragile state and failed states are often synonyms; however, this is a nebulous term with conceptual shortcomings that attempt to describe a wide variety of states with diverse challenges. Since the height in popularity of this view in the 1990s through 2000s institutions

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[94]. M. Moor and S. Remijnse, "Kidnapping is a Booming Business: A Lucrative Political Instrument for Armed Groups in Conflict Zones," *IKV PAX Christi*, (2008).

[95]. S.C. Res. 2133, ¶ 6 (Jan. 27, 2014)

[96]. Rachel Briggs, *The Kidnapping Business* (London: Foreign Policy Centre, 2001), ; Everard Philips, "The Business of Kidnap for Ransom," *The Faces of Terrorism: Multidisciplinary Perspectives* (West Sussex, UK: Wiley-Blackwell, 2009), .

including the UN, World Bank, and agencies within the American government have dropped use of the term in favor of other more descriptive ones.[97] Kidnap for ransom is not an epidemic in all the places described above, so a more accurate understanding of and under what conditions it takes place is necessary.

Ideology, target selection, and tactics filter the set of all actions a group could take to achieve its aims into a narrower set of likely options that group pursues. These decisions can lead down a path to kidnap for ransom as one of several tactics for achieving political goals. For this reason, in order to explore consequences of KfR, it is helpful to uncover how a terrorist organization comes to use this method of attack. In order to fulfill this objective, the plan of this chapter is to begin this chapter at a wide focus on the lens of ideology, proceed to a smaller focus of target selection, and then to the smallest lens of specific tactics commonly used by armed groups. What this will accomplish is to bring the reader from the literature review to explore the reason why a group may chose to kidnap to Chapter Four that will dive deep into two cases studies of dissimilar groups that practice KfR.

3.2 The Role of Ideology in Target Selection

Ideology is the values, principles, beliefs, and objectives by which a group expresses its distinct political identity; thus, it is the bedrock on which actions are justified.[98] Not all members of an organization will likely hold to a strict ideology. At the

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[97]. Charles T. Call, "The Fallacy of the 'Failed State'," *Third World Quarterly* 29, no. 8 (2008): 1501.
[98]. Walter A. Rosenbaum, *Political Culture (Basic Concepts in Political Science)* (London, UK: Nelson, 1975), 120.

lowest levels of the group because there will not always be enough true believers to effectively fill every position in particularly large organizations. Some people are drawn to the opportunity to enrich themselves, gain status, or acquire protection from a dominant organization in their area counter to the government. This explains the difference between the professed political ideology of a group and the actual political ideology of its members.[99] We can see this pattern in many armed groups. Ideology sets bounds for target selection and use of tactics; however, different political ideologies arrange those boundaries varyingly from others. Cultural and historic traditions can make ideological imperatives less straightforward. Maoism rests upon China's distinct historical trajectory apart from Europe that leaves it linked to but separate from older European variants of Marxism. Prominent political ideologies include: ethno-nationalist/separatist, religious, left-wing, and right-wing beliefs, yet not all categories are mutually exclusive.

Ideology is extremely important to a group's worldview. It is the lens by which members view their surroundings, interpret current events and history, and what and how they classify as enemies — even those who do not give a thought to the terrorist's mission. For instance, in 1977 the PIRA carried out a short-term assassination campaign against businessmen on the grounds that their companies helped support the British 'occupation' of Northern Ireland.[100] Doubtless, those who were murdered did not likely have any sense their daily work related to Britain's governance of the country.

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99. C.J.M. Drake, *Terrorists' Target Selection* (New York, NY: St. Martin's Press, Inc, 1998), 16.

100. "Change of Tactics by the Provos," *Financial Times* (London, UK), Feb. 4, 1977.

Once a political group decides to use violence, it must determine who and what to attack.[101] Their ideology determines who their 'enemies' are typically based on concepts of 'goodness', 'badness', 'innocence', and 'guilt'. Terrorist organizations generally understand the world in a Manichean manner with themselves as proper arbiters of right and wrong. These sometimes-complex determinations result in what are called 'legitimate targets', which can be extremely controversial if that mark is also a 'soft targets' that are not regularly defended. Soft targets are installations such as schools, hospitals, cinemas or shopping centers that are public areas where many people congregate with few security forces on guard. To many people these moral judgments are radical and troubling and that view is not lost on those who believe them. Another PIRA member explained to Tony Parker, "I don't expect to be judged by your rules: if Brits do that, then they'll see the IRA as a bunch of ruthless maniacs which by their definition I suppose we are…The IRA has its own logic and oh no it's not yours."[102]

A specific example of the difference between terrorist 'exceptional' behavior and the mainline judgments of society is the April 1991 assassination of Detlev Rhowedder by the German *Rote Armee Faktion* / Red Army Faction (RAF) also known as the *Baader-Meinhof-Gruppe*. Here, 'exceptional' means a law or social norm that a political ideology claims it is not bound by because those laws are illegitimate or because the radicals are only accountable to a higher law. Rohwedder was the head of the German federal agency responsible for privatizing firms owned by the former DDR, a former

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[101]. See *supra* note 30, 23.

[102]. Tony Parker, *May the Lord in His Mercy Be Kind to Belfast* (London, UK: Jonathan Cape, 1993), 324.

State Secretary in the FDR Economics Ministry, and earlier a manager at Hoechst Chemical.[103] In a communiqué according to the RAF, Rohwedder was killed for, in their words, his decades of work as an "armchair murderer" who in the "interest of power and profits plans the misery and death of millions of human beings".[104] Additionally, by killing Rohwedder the RAF was protesting the annexation of East Germany and making, again in their words, a moral act. The Rohwedder murder indicates how terrorist acts are used to label victims guilty and deserving of judgement outside any established court of law.[105] Crucially this condemnation of the perceived enemy is essential to the mindset of the radicals who use violence. It absolves them of wrong doing in their own eyes, to their supporters, and hopefully in the opinion of uncommitted observers whose support will be necessary to a successful campaign.[106] Not many people can bear the belief that their actions, especially violent actions, are wrong or harmful to others. This is why the belief that an enemy is guilty is so important for the continuation of a terror strategy.

Another important consequence of ideology is the transformation of people and objects into representative symbols for the terrorist.[107] In the words of one loyalist interviewed from Northern Ireland who bombed a public house in 1974, "We

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[103]. See *supra* note 30, 24.

[104]. Red Army Faction, "Communiqué on the Assassination of Detlev Rohewdder, President of Treuhandanstalt, in Dusseldorf on 1 April 1991", in *Europe's Red Terrorists: The Fighting Communist Organizations,* eds. Yonah Alexander and Dennis A. Pluchinsky (London, UK: Frank Cass, 1992), 79.

[105]. Brian Michael Jenkins, *International Terrorism: A New Kind of Warfare* (Santa Monica, CA: RAND Corp, 1974), 16.

[106]. See *supra* note 30, 25.

[107]. See *supra* note 30, 25.

dehumanized the other side and branded them animals. We didn't think of them in terms of them being people. If we couldn't get to the IRA, we would have to slaughter members of the Catholic community who after all seemed to support them."[108] No doubt it becomes easier to murder when one dehumanizes the enemy. Using pejorative names at the enemy is common practice of viewing people as representative symbols of the enemy. In Northern Ireland loyalists sometimes disparagingly call Catholics "taigs" and republicans refer to local soldiers as 'Brits'.

Of course, the act of assigning guilt to the enemy and symbolizing individuals as representatives of that enemy is not exclusive to terrorism, for is it also common in warfare. Glenn Gray says, "The basic aim of a nation at war in establishing an image of the enemy is to distinguish as sharply as possible the act of killing from the act of murder by making of the former an act deserving all honor and praise."[109] American soldiers and Italian soldiers fought and killed each other during the Second World War, yet they had little personal animosity towards one another as individuals. Churchill justified British aerial bombing on German cities for revenge for the Blitz on London and justly due for the "malignancy" of the German people.[110] Michael Walzer famously cited the bombing of German cities later in the war as a violation of Just War Theory since there was no longer a "supreme emergency" of a power hostile to the existence of the British state. That is, by late 1944 it was clear the Germans would lose the war;

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108. "Tragedy of Ulster's Relentless Cycle of Violence," *The Independent* (London, UK), Feb 6, 1992.

109. Richard Holmes, *Firing Line* (London, UK: Jonathan Cape, 1985), 360.

110. Angus Calder, *The People's War: Britain 1939-1945* (London, UK: Jonathan Cape, 1969), 566.

therefore, the continued attack on civilians was unethical.[111] With the right ideology liberal republics are just as able to dehumanize their enemies as terrorist organizations.

One does not need to have done anything to be designated a suitable target by a terrorist. Merely being oneself can be enough to receive harm from the perspective of some.[112] Crenshaw remarks how during the Algerian Revolution (1954-1962) the FLN regarded bombings against European civilians as legitimate because they represent French colonial occupation in that country. In France the strategy of attacking European civilians had the consequence of dividing public opinion on the war then eventually turning public opinion against continued military action in North Africa. In another case, a bomb exploded where the Delegation of Argentine-Israeli Association and the Argentine-Israeli Mutual Association were lodging in July 1994. When a Lebanese authority on Hezbollah was asked why this attack did not take place in Israel, he replied how it makes no difference where an attack occurs, only that it is against Jews.[113] Regardless of one's race, nationality, or religion it is possible to be targeted despite seemingly no blameworthy action.

A final ability of ideology on terrorism closely connected to, but different from attributes listed above, is what could be called 'guilt deflection' and victim blaming for the occurrence of violent attacks.[114] This means the guilt most people would ascribe to

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[111]. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York City, NY: Basic Books, 2015), 323.

[112]. See *supra* note 30, 27.

[113]. "16 Killed in Bomb Attack on Jewish Groups in Argentina," *The Independent* (London, UK), Jul. 19, 1994.

[114]. See *supra* note 30, 28.

perpetrators of violence is 'deflected' by radicals to the physical target (person, persons, or building) or psychological target as an "inevitable" and unavoidable action.[115] For example, Abu Iyad attributed the 1972 kidnapping and murder of Israeli athletes by Black September at the Munich Olympics to the international community's failure to recognize the plight of Palestinians. Furthermore, he claimed the deaths of nine of the hostages during the standoff with police at Furstenfeldbruck Airport was due to their attempt to rescue the captives and failure to meet the demands of the Palestinian separatists. Here, the hostage-takers used a simplistic cause-and-effect perspective that places blame on parties directly and indirectly involved in their confrontation with police while taking no responsibility for their own actions.

However, ideology is not all what it seems, and armed groups certainly do take into account practical concerns, but they can also make mistakes with respect to tactical choice and target selection. Target selection may be straightforward when an enemy is walking down the street. Bishop and Mallie assert PIRA initiating the killing of British soldiers in 1987 was far from an innovation in tactics. It simply acknowledged much earlier republican ideology and common practice against a traditional enemy.[116] In November 1987 a PIRA spokesmen declared no local unit needed permission to attack British soldiers; although, it could be said this action was tacit permission granted for

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[115]. See *supra* note 30, 28.

[116]. Patrick Bishop and Eamonn Mallie, *The Provisional IRA* (London, UK: Corgi Books, 1988), 171.

future attacks.[117] On the other hand, sometimes an ideological justification is produced after an attack is complete. Moss reminds us that most communiqués from the *Brigate Rosse* / Red Brigades (BR) claiming responsibility for attacks was released after press coverage had begun. This was likely done for the sake of tailoring their message to best capture the wave of media coverage that maximized the BR's intended communicative goal.[118] Indeed, Wilson claims that after shooting and wounding the incorrect target, a communiqué was rewritten to claim the wrong person was indeed the intended target.[119]

The influence of ideology on armed groups can be seen by which targets groups choose to focus their efforts; this is most easily recognized by comparing data sets on attacks.[120] Northern Ireland offers a unique case to explore the differences between republican separatists and loyalist forces operating in the same geographic area and at the same time. Naturally, separatists tend to attack those whom they view as supporting or assisting the British "occupation" of Ireland in that country, on Great Britain, and at one point on the Continent.[121] Loyalists use violence to protect the existing state of affairs while also use violence against forces subversive to state interests.[122] In this

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[117]. "Bombing "Devastating" to IRA," *The Independent* (London, UK), November 11, 1987.

[118]. David Moss, *The Politics of Left-Wing Violence in Italy, 1969-85* (London, UK: Pelgrave Macmillan, 1989), 58.

[119]. Philip Willan, *Puppetmasters: The Political Use of Terrorism in Italy* (Lincoln, NE: Authors Choice Press, 1991), 201-202.

[120]. See *supra* note 30, 29.

[121]. See *supra* note 30,

[122]. See *supra* note 30, 30.

sense loyalist radicals were 'conservative' insomuch as while they used radical means they did so to protect the established political order. What severely complicated the mission of loyalist radicals was their inability to accurately recognize republican forces and their supporters. A result of this was the frequent indiscriminate targeting of ordinary Catholics in the belief that they were active supporters of republicanism, or they were at least culpable for not pressuring the Provisionals to end hostilities.[123] Survey data suggests many ordinary Protestants were also suspicious about casual support of the PIRA from their Catholics neighbors'.[124] This was one issue the PIRA did not face because British security forces were easy to identify.

Table 1 is a visual representation of the differences between left-wing and right-wing terrorism acts based on who they attacked from republican and loyalist forces. What it indicates is a large number of attacks against security forces, as has been mentioned before, a great number of bystanders killed, and although attacks against buildings are not specifically recorded it is included in the large number of "Others". A majority of attacks from loyalists were directed at civilian Catholics plus a small number of political activists and republican radicals. By and large violent sectarian attacks shown in this table come from loyalists with outliers directed against sectarian allies. Conversely, violent attacks from republican forces are more numerous across all categories.

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[123]. Sarah Nelson, *Ulster's Uncertain Defenders: Protestant Political, Paramilitary and Community Groups and the Northern Ireland Conflict,* (Belfast, UK: Appletree Press, 1984), 120.

[124]. "Gritting it out on Border Farmlands," *The Irish Times* (Dublin, Ireland), March, 3, 1983.

Table 1 Killings in Northern Ireland perpetrated by Loyalist and Republican groups, 1969–1993

	Loyalist		Republican	
	Number	%	Number	%
British Army[a]	1	0.1	448	26.3
UDR/RIR[a]	3	0.4	236	13.9
RUC[a]	6	0.7	297	17.4
Prison officers[a]	2	0.2	25	1.5
Alleged informers	16	1.9	65	3.8
Security force workers[b]	0	0.0	35	2.1
Internal feuds[c]	46	5.4	45	2.6
Opposing terrorists[d]	28	3.3	27	1.6
Political activists[e]	32	3.8	12	0.7
Overtly sectarian[f]	670	79.3	152	8.9
Other[g]	41	4.9	363	21.3
TOTAL NUMBER KILLED	845	100.0	1705	100.1

n.b. Percentages are rounded up or down to nearest 0.1%.
[a] Includes former members.
[b] Civilian contractors and direct employees carrying out work for the security forces.
[c] Loyalists killed by loyalists and republicans killed by republicans.
[d] Republicans killed by loyalists and loyalists killed by republicans.
[e] Nationalists and republicans killed by loyalists and unionists and loyalists killed by republicans.
[f] Catholics killed by loyalists, and Protestants killed by republicans, primarily because of their religion.
[g] Excludes killings outside Northern Ireland. Excludes terrorists killed by their own bomb but includes other unintended deaths.

Source: M. Sutton, *Bear in mind these dead ... An Index of Deaths from the Conflict in Ireland, 1969–1993* (Belfast: Beyond the Pale Publications, 1994), 196–203.

Interestingly, there can also be targeting differences in groups with similar ideologies as seen in Table 2 below which catalogues attacks by the BR and RAF. While both groups shared Marxist-Leninist beliefs, they did have distinct differences in their particular goals that are evident in whom they attacked. Likely due to their heritage as a splinter group of the Communist Party, the BR placed a much greater priority on the overthrow of the Italian state.[125] Conversely, the German RAF with its more anarchist worldview put greater emphasis on upending the international capitalist global

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125. Stefan Aust, *Baader-Meinhof: The Inside Story of the R.A.F.,* (Oxford, UK: Oxford University Press, 2009), 10.

order.[126] As the table below indicates the RAF selected high profile targets of business executives, government officials, and U.S. military personnel; however, they eschewed attacking low-level bureaucrats and ordinary police officers. This reflected the RAF's internationalist goals as opposed to national aims of overthrowing the West German government.[127] On the contrary, Italian leftist radicals originated in the factories of northern Italy and their rage was primarily directed against factory managers, junior representatives of the state, and police; a practice in line with their national oriented goals.[128]

Table 2   Categories of people killed, wounded or kidnapped by communist terrorist groups in Italy and West Germany

	Italy: 1970-82		W. Germany: 1967–91[a]	
	Number	%	Number	%
Police	69	23.1	9	7.7
Judicial	13	4.3	4[b]	3.4
Penal	14	4.7	0	0.0
Political	27	9.0	5[c]	4.3
Business	85	28.4	5	4.3
Media	9	3.0	17[d]	14.5
Others	82[e]	27.4	77[f]	65.8
TOTAL NUMBER	299	99.9	117	100.0

n.b. Percentages rounded up or down to nearest 0.1%.
[a] To April 2, 1991.
[b] Includes officials or politicians in judicial-related posts.
[c] Includes senior officials.
[d] Includes 16 injured in bombing of Springer Press office.
[e] Includes 17 targeted doctors.
[f] Includes 60 people killed or injured in attacks on US military facilities.

Sources: D. Moss, *The Politics of Left-Wing Violence in Italy, 1969–1985* (London: Macmillan, 1989), 38. B. A. Scharlau, 'Chronology of Major Events' (Unpublished manuscript, 1992). D. Pluchinsky, 'An Organizational and Operational Analysis of Germany's Red Army Faction Terrorist Group (1972–1991)', in Y. Alexander & D. Pluchinsky (eds), *European Terrorism Today and Tomorrow* (Washington, DC: Brassey's (US), 1992), 57–79, 84–6.

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126. *Ibid*, 12.

127. See *supra* note 30, 34.

128. See *supra* note 30, 34.

Ideology is not the only explanation for differences between who the BR and RAF attacked and how many attacks took place. For instance, the BR had many more members than the RAF so it could take a far greater number of actions against its adversaries. With fewer resources one might expect the RAF to attack less high-profile targets that would presumably not be well protected; however, due to their ideological bent they chose not to pursue more practical objectives.[129] While ideology is far from the only consideration of a terrorist organization, in terms of planning, it is nevertheless significant for how a group judges the nature of people and institutions while also setting parameters on how it conducts its own actions.

3.3 The Role of Strategy on Target Selection

Terrorism is one of several strategies, both violent and non-violent, a group may use to achieve its political goals. While conditional to its resources, an organization may pursue a variety of strategies including: peaceful protests, putting forward candidates for elected office, conventional warfare, or revolutions. Here, strategy is the plan any person or group uses to organize and then deploy its resources to achieve political objectives.[130] The strategic objectives of terrorism are not the same as political objectives, but the long-term results against an enemy to inflict physical and psychological violence on a target audience.[131] Success in a terrorist campaign requires

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[129]. See *supra* note 56, 143.

[130]. Michael Howard, *The Causes of War,* (London, UK: Maurice Temple Smith, 1983), 101.

[131]. See *supra* note 30, 39.

the correct amount of "pressure and encouragement" directed against a target

population in order to secure a desired outcome.[132] It is normal for an organization to

change strategies to counter the adaptations of security forces or the evolving political

climate to achieve its goals. Upon the announcement of a ceasefire in August 1994, a

Sinn Fein representative claimed, "One thing we all know is that the struggle is not over.

We are into a new and important phase in the struggle."[133] This ceasefire would last

until 1996, but in the meantime the struggle for a united Ireland would continue by other

means.

   In reality it can be difficult to predict the reaction a terrorist attack will have in the

short term or the long term. Groups do not want to alienate their supporters or accept a

reprisal from CT authorities that would prove devastating to their survival. For these

reasons selecting a target and tactic should be made carefully to strike the right balance

of daringness and carefulness to maximize strategic advantage. Good use of media can

amplify the achievement of a successful assault or lower the publicity of a botched

mission.

   The strategic planning of an act of terrorism can be thought to exist along a

horizontal axis, with one end representing 'spectacle' purposes and the opposite end

representing 'practical' ones, with specific acts being positioned somewhere in-between

this "symbolic/practical" continuum. Near the "symbolic" pole lie terrorist acts of the

Anarchist movement in the 19th through early 20th centuries and the saran gas attack on

the Tokyo subway by Aum Shinrikyo. Such displays were undoubtedly logical to the

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[132]. See *supra* note 30, 39.

[133]. "IRA Declares Peace", *The Independent,* (London, UK), September 1, 1994.

attackers but also highly spectacular[134] Closer to the "practical" end of this continuum is the 1983 Beirut bombing on the American and French barracks. The Americans and French were members of an international peacekeeping mission, but they were seen by the local Shia population as actually siding with the Israelis and Christian militias during Lebanon's civil war. This was a dramatic attack by Islamic Jihad, but the planners also had a specific goal in mind—to push out the foreigners. So, some armed groups pursue strategic objectives in a detailed, careful manner, and others pursue their strategic goals through a garish spectacle with no immediate particular aim besides creating fear.

An example of crafting the strategic process can be seen in the Peruvian group *Sendero Luminoso* Shining Path (SL) that developed principles derived from Maoist ideology in its fight against the Peruvian government. The fundamental principle of Mao Tse-tung's military philosophy is guerrilla warfare: this is warfare practiced against a superior force composed of light forces using hit-and-run tactics in a war of attrition until the guerrilla force can overtake the formerly superior force in open battle. This is different than terrorism in that terrorism is, much more than guerilla warfare, designed to engage in a psychological struggle against an enemy that generally causes physical damage, and cannot defeat a traditional military force by that method alone. However, terrorism can be used by groups that practice guerrilla warfare.

Mao developed this viewpoint in the 1930s due to China's overwhelmingly rural population of peasants; this majority rural demographic persisted until as recently as

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[134]. By performative I mean an act similar to a religious ritual or dramatic play that speaks to several different audiences that they affect. This is from Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence* (Berkley, CA: University of Californian Press, 2003), 126.

2011.[135] [136] His belief in the peasantry as a revolutionary force is in direct contrast to older Marxist-Leninist ideology which held urban laborers were the only revolutionary class.[137] In this regard the role of the Chinese Communist Party would be to mobilize peasants in the initial pockets the communists controlled. Such mobilization consisted of recruiting new members and material in an area safe from attack by the Nationalist and later Japanese enemy forces.[138] Given the disparity between Mao's small communist movement versus his larger enemy, his strategy was to play defense while harassing the advancing opponent. As an enemy marched deeper into communist territory and extended its lines of supply the People's Liberation Army (PLA) and guerillas would attack at that point when the enemy's military is most vulnerable in the field.[139] Concurrently, communist forces advanced into new villages to spread their political message, acquire more resources, and enroll fresh recruits for their struggle. In the final stage of the war the spirited PLA riding high on a string of small victories pressed the

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[135]. "China's Urban Population Exceeds Rural for First Time Ever", *The Telegraph,* (London, UK), Jan. 17, 2012.

[136]. The mostly rural population of the People's Republic of China is one of several reasons why General Douglas MacArthur's threat to drop hydrogen bombs on the country would have been an ineffective plan to force the People's Republic of Chine out of the Korean War.

[137]. See *supra* note, 45.

[138]. Mao Tse-tung, "Report of an Investigation of the Peasant Movement in Hunan", in *Selected Works of Mao Tse-tung: Vol. 1,* 129.

[139]. Mao Tse-tung, "Problem of Strategy in China's Revolutionary War", in *Selected Works of Mao Tse-tung: Vol. 1,* 211.

enemy in the cities where they were based to conclude the war by victories in open battle.[140]

Despite the numerous revolutionaries Mao inspired, he believed his strategy that defeated the Japanese and Kuomintang was less important than a country's geography, social history, economics, and relative strength of adversary.[141] He thought few principles from other conflicts could be generally applied to military science. One such disciple of the Maoist tradition was the SL of Peru.

For the approximately 25 years SL was active it followed a rural revolutionary strategy based on Mao's example; in fact, the founder of SL, Abimeal Guzmán, has gone so far as proclaiming himself the intellectual heir of Mao.[142] Consciously aware of their own environment, SL has grafted beliefs and grievances of the Andean Quechua Indians to conventional Maoist ideology to appeal to those indigenous people so they can maintain a base of support in Ayacucho Province.[143] [144] In addition to this departure, they have not avoided terrorist acts in Lima. For the first ten years of group's existence, Guzman focused on building support for their movement with the rural

[140]. *Ibid*, 181.

[141]. *Ibid*, 189.

[142]. Simon Strong, *Shining Path: The World's Deadliest Revolutionary Force* (London, UK: HarperCollins, 1992), 71.

[143]. The Quechua are commonly and incorrectly known as the Incans; however, Inca refers to the aristocracy in that society and not the (word I can't remember!!!)

[144]. Simon Strong, *Shining Path: The World's Deadliest Revolutionary Force* (London, UK: HarperCollins, 1992), 84.

population in remote Ayacucho.[145] Beginning in 1980 SL commenced what Smith calls

"a thousand little wars across the Andes".[146] Every one of these "thousand wars"

consisted of displacing institutions of traditional life not only including attacking

government officials but also priests, teachers, businessmen, and judges, i.e. pillars of

status quo society.[147]

To subdue the countryside, upon entering a community SL identifies the most

unpopular person and the most respected person. Once this is determined they kill the

former and persuade the later, through intimidation or exile if necessary, to cooperate or

to at least not interfere with the new order of things.[148] On occasions, for instance when

a religious community, village, or development project interfered with the plans of the SL

or vied for the loyalty of local residents, the group has executed full-scale massacres to

enforce single-minded loyalty to their cause.[149] Amazingly, in 1989 over three-quarters

of deaths caused by the SL were among rural Peruvians and the urban poor — the

natural constituency the group needs to appeal to for its long-term success.[150] Such

attacks are in addition to guerilla violence against police, military, and government

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[145]. *Ibid*, 39.

[146]. Michael L. Smith, "Taking the High Ground: The Shining Path and the Andes," in *The Shining Path of Peru,* ed. David Scott Palmer (New York City, NY: Pelgrave Macmillan, 1994), 19-20.

[147]. *Ibid*, 19-20.

[148]. *Ibid*, 25.

[149]. "In the Killing Fields of Peru", *The Guardian,* (London, UK), August, 6, 1994.

[150]. T.D. Mason and C. Campany, "Guerillas, Drugs, and Peasants: The Rational Peasant and the War on Drugs in Peru", *Terrorism and Political Violence,* 7, no. 4 (1995): 163-164.

officials who must be forced from areas SL wants to occupy before its assault on Lima.[151]

Since the growth in Lima's population by country dwellers emigrating to the city, SL has begun to perform urban operations. To this end it has also attempted to organize urban cells and developed social programs for new residents of the city simultaneously attacking different programs sponsored by other organizations.[152] Part of this urban strategy in Lima involved exploding car bombs in the city to undermine confidence in the police to keep public order.[153]

Generally, Shining Path has adhered to the established Maoist military strategy by establishing areas of control in rural regions with an aim at isolating the cities until they are most vulnerable for capture. SL adopted this strategy to fit the particular conditions of Peru co-opting indigenous peoples' grievances and bringing the fight to Lima. In September 1994 the Peruvian government captured Guzmán initiating a slow decline of SL that reached a nadir from 2010 to 2012 when many remaining leaders were killed or captured.

3.4 Target Protection

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[151]. Simon Strong, *Shining Path: The World's Deadliest Revolutionary Force* (London, UK: HarperCollins, 1992), 121-122.

[152]. "Peru's Guerillas Make Lima's Slums a 'Shining Example'", *The Independent* (London, UK), Nov. 30, 1991.

[153]. "Car Bomb Kills 18 as Maoist Extend Terror Tactics to Lima," *The Times of London* (London, UK), Jul. 18, 1992.

One practical problem with terrorist operations is how well a target is protected. Some targets such as ordinary civilians and shopping malls have no defenses at all. On the other hand, other targets like banks and senior politicians are nowadays afforded enough security to make an attack costly for the terrorist or at minimum able to withstand a violent incident.

A dictum regarding terrorism is that no target can be perfectly protected so opportunities for political violence will always exist. This is at its core an economic problem of limited resources available for target protection. During the worst period of terrorism in Italy from the mid 1970s to the early 1990s, the security services reportedly provided 3.681 bodyguards for 671 individual judges, politicians, and business executives.[154] Similarly, a 1990 audit of London's Metropolitan Police found that personal protection costs accounted for over five percent of the department's total spending.[155] The best protection cannot be given to everyone, and if it were it would not be without gaps that would be exploited.

A second rule that can be applied to target protection is that, the less public knowledge that is known about a potential target, the better that is for its safety. Armed groups cannot attack someone if they do not know where or when a target will be at a specific location. Naturally, this is a problem for public figures such as high-ranking politicians, religious leaders, and noted activists who are widely covered by the media or use social media themselves. Wurth notes that business executives who believe

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[154]. "End of a Bulletproof Era", *The Independent* (London, UK), Jun. 21

[155]. "Huge Costs Force Yard to Review VIP Security", *The Independent* (London, UK) Feb. 4, 1990.

themselves targets should remove their telephone numbers and home addresses from public records; although, it may be impossible to not keep an online presence. Indeed, in 1987 Prime Minister Margaret Thatcher was touring British inner cities, but for her safety specific times and locations of her appointments were kept out of the papers.[156] Individuals working in embassies are sometimes located in dangerous host countries and are desirable targets due to their nature as representatives of foreign states, yet for effectiveness in their job embassy employees must be open to interact with the public.

A distinction can be made between static targets, that remain in place for a long period of time, and mobile ones which frequently move between destinations.[157] The most obvious example of a static target is a building – although preferably one highly trafficked or with symbolism. A person may also be a static target when they are giving a speech or in a meeting; moreover, examples of this sort include several attempts made on Adolf Hitler's life most notable of which was the July Plot at Hitler's Wolf Lair.[158] Mobile targets are most commonly modes of transportation including airplanes, trains, automobiles, and their occupants while in motion. Urban targets are the third category of targets such as a town that may have specific targets like factories;

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[156]. Tony Geraghty, *The Bullet Catchers: Bodyguards and the World of Close Protection,* (London, UK: Grafton Books, 1988), 18-19.

[157]. See *supra* note 30, 99.

[158]. The 20 July Plot of 1944, popularly and incorrectly known as Operation Valkyrie, was one of numerous assassination attempt against Hitler's life. It was led by a clique of disgruntled band of German military officers in an effort to bring down the Nazi regime. Surviving this attempt on his life with minor injuries, Hitler supposedly boast that he was "invincible."

however, the entire town can still be in danger. For the sake of relevance this study will only focus on mobile targets because static and urban targets cannot be kidnapped.

Transit is a popular time to attack a mobile target because during this period it is at a vulnerable position.[159] Automobile targets are weak because, if attacked, they are not easy to hide, their movement is restricted by road traffic, it is difficult to get assistance to them when under fire, they are easy to ambush, and the movement of human passengers are within the vehicle.[160] If a terrorist group knows where someone lives and works that gives it valuable information that can be used for an ambush. The more a group learns about that target's route the greater the advantage it has for a successful mission.

When planning an attack, a crucial piece of information about a target is knowing where and when they will be at an unsecure, vulnerable location.[161] Therefore, the aim of the protective service defending a potential target is to prevent attackers from acquiring that information if not by keeping a low profile then by not publicizing that news.[162] Another defensive tactic is altering driving routes in addition to departure and arrival times to disrupt routine schedules so movements are less predictable. During the Troubles in Northern Ireland, judges were known to change driving routes to their

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159. H.A. Lyons and H.J. Harbinson, "A Comparison of Political and Non-Political Murders in Northern Ireland", *Medicine, Science and the Law* 26, no. 3 (1986): 195.

160. G. Capotorto, "How Terrorists Look at Kidnappings" in *Terrorism and Personal Protection,* ed. Brian Michael Jenkins (Stoneham, MA: Butterworth, 1985), 5.

161. Anthony J. Scotti, "Transportation Security", in *Terrorism and Personal Protection,* ed. Brian Michael Jenkins (Stoneham, MA: Butterworth, 1985), 361.

162. See *supra* note 30, 104.

offices and even switch vehicles between their homes' and court buildings.[163] However, as the editor of *International Security Review*, Tony Slinn observed, "You may change your route to work each day, but when you drive out of your front gate, you've got to turn either right or left, and the terrorists know that too".[164] For this reason most kidnappings take place near the target's residence, according to Clutterbuck.[165]

Once a target is selected the next step for a terrorist is to penetrate any protection, human or construction, that target has defending it. The correct approach to such defensive measures depends on whether the goal of the attack is to kill or capture. If the target should be killed then any method will work so long as it achieves that objective and does not violate any other priority, e.g. injuring children. For a capture operation, a terrorist group will likely need a more sophisticated plan that avoids seriously injuring the target or the kill or capture of comrades. Mobile human targets may have a variety of defenses. In the case of an unarmed civilian, an assassination can be carried out simply enough with a small number of attackers and simple weapons. In the west the most popular weapon of choice are firearms.[166] In 1971 police and the British Army began wearing body armor while on patrol.[167] A PIRA spokesman

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[163]. "Nightmare for the Judges on a 24-hour Vigil", *The Guardian* (London, UK) January 6, 1988.

[164]. *Ibid.*

[165]. Richard Clutterbuck, *Kidnap, Hijack and Extortion: The Response* (London, UK: Macmillan, 1987), 81.
[166]. See *supra* note, 106.

[167]. Michael Dewar, *The British Army in Northern Ireland: 1969 to Present* (London, UK: Arms & Armour, 1985), 196.

admitted that after this policy was initiated it was then harder to kill protective personnel.[168]

An attack planned against a protected mobile target, likely an armored car, will need a sophisticated plan and some knowledge of how the reinforced target is designed. Common reinforcements will include: bulletproof glass, run-flat tires, reinforced paneling, thick armor encasing the fuel tank and engine. Such a vehicle is temporarily able to deflect bullets with a high probability of escape to safety and to call for assistance. Although this type of automobile is valuable for its impressive capabilities it is not without limits. Famously, in December 1973 a car carrying the Spanish Prime Minister, Admiral Carrero Blanco and his driver, were lifted over a five-story church after a large bomb was detonated beneath a street by ETA.

If the terrorist attack is a kidnapping, a major concern for the attackers of a high priority target are the presence of bodyguards. Of course not all judges, business executive, legislators should be expected to have protection, but some will be heavily protected.[169] The role of a bodyguard is to take evasive action when an attack is immanent; however, if an attack occurs bodyguards must put themselves between danger and their client.[170] Additionally, if the target is in transit, attackers must expect their target's automobile to be accompanied by a second vehicle filled with men who are

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[168]. "IRA Rings Changes to Restore Balance of Terror", *The Guardian* (London, UK) May 5, 1987.

[169]. "Huge Costs Force 'Yard to Review VIP Security", *The Independent on Sunday* (London, UK) Feb. 4, 1990.

[170]. Don E. Wurth, "The Proper Function and Use of the Private Sector Bodyguard" in *Terrorism and Personal Protection,* ed. Brian Michael Jenkins (Stoneham, MA: Butterworth, 1985), 320.

firearm trained.[171] In these instances a team of gunmen must quickly neutralize the accompanying vehicle and those in the target's car without seriously injuring the mark.

When those plotting terrorism are presented with a target protected by strong defenses, they have three options: to give up completely, strike by other means, or attack a different target altogether.[172] It is difficult to measure how much defensive measures deter violence because we cannot know about attacks that do not happen. Studies have suggested the overt presence of security guards is a key factor thieves account for when planning to rob a bank.[173] Although danger may discourage criminals from illegal activity, it may not dissuade those with political motivations. In fact, a successful attack on a well-defended target would be a triumphal coup for someone who could pull off such a bold assault due to the huge amount of media attention that could be generated. By scoring a victory against one of the enemy's hard targets violent groups wish to create a sense of omnipresence in society.

The measures armed groups take to overcome formidable defenses can come in the form of overwhelming force through superior firepower or completely circumventing fortifications. An example of bypassing protection by negating the effectiveness of a fortification is the wooden horse the Greek coalition used to secretly invade the city of Troy in ancient Greek folklore. One popular method of overcoming protective barriers is using an automobile as a battering ram. A significant drawback of this tactic is that the

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171. Richard Clutterbuck, *Kidnap, Hijack and Extortion: The Response* (London, UK: Macmillan, 1987), 81-82.

172. See *supra* note 30, 110-111.

173. A.J. Alexander, "Getting the Most from Scarce Resources," *TVI Journal* 5, no. 2 (1984): 28.

driver and other passengers in the vehicle will almost certainly die. For this reason, it is no deterrent for suicide bombers. We can see the disregard for one's own life in exchange for the success of a mission by Hamas and Islamic Jihad suicide attacks in the West Bank, Gaza and Israel proper during the mid 1990s. Bombers in those attacks simply walked or drove alongside the target concerned, and then detonated the bomb-killing killer and query.[174] Defensive measures are unlikely to deter individuals willing to forgo their lives for a cause.

Circumventing protective countermeasures requires moving around defenses rather than using sheer force to penetrate through them. For instance, if attacking an embassy, one could make a diversionary attack to draw away the instillation's guards to more easily enter the facility. This scenario occurred at the American embassy in Nairobi in 1998 during an al Qaeda attack. If the identity of the target is general rather than specific, circumventing defenses can take the form of attacking a similar target where it is less safe.[175] The PIRA took this approach as they found it more difficult to kill British soldiers in Northern Ireland; consequently, they targeted them in England and the Continent. Between January 1988 and December 1990, they murdered 21 service members outside of Northern Ireland versus 39 in the country.[176]

As well as modifying the method of attack, strong protective measures can encourage attackers to choose a different target entirely. This process has been

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[174]. "Arab Village Stunned by Martyrdom", *The Daily Telegraph* (London, UK) Oct. 22, 1994.

[175]. See *supra* note, 115-116.

[176]. Royal Ulster Constabulary *Chief Constable's Annual Report 1994* (London, UK: HMSO, 1995), 102.

examined by economists using econometrics to explain patterns in international terrorism.[177] They concluded that 'terrorists' will, ceteris paribus, nearly always attack the softest target commensurate with their goals on the basis that overcoming countermeasures – measured in time, resources, and risk – is lower.[178] Their conclusions rest on the assumption that those who commit acts of terror are rational actors who maximize utility and minimize cost by responding to market changes. Economists studied the effects on security after American embassies were fortified since 1976 and the installation of metal detectors in American and other airports beginning in the early 1973.[179] Those countermeasures led to decreased attacks on the installations that implemented them, yet did not lead to fewer attacks overall because armed groups would instead attack other soft targets, e.g. shopping malls or places of worship. There was no aggregate decrease in violence unless a reduction in resources available to armed groups also occurred by CT authorities. In economic terms, we might call this phenomenon a substitution good. As consumers may purchase more chicken as fish becomes more expensive, gunmen will attack more subway stations as train stations become more secure. There are signs that as aircraft hijackings decreased after security improved in airports non-aircraft hostage-taking increased as a substitute.[180]

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[177]. W. Enders and T. Sandler, "The Effectiveness of Antiterrorism Policies: A Vector-Autoregression-Intervention Analysis" *American Political Science Review* 87, no. 4 (1993): 840.

[178]. *Ibid*, 842.

[179]. See *supra* note 30, 117.

[180]. See supra note 108, 842.

3.5 Factors Associated with Violent Crime and Kidnap for Ransom

Anecdotal evidence and case studies suggest certain domestic factors including high amounts of corruption, poor economic conditions, high levels of violence are associated with higher incidence of KfR. States that are often recently cited as examples of experiencing kidnapping epidemics are Afghanistan, Colombia, and Iraq. Another factor possibly contributing to the bad reputation of above-mentioned states is lack of reporting to authorities of kidnapping incidents, which makes it impossible for CT experts to bring perpetrators to justice and save victims.[181] Pires, Guerette, and Shariati tested for these "contextual variables" they claim might enable KfR epidemics in diverse parts of the globe.[182] For instance, in Colombia during the 1990s as much as 99 percent of kidnappers were never apprehended for their crimes.[183] Such low reporting rates might reflect citizens' distrust in their government because they believe that officials are ineffective or corrupt. If police are unwilling to pursue kidnappers and the state's prosecution is unable to obtain a conviction, victims of crime are likely unwilling to report inflicted abuses. For such reasons countries with high levels of corruption are also more likely to be unable to suppress rampant KfR.

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[181]. Elvira Maria Restrepo, Fabio Sánchez, and Marianna Martínez Cuéllar, "Impunity or Punishment? An Analysis of Criminal Investigation into Kidnapping, Terrorism and Embezzlement in Colombia," *Global Crime* 7, no. 2 (2006): 37.

[182]. Stephen F. Pires, Rob T. Guerette, and Auzeen Shariati, "Specifying Kidnap for Ransom Epidemics at the Global Level: A Matched-Case Control Design," *Studies in Conflict &* Terrorism 40, no. 2 (2017): 139.

[183]. Sheri Merkling and Elaine Davis, "Kidnap & Ransom Insurance: A Rapidly Growing Benefit," *Compensation & Benefits Review* 33, no. 6 (2001).

A majority of studies on the connection between poor economic opportunity and violent crime indicate a strong relationship does not exist; this is despite the intuition that few financial prospects may lead individuals to turn towards rash ways to make easy money.[184] To the contrary, most research on this matter actually indicates that crime increase as economies grow – for reasons too numerous to delve into.[185] What comes to mind is the rise in crime in many states where industrialization began in the 19th century. Tourism, especially tourists from affluent nations, is one such economic activity that may put states at greater risk to KfR.[186] It is true that the majority of kidnap victims are locals, however Western hostages command a high price for their release from captivity. Indeed, Islamic fundamentalist armed groups covet Westerners because these groups make most of their kidnapping revenue from this demographic.

The final hypothesis offered by Pires, Guerette, and Shariati, in addition to the two mentioned above as drivers of kidnap for ransom, concerns the amount of violent crime measured in annual murders. It may sound self-evident, but states that suffer from high levels of one type of violent crime, including   murder, are also victim to other types of violent crime such as KfR.[187] Put more simply, regions where murder or rape are endemic should see a correlation with other acts of violence. A person who is willing

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184. Kristin M. Finklea, "Economic Development and Crime," Congressional Research Service Library of Congress, (2011).

185. François Bourguignon, "Crime, Violence, and Inequitable Development " in *Annual World Bank Conference on Development Economics 1999,* (Washington, D.C.: The World Bank, 2000), 199-220.

186. See *supra* note 13, 143.

187. See *supra* note 13, 143.

to do violence against another person is probably not someone who has ethical qualms against committing a different violent act. To offer an illustration, when Colombia suffered widespread homicide in the 1980s through the early 2000s, it simultaneously experienced prevalent levels of kidnap for ransom.[188] The execution of hostages alone could not fully explain an elevated homicide rate in Colombia because that would mean kidnappers are killing all valuable captives. High rates of KfR may be emblematic of police effectiveness or lack of public trust in their police. In the sense that if CT authorities or police are unable to suppress kidnapping it is likely they will also be unable quell homicide and terrorism.[189]

The Pires, Guerette, and Shariati paper is the first to systematic study which economic, social, political, and security variables contribute to high levels of kidnap for ransom within a given state. It used a case-control design that compared states with many cases of KfR (experimental group) to ones with few cases of KfR (control group); unsurprisingly, they found that nations with elevated levels of kidnap for ransom on average were less peaceful, less secure, and had uneven economic distribution within society.[190] Specifically, of the fifteen variables they found five significant tested in the study, three security-related, one social-related, and one economic-related. *Security & Society* a variable measuring a variety of interconnected "factors such as perception of

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[188]. Douglas Porch and María José Rasmussen, "Demobilization of Paramilitaries in Colombia: Transformation or Transition?" *Studies in Conflict & Terrorism* 31, no. 6 (2008).

[189]. See *supra* note 13, 143.

[190]. See *supra* note 13, 151.

criminality, violent crime, incarceration, and security officers and police."[191] *Security Apparatus* measures "how much authority governments are able to exert over their countries" like the Weberian dictum about what constitutes a state.[192] [193] *Global Terrorism Index* measures "the number of terrorist incidents, fatalities, injuries, and property damage" of 162 states that are then ranked by amount of damage done and includes 99.6 of global population.[194] *Global Peace Index aggregate* "measures national peacefulness" through a composite index including 162 nations that are ranked.[195] It, along with the Global Terrorism Index were produced by Vision of Humanity, an enterprise of the Institute of Economics and Peace. Finally, *Uneven Economic Development* is a composite index that measures how "governments are inconsistent in the fulfillment of their social and economic obligations."[196]

A map of the states compared in the Pires, Guerette, and Shariati study is shown below in Figure 1.

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[191]. See *supra* note 13, 147.

[192]. See *supra* note 13, 146.

[193]. Max Weber wrote on the idea of monopoly of violence in his 1919 work *Politics as a Profession*, but he inherited these ideas from Jean Bodin and Thomas Hobbes.

[194]. See *supra* note 13, 14.

[195]. See *supra* note 13, 145.
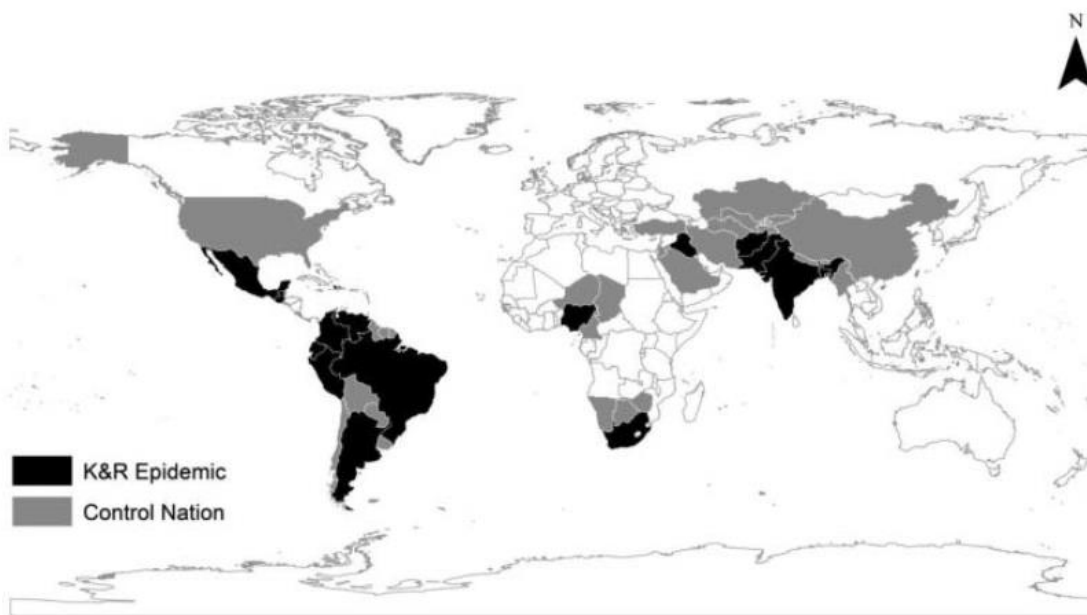
[196]. See *supra* note 13, 145.

Figure 1. Selected high K&R nations and control nations (2006).

These cases were selected from data acquired by the authors, but created by IKV PAX Christi, an organization that works in 15 countries to promote peace and justice. We can see most regions of the globe are represented save Europe and Southeast Asia.

Recently, hotspots of kidnappings where the highest numbers of attacks occur are confined to a handful of states. Two noteworthy cases where this has recently occurred are Iraq and Afghanistan since the coalition invasion and occupation due to the toppling of those former governments. Perhaps the most widely recognized country with a ubiquitous kidnapping phenomenon is Columbia sometimes known as the "kidnapping capital of the world."[197] Other hotspots are Russia, Philippines, Nigeria, India, and Nepal where there are violent separatist movements or religious extremists. In previous decades left-wing radicals heavily targeted Latin America and Europe.

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[197]. Minwoo Yun "Implications of Global Terrorist Hostage-Taking and Kidnapping," *The Korean Journal of Defense Analysis* 19, no. 2, (2007): 141.

It is reassuring to know that earlier presumptions on which factors contribute to kidnap for ransom have been verified in a systematic method; yet this work is not enough to fully explain why KfR problems occur in some places but not others. Another likely difference between areas with KfR problems and those areas without KfR problems not discussed above is the opportunities and incentives for dark networks to commit kidnappings. That is, terrorist organization Z may operate in two states (A and B) with high and low rates of KfR, but Z may find it more advantageous to commit different crimes based on the effectiveness of local police. For example, money laundering might be more likely to take place in developed states where financial markets are more mature and rule of law well established, whereas KfR might be more likely to take place where financial markets are immature and the rule of law is weak.[198]

3.6 Anatomy of a Kidnapping

Although there is no standard method to conduct a kidnap, recent attacks by the group al Qaeda in the Islamic Maghreb (AQIM) follow a similar pattern, according to Dutton.[199]

> First, the terrorist group generally minimizes the risk to group members by outsourcing the initial hostage-taking to criminal organizations working on a commission. Once the terrorist group receives the hostages, it then observes a long period of silence designed to create some panic among the hostage's loved ones. Thereafter, negotiations for a ransom begin, often with a video showing the hostages begging their governments to pay for the hostage's safe release. Additional videos usually follow showing the hostages surrounded by armed guards in an effort to reinforce the group's message that the hostage will be

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[198]. See *supra* note 13, 151.

[199]. Yvonne M. Dutton, "Funding Terrorism: The Problem of Ransom Payments," *San Diego Law Review* 53, no. 335 (2016): 343.

executed if their demands are not met. Ransom negotiations...can drag on for months or even years. Payments to the terrorist group often happen with the aid of third-party [sic] intermediaries who negotiate and facilitate the transfer of ransom payments into a designated bank account or through an alternative remittance system, such as a *hawala.*

Hawala, literally meaning remittance, is an informal method to send money that does not use formal financial institutions such as a bank or credit union.

According to Tzanelli, the modus operandi of kidnap for ransom is "converting one thing (the victim) into another (money).[200] However, so-called terrorist kidnappings are committed in the name of a greater cause than the simple accumulation of economic capital, they exist to reach a means to a greater end. That is, they have value-oriented reason a belief in a system of values for their own sake. An example of this phenomenon is kidnapping of foreigners by Iraqi insurgences that made money from capturing foreigners for the higher goal of liberating their country from coalition forces. It has also been observed that kidnapers consider their victims as a commodity that should be treated carefully for the purpose of maximizing profit through sale on the market. For instance, one man ("Alexander") who was kidnapped with a business colleague by the FARC in April 2000 remarked of his kidnappers: "The guerillas were extremely respectful […] They took care of us like an investment. The commander said, "If you feel sick, if someone lacks respect, I'm here to help. The only thing you [must] have is patience."" "Alexander's" description of his kidnapper's polite behavior presents their actions as a rational tactic to protect their 'goods' from damage. However, there is no generic template that makes a *standard* kidnapping because the variables in each

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[200]. Rodanthi Tzanelli, "Capitalizing on Value: Towards a Sociological Understanding of Kidnapping," *Sociology* (2006): 935.

case, including: modus operandi of the particular group, geographic location,

effectiveness of local CT authorities and law enforcement, the presence of rule of law,

how the kidnappers wish to be paid, etc. Below is a visual representation of one

possible KfR scenario from the Financial Action Task Force, an independent, inter-

governmental body that develops policies and advocates protecting the global financial

system.[201]
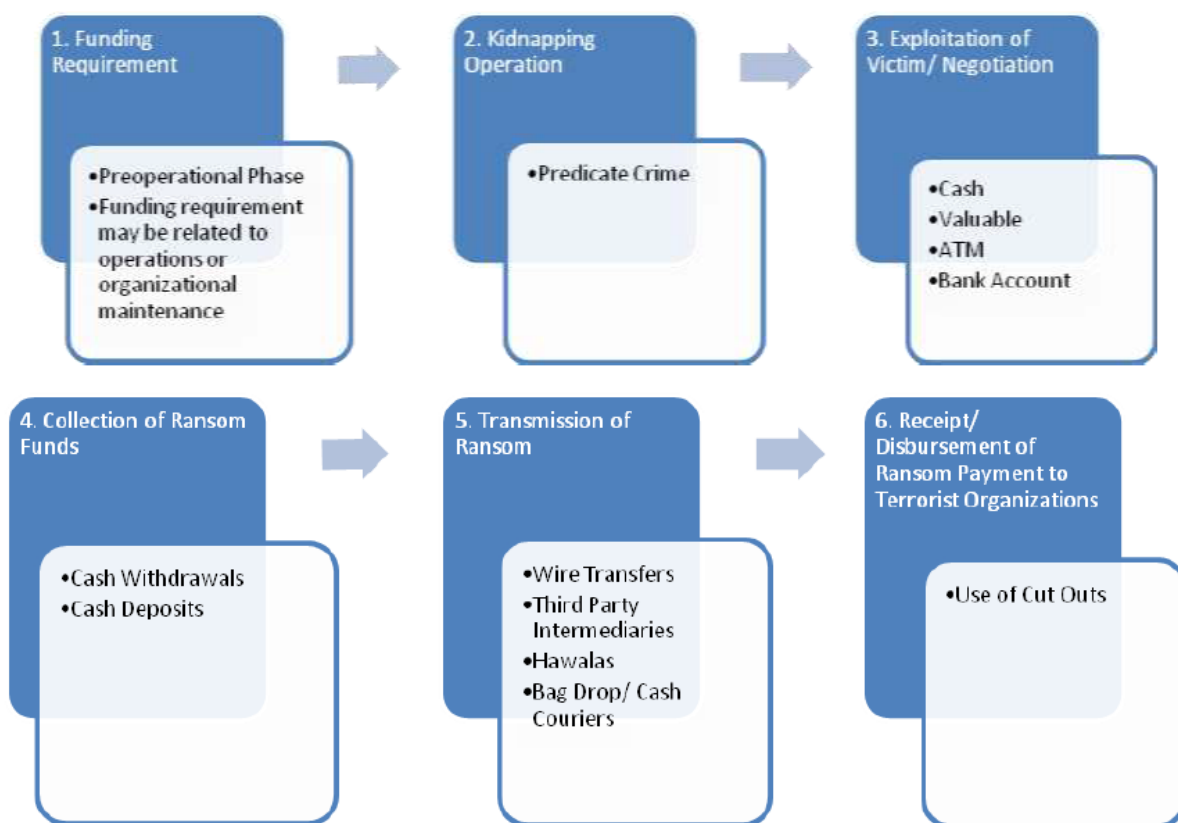
In kidnapping negotiations, trust acts as a contract between the kidnappers and

the negotiating party over which the kidnappers have control.[202] Tzanelli divides the

actions of the kidnappers to the kidnapped into the categories of: threats and silence to

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201. See *supra* note 31, 27.
202. See *supra* note 48, 940.

the negotiating opposing negotiating team, application of abuse to the victim, and murder of the captive.[203] Threats and silence are more favorable to the second party negotiating for the release of the captive than abuse, physical or non-physical, or murder. Silence is a negotiating tactic that injects a new element of uncertainty to the dialogue when heretofore an impasse was reached between parties. It was the effect of reminding the second party of the value of the captured person and of the potential harm that may be currently inflicted on the captured person. These suspicions by the second party have the desired effect of leading to resuming negotiations and a quick delivery of ransom to the kidnappers an overall more favorable outcome for them.

Abuse is an intermediary step between threats/silence and murder that asserts the power of the captors Murder of captives may seem a senseless act because it destroys the 'goods' naturally ending any possibility of a financial transaction, but it actually indicates that (1) even outlaws have their own code of conduct and (2) the kidnappers want to save face by keeping their threats of violence credible.[204] In this way a murder of a captive for which kidnappers do not receive payment serves as a 'self-compensation' because they still retain the 'integrity' of their word towards the opposing negotiating team. Violence as used in an act of terror is a means to an end therefore strategic.[205]

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[203]. *Ibid*, 940.

[204]. *Ibid*, 940.

[205]. *Ibid*, 940.

Sometimes kidnappings end with a hostage's government, company, or loved ones paying the requested ransom to the hostage takers. Authorities commonly pay requested ransom demands despite contrary statements although the details are not often made public and governments generally deny this policy.[206] For instance, there are conflicting accounts about whether France paid €20 million for four male hostages captured by AQIM who were working in Niger for the French nuclear energy group, Areva.[207] A relative of a hostage who remained in captivity recounted that she was told that, while the government would not pay the 'terrorists', Areva was free to do so.[208] However, others claim the sum was paid by France's secret service.[209] Other states, such as the UK or US, that have a record of not negotiating with armed groups, often attempt to rescue their citizens with typically unsuccessful tragic results.[210] In 2014 the United States deployed dozens of Navy SEALS in an effort to rescue American photojournalist Luke Somers held by AQAP in Yemen. Unfortunately, once the al-

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[206]. Rukmini Callimachi, "Underwriting Jihad: Paying Ransoms, Europe Bankrolls Qaeda Terror," *New York Times* (New York City, NY), Jul. 29, 2014. https://www.nytimes.com/2014/07/30/world/africa/ransoming-citizens-europe-becomes-al-qaedas-patron.html

[207]. See *supra* note 5, 344.

[208]. Abdoulaye Massalatchi and Nicholas Vinocur, "France Denies Paying Ransom as Sahel Hostages Return," Reuters (Paris, France), Oct. 30, 2013. https://www.reuters.com/article/us-france-niger-hostages-idUSBRE99T09220131030?feedType=RSS&feedName=topNews

[209]. RFI, "Millions Paid to Free French AQIM Hostages," (Paris, France), Oct. 30, 2013. http://en.rfi.fr/africa/20131030-millions-paid-free-french-aqim-hostages-report

[210]. David Martin and Debora Patta, "U.S.-led Hostage Rescues Rarely Successful, Always Dangerous," *CBS News* (New York City, NY) Dec. 8 2014. https://www.cbsnews.com/news/u-s-led-hostage-rescues-rarely-successful-always-dangerous/

Qaeda fighters realized what was occurring they murdered Somers and his fellow captive, South African Pierre Korkie.[211]

3.7 Conclusion

Evidence indicates that domestic social issues, such as crime, corruption, and weak economic conditions are associated with elevated rates of kidnap for ransom. However, there is an even greater positive relationship between economic growth and violent crime. Additionally, violent crime of one variety, e.g. armed robbery, is associated with increased levels of other violent crime as well. Pires, Guerette, and Shariati concluded economic, political, security, and social variables contribute to a high level of KfR in states they observed.

Adherence to an ideology can be a powerful driving force for some members of armed groups; however, others motivated by the chance for financial gain or elevated stature in a community. Ideology has a way of setting boundaries of acceptable behavioral for a group. It is the lens by which an organization understands the world around it as well as history and outsiders. The recognition that their beliefs are radical is not lost, and even embraced, by true believers of radical ideologies. An important use of ideology is how it is used by some to label other people and objects into representative symbols. Guilt deflection is a use of ideology to blame a victim or otherwise excuse one's own actions that are normally considered socially unacceptable.

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[211]. Kareem Fahim and Eric Schmitt, "Two Hostages Killed in Yemen As U.S. Rescue Effort Fails," *New York Times* (New York City, NY) Dec. 6, 2014. https://www.nytimes.com/2014/12/07/world/middleeast/hostage-luke-somers-is-killed-in-yemen-during-rescue-attempt-american-official-says.html

In the context of terrorism studies, strategy is the method by which a group, or single actor, intends to achieve stated goals. Any such strategy will use violence and should be commiserate with the organization's, or individual's, ideology. Tactical planning for an attack may be conceptualized as lying upon a horizontal axis with one direction representing symbolic and the opposite direction representing practical—in reality, a terrorist attack with lie somewhere between these two extremes. Some attacks have a primarily symbolic purpose to shock and surprise while others will have a more direct purpose to injure and maim a target. An example of a popular strategy was inspired by the Chinese revolutionary Mao Tse-tung and adopted by the left-wing Peruvian group Shining Path in their struggle against that country's central government.

A major impediment to a successful terrorist campaign is target protection—a real life game of cat and mouse. Targets may be either mobile, as in a person or train, or immobile, such as with a place of worship or government facility. During transit is an optimal time to attack a mobile target because security forces cannot fully restrict others whom are also on the same or adjacent street as the target under protection. If insurgents are planning to attack a mobile target it is essential for them to know when and where their target is located. One important method by which targets are protected is by limiting the amount of public information about their whereabouts available so that information is not used to plan an attack. In addition to limiting the amount of information about a target's location and movements, when protecting a mobile target, it is also useful to alternate regular movements and change vehicles in order not to establish regular patterns. Against a strong defense, plotters have three options: to abort the mission altogether, develop a new tactic, or select a different target completely. If an

assault by other means is decided, success may be achieved by employing

overwhelming forces or circumventing defenses. If a decision is made to attack a

different target, the softest or least secure will likely be selected.

Chapter Four

Case Studies

4.1 Introduction

Kidnap for ransom (KfR) in Colombia and Afghanistan is a common phenomenon in areas of conflict. Civil servants, soldiers, foreign nationals, and soldiers are regularly targeted because they are all valuable either in exchange for imprisoned compatriots or money. In particular, bureaucrats, politicians, and police or military members hold great symbolic value to their government and thereby to the captors of the kidnapped. One notorious case in Afghanistan included 23 South Korean missionaries abducted from their bus in Ghazni Province in 2007. Two men were murdered and the remnant were released six weeks later reportedly in exchange for US$20 million and the withdraw of all 200 non-combat Korean troops in Afghanistan by end of year 2007. This last point illustrates the difficulty in separating KfR from kidnap for political gains. Despite some well-known KfR cases in Afghanistan and Colombia little academic work exists on the subject from the perspective of kidnappers. For the FARC and Taliban income generated by KfR pales in comparison to what either organization made from their respective drug trades. Furthermore, in the case studies of the Taliban and the FARC while KfR has been a reliable source of income and when economic motivated kidnappings do occur in Afghanistan and Colombia the change to the Taliban and the FARC's organizational behavior has proved imperceptible to decipher between the two revenue sources.

Thomas Howes, Marc Gonsalves, and Keith Stansell were the three Americans private military contractors held concurrently with Senator Íngrid Betancourt in the former demilitarized zone in south central Colombia. Their account, *Out of Captivity*, jointly authored by the three men with Gary Brozek describes how they and their fellow captives were kept by the FARC in steel cages or chained to trees. FARC guerrillas kept the group of captives moving so as to avoid detection from the American and Colombian CT authorities. In the case of the kidnapped South Koreans, they were shuffled between farmhouse and cellars oftentimes in small groups of three and four during their six weeks captivity. What these cases illustrate is that the capture and imprisonment of both groups was opportunistic and improvised. There were no specific arrangements made by the FARC or Taliban for keeping captives in their territory.

After introducing relevant but limited historical material on the FARC and the Taliban, this chapter examines available KfR data and notable cases of the two groups. Unfortunately, it is clear that neither group adopted a perceptible organizational change from KfR and that the tactic itself corresponds to a small fraction of both groups' overall activity. Therefore it is reasonable to look somewhere else to determine if organizational development actually did result from similar illicit activities. The Taliban and the FARC make tremendous money from the opium and cocaine trades respectively. Numerous amounts of literature document the overall trades and how both groups participate in it to great benefit. Narco-trafficking is not strictly terrorism by the Hoffman definition used earlier in this study because (1) narco-trafficking is not inherently political nor (2) designed to have a far-reaching psychological impact beyond the immediate deed. Nevertheless, narco-trafficking often results in violence as a by-product of the trade, it

is, at least in the case of the FARC and Taliban; done by non-state actors; and both organizations poses an identifiable chain of command, are un-uniformed, and do have organizational structure. With this in mind, and in order to test this work's hypothesis, it is reasonable to study the organizational changes from narco-trafficking on the FARC and the Taliban. After an examination of both groups' narco-trafficking activities an analysis of the kidnapping and drug trafficking behaviors will commence.

4.2 Colombian State Weaknesses in the 20th Century

At the height of the insurgency at the end of 20th century the violence and instability in Colombia was staggering. Warfare, crime, and internal migration affected tens of thousands of people whose lives were disrupted. Nearly 40,000 politically motivated murders were committed between 1990 and 2001 with a staggering 25,660 from all kinds of murders in the year 2000 alone.[212] More than 5,400 civilian non-combatants perished in 2001 as a result of the civil war, which represents approximately a 350 percent increase over 1998.[213] Between January 1995 and January 2001 7,748 reported kidnappings took place in Colombia, however; this number likely undercounts the actual number of kidnappings as most go unreported to authorities.[214]

In economic terms the litany of crime and warfare resulted in the most severe economic depression ever to strike the country with unemployment hitting above 20

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[212]. James F Rochlin, *Vanguard Revolutionaries in Latin America: Peru, Colombia, Mexico* (Boulder, CO: Lynne Rienner Publishers, 2003), 120.

[213]. *Los Angeles Times* Feb 19, 2002.

[214]. See *supra* note 1, 120.

percent during 2000-2001.[215] an estimated 2,858,000 Colombians were unemployed in July 2001. In 1999 industrial capacity fell 17 percent. From 1993 to 1999, foreign investment plummeted 70 percent as firms fled for a lack of security and shrinking local market.[216] In concert with an IMF restructuring and loan package in 2000, the Colombian government raised taxes, increased privatization, slashed funding on social welfare programs, while increasing military spending precipitously.[217] Two years later in 2002 roughly 40 percent of government revenue went towards repaying foreign loans; thus, a substantial share of public spending was not directed to social services, which put an even greater strain on the peoples' lives. This profound depression came as a shock to Colombians who thought they had been immune to the debt woes of Latin America of the 1980s and 1990s during which time the Colombian economy was thrived. Worsening the long-term economic and social situation was the increasing wealth inequality in historically one of the most unequal states in the region. For instance, the Colombian Gini coefficient jumped from 0.55 in 1991 to 0.59 in 1999.[218] These were the conditions of the nation during the FARC's greatest strength.

The origins of the most successive militant group in the western hemisphere lie in *La Violencia. La Violencia* was a transformative period in Colombian history that accelerated economic and social trends began during the peace of the early 20th

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[215]. *El Tiempo* (Bogota, Colombia) July 31, 2001.

[216]. *New York Times* April 26, 2000.

[217]. *El Tiempo* (Bogota, Colombia) December 21, 1999.

[218]. World Bank *Distribution of Income and Consumption*, accessed October 25, 2019, https://www.worldbank.org/en/topic/poverty/lac-equity-lab1/income-inequality

century despite the bloodshed. In addition to greater economic development and global trade increased domestic politics became more widely secular that had been a longstanding cleavage between left and right for 150 years.[219] A new political rivalry was created at the cessation of hostilities as the Liberal-Conservative divide was replaced by a new power-sharing agreement known as the National Front. Nevertheless, new more radical leftist groups splintered from the Liberals. Newer leftist groups were excluded from acceptable mainstream politics so then they rebelled against successive National Front governments. In this fasion domestic politics fit into the wider Cold War struggle.

By the mid 1990s the FARC had reached its zenith of power. It was one of the strongest and wealthiest insurgent groups in the world. Its roots can be traced to a radical liberal faction from the time of *La Violencia.* At this time the FARC's longtime leader Manuel Marulanda Vélez "Sureshot" (birth name Pedro Antonio Marín) was a rising star in leftist guerilla circles of the 1950s. What would become the nucleus of the FARC shared a goal of defending peasants it was sympathetic to from government violence.[220] The FARC has its roots in the peasant groups that organized the armed defense of their land. This social component of the FARC undoubtedly means a strong ascendant of the peasant culture within the organization.[221] Indeed, 90 percent of FARC member are villagers of indigenous descent and the remainder are middle class

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[219]. See *supra* note 1*,* 94.

[220]. See *supra* note 1*,* 97.

[221]. Juan Guillermo Ferro Medina and Graciela Uribe Ramón, *El orden de la guerra : las FARC-EP entre la organización y la politica* (Bogota, Colombia: CEJA, 2002), 62.

urbanites.[222] In this way the composition of the FARC is unique among leftist guerilla groups. Most notable of long desired reforms were land reform, but radicals also wanted strategic resources nationalized and an end to foreign economic involvement in their country by Americans and Europeans. The ideology of Marulanda's group was heavily influenced by the popularity of communist thought in the developing world and they were also inspired by the recent Chinese Revolution.

As of their second conference, the FARC has a bylaw that defines its organizational structure, which has been complemented and updated in the following conferences. The overall body has a hierarchical structure made up of the following: central staff commander, block commander, front commander, column commander, company commander, guerilla commander, and squad commander. A political cell works from the basic unit of the organization which is the squad, made up of 12 members. All member of FARC from this unit to the main central state form a part of a cell. Training of new recruits is of a political-military nature, i.e. guerrillas and commanders are required to have both skill-sets and perform both roles as a political and military leader. In practice, however, this has not been the case due to the dynamics of war have required the military considerations to outweigh political ones.[223] Over time, leadership has had to reshape elements of the group in response to learned lessons and changes to society.

FARC claimed to be the guerilla organization that has the largest number of women and their presence has been visible since its foundation. Starting in 1985,

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222. *Ibid*, 40.

223. *Ibid*, 50.

women began to form part of the organization as guerillas.[224] This level of inclusion was fought for by female members who had previously been sidelined to domestic service positions. In addition to women's expanded combat role they also contributed in communications and IT positions and on average they were more highly educated.[225] However, females were still forbidden to have relationships with men not in the organization—a rule that does not apply to their male comrades. As well as being more female than many armed groups, it is a young persons' organization: most of the combat commanders at the front level are young people of 20, 22, or 25 years.[226] This guerilla organization recognizes that it has children of under 15 in its ranks too. According to FARC, in most cases they are orphaned children or victims of violent actions.[227]

There is much speculation when it comes to the amount of money FARC handled, about how they obtain resources to finance the organization, about how they manage their assets and invest money. According to Jesús Antonio Bejarano, "The reality is that we have an ambiguous idea of the guerilla's finances and their real magnitudes. Everybody speculates about how much comes from a kidnapping, how much for drug trafficking, or extortion, but these are only estimates". *Semana* Magazine conducted a special report on FARC's finances compiled from intelligence reports and interviews in which it concluded, amongst other findings, that the organization practices

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[224]. *Ibid*, 66.

[225]. *Ibid*, 43.

[226]. *Ibid*, 71.

[227]. *Ibid*, 78.

money laundering widely.[228] FARC has a solid financial position with an efficient administration at the central level that allows them freedom of action without having to depend on international aid for their operations. The centralization of finances in FARC has two main advantages: on the one hand, the concentration of income facilitates the control, investment, the more equitable management of resources, and the proportion of a common budget as a whole, in accordance with the needs of its members and the expense of its operations. When Law 002, a policy the FARC termed a war tax, was promulgated segments of Colombian society as diverse as the church, media, and private industry were concerned about how the "tax" may implicate them in funding FARC. FARC's relationship with illicit crops and the drug trafficking economy is a dynamic process that has had different stages.

4.3 FARC Enters the Cocaine Trade

Prior to the mid 1980s, FARC was nearly a different group from before that point. Before this time, it was a weak leftist militant group until their transition into the coca industry developed it into a vigorous rebel movement. This is partly due to the wilting of the Colombian state, but also a great deal of the group's success should be attributed to its new found fortune from the narcotics industry, extortion of MNCs, and kidnap for ransom.[229] The group's strategic dominance in the southern provinces of Guaviare, Putumayo, and Caquetá allowed it to control chief areas of coca and poppy production.[230] From 1998 to 2002 the government allowed the FARC to operate freely in

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228. *Ibid*, 94.

229. *Ibid,* 135.

the *zona de distension,* a territory approximately the size of Switzerland, as part of a broader lowering of hostilities to seek peace between the central government and FARC. However, by this point the FARC's infrastructure and logistical network used for the drug trade had been established for an entire decade. In practice the declared cease fire provided FARC the space and safety to expand their power over rural villages and cocaine operations. Through the drug trade the FARC reinforced their traditional support for peasant farmers who have few economic opportunities for advancement outside of coca or poppy cultivation partially due to an ecosystem inhospitable to other crops.[231] In return for their advocacy of peasants the FARC receives a portion of the profits from *campesinos*, peasant farmers. In response to the United States' Plan Colombia, designed to substantially reduce the drug trade in Colombia, the FARC spoke out against aerial fumigation sorties designed to eradicate illicit drugs in the country. For an in-depth discussion on this policy see Vargas Meza's 1999 book *Fumigación y conflico: Politicas antidrogas y deslegitimación del estado en Colombia.* Unfortunately, for the governments of Colombia and the US evidence suggests that the fumigation policy pushed *campesinos* deeper into the arms of their FARC protectors.

Fumigation campaigns by the Colombian Army targeting marijuana, poppy, and coca began in 1978 and since the late 1990s have been assisted by the United States through its efforts to combat drug use. Such decades long efforts have not had the desired effect of curtailing production by large landowners or peasants and in fact the

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[230]. Alfredo Rangel Suárez, *Colombia : guerra en el fin signio,* (Bogáta, Colombia : Tercer Mundo Editors, 1998), 150.

[231]. James F Rochlin, *Vanguard Revolutionaries in Latin America: Peru, Colombia, Mexico* (Boulder, CO: Lynne Rienner Publishers, 2003), 130.

social consequences of fumigation have been destabilizing to those who grow forbidden crops, according to many including Vargas Meza.[232] In particular, with fumigation sorties, that utilized several chemicals over time, farmers who grew illegal crops were often forced deeper into rural, more mountainous areas to continue their work or moved to cities to pursue alternative jobs that often did not pay as well what could be made from growing cash crops.[233] Also, in many cases poisons not only hit coca plants but also vegetable gardens, yucca fields, livestock, and water sources of the locals. As many farmers of illicit crops live in areas under rebel control or contested lands, the destructive actions of the government pushed farmers loyalties away from the government to the rebels.

The FARC's ability to raise vast sums of money from narco-trafficking made them wealthy and financially independent so that they did not require support from the Soviet Union or Castro's Cuba. This hallmark was unlike other leftist groups in Latin America that were disadvantaged by the end of the Cold War as large sources of their revenue disappeared from friendly state sponsors. From the 1990s thereon the FARC would rely upon more diverse sources of income of kidnappings, extorting MNCs that operated in FARC territory. "Tribute" demanded by the FARC from firms operating within their territory is a practice they formalized with the declaration of Law 002.[234] This additional income stream raised new funds at a time when the FARC's drug trade was attacked by a combination of the Colombian state and right-wing militias. Naming this

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[232]. Ricard Vargas Meza, *Fumigación y conflico: Politicas antidrogas y deslegitimación del estado en Colombia* (Bogota, Colombia: Tercer Mundo, 1999), 67.

[233]. *Ibid,* 71.

[234]. *Ibid,* 137.

institutionalized extortion, a law gave an impression of legality such as would come from a genuine government.[235]

The FARC's relationship with narco-trafficking was historically complex. Generally, the components of the organization took a 10 percent tax in exchange for " 'law', order, and protection to populations involved in coca cultivation, chemical processing of raw coca into raw cocaine, as well as distribution."[236] This topic is too broad and complex to properly cover here, but we can provide a general understanding of FARC's basic involvement in the industry. As narco-trafficking expanded in the 1980s so did too FARC's military prowess and territorial influence. A former member recalled that by the mid 1980s the group-controlled Guaviare and Meta as well as the Serranía de San Lucas, Bota Caucana, Sierra Nevada de Santa Marta.[237] These were all areas where previously the FARC had no presence. In addition to these areas, FARC quickly arrived in Choco, Bolivar, and the two Santanders.[238]

Here, an important note about the scope of the FARC's involvement in the drug trade is needed particularly as it compares to other narco-trafficking activities in Colombia at the same time because there are many inaccurate assumptions regarding FARC's level of involvement in narcotics trafficking that deserve clarification. Firstly, only some members were involved in the narcotrafficking. Secondly, as was mentioned

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[235]. *Ibid,* 137.

[236]. See *supra* note 1*,* 99.

[237]. Eduardo Pizarro Leongómez, *Insurgencia sin revolución: la guerrilla en Colombia en una perspectiva comparada,* (Colombia, IEPRI, 1996), 126.

[238]. Daniel Pécuat and Liliana González, "Presente, pasado, y futuro de la violencia en Colombia"*, Desarrollo Econômico*, 36, no 144 (1997) : 897.

above, those elements of the FARC that participated in the drug trade did so to initially

to "protect and regulate" the industry.[239] Additionally, by the mid 1980s cartels including

Pablo Escobar's began developing their own in-house security operations so that they

would not need to sub-contract with the FARC. According to Rochlin, this change was

primarily made for ideological reasons as the narco kingpins identified as leading

capitalists of their country making their relationship with the socialist FARC uneasy.

Since its inception the FARC vigorously demanded land reforms that would break-up

the nation's largest agricultural estates that by the 1980s were owned by narco-

traffickers in many cases. It was for this reason that the narcos financially supported the

new paramilitaries developed in that decade to check the leftist ELN and FARC, but to

also supplant their role as enforcers to for the narcos.

To quantify the group's dependence on different revenue sources is not simple

because accounting illegal sources of income is difficult due to the fact that those

numbers are secret and obviously not reported to either the Colombian government or

an independent NGO. Also, revenue streams change over time as with a firm operating

in a legal market. According to a 2003 study, 48 percent of the FARC's budget was from

the drug trade, 37 percent from extortion of businesses, nine percent from KfR, and six

percent from cattle theft.[240] Five years later, those figures increased to between 60 to 90

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[239]. James F Rochlin, *Vanguard Revolutionaries in Latin America: Peru, Colombia, Mexico* (Boulder, CO: Lynne Rienner Publishers, 2003), 100.

[240]. Bilal Y Saab and Alexandra W Taylor, "Criminality and Armed Groups: A Comparative Study of FARC and Paramilitary Groups in Colombia," *Studies in Conflict & Terrorism* 32, no. 6 (2009): 463.

percent for drug related activities and 20 percent for kidnappings.[241] Despite the group dedicating its members to the "in-house" work of kidnapping and extortion, FARC does not have vertical integration of its drug business. The specific degree of involvement in the production chain of cocaine depends on the particular FARC front, at which time, and which author is consulted. What there is a large degree of agreement upon is that FARC has "limited domestic drug activities and that the group relies on autonomous criminal organizations to distribute and traffic" of narcotics.[242] Generally, the majority of FARC's drug-related income derived from a tax to protect production and trafficking activities.[243]

The centralization of finances in FARC distinguishes it from the militias and has two main advantages: On the one hand, the concentration of income facilitates the control, investment, the more equitable management of resources, and the proportion of a common budget as a whole, in accordance with the needs of its members and the expense of its operations. A fundamental difference between the how the cartels manage funds and how the FARC manages funds is that for FARC revenue gained by the drug trade is used reinvested while revenues of the cartels turn into profit. Finally, if this system of administration of its resources manages to meet the criteria of equity, solidarity, transparency, and efficiency, as expressed by its command.[244]

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[241]. Alexandra Guáqueta, "The Colombian Conflict," *Voice of America News* (Washington, D.C.), Jul. 8, 2008.

[242]. See *supra* note 14, 464.

[243]. See *supra* note 14, 464.

[244]. See *supra* note 10, 103.

A 2007 UN World Drug report stated that while there is concern about international trafficking and trading drugs for arms, especially on account of the paramilitary Autodefensas Unidas de Colombia (AUC), that work is mostly domestic and the bulk of the trafficking is done by a large number of small, professional cartels known as the "baby cartels".[245] The paramilitaries drug business was vertically integrated from crop production to distribution.[246] In particular, the AUC acquired 30 percent of its revenue from protection payments of the landholding class and 70 percent from drug activities, though estimates of this net income varied widely from US$ 20 million to US$ 200 million.[247] It oversaw the growth, refinement, and international trafficking of its own product. Integration of the cocaine business within the AUC was more pronounced than it was for the FARC that traded protection for cash or arms with Colombian and other Latin American crime syndicates.[248]

Stepping back for a moment form discussion on the FARC's relationship to drug trafficking, how has the organization's use of KfR developed since the mid 2000s and how does that contribute to the wider story? As part of President Uribe's wider strategy to defeat the armed group, the Colombian military enjoyed widespread success in large battles and in targeted assassinations with financial support from the United States with its Plan Colombia. Uribe's successor Juan Manuel Santos resurrected negotiations to

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[245]. *2007 World Drug Report,* United Nations Office on Drugs and Crime (June 2007), 177.

[246]. See *supra* note 15, 81.

[247]. See *supra* note 14, 466.
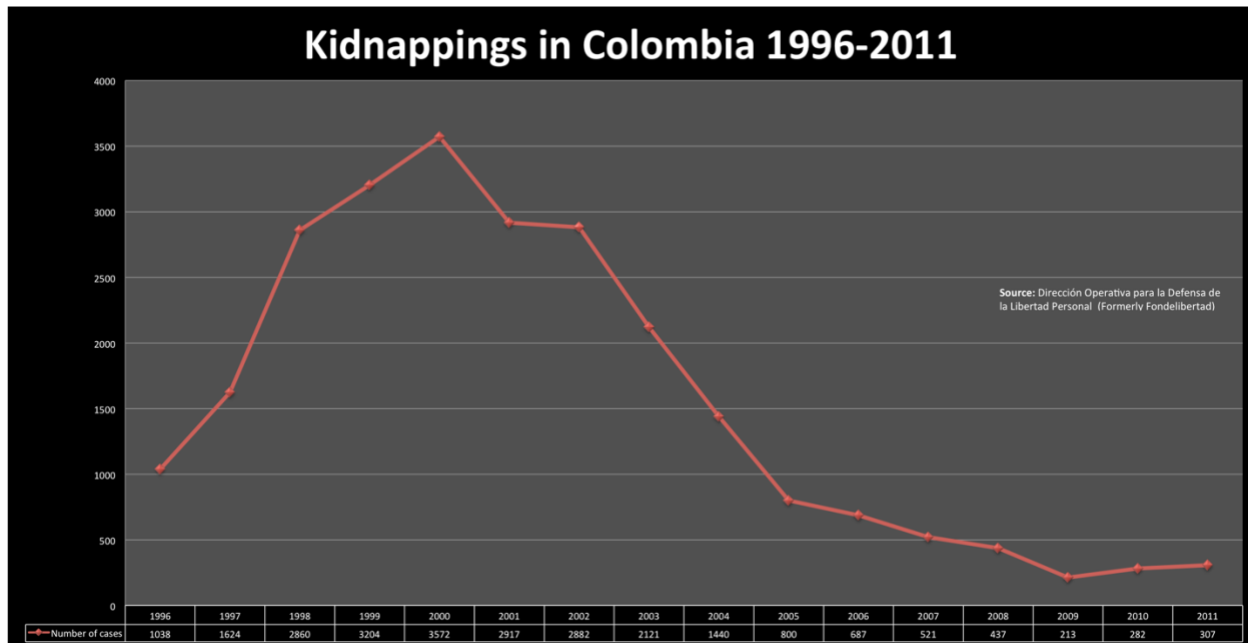
[248]. See *supra* note 14, 467.

reach a lasting peace with the FARC in early 2012—peace talks had withered on the vine for a decade after the FARC commandeered a commercial airliner and kidnapped many passengers on board. As the two sides explored negotiations the FARC discretely announced it would end 35 years of financing their organization through KfR. More specifically, this language rescinded Law 002, which taxed or extorted those over a certain income; however, what that certain amount was is unclear even reaching middle income citizens.

This declaration, according to Steven Dudley of InSight Crime, reflects the FARCs already decreased reliance on KfR as a once significant source of income.[249] Nevertheless, not all FARC fronts adhered to that policy that was aimed at softening the FARC's image in the eyes of the Colombian public. In light of FARC's already lowered number of kidnappings since the year 2000, as of the early 2010s, and the unpopularity of kidnappings, ending the practice was good politics for the organization and reflected a small concession to the peace process with little cost. Colombia's GUALA, the nation's national police, accused some FARC fronts of contracting with the ELN in KfR in addition to continuing the practice of "retentions" (the guerilla term for kidnapping) in their own right.[250] This was occurring as the majority of members follow the rule of the Secretariat's newer stance against kidnapping and as total number of cases continued to fall in the country.[251]

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[249]. Steven Dudley, "Why the FARC May Actually Mean What It Says About Kidnapping," *InSight Crime*, February 27, 2012.

[250]. Jeremy McDermott, "FARC Rebels Still Kidnapping in Colombia: Report," *InSight Crime*, January 10, 2014.

[251]. *Ibid,* McDermott.

Kidnappings in Colombia 1996-2011

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Number of cases	1038	1624	2860	3204	3572	2917	2882	2121	1440	800	687	521	437	213	282	307

Source: Dirección Operativa para la Defensa de la Libertad Personal (Formerly Fondelibertad)

As the Colombian military won more confrontations with the FARC on their own turf in the countryside this decreased the group's overall presence to smaller areas of control and precipitously decreased the number of guerillas by more than half over the decade from the early 2000s to the early 2010s. This change can be seen graphically above beginning in the year 2002 to 2003 when the decision was made to take back the demilitarized zone centered in the El Caguan region, which the FARC had used as a safe haven from the government.[252] One effect this had was to deny the FARC land on which to detain hostages for extended periods of time—further limiting its ability to raise funds and continue its fight against the Colombian state. Additionally, from 2000 to 2012 the demographics of the FARC's Colombian kidnapping victims increasingly came from the middle and lower classes who can only afford to pay $5,000 on average, according to the government.[253] If this estimate is accurate and if the government is correct in

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[252]. *Ibid*, McDermott.

tabulating that the FARC commits 25% of all kidnappings in the country then the FARC would only bring in approximately $350,000 annually from KfR compared to a sum between $200-$600 million from drug trafficking activities. Therefore, it is easy to understand why the guerillas were willing to recent their unpopular "law". Peace negotiations between the Santos administration and the FARC commenced and faltered several times from 2012 to 2015 culminating in a peace accord in 2016, yet some 1,200-3,000 members are still active in fighting the state, according to InSight Crime.[254]

4.4 Enter the "Narco-subs"

There is possibly no more unique development from FARC's relationship to drugs the past 30 years than the narco-subs. They represent a continuation of clandestine efforts to move cocaine out of Colombia through Central America to the United States besides other routes less well-worn than land routes. This innovation is an impressive accomplishment by a dark network's ability to engineer a complex solution to maneuver around state control. According to Jaramillo, FARC's narco-subs demonstrate: "1) relevant data on FARC's ability to engage in a complex effort and 2) takes into account the organization limitations and constraints that may influence the technical capabilities and activities of the clandestine organization." Narcotics-submarines are "custom made, self-propelled maritime vessels" for the purpose of

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[253]. See *supra* note 48.

[254]. Juan Diego Posada, "FARC Dissidents Growing Faster Than Colombia Can Count," *InSight Crime,* December 20, 2018.

smuggling drugs along the coast of Central America to points in the United States.[255] Early designs consisted of semi-submergible vessels built on speed boats hulls constructed in jungle clearings. Current designs feature GPS navigation and modern radar, fully submergible construction, and self-propulsion giving them capabilities of traveling long distances.[256]

It became clear by the 1990s that air and sea smuggling routes no longer allowed the FARC to make large uninhibitedly shipments. Furthermore, land routes have always remained an arduous, lengthy option. Additionally, familiar methods of maneuvering around authorities through bribing or coercing border guards, concealing drugs in cargo containers, and use of underground tunnels became increasingly unpopular as experiments with narco-subs proved promising.[257] For these reasons, narco-subs became an ever more popular mode of transporting large and expensive quantities of cocaine through the 2000s for a group not normally acknowledged as implanting the most modern technologies. Authorities are unaware of which or how many FARC fronts employ narco-subs. However, due to their high construction costs and degree of engineering expertise required to build narco-subs it is likely that coordination occurs between the central leadership and perhaps multiple operational units. Such a degree of coordination should make it easier to spread the costs

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[255]. Robert J Bunker and Byron Ramirez, "Narco-Submarines: Specially Fabricated Vessels Used for Drug Smuggling Purposes," *Foreign Military Studies Office*, May 2014; 9.

[256]. *Ibid.*

[257]. *Ibid,* 53.

necessary for construction and transporting large quantities of drugs over the open sea.[258]

FARC's development of narco-subs represents an impressive long-term strategic effort to overcome significant obstacles to their trade that was vital to their ongoing war against the Colombian state. More impressive still is the subsequent innovations to the original submarine design and adoption of new communication, propulsion, and radar features. A former drug trafficker observed that, "Looking back, it appears that the Colombian cartel was honing their skills in preparation for their ultimate goal – the construction of a long-distance vessel that could dive and surface on command."[259] Since the beginning of peace talks between the Colombian government and the guerrillas in 2016, there have been four stages of narco-sub development with each evolution building on the successes and avoiding the failures of the previous generation that ultimately lead to a fully submersible vessel.

As it so happened, the steep up-front cost paled in comparison to the enormous expected revenue made from a single shipment of cocaine.[260] Ramirez estimates that it costs less than $2 million to build a vessel capable of carrying eight tones of drugs and that one shipment will fetch over $200 million in revenue.[261] As the subs notoriety grew

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258. *Ibid,* 54.

259. Jim Popkin, "Authorities in Awe of Drug Runners' Jungle-Built Kevlar-Coated Supersubs," *Wired.com*, March 29, 2011.

260. Byron Ramirez, "Narco-Submarines: Applying Advanced Technologies to Drug Smuggling," Small Wars Journal, March 8, 2014, Accessed September 9, 2019, https://smallwarsjournal.com/jrnl/art/narco-submarines-applying-advanced-technologies-to-drug-smuggling.

there have been reports of the FARC selling narco-subs or their plans to friendly dark networks that diversified the FARC's income streams and adds to greater revenue.[262] This development illustrates practically how technologies spread from one armed group to another.

Jaramillo continues that FARC found success for four primary reasons: Firstly, as it has been noted several times earlier, the FARC committed considerable financial and human resources into the narco-sub project on which they placed great hopes. Not only were such resources marshaled to construct prototypes but this continued for a period of over two decades. Secondly, the FARC exercised a great deal of influence in the areas of the country they occupied, so much so, that locals in adjacent villages feared speaking to authorities about the secretive construction nearby.[263] In this manner, plans were executed more smoothly under clandestine conditions. For instance, in 2008 a submarine was seized containing four naval engineers who all claimed they had been kidnapped and coerced into building narco-submarines.[264] Thirdly, the FARC under the Joint Western Command, based around the Pacific coast, was able to conceal construction of their boats from authorities. Clandestine work and intimidation enabled them to continue building without disruption from locals. Fourthly, as mentioned before, the FARC exhibited an extraordinary capacity in the group's learning individually and corporately.

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[261]. Byron Ramirez, "Colombian Cartel Tactical Note #1," Small Wars Journal, February 27, 2014, Accessed September 9, 2019, https://smallwarsjournal.com/jrnl/art/colombian-cartel-tactical-note-1.
[262]. Kirk Semple, "The Submarine Next Door," *New York Times,* December 3, 2000.

[263]. "Narcosubmarinos," *Discovery Channel*, October 26, 2010.

[264]. *Ibid* "Narcosubmarions"*.*

4.5 Taliban Origins

It was the hope of many Afghans that a movement of Islamic students would bring peace and order to their country that was in such chaos after the previous communist regime had been overthrown by the mujahedeen in April 1992.[265] Afghanistan in the early 1990s before the Taliban's consolidation of control was a state teetering on the edge of collapse. Mujahedeen warlords fought for independence from the Soviet Union during the 1980s were widely seen as corrupt and their factionalism severely weakened the country. Before the Taliban rose to power a patchwork of allied warlords ruled the country who frequently switched sides, fought their own former comrades and then switched sides again. In the northeast and east President Burhanuddin Rabbani controlled the mainly ethnic Tajik provinces centered around the capital Kabul. The three most west-ward provinces centered around the city of Herat were controlled by Ismael Khan. In the south near the Pakistan border three provinces were controlled by a *shura* (council) of mujahideen located at Jalalabad. Finally, a small area to the southeast of Kabul was controlled by Gulbuddin Hikmatyar. In the north, Uzbek General Rashid Dostum controlled six provinces and for a period of time was allied with the Rabbani government, but abandoned it to side with Hikmatyar. Southern Afghanistan near the Pakistani border centered around Kandahar was controlled by "dozens of petty ex-mujahideen warlords" which plundered the local population willingly.[266]

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[265]. Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia*, (New Haven, CT: Yale University Press, 2000): 5.

The origins of the Taliban come from the southern Afghan city of Kandahar in 1994 as a small group of madrassa students turned vigilantes during a lawless post-war time in that country. Their leader, Mullah Mohammed Omar, was a hitherto unimpressive man from the obscure village Nodeh outside Kandahar born approximately in 1959. From a humble family, Omar's parents were landless peasants of the Hotak tribe of the Ghilzai branch of Pashtuns.[267] During the course of the war with the Soviet Union Omar's family moved to Tarinkot in Urozgan Province to escape the conflict. Urozgan is one of the most remote regions of Afghanistan, so few Soviets ever entered that province. From 1989 to 1992 Omar fought for Hizb-e-Islami against the Soviet supported Najibullah regime and was wounded four times including one that famously took his left eye.

The Taliban's original members were composed of Mullah Omar's *madrassa* students who grew up during the chaotic period of war with the Soviet Union and subsequent government collapse afterwards in the early 1990s. Multiple origin stories surround the beginning of the Taliban in Kandahar. They all express the same idea that Omar and his *talabs*, as some sources refer to early followers, brought justice to lawless Kandahar by punishing sinful men. Many pupils grew up living in refugee camps in Pakistan outside the traditional Afghan communities that taught and supported native to traditions and customs. Omar himself had little formal religious education; nevertheless, he opened a school for teenage pupils. As the Taliban's fame grew their prestige increased in the eyes of the locals because the student fighters did not ask for any

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[266]. *Ibid,* 21.

[267]. *Ibid,* 23.

monetary rewards, but only help from local communities in making a better Islamic society.

The men who joined Omar's movement were children of the jihad who were disaffected with old mujahideen leaders whom allowed crime and disorder to run rampant throughout the land. In the opinion of many in the younger generation their leaders failed because they had fallen into corruption and excess; consequently, they fell short of the goal of implementing an authentic Afghan Islamic society. Those mujahideen dissatisfied with the status quo understood themselves as continuing the jihad that cleared Afghanistan of the invasion of communism and the Red Army.[268] In Pakistani *madrassas* (religious school) pupils studied what life would look like in an ideal Islamic society prescribed by the Prophet Mohammed 1,400 years ago. This is the society the Taliban deeply desire to imitate. Based on these difficult life experiences and the political discussions around what should be done to help the state of their country an agenda developed: restore peace, disarm the population, enforce *sharia*, and maintain the Islamic character of Afghanistan."[269]

The Taliban has relied on several key religious texts in addition to the Quran and Islamic history for inspiration for the movement and guidance for administration and jurisprudence. *Islamic Justice* teaches on these points as well as how to promote good and punish evil in the population.[270] A later text, *Shariat Teaching on Jihad*, draws on similar literature as *Islamic Justice* to instruct readers on how to distribute loot and when

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[268]. *Ibid,* 23.

[269]. *Ibid,* 22.

[270]. Nuruddin Turabi, "Islami adalat" (Ulema Commission of Justice, Kabul, 2000).

to make and break ceasefires.[271] *Obedience to the Amir* is another influential paper by Pakistani scholar Mufti Rasheed Ahmed is the main source for guidance for the Taliban's internal affairs particularly in terms of the relationship between mujahid and amir.[272] Mufti Rasheed Ahmad toured the Islamic Emirate of Afghanistan and continued to act as a spiritual leader to the Taliban's leadership even after the group lost control of the country.

   Obedience to the Amir is both a practical handbook on how the Taliban movement should be run and also a heroic origin story of how the group's leaders came to implementing sharia in Afghanistan against imperialist forces. The term *amir* to Mufti Ahmad refers to the *Amir ul Momineen* (at that time Mullah Omar) as well as the broader leadership of the organization for who the mujahideen owed their allegiance. Such submission to authority and unity within the group is right because the *amir* is appointed by God so he can be trusted to make decisions that may be understood by lower ranking members whom do not have divinely revealed knowledge of the supreme leader. One's obedience to leadership and cohesiveness within the group is akin to remaining in the fold of Islam, according to Rashhed Ahmad. The organizational structure advanced by the author was hierarchical and simple. All members owed their allegiance to an *amir* who sat in a college of equals that report to an *amir ul momineen*. In addition to this leadership apparatus, the *shura* council should play a purely advisory role to the *amir* who has full authority in making decisions for the group

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   [271]. Mawlvi Abdul Haleem Ahmadi, "Da mujahid toorah" (Cultural Commission, Peshawar, Pakistan, 2013).

   [272]. Mufti Rasheed Ahmad, "Taliban mujahideen lashkar nabavi, ahkam alhia–ita'at ameer" (Karachi, Pakistan, 2000).

Mufti Rasheed Ahmad also contributed to the development of Taliban internal affairs by developing Islamic thinking around organizational design. For instance, he advocated for the regular rotation of civilian administrative personnel among military fronts in order to continually imbue those not in combat roles from with a fighting spirit and to prevent distance from growing between the back office and the front-lines.[273] The significance for rapid overturn in service of office workers was to retain the sense of urgency of jihad to those members. Closely related to the above idea is Mufti Ahmad's notion of the benefits of the Taliban's spartan lifestyle so as not to make any one position too comfortable, desirable, or to fuel flames of ambition of any Taliban. This egalitarianism stood in stark contrast to Afghanistan's rich palace court culture in imitation of the Turkish sultan's splendor and also in contrast to the corruption and lavish lifestyles of mujahideen leaders of the 1980s and 1990s. So it was that partially through the influence of the spiritual leader Rasheed Ahmad that the leadership of Taliban *amirs,* who are poorly educated religious men, adopted his ideas to their organization of unity, hierarchy, service, and austerity.

The composition and especially the demographics of the Taliban have little changed since their beginnings through nearly the present.[274] These men who make up the highest levels of the Taliban leadership mostly came of age in Pakistan be educated in *madrassas* of the Deobandi variety although not really progressing far in that pursuit and they were motivated to action by a zeal to implement a fairer, more just, virtuously Islamic society in their homeland. However, lower-level commanders not at the national

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[273]. Michael Semple, "Rhetoric, Ideology, and Organizational Structure of the Taliban Movement," United States Institute of Peace, *Peaceworks*, no. 102 (2014): 11.

[274]. *Ibid,* 18.

level are still a majority of Pashtun ethnicity but not of the Kandahar Province; so, at the middle and lower levels of Taliban leadership there is a greater emphasis on representing the local populace.[275]

As it has been mentioned above, today the highest two levels of Taliban leadership are men who were mostly active in the movement during the days of the Islamic Emirate of Afghanistan (1996-2001) who were also early arrivals to Mullah Omar's Kandahar City-based movement. Insomuch as the organization is described as a movement of *mullahs*. It is because of this set of leaders. In Afghanistan, the term *mullah* is a general title referring to one who has had some indeterminate amount of religious education. Actually, based on a study of Afghan Taliban leadership those not comprising the senior most positions are more highly educated than the core leadership. That is, the *mawlvi* or qualified cleric and even more senior judges who are part of the *ulema* are under the direction of those who are essentially *madrassa* drop-outs.[276] At the level of *walis* (provincial governor), or more accurately in most cases shadow governor, these men have a less developed background in the *madrassas* but what is prized most for selecting these commanders is their loyalty to the cause and ability their as military leaders.[277] This information is difficult to come by, particularly as the Taliban has the habit of rotating mid-level leadership throughout the country, yet

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[275]. *Ibid*, 23.

[276]. *Ibid*, 21.

[277]. *Ibid*, 22.

much of the evidence regarding the Taliban's human resources was provided to Michael Semper by two former Taliban leaders turned informants.[278]

Afghanistan's infamous opium industry has its origins in the Pakistani drug trade of the 1980s, which was introduced to Afghanistan by the war with the Soviet Union. At that time Pakistan was producing 800 metric tons of opium annually that accounted for an astounding 70 percent of global supply until 1989.[279] Over that decade a corrupt system developed, which intersected global politics, regional security, and a multinational drug trafficking business. The truck, donkey, and camel caravans that transported CIA purchased weapons into Afghanistan from Pakistan carried away heroin to Karachi's port for worldwide export. Cultivation of poppy and its production into opium and heroin crisscrossed the same routes controlled by Pashtun tribes that were paid-off to allow arms moved through their lands.[280] Remarkably, both the *mujahideen* and communist officers in the Afghan military participated and profited in this early stage of the drug trade. It would be impossible for the governments in Kabul, Islamabad, Moscow, and Washington D.C. not to know about the burgeoning narcotics industry in Pakistan, but at that time drugs were an acceptable negative externality of the greater civil war in Afghanistan.

From 1992 to 1995, Afghanistan produced between 2,200 and 2,400 metric tons of heroin annually; an amount that rivaled Burma as the largest producer worldwide.[281]

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278. *Ibid*, 19.

279. *Ibid,* 120.

280. *Ibid,* 121.

281. *Ibid,* 119.

According to the United Nations Drug Control Program (UNDCP) Kandahar Province produced 120 metric tons in 1996 on 3.160 hectares of poppy compared to the previous year's 79 metric tons from 2,460 hectares. Following this in 1997 as Taliban control extended farther north past Kabul, opium output rose to 2,800 metric tons, an increase of 25 percent. As tens of thousands of refugees returned from Pakistan, they took-up poppy farming as it was the "easiest and most lucrative cash crop available."[282] However, the extraordinary amount of heroin produced in country did not lead to financial freedom for poppy farmers. Only an estimated 1 percent of total profits were kept by farmers with the overwhelming majority going to European and North American narcotics dealers.[283] Tax receipts are estimated to have been US$ 20 million for the Taliban with an unknown, probably greater amount, collected as bribes.[284]

The Taliban quickly realized the importance and potential poppy cultivation had in the economy after they captured Kandahar. Initially, they outlawed the use and production of all drugs, which led optimistic American diplomats to quickly attempt to establish lines of communication with the nascent conquers for the purpose of eliminating large scale poppy growth. Throughout the 1980s, *mujahideen* warlords profited as an open secret from the drug trade to fund their armies and line their pockets. They purchased expensive villas in Peshawar and kept foreign bank accounts. In public, commanders would admonish one another for indulging in the dirty drug trade. Within a few months Mullah Oman and the Taliban recognized the value of poppy and

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[282]. *Ibid,* 119.

[283]. *Ibid,* 119.

[284]. *Ibid,* 119.

how its illegality angered local farmers.[285] From that point forward, the Taliban participated more heavily in the drug trade than any *mujahideen* before them.

The Taliban were able to develop a purely Islamic reason for farmers to grow opium despite the Quran forbidding production and consumption of intoxicants. Abdul Rashid, the leader of Kandahar's anti-drug task force, explained the duty of his post to enforce the law forbidding hashish, "because it is consumed by Afghans and Muslims."[286] Nevertheless, "opium is permissible because it is consumed by *kefirs* (unbelievers) in the West and not by Muslims or Afghans."[287] Furthermore, he continued, "We let people cultivate poppy because farmers get good prices. We cannot push the people to grow wheat as there would be an uprising against the Taliban if we forced them to stop poppy cultivation. So, we grow opium and get our wheat from Pakistan."[288]

Taxes from the opium trade with Afghanistan's neighbors contributed handsomely to the Taliban's treasury during their government – reportedly a box beneath Mullah Omar's bed. In 1995 the UNDCP estimated revenue from the Afghan drug trade totaled US$1.35 billion.[289] By 1998 revenue had more than doubled to US$3 billion.[290] Drug money was critical for filling the voracious appetite for weapons,

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[285]. *Ibid,* 118.

[286]. *Ibid,* 118.

[287]. *Ibid,* 118.

[288]. *Ibid,* 118.

[289]. *Ibid,* 124.

materiel, and recruits for the war between the Taliban and its various internal adversaries, most notable of which was the Northern Alliance commanded by Ahmed Shah Massoud. In addition to the lucrative drug trade, smuggling sophisticated routes stretching from Central Asia to the Gulf remains a major economic sector in the country and profitable source for taxes. Despite the vast amount of money acquired over this period the Taliban leadership continued to live as ascetics. Their lifestyle was in stark contrast to the lavish lifestyles enjoyed by many other warlords of the civil war period. Additionally, the drug smugglers themselves became enormously wealthy from the Afghan narcotic trade.

Some Taliban leaders did attempt to grow local industries and foreign investment besides the existing war-time trades. "We want to develop Afghanistan as a modern state and we have enormous mineral, oil, and gas resources which should interest foreign investors", said Mullah Ahmed Jan, Minister of Mines and Industries, a Saudi who left his carpet business to join the Taliban.[291] He added that, "Before we took control of the south there was no factory working in the country. Now we have reopened mines and carpet factories with the help of the Pakistani and Afghan traders." However, there was never serious interest from the organization's heads in the powerful Kandahar Shura.[292] Jan concluded that the *shura* had little time for economic issues as they were too interested in the war.

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[290]. *Ibid,* 124.

[291]. *Ibid,* 125.

[292]. Interview with Jan, Kabul, May 1997.

4.6 The Opium Trade Surges

The Taliban after 2001 was given an open door to reemerge due to three critical shortfalls of: Afghans' displeasure with the Karzai government, security shortfalls made by the US and ISAF, and modification of Taliban ideology to a more nationalist and moderate stance on social issues.[293] With continued lack of economic development southern and eastern regions remained reliant on the drug trade that was once again prohibited by the American supported central government. This decision predictably angered local farmers who were formally forbidden from growing their most profitable crop in the country. Naturally, the Taliban took advantage of this situation by encouraging the drug trade that benefited local farmers, once again contributing handsomely to the organization's treasury and regaining support as an alternative to the new Karzai government amongst a large segment of the population. In the early 2000s the Taliban were able to regroup as NATO forces were insufficient to occupy a country the size of France as part of the "light footprint" distribution of Western military presence. With a shortage of foreign forces to enforce peace, the Taliban were able to make the case to local communities that they were the ones to restore justice to lawless areas as they had done before in the mid 1990s.[294] In response to the new political and military dynamics in Afghanistan, the Taliban changed their messaging from conservative zealots to God-fearing nationalists intent on expelling foreign invaders, not

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[293]. Thomas Barfield, *Afghanistan: A Cultural and Political History* (Princeton, NJ: Princeton University Press, 2010), 327.

[294]. *Ibid,* 327.

unlike the *mujahideen* of yester yore.[295] In this narrative the Karzai government is a patsie of the Westerns whom are undermining traditional Afghan society.

The kidnapping of foreigners and Afghans is common across the country by the Taliban or criminal gangs. Ransom demands by the Taliban usually fit into some combination of three spaces for money, the release of Taliban prisoners by the government or United States, or as a reprisal for cooperation with the Afghan government or Americans. Of the foreigners who are abducted they tend to come from, engineers, aid workers, or military contractors working in the country. Afghan hostages are typically local government officials or civilians and in these cases ransom demands are commonly made to the national government because most Afghans do not have the means to pay ransoms. A notable hostage case that made international headlines was that of the Korean missionaries who were abducted in 19 July 2007 while the group of 23 were en route through disputed territory in Ghazni Province. Two men were killed within the beginning weeks and two women were set free to the International Red Cross for the purpose of building goodwill with the Korean government. A month earlier, two German engineers were captured with one having been killed. A Taliban spokesman, Qari Yousef Ahmadi, demanded 21 of his compatriots be released for the freedom of the 19 remaining Koreans—a demand that several members of the Afghan rejected outright.[296] "Our position is the same: We are not releasing [any Taliban]", said Ghazni

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[295]. *Ibid,* 327.

[296]. Associated Press, "Taliban Free Two South Korean Women Among 23 Kidnapped in Afghanistan in July," Aug. 13, 2007.

Governor Marajudin Pathan.[297] It was reported, but not confirmed by the South Korean government, that the hostages were released in return for USD$20 million.

A remarkable kidnapping of 70 villagers occurred in southern Kandahar Province for reportedly cooperating with the authorities. Seven were killed and another 30 were then released, according to Abdul Raziq, the head of the Kandahar Province Police.[298] This occurred in the context of generally higher civilian casualties even for Afghanistan since the rise of the Islamic State Khorasan Province in 2015. A report from the United Nations Assistance Mission in Afghanistan 1,662 civilians died in the first six months of 2017, and 3,581 were injured.[299] Many mass kidnappings have occurred in 2016 through 2019, especially along the country's many desolate motorways, after the majority of the security responsibility came to ANSF from ISAF. Indeed, at the end of 2019 27 peace activists from a group called People's Peace Movement were abducted while traveling between Farah and Herat provinces. The Taliban earlier accused the new group of being financially supported by the Kabul government and therefore pawns or in league with foreigners.

During the Taliban's resurgence their "level of dependence [on the drug economy] grew dramatically." It had always been their largest source of income; greater so than gifts from foreign governments, human trafficking, or kidnap for ransom. Opium played a crucial role in reinvigorating the Taliban movement from near extension, and

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[297]. *Ibid*, Associated Press.

[298]. Shamil Shams, "Taliban Carry Out Mass Kidnapping in Afghanistan Kandahar Province," *Deutsche Welle* (Bonn, Germany), Jul 23, 2017.

[299]. *Ibid*, Shamil Shams.

transformed the insurgency across the Afghan-Pakistan border into something new.[300] Indeed, this dependence led to what is widely portrayed as the "New Taliban".

What is today known as the Taliban shares some of the organizational characteristics and political aspirations to their predecessors.[301] "These are not the old Taliban. We don't even know who they are anymore."[302] Mohammed Omar remained the titular head of the organization until his death in 2010 and he established a new *shura* in Quetta, Pakistan to replace the original council in Kandahar that had been scattered after the American invasion. The men of the new *shura* were more independent than those in the earlier *shura* because they were responsible for managing their own theatres of war, e.g. Jalaluddin Haqqani for the southeast and Mullah Dadullah for the south.[303] The New Taliban is more fragmented both geographically and in terms of interests than its earlier iteration that engage in all kinds of activities from terrorism, racketeering, and kidnapping to smuggling. According to the same Afghan defense official, "We could round up the entire Quetta *shura*, and we would be no closer to ending the insurgency." Nowadays, the Taliban can be seen destroying ancient Buddha statues in northwest Pakistan, smuggling goods into Central Asia, or bombing a police station in Kabul.[304] It is not uncommon for some individuals

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[300]. Gretchen Peters, *Seeds of Terror: How Heroin Is Bankrolling the Taliban and al Qaeda* (New York, NY: St Martin's Press, 2009), 104.

[301]. *Ibid,* 104.

[302]. Telephone interview between Gretchen Peters and senior Afghan defense official October 15, 2007.

[303]. Gretchen Peters, *Seeds of Terror: How Heroin Is Bankrolling the Taliban and al Qaeda* (New York, NY: St Martin's Press, 2009), 110.

who call themselves Taliban, or are referred to by locals, to communicate little with Taliban headquarters.[305] They may have more to do with corrupt local officials and fight with other local insurgents who also claim to be Taliban.

Evidence that drugs have altered the Taliban can be detected even at the fringes of the organization in the ideology of the Taliban. The *Globe and Mail* newspaper of Canada surveyed a small number of low-level Taliban soldiers and supporters finding that one-fifth of respondents grew poppy because their mullahs instructed them to do as such. 16 individuals responded that they hoped to make heroin addicts of non-Muslims. Said interviewee, Soldier 18, "It is obvious to everyone that the Americans hate poppies. And if we grow it…it will be better for us and worse for them." This sentiment was made clear by Abdul Rashid in the 1990s. Soldier 19 said too, "Islam says not to grow it and we are not opposed to Islam, but our *ulema* (clerics) says to grow it because it is harmful to non-Muslims."[306]

Most consumer products are difficult to find in Afghanistan after decades of war. Taliban fighters often barter their service for food, weapons, motor bikes, and fuel. In an interview with al Jazeera journalist Qais Azimy, who traveled with Taliban fighters in Helmand Province, quoted one fighter as saying, "Everything we have is from opium."[307]

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[304]. Mujahid and Peters, "Buddhist Relics Latest Casualties in Pakistan's Talibanization."

[305]. Gretchen Peters*, Seeds of Terror: How Heroin Is Bankrolling the Taliban and al Qaeda* (New York, NY: St Martin's Press, 2009), 105.

[306]. Survey conducted by research assistants of Gretchen Peters with local farmers in Helmand Province from June through July 2007.

[307]. Grey and Schecter, "Exclusive: 11 Tons of Opium."

According to the same source those soldiers also received a Toyota Corolla in which the men traveled. Traffickers and the Taliban form such a symbiotic relationship that the traffickers will cover larger expenses than even automobiles. High level traffickers will pay for the medical bills of injured Taliban, and at least one trafficker built a medical clinic in Quetta, Pakistan that provides care for injured solders.[308] Other traffickers have built *madrassas* both in Afghanistan and Pakistan in part to recruit new members; others have built hotels in Pakistan for Taliban to rest and relax from their time on the battlefield. Though battlefield commanders are heavily reliant upon drug money, says an Afghan intelligence official, for daily expenses the senior leadership still requires "donations from rich Arabs in the Gulf and Pakistan."[309]

Afghanistan's drug trade also makes strange competitors and customers of traditional allies and foes. The complex relationship between the Taliban and the Afghan government was alluded to in a UN report about drug corruption in the Karzai administration. It details 36 districts in poppy producing areas, or along smuggling routes, where an intricate series of kickbacks from police officers, to customs officers, to governors each enrich themselves.[310] It continued to further explain how men with the choicest assignments stood to become wealthy from accepting bribes in their public positions and how those in lower positions were required to provide cuts of their own graft to superiors. Police officers stationed in lucrative areas were sometimes obligated

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[308]. Interview by research assistant of Gretchen Peters in Quetta, Pakistan October 8 and 9, 2007.

[309]. Interview by research assistant of Gretchen Peters with Afghan intelligence officer, Kabul, Afghanistan, August 2007.

[310]. Gretchen Peters*, Seeds of Terror: How Heroin Is Bankrolling the Taliban and al Qaeda* (New York, NY: St Martin's Press, 2009), 136.

to pay as much as $40,000 a month to keep their jobs.[311] This report pinpointed the man at the top of this corrupt public system was Ahmed Wali Karzai, the former president's half-brother who was assassinated in 2011. Multiple US and NATO intelligence reports provide evidence the junior Karzai made drug deals via telephone.[312] This information has been corroborated by western diplomats. As is common to other high-ranking government officials you won't see Ahmed Wali Karzai actually touching the trade," said a UN official who worked on the report.[313] Finally, the UN official concluded, "He has influence over who gets what position — and that gives him extraordinary power."

Corrupt public officials and the Taliban do not negotiate face-to-face about drug smuggling. Conversely, the parties use smugglers as messengers to negotiate how much product will be moved and at what time and where. Saboo Agha, a poppy farmer in Gereshk, Helmand Province explained the operation as he regularly saw it:

"The Taliban commander has the firepower and the drug dealer has the money. The opium gets transported in police vehicles, or other times I have seen them take the opium away in convoys with thirty or more armed men. You can see the government officials have secured the route for them, and next week the local police will have new clothes or motorcycles."[314]

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[311]. Interview with a UN official, Kabul, February 25, 2007.

[312]. James Risen, "Report Links Karzai's Brother to Afghan Heroin Trade," *New York Times*, October 4, 2008.

[313]. Gretchen Peters*, Seeds of Terror: How Heroin Is Bankrolling the Taliban and al Qaeda* (New York, NY: St Martin's Press, 2009), 136.

[314]. Interview by research assistant of Gretchen Peters with Saboo Agha, Gereshk, Helmand, July 2007.

It is routine for local officials to receive bribes so drugs may move throughout Afghanistan. One deceptive tactic local police developed to raise cash through the drug trade is to "sell" districts they are assigned to protect from the local Taliban.[315] "They'll tell us that they lost control of the area because they are outgunned, but it will be a case where there aren't more than ten Taliban in their region, and we have posted a hundred police to that district," says a senior interior ministry official in Kabul.[316] This situation is most noticeable, "Along the border, there's an evil mix of government officials, district commissioners, and police chiefs who work with the Taliban," says General Kamal Sadat, a former counter-narcotic police chief. He went on, "The government officials mostly just take the bribes. It's the Taliban and the drug smugglers who actually move the drugs out."[317]

In recent years poppy cultivation has grown to an incredible amount in the south of the country as local farmers have invested in solar arrays to boost the productivity of their farms. As early as 2013 farmers began acquiring the new technology to replace diesel powered water pumps that frequently broke and constituted the largest operating expense.[318] Once the up-front cost of approximately USD$5,000 is used to purchase an array of panels, that largest cost is neutralized. In 2019, a British security firm, Alcis,

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[315]. Gretchen Peters, *Seeds of Terror: How Heroin Is Bankrolling the Taliban and al Qaeda* (New York, NY: St Martin's Press, 2009), 137.

[316]. Interview by a research assistant with a senior interior ministry official, Lashkar Gah, July 2007.

[317]. Interview with Kamal Sadat, Kabul, February 26, 2007.

[318]. Justin Rowlatt, "What the Heroin Industry Can Teach Us About Solar Power," *BBC* (London, UK), Jul 27, 2020.•

counted over 67,000 solar arrays in Helmand Valley alone, which does not include greater southwest Afghanistan where today an estimated two-thirds of total global supply of opium is grown.[319] The potential for profit is having an effect of migration to the south provinces of the country into areas that were once desert. Before the price of opium crashed in 2018 from too much supply, Afghanistan produced a bumper crop of 9,000 tones of the drug.[320] There is no end in sight for the Taliban's most profitable source of income. It remains to be seen how this will effect a well-funded armed group as all foreign troops are planned to leave the country next year.

4.7 Analysis and Conclusion

Both the FARC and the Taliban were or are prolific practitioners of KfR for decades. This is evidenced anecdotally and through data dating back now decades. Nevertheless, in terms of changes to the two groups' organizational behavior this author could not locate anything significant in during research. What was discovered, and in keeping with the same theme of organizational behavior, was the extent to which the FARC and the Taliban joined in the drug trades in their countries. While KfR is profitable, especially when a hostage is foreign, it does not come close to the potential financial gain from narcotics. For those reasons it became necessary to include the implications of the narcotics trade in Afghanistan and Colombia while not forgetting the primary independent variable kidnap for ransom. How this chapter has accomplished that goal is by identifying trends and notable cases of the tactic but placing them in

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[319]. *Ibid*, Rowlatt.

[320]. *Ibid*, Rowlatt.

context of the larger narrative of the FARC's and the Taliban's organizational development from the standpoint of violent activities.

The most evident change to occur for the FARC and Taliban was the increase in human and materiel resources. For the Taliban this was the case whereby they attracted many young recruits whom had few other employment options besides fighter. As Rashid detailed, conventional means of employment and the traditional tribe were decimated by the Soviet-Afghan War, so a lifestyle of war-fighting was the most stabilizing element for many who grew up in refugee camps. FARC, after the Seventh Guerrilla Conference at the time the leadership decided to enter the drug trade the group formally added the initials EP to the end of its name, for *Ejército del Pueblo* or "People's Army". From this time forth they would identify themselves as the Revolutionary Armed Forces of Colombia – People's Army. Such a name change illustrated a change in tactics to a more aggressive stance whereby the FARC used its enlarged forces to openly attack the Colombian military in middle-size cites rather than only operating in rural villages.

Cocaine had a profound effect on the capabilities of the FARC to fight the Colombian state and even the minor but unique case of narco-subs. Their development represents an ability to overcome many complex strategic, tactical, and technical obstacles crucial to maintain the FARC's competitiveness in the cocaine trade. Success in this market was moreover central for the group to continue its decades long struggle against successive Colombian governments. Afghanistan's terrain is some of the most challenging in the world containing dry, hot deserts and frigid mountains. Of course, it is landlocked so the Taliban do not need sea vessels; although, traffickers whom deliver

heroin from Karachi to Gulf markets do use small ships. Nevertheless, the Taliban are not reported to use aircraft in transporting their opium product around Afghanistan—a country the size of France. Likely, this disuse of technical solutions to logistical and security problems is due to the high degree of complicity between the Taliban, trade cartels in Afghanistan and Pakistan, and local Afghan government bureaucrats. Additionally, it is probable that the Taliban's power is more concentrated than that of the FARC's; therefore, the Taliban could rely more on its brute strength than the FARC. Unofficial reports of the Taliban's strength are currently 60,000 in a country half the size of Colombia when at the zenith of the FARC's force in the late 1990s was estimated at 17,000 guerillas.[321]

Overall, the drug trade had the effect of making the Taliban less ideological than they had been before. This is one distinct difference between it and the FARC two after their conversion to narco-traffickers. Both organizations originated with a simple set of goals—namely, anti-imperialism and redistributive land reform for peasants in the case of the FARC and for the Taliban an end to anarchy around the city of Kandahar for the Taliban. After entering the drug trade that spread to Colombia in the early 1980s the FARC's actions focused on leveraging their newfound wealth into winning territory from the government and protecting its presence in the cocaine trade, all the while generally assisting with agricultural development. Since the peace talks between FARC and the Santos government (2010-2018), the state has agreed to heavily invest in rural development and to allow the FARC to form into a new political party similar to the *Union Patriótica* of a generation earlier. Conversely, the Taliban in the minds of many

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[321]. Courtney Kube, "The Taliban is Gaining Strength and Territory in Afghanistan," *NBC News,* January 30, 2018.

observers are nearly a different organization now than they were during the time of their government (1996-2001). It appears what has changed is that the Taliban is less socially conservative; although, this has mainly noticed around the more austere edges, demonstrated by it not enforcing previous edicts against sport, music, and television. What has remained is the same spirit of nationalism that is suspicious of foreign interference, but a much greater willingness to cooperate with Afghan security forces when there was money to be made from such an agreement.

Over its more than fifty-year lifespan the FARC was one of the world's most energetic insurgencies. They were deeply involved with countless acts of terrorism and criminality contributing to tens of thousands of casualties during their war against the Colombian government. Specifically, their identity was deeply intertwined with KfR and the cocaine industry, which despite the rebels' disarmament, are two legacies that persist with other far-left guerillas groups and far-right paramilitaries in Colombia. Kidnap for ransom did not noticeably affect the FARC's organizational behavior—unlike the cocaine trade. Participating in the cocaine industry significantly enlarged the FARC's size and capabilities. One of the most inventive FARC achievements was the development of the narco-sub which effectively evaded the government and their allies to lucrative success. These successes translated into military victories against successive administrations from the 1980s to 2010s, but few political achievements. The 2016 peace accords negotiated in Havana and ultimately signed in November 2016 have led to the overwhelming majority of FARC fighters to end their violent struggle yet political progress addressing long-standing leftist grievances remains to be seen.

The Taliban has been successful over the last quarter century in rising from an insignificant band of religious student fighters to an army and, for a brief time, a national government. Today, they continue to pose an ever-present danger existence of the Western supported Ghani government based in Kabul. Similarly, to the FARC, the Taliban has its fingers in many exploitative markets including: human trafficking, KfR, trade in opium, and clear-cutting forests for timber. During the Islamic Emirate of Afghanistan (1996-2001) foreign assistance from Pakistan, Saudi Arabia, and the UAE also counted for a great deal of the emirates overall informal budget. If the Taliban had not yielded to Kandhari's demand to allow the opium trade to remain open the Taliban may not have survived long after it seized the city. At various times the Taliban has taxed drug traffickers, outright owned poppy fields, and taxed farmers whom grow the lucrative cash crop. Opium is significant for the Taliban for what it allows the organization to attract a stream of recruits and pay off local provincial police officers, bureaucrats, and elected officials. Easy money is indeed such a power weapon for the Taliban that it has little need to adopt up-to-date technologies. Victory on the battlefield since 2007 has converted to political success for the Taliban who are in on-going peace negotiations with the United States.

Chapter Five

Conclusion and Future Research

"Kidnapping hostages is easy spoil, which I may describe as a profitable trade and a precious treasure."[322]
— Nasser al-Wuhayshi, a leader of AQAP

5.1 Introduction

In March 2013 Italian aid worker Federico Motka received an assignment from his Geneva-based employer, Impact Initiatives, to examine refugee camps in northeast Syria for the purpose of conducting interviews for reports on camp management. Impact Initiatives also hired David Haines, a former British soldier, to provided security and logistics support to Motka during his assignment to Syria. While returning to their safe house one afternoon after visiting a camp, men with Kalashnikovs rushed their vehicle and taking the two men, but leaving their Syrian driver behind. Before they were shoved into an automobile trunk, Motka telephoned his boss to tell him that he and Haines were being kidnapped.

Over the course of the next year in captivity Haines and Motka were moved among several makeshift prisons with other hostages of differing European and American nationalities from farmhouses to an abandoned hospital, and so forth. The men and female hostage Kayla Mueller were eventually under the watch of British ISIS guards they called the Beatles owing to their London accents. During the course of their captivity, Motka's and Haines' treatment varied as they experienced torture,

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[322]. Rukmini Callimachi, "Underwriting Jihad: Paying Ransoms, Europe Bankrolls Qaeda Terror," *The New York Times* (New York, NY), July 29, 2014. https://www.nytimes.com/2014/07/30/world/africa/ransoming-citizens-europe-becomes-al-qaedas-patron.html

confinement to small rooms, denied access to toilets to having freedom to walk and enough food to eat near the end of their stay with the Beatles. Although their physical conditions varied at times, phycological abuse was near constant for the men and their companion hostages. In one instance, Russian hostage Sergey Gorbunov was shot in the head to be made an example of if ISIS ransom demands were unmet.

For all Haines and Motka had in common as hostages what separated them was their nations' willingness or unwillingness to pay ransoms. Both men's families met with their respective governments in London and Rome to discuss what would be done to bring them home. Haines family was told that the British government would do all it could to free him, but it would not pay his ransom. Federico Motka was release March 2014 after one year in captivity while Haines was murdered in August 2014 along with the remaining Americans and British captives about six weeks after the last European hostage left.

How could these two men face drastically different outcomes despite having been kidnapped together by the same group in Syria at the same time? This chapter will focus on the topic of ransom payments to armed groups, or as they are more commonly referred to in the discourse of governments—'terrorist' organizations. It will explore the discussion around the pros and cons of paying ransoms from an ethical and pragmatic point of view in Section 5.2. Next will follow a review of the American, French, and Spanish response to demands for ransom payments in Section 5.3 because these three states represent distinct methods of approaching the dilemma, somewhat more reliable data exists for foreign hostages than non-Western ones. Furthermore, what this chapter does is to bring the narrative of kidnap for ransom full circle from exploring types of

targets in Chapter Three to the kidnapping business in two cases discussed in Chapter Four to Chapter Five's examination of the public sector's varied responses to kidnapping with particular focus on the most recent hotspot of the area occupied by the so-called Islamic State. What are the current trends in the research of kidnapping? Two of the most popular discourses are investigated below in Sections 5.2 and 5.3. In the last 20 years with the American wars in the Middle East and the rise and fall of ISIS a serious discussion regarding the permissibility of paying ransoms has emerged. This topic is closely related to another discussion of the effectiveness of states paying ransoms too. Lastly, section 5.4 will summarize and conclude the discussion of this thesis.

A no-concession policy is, as commonly understood, refers to a state's public or even unstated position to not negotiate with armed groups over ransom demands. This position has been adopted by numerous countries that have experienced violence with terrorism throughout Europe, North America, and South America. It is popular with governments that want to appear strong and resilient in the face of a much smaller, less well-equipped adversary.

Norwegian researcher Thomas Hegghammer analyzed 63 kidnappings that involved 159 hostages in Iraq during 2004. He discovered a case of "contagion" by which 'terrorists' copied the tactics of and learned from similar groups.[323] Furthermore, Hegghammer notes, kidnapping is an efficient tactic because it uses fewer resources than other common modes of violence such as car bombs or suicide attacks. It is useful as a propaganda tool because demands from kidnappers may be recycled often during

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[323]. Thomas Hegghammer, The Iraq Hostage Crisis: Abductions in Iraq, April to August 2004, (Kjeller, Norway, FFI Rapport, 2004), 10.

negotiations and widely circulated in the media; although, with the use of the Internet a worldwide audience can be reached by circumventing old media too. Hostage negotiations can also be the launching pad for wider political negotiations or a way to material gain.

A 2015 study by the Combating Terrorism Center at West Point calculated 7,048 kidnappings between 1970 and 2013 conducted by non-state actors, which includes "terrorists" as well as militants and pirates.[324] There was an uptick in kidnappings beginning in 2001 by ideological jihadist groups mostly fueled by an increase in domestic kidnappings, e.g. Iraqis kidnapped by Iraqis or Nigerians kidnapped by Nigerians. From 2001 to July 2015 657 incidents of kidnappings of Westerners by jihadist groups, or approximately 45 annually.[325] Despite the overall number of Westerners kidnaped constituting a small subset of the total, this subset is notable because of the impact negotiations of their release can have an outsized impact on global politics and raise significant financial support to transnational terror groups. Below, the graph illustrates the overall low number of foreigners taken in Colombia within the general upward trend during the decade from 1990-1999.[326] Between 97 to

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[324]. Seth Loertscher and Daniel Milton, *Held Hostage: Analyses of Hostage Across Time and Among Jihadist Organizations,* (West Point, NY: The Combating Terrorism Center at West Point, 2015), 11.

[325]. *Ibid,* 14.

[326]. Marianne Moor and Liduine Zumpolle, *The Kidnap Industry in Colombia: Our Business?* (Utrecht, Netherlands: Pax Christi Netherlands, 2001), 71.

98 percent of kidnappings in Colombia were of native cattle ranchers, business executives, and local managers of MNCs.[327]
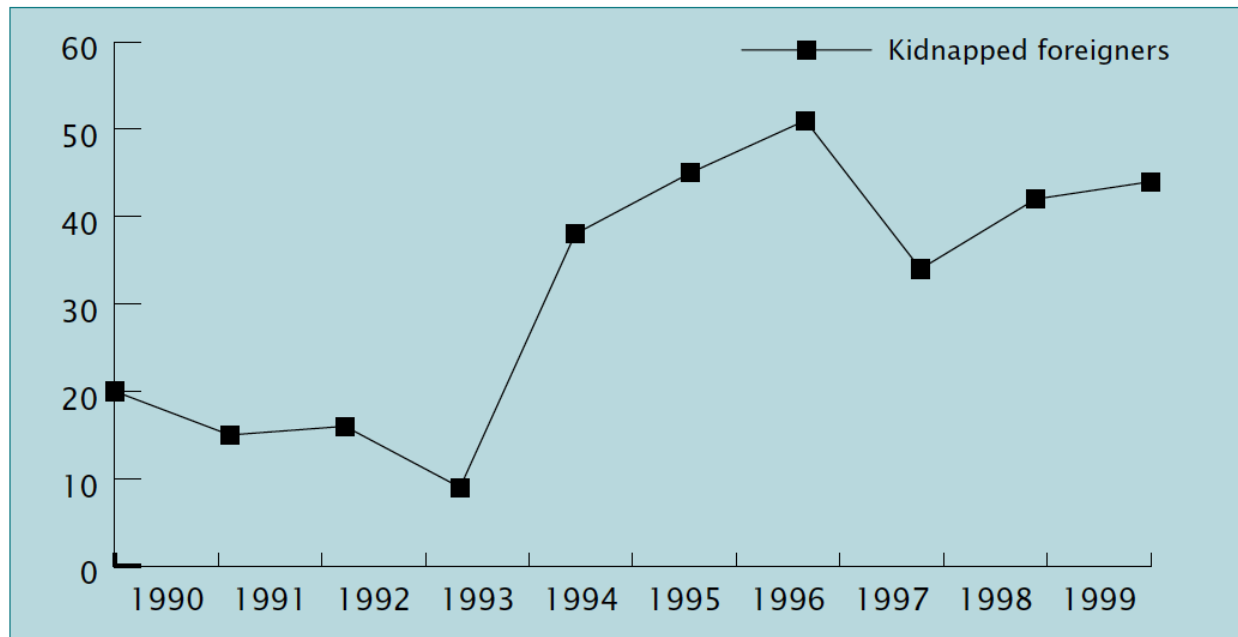
5.2 Arguments in Support of and Against Paying Ransoms

Logically, a no concessions policy should deter kidnappings because unrewarded behavior would not be 'rewarded' by a refusal to pay. However, this logic is limited by the assumption that kidnappers are only seeking a financial reward for their efforts. Hoffman's definition of terrorism used in this work specify that terrorism is "ineluctably political in its aims and motives".[328] So, with respect to KfR by an armed group its goal is foremost political and not financial as it might be for a criminal syndicate. Therefore, a no-concessions policy to armed groups would not be the best

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[327]. *Ibid,* 70.

[328]. Bruce Hoffman, *Inside Terrorism* (New York, NY: Colombia University Press, 2006), 40.

deterrent for kidnappings. But there are also other conceptual reasons why a no-concessions policy may not work as expected.

Firstly, kidnappers might not know about or understand the nuances of a state's no-concessions policy.[329] With 193 member states in the UN it is impossible for anyone to know the intricacies of each state's ransom policy—that is, even if a state has coherent procedures for those situations. Secondly, kidnappers may not believe a government's no-concession policy statement.[330] Even if a nation does have a consistent record of not conceding to armed groups' ransom demands, hostage takers may still expect payout from the victim's family, company, or other private source. Thirdly, kidnappers may not care about a state's ransom payment policy.[331] Evidence supports that this is the primary reason no-concessions policies are not effective at deterring KfR.

A no-concessions policy as a means to deter KfR is probably the most cited reason for its adoption. The policy can also deter governments in a country where a kidnapping occurs from shirking their responsibilities to protect foreign nationals, legal residents, and diplomats inside their borders and leaving the responsibility to the hostage's home government. This was the original reason for the American no-concessions policy, according to Jenkins.[332]

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[329]. Brian Michael Jenkins. *Does the US No-Concessions Policy Deter Kidnappings of Americans?* (Santa Monica, CA: RAND Corporation, 2018), 10.

[330]. *Ibid,* 10.

[331]. *Ibid,* 10.

[332]. *Ibid,* 4.

Another popularly cited reason for refusing to pay kidnappers' ransoms is to deny 'terrorists' money to commit future acts of terror. This goal quickly grew in importance after the attacks of 9/11 as the primary reason no-concession states such as the UK and US refuse to make payments. Efforts to build an international consensus against paying ransoms have primarily relied on this logic. "Refusing to pay ransoms to terrorists, therefore, not only makes it less likely that Americans will be taken hostage, but it also deprives terrorists of funding critical to their deadly aspirations and operations."[333]

Arguments in support of ransom payments can be divided into the philosophical and the practical. The best reason to pay ransoms is that when they are paid hostages come home. Evidence to support this claim comes from Spain, which has brought home all 70 hostages taken by Somali pirates or Islamic fundamentalist groups.[334] No other nation matches this record. Research conducted by the New America Foundation calculates that 81 percent of continental EU citizens are released by jihadist terror groups, compared to 33 percent of Britons and 25 percent of Americans.[335] Many similar statistics of US/UK and continental European countries exist during the post-2001 time period.

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[333]. Remarks of Under Secretary for Terrorism and Financial Intelligence David S Cohen at The Carnegie Endowment for International Peace, "Attacking ISIL's Financial Foundation," October 23, 2014.

[334]. Joel Simon, *We Want to Negotiate: The Secret World of Kidnapping, Hostages, and Ransom* (New York, NY: Colombia Global Reports, 2019), 52.

[335]. Christopher Mellon, Peter Bergen, and David Sterman, *To Pay Ransom or Not To Pay Ransom?: An Examination of Western Hostage Polices* (Washington, DC: New America Foundation, 2017), 3.

What is to be made about the argument that those who pay ransoms are unwittingly financially supporting terrorism? After all, the organizations examined in the case studies of the last chapter have done much more harm to locals in their country than more financially 'valuable' Westerners. ISIS did innumerably more damage to Iraqis and Syrians than to Americans or Italians. According to the doctrine of double effect, agents that reluctantly financially support terrorism to save a life are less complicit than one who financially supports terrorism gladly.[336] So while it is not good to financially support terrorism for the negative results that will likely occur to others in the future, it is not entirely ethically wrong to do so in order to save a life.

5.3 Popular Models from States to Ransom Payment Demands

In the past decade Spain designed a policy toward international kidnappings in response to the hijacking of a fishing boat, the *Alakrana*, in the Indian Ocean and the capture of three aid workers in North Africa by AQIM. This policy of negotiation and paying ransoms is one of the most liberal KfR polices around the globe with a success rate of 100 percent since 2009 – 70 in all.[337] The goal is to safely recover Spanish citizens at all costs. In media requests on kidnappings in the last decade members of the center left Zapatero and center right Rajoy governments have ambiguously responded that "the government did what it had to do."[338] This statement is a way for

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[336]. The doctrine of double effect states that sometimes two seemingly identical actions may be differently permissible depending on the intentions of the agent performing the action.

[337]. *Ibid,* 52.

[338]. *Ibid,* 52.

those politicians to take credit for the return of a hostage while not admitting directly funding terrorism.

The Spanish media and public opinion are generally quiet with regards to foreign kidnappings of Spaniards. There are no civic protests with banners and slogans in the city squares or nightly newscasts chronicling the plight of victims. As the wife of a former hostage expressed this sentiment, there is no need to protest if we know the government is doing everything it can to bring our people home.[339] The government requests that the media not report on hostage situations and this wish is honored by the country's newspapers. Journalist José Maria Irujo, who writes for the national newspaper *El Pais* explained, "No newspapers have broken the pact, which has the support of everyone from the owners to the reporters. We could scoop each other, but what value does that have if you put someone's life in danger?"[340] Irujo went on to summarize the public's sentiment in favor of paying ransoms as, "Spanish society is not prepared to accept that our citizens will die for a principle. The government will pay."[341]

In France there is a track record of public opinion harnessed in favor of returning hostages home that originated in the Lebanese hostage crisis. A uniqueness of France is that when international kidnappings occur, they are seen as "*une affaire d'état*", not simply as an attack on an individual, but as an assault on country.[342] A feature of political culture in France is that the government is understood to protect and provide for

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339. *Ibid,* 52.

340. *Ibid,* 53.

341. *Ibid,* 53.

342. *Ibid,* 30.

the welfare of its citizens. When a Frenchman or woman is kidnapped the president is empowered to take proactive stance in retrieving the victim by force or ransom payment. In fact, the power of public opinion in hostage situations was first harnessed by the Mitterrand government during the Lebanese for its own purposes in retrieving them home. In May 1988, he personally greeted three hostages whom had been in captivity for three years in Lebanon at Villacoublay Air Base. These hostages, two diplomats and a journalist, were featured on the nightly news every day of their captivity, which had the effect of creating huge interest in their condition at home.

In response to the public's expectations of the role of the government in a hostage crisis, procedures have developed for resolving hostage situations. It is first determined whether the abducted were taken for strictly financial or political reasons, of which clear guidelines have been created. If the nabbing is determined to be criminal/economic in nature it is managed by the French National Police; however, if the kidnapping is primarily political it is managed by a small group that sometime consists of the head of intelligence, the presidential chief of staff, and the defense minister. All the while the president is continually informed and requires approves of any deal.

Despite, France's reputation of quickly capitulating to ransom demands this is not the case, and; although the French will negotiate for hostages they do not always pay. Sometimes ransom demands are too expensive, or demands cost too much strategically. The process that has developed over the past thirty years has become highly politicized. A hostage's safe return home is expected and is greeted with fanfare and positive coverage for a president. However, the murder of a hostage will be seen as a failure of the leader and can result in a public outcry and reckoning.

The United States longstanding no-concessions policy developed during the Nixon administration after the kidnappings of two American diplomats and one Belgian at the American embassy in Khartoum in March, 1972.[343] Members of the Black September organization demanded Palestinian prisoners be released in Israel, RAF members freed in Germany, and Sirhan Sirhan, Robert Kennedy's assassin, released as well. It was politically impossible for Nixon to pardon the man who murdered a political rival who was also the brother of John F Kennedy, a man whom many considered martyred after his tragic death. Soon after President Nixon's refusal to negotiate with the hostage-takers became public all three officials were shot in the basement of the Khartoum embassy. Thereafter no-concessions became the general guiding principle of situations with American hostages held abroad.[344]

Despite this seemingly stubborn policy there were many caveats that made no-concessions less austere than on its face. Firstly, no-concessions only directly related to demands made from 'terrorists' to the United States government. Secondly, kidnappings deemed criminal in nature within the US are under the authority of the FBI and ransoms are often paid in these situations. In fact, the FBI used ransom monies paid to kidnappers to track the perpetrators so often that today this crime is virtually non-existent in the United States. Thirdly, families of private citizens kidnapped abroad were not prohibited from paying ransoms for the release of their loved ones or their company as many such individuals are corporate executives.[345]Fourthly, as airline hijackings

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[343]. See *supra* note 6, 6.

[344]. *Ibid,* 7.

occurred, the primary goal of the government was the safety of the passengers' lives.[346] Fifthly, prisoners of war were never considered as having the same status as those kidnapped.[347]

After a swell of public outrage by families of kidnaped Americans by ISIS, President Barak Obama ordered a review of American ransom policy in the fall of 2014. All federal agencies connected to hostage policy were represented in a number of meetings that included perticipants from the CIA, Defense Intelligence Agency, Department of Defense, FBI, Joint Chiefs of Staff, Justice Department, Office of the Director of National Intelligence, State Department, and Treasury Department. What developed from those meetings is a new coordinated manner of resolving hostage cases still involving the same departments and agencies now under the leadership of the FBI as it has jurisdiction in kidnappings.

5.4 Conclusion and Final Remarks

There is a longstanding debate about the effectiveness of states not paying ransoms to kidnappers to deter future kidnappings. Proponents of no-concessions suggest that their position projects a principled resolve that is not intimidated by violence that deter future kidnappings because kidnappers do not expect to be paid for their effort. Opponents of no-concession policies counter that kidnappings by armed groups are not deterred by states' unwillingness to pay ransoms and that refusals only

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[345]. *Ibid,* 8.

[346]. *Ibid,* 8.

[347]. *Ibid,* 9.

make freeing hostages more difficult. Despite some anecdotal evidence by kidnappers themselves and the occasional study to suggest the contrary, there is no strong evidence to suggest that kidnappers target based on nationality. Accordingly, it is unlikely refusals to pay actually deter kidnappings of valuable targets. However, there is merit that no-concessions policies do protect a country's internal rule of law and ensure long-term good governance by adhering to principles that do not make political concessions.

In response to kidnappings by armed groups, a variety of policies by governments have been tried over the past fifty years. In the three cases explored above, domestic politics and a response to a particular kidnapping incident led to the adoption of a wider practice of responding to kidnappers' ransom demands. When this topic is in the national debate, interest groups and the media can sometimes have an outsized influence on tipping the hand of government policy makers, such as in France with the support committees or in the US with the family of James Foley. What little research exists indicates that the most effective method to end kidnappings is destroying the organization, as for example occurred in the wake of heightened piracy off the Horn of Africa over the last decade. Three multinational coalitions patrolled an enormous area from the coast of Somalia to the Strait of Hormoz and the Red Sea.

Does the tactic of kidnap for ransom affect the organizational behavior of armed groups? This work's thesis is: Kidnappings grows the infrastructure demands required to house victims, increases financial resources from ransom payments, and furthers clandestineness by members of the group. While this thesis is a logical conclusion to the research question this outcome was not substantiated by the two case studies

explored in chapter four. The FARC and the Taliban are two recent examples of groups that regularly use KfR as a terror tactic, but in the wider scope of the groups' activities it constituted a small proportion of those groups' overall tactics. What was and is most important to the FARC and to the Taliban's financial assets are their participation in the narcotics trade. With the large financial resources acquired from the drug trade both groups bought influence with locals, expanded their materiel capabilities, attracted new recruits, and underwent alterations but not thorough changes to their ideology.

Some key points discussed in this work are that: Violent crime often correlates with high rates of kidnap for ransom across the globe. Economic inequality, weak rule of law, and unstable governance are also statistically significant markers for areas with a notorious kidnapping industry. Despite its commonness there is little that can be said about how most abductions occur, and so there is no 'typical' kidnapping incidence. An armed group's ideology is a major factor that helps them focus their resources and energy on a set of targets that are enemies. Based on that criteria, an organization can begin to make informed decisions regarding individual targets and what tactics to use in order to neutralize it, e.g. assassination, KfR, bombing, mass shooting. High profile individuals who are at risk use a combination of protective technology and techniques that may include a security team to defend themselves and frustrate their assailants. However, besides members of the military ordinary people have precious few methods to guard themselves from attack.

The FARC and the Taliban arose during tumultuous times during their country's history. Both organizations share a nationalistic orientation and spread a message of justice and order that resonated with common people. After varied success each group

entered the drug trade, albeit for different reasons, and was able to profit and expand their operations to a formidable status that challenged their respective governments' authority. In response to setbacks each group faced they tried to make up for lost revenue while continuing to further their mission by adopting a kidnap for ransom tactic. However, this only minorly supplemented the financial resources the drug trade provided. Ultimately, for the FARC and the Taliban KfR had a larger political payout than a financial one as a result of using their hostages as bargaining chips—as one might expect from a tactic of terrorism.

Internationally, policies of no-concessions to ransom demands from armed groups has had a scattered acceptance by states over about the past 50 years. No one approach has dominated in popularity or acceptance and many times governments have taken an ad hoc approach to the way they respond to these situations. Since the early part of the last decade the United Kingdom and the United States have sought to build a consensus around a refusal to meet ransom demands, as the world's two most outspoken critics of KfR payments. Yet, there efforts did little to form a lasting agreement on the practice, besides rhetorical victories, and the movement to forge a worldwide policy has deteriorated.

This work highlights the ability to which it is possible to understand how an armed group changes over time. It is difficult but not impossible to construct a causal chain of events when the most relevant data is examined. Narrative history and journalism are valuable tools in this search. Although the community of social scientists understand that those who commit acts of terror are rational actors like anyone else, policy makers and voters should not assume that seemingly senseless violence is without reason and

does not have political motives at their core of the perpetrator's motives. For the sake of protecting life against violence it is vital that CT authorities and policy makers understand the innerworkings of illegal dark networks to thwart their attacks on civilians, especially. Furthermore, it is in the best interest of all parties involved—hostages, their governments, private security contractors, and even hostage-takers—that governments have a clear, cohesive ransom policy articulated. Policy makers need to ask themselves what are their priorities with their ransom policy and are those priorities actually met by it. What little research that is available indicates at the least that no-concessions policies do not deter kidnappings to the extent their proponents suggest they do. Nevertheless, scientific research cannot answer what a society's highest values are: only the people in a society and their leaders can answer this question.

Future research on kidnap for ransom should explore ways that it can be reported to a responsible institution when local authorities cannot be trusted by their populace. Possible future research questions are: Has globalization integrated armed groups into the world economy? Has COVID-19 affected trends in KfR or human trafficking since 2020? A significant part of the problem with respect to combating this problem is the lack of transparency about which groups kidnap. In the majority of cases this information is not known of course some notorious organizations are well famous. A centralized database that contains basic information about a kidnapping case would go a long way in identifying trends with the larger goal of protecting lives from harm and denying insurgencies and armed groups funds to operate. This goal is one that many diverse peoples can rally around. Particularly since the migrant crisis of 2015, al Qaeda in the Islamic Maghreb has proliferated its human smuggling and KfR operations. Now

is the time to address this matter of safety that is affecting the flow of migrants from many nations who are fleeing turmoil and hardship in their homes.

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