

Secrets, hostages, and ransoms: British kidnap policy in historical perspective

Richard J. Aldrich*

Professor of International Security, Department of Politics and International Studies, University of Warwick

Lewis Herrington**

University Teaching Fellow, Loughborough University London

Abstract

Britain has long taken a firm public line against terrorist ransom, insisting that yielding to terrorist demands only encourages further acts of intimidation and kidnapping. Hitherto, academic research has tended to take these assertions of piety at face value. This article uses a historical approach to show that the British position has shifted over time and was often more complex and pragmatic. Indeed, Britain's position with regard to kidnap and ransom insurance has, until quite recently, been rather ambiguous. We use the British case to suggest that, rather than dividing states into groups that make concessions and those that do not, it is perhaps better to recognise there is often a broad spectrum of positions, sometimes held by different parts of the same government, together with the private security companies that move in the shadows on their behalf. One of the few things that unites them is a tendency to dissemble and this presents some intriguing methods problems for researchers.

Keywords

Terrorism; Kidnapping; Hostages; Ransom; Methods; Databases

Disagreement and denial

The cost of kidnapping for ransom (KfR) is on the rise. In May 2017, Qatar was alleged to have paid \$1 billion to an al-Qaeda affiliated group associated with Iran for the release of a group abducted in Iraq. While in 2003, the typical sum sought for the release of kidnapped Western nationals was \$200,000, now it is not uncommon to demand \$10 million for a single hostage.¹ Kidnapping, hostage-taking, and demands for ransoms have become a scourge of the modern state. In regions where economies have been badly disrupted by insurgency and civil war, kidnapping foreigners for ransom has emerged as a lucrative industry for both criminal and terrorist enterprises. Moreover, despite UN resolutions agreed in public that forbid the paying of ransoms, in private there is little agreement on how to address this troubling issue. In reality, the positions of developed states in

*Correspondence to: Richard J. Aldrich, Gibbet Hill Road, Coventry, CV4 7AL. Author's email: r.j.aldrich@warwick.ac.uk

**Correspondence to: Lewis Herrington, 3 Lesney Avenue, The Broadcast Centre, Here East, Queen Elizabeth Olympic Park, London, E15 2GZ. Author's email: l.herrington@lboro.ac.uk

¹ Erika Solomon, 'The \$1bn hostage deal that enraged Qatar's Gulf rivals', *Financial Times* (5 June 2017).

North America and Europe range from a robust refusal to negotiate mixed with retaliation through to calculated concession and even complete capitulation.²

Following the invasion of Iraq in 2003, British and American resolve would be put to the test when three of their citizens, Kenneth Bigley, Eugene Armstrong, and Jack Hensley were taken hostage by al-Qaeda in Iraq (AQI).³ Nine days earlier in the same district of Baghdad known as *Al-Mansour*, Italian aid workers Simona Pari and Simona Torretta were also taken. These kidnappings added five new prisoners to the growing number of Westerners held hostage in Iraq, including French journalists Christian Chesnot and Georges Malbrunot.⁴

While the British and American hostages were ultimately beheaded, the Italian and French hostages all returned home unharmed. Subsequently, the media reported widespread allegations that some governments either financed directly or at least facilitated ransom payments to secure their release.⁵ The contrasting fate of these seven hostages demonstrates an apparent disagreement, privately at least, between the United States and Britain on the one hand, and Germany, France, Italy, and Spain on the other, regarding the strategic utility of paying ransom demands or making concessions.

The transatlantic community has long been divided on the issue of terrorist ransom. At present, Britain and the United States publicly refuse to enter into any form of negotiations in order to secure the release of citizens kidnapped by ISIS. Moreover, UN Security Council Resolution 2133 (2014), prohibits states from ‘making funds, financial assets or economic resources available for the benefit of those involved in terrorist acts’.⁶ Notwithstanding this resolution, there have been credible reports in the media and also by MPs from opposition political parties, that France, Italy, Spain, Germany, Austria, and Switzerland have all defied the resolution and made ransom payments to UN-designated terrorist groups.⁷ Lyse Doucet, a correspondent for BBC News, investigated the fate of 19 men held

² Extended studies of this subject are rare, but see, Ann Auerbach, *Ransom: The Untold Story of International Kidnapping* (New York: Henry Holt, 1998); Carol Edler Baumann, *The Diplomatic Kidnappings: A Revolutionary Tactic of Urban Terrorism* (The Hague: Martinus Nijhoff, 1973); Rachel Briggs, *The Kidnapping Business* (London: The Foreign Policy Centre, 2001); John Griffiths, *Hostage: The History, Facts & Reasoning Behind Hostage Taking* (London: Andre Deutch, 2003); Guy Faure and William Zartman (eds), *Negotiating with Terrorists: Strategy, Tactics, and Politics* (London: Routledge 2010).

³ Andy Whitaker, ‘The family that fought to the end for their man’, *The Independent* (9 October 2004).

⁴ Hostage research has tended to focus more on terrorist behaviour than upon state responses: J. J. F. Forest, ‘Global trends in kidnapping by terrorist groups’, *Global Change, Peace & Security*, 24:3 (2012), pp. 311–30; J. J. F. Forest, ‘Kidnapping by terrorist groups, 1970–2010: Is ideological orientation relevant?’, *Crime & Delinquency*, 58:5 (2012), pp. 769–97; T. Sandler and K. Gaibulloev, ‘Hostage taking: Determinants of terrorist logistical and negotiation success’, *Journal of Peace Research*, 46:5 (2009), pp. 739–56; Margaret Wilson, ‘Towards a model of terrorist behaviour in hostage taking incidents’, *Journal of Conflict Resolution*, 44:4 (2000), pp. 403–24; Minwoo Yun and Mitchell Roth, ‘Terrorist hostage-taking and kidnapping: Using script theory to predict the fate of a hostage’, *Studies in Conflict & Terrorism*, 31:8 (2008), pp. 736–48.

⁵ Sophie Arie, ‘Italian aid workers freed in Iraq’, *Guardian* (29 September 2004); David Wood, ‘France did not pay ransom for hostages’ release’, *Guardian* (22 December 2004).

⁶ ‘Security Council Adopts Resolution 2133 (2014), Calling Upon States to Keep Ransom Payments, Political Concessions From Benefiting Terrorist | Meetings Coverage And Press Releases’, *Un.Org* (2016), available at: {<http://www.un.org/press/en/2014/sc11262.doc.htm>} accessed 21 May 2017.

⁷ Rukmini Callimachi, ‘Paying ransoms, Europe bankrolls Qaeda terror’, *New York Times* (29 July 2014); Kashmira Gander, ‘Isis hostage threat: Which countries pay ransoms to release their citizens?’, *The Independent* (3 September 2014).

captive by the Islamic State between the period 2013 to 2014.⁸ Four of those released, an Italian, two Frenchman and a Dutchman, offered Doucet a comprehensive insight into daily life as a prisoner of the Islamic State. During interviews, two of the men discussed how near the end of their captivity, they were asked questions about their home life to which only they would know the answer. Such questions are commonly referred to as ‘proof of life’; they are used by negotiators to confirm that payment of a ransom will yield the desired outcome. Danish photographer Daniel Ottosen told the reporter, ‘I got my proof of life, then the German guy got his proof of life a few days later ... it was very clear that they were not negotiating for the Americans and the Brits.’⁹

The payment of ransoms is clearly sensitive. The French and Italian governments did not admit to negotiating or facilitating ransom payments to ISIS. Following the unexpected release in April 2014 of French journalists held by ISIS, the French government were forced to categorically refute an article in the German magazine *Fabric*, citing NATO sources in Brussels that claimed Defence Minister Jean-Yves Le Drian personally transported \$18 million to Ankara for the exchange.¹⁰ Italy has faced similar accusations of conceding to terrorist demands. Following the release of two Italian aid workers, Foreign Minister Paolo Gentiloni conceded that while the government was opposed to paying ransom payments, the priority ‘is always the protection of the lives and physical integrity of our fellow citizens’.¹¹ According to the respected *Al-Jazeera* investigative unit, Italy fabricated a story in 2012 to explain the rescue of Bruno Pelizzari and Debbie Calitz captured by Somali pirates in 2011 and held for ransom.¹² When ransoms are paid by governments, freed hostages and their families are strongly discouraged from talking to the media and denials appear to be common, sometimes accompanied by false evidence trails. All this can present academic researchers with a significant challenge.

These episodes suggest that KfR presents us with the potential problem of ‘under-reporting’. It has long been suspected that variations in press freedom have a distorting effect on research into issues such as the relationship between terrorism and regime type.¹³ Logically, it follows that instances where states make secret concessions but then seek to mislead the press about this also present KfR researchers with a significant problem. The dominant work in this area is ultimately dependent on databases derived from press reporting and media monitoring services. This article seeks to contribute to the existing literature by problematising previous methodologies and taking a new historical approach. While historical materials can be episodic and present their own problems of anecdotalism, they raise awkward questions about quantitative methodologies. We argue that this field is one that requires closer inspection, not least because of the interplay between academic research and real-world policy recommendations on KfR.

⁸ ‘How Four Men Survived as Hostages of IS’, *BBC News* (20 April 2016), available at: {<http://www.bbc.co.uk/news/magazine-36080991>} accessed 19 May 2017.

⁹ *Ibid.*

¹⁰ ‘France Denies It Paid Ransom for Syria Reporters’, *Reuters* (26 April 2016), available at: {<http://www.reuters.com/article/us-syria-crisis-france-ransom-idUSBREA3P0FE20140426>} accessed 2 May 2017.

¹¹ Nick Squires, ‘Furious row in Italy over “ransom” for aid workers held in Syria’, *Telegraph* (16 January 2015).

¹² Ewen MacAskill, Seumas Milne, and Clayton Swisher, ‘Italian intelligence lied about hostage rescue to hide ransom payment’, *Guardian* (8 October 2015).

¹³ Konstantinos Drakos and Andreas Gofas, ‘The devil you know but are afraid to face: Underreporting bias and its distorting effects on the study of terrorism’, *Journal of Conflict Resolution*, 50:5 (2006), pp. 714–35. See also Andrew Silke, ‘The devil you know: Continuing problems with research on terrorism’, *Terrorism and Political Violence*, 13:4 (2001), pp. 1–14.

Methods and approaches

In public at least, Britain has always taken a hard line against the venal politics of terrorist hostage-taking and ransom.¹⁴ As early as 17 July 1979, the Foreign Secretary Lord Carrington summed up what he called ‘the policy pursued by successive British Governments’ on kidnapping for ransom, emphasising that this was to do everything possible to save lives ‘but without acceding to terrorists’ demands’.¹⁵ On 7 July 2011, then Home Secretary Theresa May reaffirmed this, adding that ‘the payment of kidnap ransoms was against international law and served to bolster terrorist and criminal gangs’.¹⁶ This position was further hardened in 2015 when the British government finally banned the provision of ransom insurance. The most recent academic research has tended to support the publicly declared British policy on hostages. In 2016, a large-scale quantitative study looking back over several decades concluded that those countries who engaged in negotiations with terrorists only encouraged more kidnappings. Meanwhile, it was suggested that the US and the UK had not made concessions and suffered no increase in incidents.¹⁷ Earlier comparative work by Richard Clutterbuck has also argued that concessions by specific governments had often contributed to further targeting of those governments. On balance, he suggests taking a firm stand, together with improved personal protection, has provided better results when dealing with terrorist blackmail.¹⁸

Yet this position does not command universal consensus. Navin Bapat, also using formal quantitative approaches, takes an alternative view. He argues that terrorists sometimes simply do not believe that states will not negotiate, even if they publicly profess a hard line. He suggests this is partly because between 1968 and 1991, some negotiation was undertaken in more than half of hostage-taking events across the world involving terrorists. Navin Bapat argues that instead the key issue is the credibility of the terrorists as negotiators and the presence of state sponsors or state intermediaries to improve this.¹⁹ More generally, Peter Sederberg has argued that aversion to negotiation has stemmed partly from the dominance of either the ‘war model’ or the ‘rational actor’ model, adding that these approaches have masked the fact that a simplistic no concessions approach is an inefficient strategy.²⁰

Research on KfR is challenging and so it is not surprising that we have these divergent positions. Large-scale quantitative analysis of kidnapping and ransoms that looks at many states over long periods can be problematic in four respects. First, it tends to lump countries together that have in fact behaved differently over time, for example, Britain and the US. Second, it tends to assume that these countries pursue the same policies consistently over long periods. Third, quantitative studies, sometimes looking at hundreds of events, tend to draw their information from databases that use

¹⁴ Briggs sums this public position up well: ‘The UK government has developed a simple approach: no substantive concessions’ together with a commitment ‘not to be held to ransom by terrorists’. Briggs, *The Kidnapping Business*, p. 3.

¹⁵ HL Deb 17 July 1979 vol. 401, c1414WA.

¹⁶ ‘G6 Meeting: Madrid 30 June 2011 – Written Statements to Parliament’, *Gov.Uk* (30 June 2011), available at: {<https://www.gov.uk/government/speeches/g6-meeting-madrid-30-june-2011>} accessed 3 May 2017.

¹⁷ P. T. Brandt, Justin George, and Todd Sandler, ‘Why concessions should not be made to terrorist kidnappers’, *European Journal of Political Economy*, 44:1 (2016), pp. 41–52.

¹⁸ Richard Clutterbuck, ‘Negotiating with terrorists’, *Terrorism and Political Violence*, 4:4 (1992), pp. 263–87.

¹⁹ Navin Bapat, ‘State bargaining with transnational terrorist groups’, *International Studies Quarterly*, 50:1 (2006), p. 222.

²⁰ P. C. Sederberg, ‘Conciliation as counter-terrorist strategy’, *Journal of Peace Research*, 32:3 (1995), pp. 295–312.

press sources, ignoring the possibility that states that claim robustness might actually be hiding some concessions. Fourth, kidnapping is sometimes addressed by proxies and state-private networks that occlude the extent of government involvement.²¹

There is also the problem of what actually qualifies as a concession. Bapat has suggested that there are in fact at least four types: Full capitulation, stalling with compromise, and the 'Bangkok solution' where hostages are allowed to go free in return for amnesty, all represent forms of negotiation. Additionally, there is a fourth response labelled, 'government double-cross' where the government pretends to negotiate but then stings the terrorists.²² We suggest that there are further variants where the government offers facilitation or encouragement to private groups or third parties while appearing to keep its distance. As this article suggests, states can bounce from one option to another, or can even pursue several options at once because of divisions between security bureaucrats.²³

Meanwhile, one of the interesting findings by contemporary historians over the last ten years is how often states have denied engaging in general negotiation and compromise with terrorists, even when it was central to their strategic process.²⁴ The long British negotiations with the Provisional IRA, leading to the Good Friday agreement in 1998, are a prime example. Throughout the 1970s and 1980s, the British government denied that talks were taking place. In fact, the Labour leader, Harold Wilson went undercover in Dublin to talk to the IRA personally as early as 1972. Thereafter, once he was prime minister, Secret Intelligence Service (MI6) officers were appointed as interlocutors and were regarded as having ambassadorial status, in other words, they were considered inviolable by the Republicans. Clandestine diplomacy continued through these channels into the early 1990s. However, in 1993 they were leaked and once they became public knowledge, there was denial and finger pointing on all sides.²⁵

In a similar way, state responses to kidnapping and ransom demands by terrorists confront researchers with problems of under-reporting or even outright obfuscation. Under-reporting is a recognised general problem for researchers examining terrorism across a range of different regime types.²⁶ Indeed, states have gone to some lengths to control the narrative around terrorist incidents and clearly have their own nexus of influence with the press.²⁷ Therefore, in a realm where states, terrorists, and the families of hostages all have possible reasons to misrepresent the narrative, the data used in a broad survey may be over-simplistic. This article seeks to probe the scale of this problem by deploying a more historical approach: specifically, archival research twinned with

²¹ Andrew Silke, 'Continuing problems with research on terrorism', *Terrorism and Political Violence*, 13:4 (2001), p. 2; A. P. Schmid and P. Fleming, 'Quantitative and qualitative aspects of kidnapping and hostage negotiation', in Faure and Zartman (eds), *Negotiating with Terrorists*, pp. 47–69.

²² Bapat, 'State bargaining with transnational terrorist groups', p. 222.

²³ Ibid.

²⁴ See, for example, Clive Jones and Tore Petersen (eds), *Israel's Clandestine Diplomacies* (Oxford: Oxford University Press, 2013).

²⁵ Andrew Mumford, 'Covert peacemaking: Clandestine negotiations and backchannels with the provisional IRA during the early "Troubles", 1972–76', *Journal of Imperial and Commonwealth History*, 39:4 (2011), pp. 633–48.

²⁶ Konstantinos Drakos and Andreas Gofas, 'Evidence for the existence of under-reporting bias in observed terrorist activity: the message in press freedom status transitions', *Democracy and Security*, 3:2 (2007), pp. 139–55.

²⁷ Pippa Norris, Montague Kern, and Marion R. Just (eds), *Framing Terrorism: The News Media, the Government, and the Public* (London: Routledge, 2003).

freedom of information act requests.²⁸ This method has been used successfully by other researchers examining recondite subjects such as torture, interrogation, surveillance, and nuclear weapons programmes.²⁹

Historical approaches are not without their own problems. The cases that can be probed in this way are necessarily small in number and may not be representative.³⁰ Researchers have limited possibilities for case study selection and may find their investigation steered by what is extant in the archives.³¹ Moreover, historians who work on resistant subjects such as state security policy have frequently warned us about the problem of the ‘laundered archive’, since states tend to be selective about what documents they declassify and release.³² But equally, officials find it difficult to redact or withdraw documents scattered across several departments or even countries and mistakes are common. Where governments have attempted to withhold or destroy large-scale archives, the sleight of hand is often visible to the researcher.³³ Famously, two historians, David Anderson and Caroline Elkins, have overturned the widely held idea that the transfer of power in the late British Empire was a largely peaceful process, pointing to the ruthless deployment of violence and systemic torture.³⁴ Their arguments were underpinned by the revelation that the British government had hidden thousands of files on many British overseas territories. The British government had created a veritable ‘gulag archipelago’ of forbidden files at offices in Hanslope Park in Buckinghamshire where the material was illegally withheld. Their discovery and eventual release has reminded us that while governments invest a lot of time in controlling their own narrative, these efforts rarely stand the test of time.³⁵

Moreover, there is some cause for epistemological optimism, since the nature of historical archives and evidence is changing, with more mass leaks by whistleblowers creating sizeable online archives that are beyond government control, and an increasing abundance of corporate and business archives that lie outside the purview of government repositories.³⁶ More consideration needs to be

²⁸ See, for example, T383/596, ‘Payment of ransom money for kidnapped British diplomats, 1976 Jan 01–1980 Dec 31’, file obtained by authors under FOIA in 2016.

²⁹ For successful examples of this approach, see Geraint Hughes, ‘Skyjackers, jackals and soldiers: British planning for international terrorist incidents during the 1970s’, *International Affairs*, 90:5 (2014), pp. 1013–103; Rory Cormac, ‘Much ado about nothing: Terrorism, intelligence, and the mechanics of threat exaggeration’, *Terrorism and Political Violence*, 25:3 (2013), pp. 476–93.

³⁰ Alon Confino, ‘Collective memory and cultural history: Problems of method’, *The American Historical Review*, 102:5 (1997), 1386–403.

³¹ Cameron G. Thies, ‘A pragmatic guide to qualitative historical analysis in the study of International Relations’, *International Studies Perspectives*, 3:4 (2002), pp. 351–72; Barbara Geddes, ‘How the cases you choose affect the answers you get: Selection bias in comparative politics’, *Political Analysis*, 2:1 (1990), pp. 131–50.

³² C. M. Andrew, ‘Secret Intelligence and British foreign policy 1900–1939’, in Christopher Andrew and Jeremy Noakes (eds), *Intelligence and International Relations, 1900–1945, Volume 15* (Exeter: University of Exeter Press, 1987), p. 9.

³³ Caroline Elkins, ‘Looking beyond Mau Mau: Archiving violence in the era of decolonization’, *The American Historical Review*, 120:3 (2015), pp. 852–68.

³⁴ David M. Anderson, ‘Guilty secrets: Deceit, denial, and the discovery of Kenya’s “migrated archive”’, *History Workshop Journal*, 80:1 (2015), pp. 142–60.

³⁵ P. Murphy, ‘Acceptable levels? The use and threat of violence in Central Africa, 1953–64’, in M. B. Jerónimo and A. C. Pinto (eds), *The Ends of European Colonial Empires* (London: Palgrave, 2015).

³⁶ For example, US Embassy Addis Ababa to State Department, 000854, ‘UK Seeks Continued Collaboration to Effect Release of Ethiopian Hostages’, 19 March 2007, 16:27 (Monday), available at: {https://Search.Wikileaks.Org/Plusd/Cables/07ADDISABABA854_A.Html} accessed 3 March 2017.

given to research strategies for resistant subjects like terrorist ransom and negotiation with violent non-state actors generally.³⁷ Although the cases that can be examined here are historic and limited in number, an analysis of newly declassified British government records reveals surprising disagreement between different elements of government over negotiation, and also the participation of state-private networks around kidnap insurance and specialist hostage advice. British officials took a permissive approach to these enterprises, noting that: ‘Kidnap Ransom insurance is big business’ and that London was ‘the main world source’.³⁸ These complexities mean that the reality of British policy has differed significantly over time and while publicly professing a consistent line, government has preferred private flexibility.

Britain’s historic policy of flexibility

In the mid-1960s, beginning with the first Harold Wilson administration, Britain developed policies designed to discourage terrorist groups from taking British hostages.³⁹ Despite this, with the numbers of terrorist kidnappings increasing, especially in the Middle East and Latin America, Whitehall officials accepted that it was only a matter of time before they faced their own hostage crisis.⁴⁰ Early in 1970, two unpleasant cases focused their minds: the execution of Dan Mitrione, a senior CIA counter-insurgency advisor in Uruguay, who was killed by the Tupamaros terrorist group, followed by the execution of Karl Maria von Sprei, the German ambassador in Guatemala.⁴¹ In both cases, the host country where the event had occurred resisted the idea of negotiation with the terrorists and this fact resonated strongly with London.⁴² Accordingly, during this period of increasing terrorist activity, Britain sought to combine a public show of firmness with a degree of private flexibility and concession.

The key figure promoting this flexible policy was Edward Heath, British prime minister between 1970 and 1974. Heath occupied Downing Street during an upsurge in terrorism, kidnapping, and assassination, some of which spilled out onto London’s streets. Heath himself was a target and faced pipe bombs in Sidcup planted by the Angry Brigade.⁴³ Most famously, in 1970, Heath steered British policy towards negotiation and compromise, with his refusal to extradite the Popular Front for the Liberation of Palestine (PLFP) terrorist Leila Khaled to Israel after the hijacking of several aircraft at Dawson’s Field in the Jordanian desert.⁴⁴ Heath faced strong resistance from the United States on this issue. Coordinating his action through the Berne Group, a club of European security services, Heath handed over Khaled and six other PLFP members were freed from jails in Germany and Switzerland to secure the release of British hostages held on three airliners.⁴⁵

³⁷ Harmonie Toros, ‘“We don’t negotiate with terrorists!”: Legitimacy and complexity in terrorist conflicts’, *Security Dialogue*, 39:4 (2008), pp. 407–26; P. R. Neumann, ‘Negotiating with terrorists’, *Foreign Affairs*, 86:1 (2007), pp. 128–38.

³⁸ HO325/757, Harrington to Boys Smith, ‘Home Secretary’s Visit to the United States: Kidnap and Ransom Insurance’, and attached brief ‘Points to Make’, 21 May 1986. All archival references are to the UK National Archives (TNA) unless otherwise stated.

³⁹ FCO26/1694, ‘Anglo-French Information Talks – Background Notes’, 27/28 October 1975.

⁴⁰ The Global Terrorism Database shows an increase from 50 per year in 1970 to 250 per year in 1980.

⁴¹ Richard P. Wright, *Kidnap for Ransom: Resolving the Unthinkable* (New York: CRC, 2009), p. 21.

⁴² *Ibid.* In 1971, there was even a credible kidnap threat against the British ambassador in Cuba. FCO7/1985, Sykes to Hunter, 19 May 1971.

⁴³ Cormac, ‘Much ado about nothing’, p. 478.

⁴⁴ E. Heath, *The Course of My Life* (London: Hodder & Stoughton, 1988), p. 323; John Campbell, *Edward Heath: A Biography* (London: Cape, 1993), p. 308.

⁴⁵ PREM15/201, Douglas-Home to Freeman, 7 September 1970; CAB127/47, Cabinet Minutes, 9 September 1970.

While the Leila Khaled episode in 1970 and other hijackings were regarded as one-off spectacles that involved threats to blow up aircraft and their passengers, these were accompanied by a series of individual kidnaps that focused on drawn-out bargaining over the release of imprisoned terrorists, monetary demands, publicity for manifestos, or merely safe passage for kidnappers. In particular, the early 1970s witnessed the rise of Marxist groups influenced by Carlos Marighela in Brazil who preached the concept that the urban guerrilla should attack banks and businesses to resource their activities. The kidnapping of foreigners (perceived as imperialist criminals) for ransom became a lucrative means by which to fund their operations. These individual cases were also brought to the door of Downing Street for decision.⁴⁶

Latin America saw a positive plague of diplomatic kidnapping. In London, despairing officials felt that there was no solution other than the complete closure of missions or their truncation into 'fortresses'.⁴⁷ In early 1970, alongside the events in Uruguay and Guatemala, Paraguayan and Russian diplomats had been kidnapped by Argentine terrorists, together with an attack on the Syrian embassy in Buenos Aires. The Argentine government boasted a hard line and declared a policy of no deals, no ransoms, and no prisoner release. The president of Paraguay was no less phlegmatic about the capture of one of his compatriots – he continued with his fishing holiday during the episode – and remarked to colleagues that the life of one Paraguayan diplomat 'did not matter'.⁴⁸ This lack of interest on the part of local governments in the fate of kidnapped diplomats worried Westerners. Britain joined other European countries in privately opposing hard-line 'non-negotiation' declarations at both an international and a regional level.⁴⁹ In short, by mid-1970, Britain had already developed a policy of encouraging discreet negotiation, even before it was put to the test. The three case studies that follow, chosen because their development can be documented in detail, demonstrate how flexible British government policy became in the 1970s and the attendant rationales advanced for this.

James Cross, 1970

On 5 October 1970, James Cross, the British trade commissioner in Montreal was kidnapped by the Front de Libération du Québec (FLQ).⁵⁰ He was selected for kidnap from a number of British diplomats because his movements were the most routine. They knew, for example, that at precisely 7.15 am he was always in the shower. Abducted from his house early in the morning, he was made to wear a blacked-out gas mask and lie on the floor of a taxi. The FLQ then issued an improbable list of demands: a halt to ongoing police searches, the publicising of the FLQ manifesto, \$500,000 in gold, freedom for 23 FLQ prisoners, and their safe passage abroad. They also demanded that the identity of an informer who recently betrayed a FLQ cell should be made public.⁵¹

In Britain, the new Edward Heath government considered this matter at Cabinet level. The foreign secretary, Alec Douglas-Home, denounced the FLQ as 'a group of murderous and extreme left wing thugs' and did not wish to give them any quarter.⁵² Addressing the Cabinet on 6 October, he argued

⁴⁶ Peter Day, 'Heath's secret deal to free ambassador', *Telegraph* (1 January 2002).

⁴⁷ FCO7/1478, Wiggin to Haddow, 9 September 1970.

⁴⁸ *Ibid.*, Macdermot to Wiggin, 10 April 1970.

⁴⁹ Haddow, the British ambassador in Buenos Aires, thought that if the American ambassador was kidnapped and the demands were reasonable, the Argentinians 'could be persuaded to do a discreet deal'. FCO7/1478, Haddow to Wiggin, 'Kidnapping', 27 August 1970.

⁵⁰ FCO7/1763, Day to Wiggin, 'Kidnaping of Mr J. R. Cross', 5 October 1970.

⁵¹ *Ibid.*, CM (70)27th meeting, item 1, 6 October 1970.

⁵² FCO7/1764, Douglas-Home to Bogota, 9 October 19710.

that, for the time being, they should avoid any public pronouncement other than saying they deferred to the Canadians. But privately he argued for a hard line, insisting that, at the right moment, they should consider following the American example and announce publicly that in any future cases, they would not be prepared to press other governments to accept demands, even in the cause of saving human life. Not all of his Cabinet colleagues agreed with this position.⁵³

In fact, the Canadian government had already adopted a staunch public position of non-negotiation and had advertised it widely. On 8 October 1970, the FLQ responded by announcing to the Canadian press that ‘in the face of the Government’s refusal to negotiate Cross had been liquidated’. The Montreal police were told that they would find a bloodstained revolver and the abandoned body of James Cross at a certain location, but in fact the police only found a bloodstained revolver. Instead, Cross remained alive and was held for two months before his release was secured after negotiations and compromises that were long in the preparation and short in the execution.⁵⁴

Negotiations occurred partly because Douglas-Home’s officials in the Foreign Office did not agree with his hard line. This included Denis Greenhill, his most senior official who had already taken the lead on the Khaled case. Conveniently, there was considerable pressure to do a deal from the First Division Association, the body that represented the employment rights of senior civil servants. This was helpful to Greenhill, for he was then able to telephone his opposite numbers in Ottawa repeatedly, relaying this pressure, while explaining that this was not actually coming directly from the British government.⁵⁵ Cross was, in fact, a Board of Trade official seconded to the Foreign Office and senior figures in his former department complained that the diplomats were not doing enough to get their man released.⁵⁶ Britain’s High Commissioner in Ottawa also felt under pressure and wanted the MI5 liaison officer from Washington permanently attached to the Canadian Police Task Force in Montreal that was hunting the kidnappers. He accepted that this would not help in any meaningful way, but explained that this was ‘to protect ministers’ from mounting criticism that they were not doing enough.⁵⁷

Deals were already being explored. As early as 7 October, the British and the Canadians were working together to facilitate safe asylum for the kidnappers and also for any FLQ prisoners that might be released. The two possible destinations that the FLQ had identified in their ultimatum were Cuba or Algeria. Ottawa was keen to make a secret approach to Algiers and Havana but ‘without creating the impression that they were prepared to do a deal with the terrorists’. Rather than asking outright, they instructed their representatives in Havana to ‘quietly’ draw attention to the fact the FLQ were interested in asylum, and then sent someone to Algiers to do the same thing. London emphasised ‘it is important that if anyone learns of these approaches the Canadians should be able to say that they were simply drawing attention to references to Cuba and Algeria that have been made public here’, adding that they should ‘not admit’ that Ottawa was hoping for assistance with negotiations.⁵⁸ By 15 October, emissaries in both Havana and Algiers were preparing to undertake negotiations for the transfer of 25 FLQ members on the basis that the hosts would be offered \$1,000 per head as a maintenance payment.⁵⁹

⁵³ FCO7/1763, CM (70)27th meeting, item 1, 6 October 1970.

⁵⁴ *Ibid.*, Ottawa to FCO, 8 October 1970.

⁵⁵ *Ibid.*, Cole to Wiggin, ‘Kidnapping’, meeting with FDA, 6 October 1970.

⁵⁶ FCO7/1764, Wiggin, ‘Note for the record: Mr Jasper Cross’, 12 October 1970.

⁵⁷ *Ibid.*, MI5 to PUSD and Security Department, No. 623, 12 October 1970.

⁵⁸ FCO7/1763, London to Algiers, 7 October 1970.

⁵⁹ FCO7/1764, Ottawa to London, 15 October 1970.

Neither the Algerian nor the Cuban government were keen to receive the FLQ terrorists, nevertheless Havana agreed, citing reasons of compassion rather than ideological solidarity. Some of the Cuban diplomats who assisted were also personal friends of Cross.⁶⁰ The Quebec government then offered release for 5 of the 23 prisoners and their safe passage to Cuba, together with the kidnappers. The next day, angered by the partial response, the FLQ kidnapped Quebec's Minister for Labour Pierre Laporte and then, when new emergency measures were introduced, strangled him and left his body in the trunk of a car. Contact with the FLQ dwindled during November and both Ottawa and London were now pessimistic about recovering Cross alive.⁶¹

However, the police continued their searches. On 2 December, they uncovered the safe house where Cross had been held for sixty days. The police decided to arrest two of the kidnappers as they emerged from the building, then cut off the electricity and began a siege. The remaining kidnappers threw out a note to the police that read: 'If you try anything at all (gas, gunfire, etc.) Mr J. Cross will be the first to die. We have several sticks of "detonator" dynamite (powerfrac). If you want to negotiate send us a reporter from the *Quebec Press* or *Le Devoir*'. The terrorists attempted to bargain for the release of all the 23 FLQ terrorists, but the Ottawa government now focused firmly on an offer of safe passage for the kidnappers only.⁶²

On 3 December, London was told that Cross was still alive, and members of the Cuban embassy were now involved in 'operations'.⁶³ After prolonged bargaining, the kidnappers and their hostage were moved to the Canadian pavilion of the Montreal 'Expo 67' exhibition, which was temporary declared a Cuban consulate for the handover of Cross. A compromise was reached and seven people were flown to Cuba. Horrified by the spartan lifestyle they encountered in Havana, the FLQ party soon moved to France where they gained political asylum.⁶⁴ Cross returned to London where he was keen to tell his story to the press. Newspapers such as the *Toronto Star* were offering him up to \$200,000 for his story.⁶⁵ However, the Foreign Office had already consulted the Cabinet Office and 'a firm veto was in place'.⁶⁶

Reflecting on the Cross case, senior British officials noted that there had been remarkable consistency across the Labour and Conservative governments. The previous Harold Wilson government, observing the rise in hostage taking, had agreed on the principle that any 'individual kidnapping of a British diplomat would have to be dealt with on a case by case basis'. Officials concluded that the new Heath government had taken much the same line when confronted with a real case. Moreover, there was a similar desire to mix a display of public firmness with private flexibility.⁶⁷ The importance of third parties such as the Algerians and the Cubans had been underlined. They also

⁶⁰ The British Diplomat Oral History Programme (BDOHP), Churchill Archives Cambridge, Sir Colin Imray interview, available at: {<https://www.chu.cam.ac.uk/media/uploads/files/Imray.pdf>} accessed 2 April 2017.

⁶¹ BDOHP, Churchill Archives Cambridge, James Cross interview, available at: {<https://www.chu.cam.ac.uk/media/uploads/files/Cross.pdf>} accessed 3 April 2017.

⁶² R-1986/1-DOS/ARPA, Eleanor S. Wainstein, 'The Cross and Laporte Kidnappings, Montreal, October 1970', report prepared for State Department and DAPRA, February 1977.

⁶³ FCO7/1969, Ottawa to FCO, 3 December 1970.

⁶⁴ Delighted British diplomats reported that 'the FLQ kidnappers are being put to work in the cane-fields'. FCO9/1770, Cable, 'Kidnapping', 12 December 1970.

⁶⁵ FCO7/1769, Wiggin to Barrington, 'Mr Cross', 9 December 1970.

⁶⁶ James Cross interview, available at: {<https://www.chu.cam.ac.uk/media/uploads/files/Cross.pdf>} accessed 12 March 2017. See also 'FO gag on Mr Cross?', *Observer* (13 December 1970).

⁶⁷ FCO7/1768, Wiggin to Berne, 19 November 1970.

came away from this event with a more nuanced appreciation of the range of terrorist groups, some of whom had the capacity for ordered bargaining, while others were random and volatile. They placed the FLQ firmly in the latter category, describing them as ‘a bunch of youthful psychopaths’ whose communiqués combined ‘turgid revolutionary jargon’ with ‘sheer blood-lust’.⁶⁸

Sir Geoffrey Jackson, 1971

On 8 January 1971, Sir Geoffrey Jackson, Britain’s ambassador to Uruguay, was taken captive in Montevideo by a terrorist group called the Tupamaros. His ambassadorial Daimler was rammed by a red lorry five hundred yards from the embassy. Half a dozen men with submachine guns surrounded the Daimler and then injected Jackson with tranquilisers before he was spirited away.⁶⁹ At the time, the Uruguayan government were fighting to repress popular uprisings and, in particular, labour unrest by imprisoning political dissidents and oppressing anti-government demonstrations.⁷⁰ One group in particular, the left-wing *Tupamaros National Liberation Movement*, began life as an opposition group, but soon evolved into urban terrorists, willing to use violence both as a means to fund their operations, but also to achieve social reform. Beginning with armed robberies, the group soon shifted to the more lucrative business of kidnapping. After securing \$250,000 for the release of Brazilian consul Aloysio Dias Gomide who they had kidnapped six months before, the Tupamaros had now turned their attention to what they believed would be a greater prize.

As weeks turned to months, officials in London became increasingly desperate to locate Jackson.⁷¹ Some four months after his disappearance, diplomats at the British embassy in Uruguay established communications with the Tupamaros through a trusted third party. On 6 May, they finally reported that: ‘Our contact returned yesterday with his Tupamaro contact.’ Their intermediary explained that the Tupamaros were willing to release Jackson for \$1.5 million because ‘they need[ed] the money’. He produced two recent photos of Jackson as his *bona fides*. Jackson’s British colleagues in Montevideo urged their superiors in London to pay up through a proxy, arguing that, ‘assuming a credible private approach could be arranged we might, at worst, be conned for a million, at best, we should obtain Jackson’s release’.⁷²

Douglas-Home, the Foreign Secretary, demanded a higher level of reassurance and a lower price. To facilitate this, he asked the President of Chile Salvador Allende to act as an intermediary. As an avowed Marxist leader in the region, he carried considerable weight with the Tupamaros. In late May, Douglas-Home explained to his Cabinet colleagues that, at ‘our suggestion’, Allende had contacted the Tupamaros and, in ‘reply to his secret approach’, they had agreed to let Jackson go in return for ‘a secret payment by HMG [Her Majesty’s Government] of ransom in the sum of US \$1 million’, publicity for the Allende intervention and smaller public payment of £10,000 to a charity ‘for the purpose of saving the Tupamaros’ face’. While Douglas-Home insisted that there should not be any ‘wavering in our policy of not yielding to blackmail’, nevertheless he was content with a smaller payment to a charity ‘provided that HMG are not seen to be involved’. Matters were

⁶⁸ FCO7/1767, Draft PUS monthly letter in Vining to Day, 16 October 1970.

⁶⁹ FCO7/2078, ‘Kidnapping of HM Ambassador 09.50am–10.50am’, 8 January 1971. See also G. Jackson, *Surviving the Long Night* (London: Vanguard, 1974), p. 3.

⁷⁰ Benjamin Nahum, *El Fin Del Uruguay Liberal* (Montevideo: Ed. de la Banda Oriental, 1991), pp. 23–36.

⁷¹ The FCO seriously contemplated the use of mediums to help locate him; see FCO7/2080, Hunter to Hankey, ‘Kidnapping – Suggested use of ESP’, 16 August 1971.

⁷² FCO7/2078, Hennessy to FCO, ‘Kidnapping’, 6 May 1971.

made more complex by the fact that reportedly Hugh O'Shaughnessy, Britain's leading specialist journalist on Latin America, then working for the *Financial Times*, had made contact with the Tupamaros separately and was trying to raise the \$1 million from private sources. Douglas-Home told the Cabinet that he was being 'warned off' for fear that he might prejudice the success of what he called the government 'initiative'.⁷³ The foreign secretary had clearly softened his position on deals, but his approach also combined carrot and stick. Officials explained that the Information Research Department, a covert propaganda unit, was being used against the Tupamaros, adding 'we are launching a covert campaign of disinformation aimed at causing doubts among them about the contributing value to them of holding Geoffrey Jackson'.⁷⁴

By mid-June 1971, the Earl Jellicoe, the cabinet minister in charge of the Civil Service, was lamenting that almost six months had passed since Jackson had been kidnapped and that 'we can unfortunately not foresee when he will be released'.⁷⁵ However, by 26 July 1971, Douglas-Home was able to assure Heath that the intercession of Allende 'provides the most hopeful opportunity yet of securing Mr Jackson's release' adding that 'we ought therefore to be ready in case it is successful'. Douglas-Home knew an outline deal had already been negotiated and he added confidently that 'even if Mr Jackson's release from captivity is postponed', all was going well.⁷⁶ As with the James Cross case and the Leila Khaled case, Denis Greenhill, his Permanent Under-Secretary, managed the case personally.⁷⁷

The final deal had been struck at the Presidential Palace in Chile. Tim Hildyard, the British ambassador in Santiago, had been allowed to meet Allende's Uruguayan contact in a 'dark room', but noticed that this shadowy figure did not have a Uruguayan accent. Hildyard voiced his suspicions that Allende was rather closer to the Tupamaros than they imagined.⁷⁸ Either way, British officials noted that the latest Tupamaros offer was approaching an 'area of negotiability' since they had 'scaled down their demand from one million dollars to one hundred thousand dollars' and were 'prepared to keep the money side covert'.⁷⁹ Greenhill responded: 'I believe the time has come to pay this comparatively modest "ransom" ... It breaches principle but it must not be forgotten that the Leila Khaled case did also.'⁸⁰

Douglas-Home remained uncomfortable about doing a deal. Anxious to preserve some degree of deniability, he was keen to introduce proxies, however implausible they might be: 'HMG were not ready to pay ransom', he said. 'However', he added, 'Mr Jackson's friends might be ready to make a donation, for example to a charitable institution' in Uruguay, if this would lead to the ambassador's release.⁸¹ Edward Heath was more impatient and officials recorded: 'On 2 July, the Prime Minister agreed that we should be ready to provide a sum of money, later confirmed at \$100,000, in connection with Mr Jackson's release.'⁸² With negotiations moving to an advanced stage, Hildyard in Santiago reported that Allende 'thought that in this stage of the operation it would be best for the

⁷³ FCO7/1880, Brief by Hunter for SoS for Cabinet, 'Kidnapping', 24 May 1971.

⁷⁴ Ibid., FCO to Haddon, 27 May 1971.

⁷⁵ FCO77/188, Jellicoe to Youde, 16 June 1971.

⁷⁶ Ibid., Douglas-Home to Edward Heath, 26 July 1971.

⁷⁷ Ibid., Denis Greenhill to Douglas-Home, 21 July 1971.

⁷⁸ FCO7/2091, Hildyard to Hunter, 'Kidnapping', 30 June 1971.

⁷⁹ Ibid., Wright to PUS, 29 June 1971.

⁸⁰ Ibid., Greenhill note, 30 June 1971.

⁸¹ Ibid., Priority, Douglas-Home to Montevideo and Santiago, 7 July 1971.

⁸² Ibid., Hunter to Hankey, 'Mr Geoffrey Jackson', 5 August 1971.

representative to have direct talks with me'.⁸³ Allende explained to the British that he had viewed all this as an opportunity to put both himself and the Latin American left in a good light.⁸⁴ Heath was pleased with the outcome and urged that a knighthood and compensation be in place ready for Jackson's expected release.⁸⁵

On 9 September 1971, Geoffrey Jackson was released after eight months in captivity. The Tupamaros were well rewarded for their kidnap operation. Details of the ransom payment were kept secret at the time and the terrorists initially played along with London's desire to keep the details of the Jackson deal secret. Meanwhile, a significant number of Tupamaros mysteriously escaped from two jails. The Tupamaros issued a statement claiming simply 'it was no longer necessary for them to hold him following the escape of 106 Tupamaros from jail early on Monday'.⁸⁶ But they could hardly contain their delight at their multiple successes, adding that there was no need to detain Jackson now because 'they had won their fight for political prisoners'.⁸⁷

Jackson's personal account was rather ambiguous. At a subsequent press conference, Jackson maintained the official line, insisting that states must show that 'the business of ambassador kidnapping is self-defeating' and that the policy of no rewards should be held firm. But in the same breath, he conceded that the Tupamaros had moved into 'the diplomatic world of negotiations' with some success.⁸⁸ Information officers did what they could to cover the trail. Reflecting on the episode somewhat later, they felt that Sir Geoffrey Jackson had done 'a good job on radio and TV' when telling his story, but were advised to say as little as possible and to 'shy away' from further questions.⁸⁹

The British government seemed to have a notional price limit for Jackson. They were happier to facilitate larger sums for the return of British businessmen, if the employer was willing to foot the bill. Some of these amounts were remarkable. In parallel with the Geoffrey Jackson affair, the Foreign Office was dealing with the kidnapping of Ronald Grove, the general manager of Britain's considerable Vestey business empire in Argentina by the communist People's Revolutionary Army or 'ERP' terrorist group. The ERP had recently kidnapped the Dutch manager of Philipps and had killed the Italian manager of the Fiat plant when the police stumbled on their hideout. Lord Vestey, who managed the matter personally, wanted the Foreign Office to take part in negotiations for the release of his employee.⁹⁰ Vestey agreed to a price of \$500,000 in dollar notes and \$500,000 in pesos notes. British officials observed that: 'Dollars on this scale were not available in Argentina even on the black market.' Vestey asked for British government's help in securing the cash and suggested the money 'be brought in in sacks under diplomatic privilege', but the Foreign Office rejected the idea.⁹¹ Instead, the Foreign Office secured government approval for the money to be taken by rather nervous couriers from Gatwick. Ronald Gove was soon released.⁹²

⁸³ Ibid., Minute on Hunter to Brimelow, 'Mr Jackson', 5 August 1971.

⁸⁴ Ibid., Hildyard to Hunter, 30 June 1971.

⁸⁵ FCO77/188, Downing Street to Barrington, 17 August 1971.

⁸⁶ '1971: British Diplomat Freed After Eight Months', *BBC News* (9 September 1971), available at: {http://news.bbc.co.uk/onthisday/hi/dates/stories/september/9/newsid_3634000/3634352.stm} accessed 8 May 2017.

⁸⁷ *New York Times* (11 September 1971).

⁸⁸ The previous year, the Tupamaros had demanded the release of 150 political prisoners in exchange for kidnapped CIA advisor Dan Mitrione.

⁸⁹ FCO26/1694, Whyte to Warburton, 'Terrorism, Kidnapping, Hostages', 3 September 1975.

⁹⁰ FCO7/2184, Robson memo, 'Mr Ronald Grove: Kidnapping', 12 December 1971.

⁹¹ Ibid., Robson to Hankey, draft, 12 December 1971.

⁹² Ibid., Hunter to Hankey, 14 December 1971.

Charles Lockwood, 1973

On 6 June 1973, a splinter group of the same ‘ERP’ terrorist group kidnapped Charles Lockwood on his way to his office in Buenos Aires. Lockwood was a successful Anglo-Argentine financier who served on the board of Roberts Finance Co., an affiliate of Acrow Steel, which at the time, represented many British and American interests in Argentina. The group initially demanded \$7.5 million in ransom payment.⁹³ Days after the kidnapping, the Foreign Office discussed the recent surge in terrorist kidnappings in Argentina with the director of London-based Lloyds & Bolsa International bank.⁹⁴ The financiers were despairing of the constant kidnappings and argued that the only real hope, ‘lies in a really effective move by the Argentine authorities to nab some of these criminals and put them to death – to discourage others’. Improbably, they also recommended that the Argentine authorities compensate any financial loss encountered by companies forced to pay ransom in return for their executives. In contrast to current British policy that forbids engagement by British companies with proscribed terrorist groups, it appears to have been common practice in the 1970s for the government to encourage and assist companies to directly negotiate with terrorists.⁹⁵

Unlike the Jackson case, talks took place immediately. On 7 June, one day after the kidnapping, the British embassy in Buenos Aires reported: ‘Negotiations are proceeding.’⁹⁶ The main contact was between the employers and the kidnapers. On 26 June 1973, hopes seemed to be fading because the kidnapers had not been in touch with the company for over a week.⁹⁷ But on 30 July 1973, 57 days after he was originally taken, Charles Lockwood was released unharmed by his captors. The media widely reported that a ransom of \$1 million had been paid, but this was an underestimate.⁹⁸ Later that year, the Foreign Office’s Latin America department conducted a security analysis of Argentina. They noted that five Britons had been taken by the People’s Revolutionary Army between May 1971 and September 1973, adding that, ‘victims have not generally been harmed because ransoms have usually been paid sooner or later’. In three of the five cases, a ransom was negotiated for the safe release of the hostage, adding that Charles Lockwood ‘was released for a ransom of US \$2 million’.⁹⁹ Lockwood possibly holds the record for sums paid for a British hostage, he was ransomed for \$2 million in 1973 and again for \$10 million in 1975, after which he wisely chose to leave Argentina, but there may be other cases as yet unknown.

Detecting exactly when this British policy of flexibility stiffened is difficult. Public professions of robustness are easy to find – but were not incompatible with private negotiation. In late 1978, when Lord Kenner asked Prime Minister James Callaghan whether the government would undertake not to yield to terrorist blackmail he received a firm and affirmative reply.¹⁰⁰ Margaret Thatcher certainly adopted a tough public stance during the 1980 Iranian Embassy Hostage Siege. However, Thatcher’s policy was quietly adapted to accommodate the United States. British officials were at the least facilitators to the American negotiation programme in Beirut run by Oliver North.¹⁰¹

⁹³ Ibid.

⁹⁴ FCO7/2401, Lloyds and Bolsa International Bank to FCO, 8 June 1973.

⁹⁵ Ibid.

⁹⁶ FCO7/2401, FCO, ‘Argentine Security Situation’ Telegram, 7 June 1973.

⁹⁷ Ibid., Hopson to Hankey, 26 June 1973.

⁹⁸ *Sydney Morning Herald* (2 September 1975); *Pittsburgh Post Gazette* (1 August 1975).

⁹⁹ FCO7/2401, Davies, ‘Kidnappings and Terrorism against individuals in Argentina’, 27 November 1973.

¹⁰⁰ FCO 58/1629, PQ of 8 November 1978 Cols. 300–02, Vol. 396, No. 4, cited in *Notes for Supplementaries*, ‘Will the Government Undertake not to Yield to Terrorist Blackmail’.

¹⁰¹ BDOHP, Churchill College Cambridge, Sir David Miers interview, available at: (<https://www.chu.cam.ac.uk/media/uploads/files/Miers.pdf>) accessed 9 May 2017.

Moreover, Britain's approach to kidnap and ransom insurance suggests that flexibility may have persisted for longer than we have hitherto suspected.

British policy on kidnap and ransom insurance

The further development of Britain's policy on kidnap and ransom insurance was complex because it was partly the creation of a state-private network. A private company run by former military personnel, together with specialist insurance brokers, helped to persuade the government to pursue an ambiguous policy on kidnapping and ransom insurance during the 1980s and 1990s. In 2000, Britain introduced legislation that appeared to make paying a ransom synonymous with financing terrorism. However, because this law only applied within the British jurisdiction, underwriters were free to offer kidnap and ransom policies to companies operating overseas and so London remained the centre of this market. In 2015, the Counter Terrorism and Security Act finally made it a criminal offence for any British-based insurance company to reimburse money or property, 'that has been, or is to be, handed over in response to a demand made wholly or partly for the purposes of terrorism'.¹⁰² Ministers explained that such insurance created an environment conducive to the payment of ransom demands.¹⁰³ Accordingly, for some forty years, between 1975 and 2015, London was a growing centre of specialist anti-kidnap expertise that often resided in what are now called private military companies or PMCs.

Britain appears to have invented kidnap and ransom insurance.¹⁰⁴ It is likely that the first 'K&R' policy was issued in London in 1933 following the famous Lindbergh kidnapping case. Demand grew rapidly during the 1970s because of the rise in kidnapping incidents and by 1984, Lloyds of London controlled over 75 per cent of a substantial market.¹⁰⁵ In the late 1970s, the Italians and later the Germans proposed a ban on such insurance. However, the British government, liaising with the American FBI, rejected the suggestion and consequently sought to undermine the European initiative by having discussions transferred from the EEC Commission to a 'TREVI' working group. This was because Britain was a lead element in the TREVI counterterrorism forum and so their objections were likely to carry more weight here.¹⁰⁶ Standing firm against the initiative, British ministers claimed that, responsibly conducted, kidnap insurance was helpful to the authorities and therefore ought not to be discouraged. They argued that insurance companies typically used professional security consultants to audit the security procedures of the policyholder, thereby reducing the risk of kidnap in the first place.¹⁰⁷

¹⁰² HM Government, 'Counter-Terrorism and Security Act 2015', Chapter 6 (2015), available at: {<http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted/data.htm>} accessed 6 March 2017.

¹⁰³ Home Office, 'Counter Terrorism and Security Bill, Fact Sheet – Part 6, Clause 34 – Kidnap and Ransom' (2016), available at: {https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540539/CTS_Bill_-_Factsheet_9_-_Kidnap_and_Ransom.pdf} accessed 8 November 2016.

¹⁰⁴ On ransom insurance generally, see Sheri Merklung and Elaine Davis, 'Kidnap & Ransom Insurance: a rapidly growing benefit', *Compensation & Benefits Review*, 33:6 (2001), pp. 40–5.

¹⁰⁵ HO325/612, Briefing on kidnap ransom insurance from Insurance Division DTI to Home Office, 12 April 1985.

¹⁰⁶ The EEC began studying the question of banning kidnap insurance in 1975 when the subject was referred to them by the Italians and again in 1977 by the Germans. FCO76/1754, Telegram 211918Z, 21 December 1977.

¹⁰⁷ FCO76/1754, Note by the UK Delegation, Kidnap-Ransom Insurance as an Incentive to the Crime, 17 December 1977.

But beneath the surface, British policy on ransom insurance was in disarray due to divergent departmental interests. In November 1977, Lord Harris, Minister of State at the Home Office, met with Stanley Clinton-Davies, Minister for Aviation and Shipping. While deprecating the Franco-German proposal for a ban, they privately conceded that the Foreign Office also discouraged kidnap and ransom insurance because its Security Department believed ‘such policies *do* encourage kidnapping’.¹⁰⁸ The main underwriters for these policies at the time, Lloyds of London, confidentially estimated the market’s value to them at £50 million per annum and pressed for its continuation.¹⁰⁹ Therefore, on the one hand, trade and industry ministers sought to protect Lloyds of London with whom they enjoyed a good working relationship, while on the other hand, security experts with the Foreign Office who worked to protect diplomats were keen for a ban, partly because of a growing spate of kidnappings by the IRA.

In 1983, the Chief Executive of Associated British Foods Limited, Don Tidey, was kidnapped by the IRA for ransom in Dublin with an initial demand for \$7 million. The Irish Taoiseach, Garret Fitzgerald, had information that the company were willing to pay \$2 million into a Swiss bank account to secure Tidey’s release and asked Margaret Thatcher to intervene. ‘It is vital to both our governments that this money not be paid. Can you help in any way to ensure this?’ Thatcher felt no less strongly, asserting ‘that it is vital that a ransom should not be paid in a kidnapping case’ and replied ‘we will do all we can to hold the company to it’.¹¹⁰ Tidey was eventually freed after a vicious gun battle, but thereafter the company reportedly paid sizeable protection to the IRA to prevent further kidnaps.¹¹¹ As a result of this episode, the Irish Attorney General persuaded Margaret Thatcher to reconsider its position on kidnap insurance.¹¹² Recognising the shift in Irish terrorism towards kidnapping businessmen, Sir Robert Armstrong, the Cabinet Secretary, suggested they should ‘approach such a policy review with an open mind’.¹¹³

Proponents of the ban insisted it was, ‘illogical for the government to take a firm line against conceding to terrorist demands, including the payment of ransom’, and yet to give its ‘seal of approval to the availability of insurance designed to reimburse those who do pay’.¹¹⁴ Yet privately, British ministers and civil servants continued to express concerns over the possible impact such a ban might have on the insurance industry. In April 1984, in preparation for discussions on this at a major economic summit in London, Roy Harrington, who ran the counterterrorism division of the Home Office wrote to Armstrong emphasising that ‘we have a major economic interest in seeing this business continue’.¹¹⁵ Harrington summed up the Home Office position by insisting, ‘there is no UK interest in raising this subject’, because, ‘there is no information to suggest that kidnap insurance is either an important source of funds for terrorists, or a threat to the common objectives of government to resist terrorism’.¹¹⁶

Underpinning this view was a close public-private partnership between the government, private security firms and the insurance market. This included a specialist company called Control Risks

¹⁰⁸ FCO76/1753, Minutes of a discussion on Anti-Kidnap Insurance, 9 November 1977.

¹⁰⁹ Ibid., Ghosh, ‘Kidnap Ransom Insurance’, 24 October 1977.

¹¹⁰ T199/83 THCR.3/1/34 f119, Churchill Archive Centre, Thatcher MSS, Fitzgerald to Thatcher, 28 November 1983; T204A/83 THCR.3/1/35 f27, Thatcher to Fitzgerald, 7 December 1983.

¹¹¹ John Mooney, ‘Ireland seizes €6m IRA funds from Tidey kidnap’, *Sunday Times* (29 June 2008).

¹¹² HO325/612, Armstrong to Havers, ‘Kidnap Ransom Insurance’, 10 February 1984.

¹¹³ Ibid.

¹¹⁴ Ibid., Harrington, ‘Kidnap Ransom Insurance Market’, 12 April 1985.

¹¹⁵ Ibid., Harrington to Colvin, 3 April 1984.

¹¹⁶ Ibid.

Group Ltd, created in 1975. Control Risks was initially formed as a subsidiary of insurance broker Hogg Robinson, to minimise their exposure to kidnap and ransom claims. This was done partly by using ex-military personnel to vet the security arrangements of the insured companies. At this point, the core of the business consisted of crisis management and incident response specialists, often with a military background. During the early 1980s, the company became independent following a management buy-out and expanded into political and security risk analysis, often employing academic area studies experts to write in-depth country reports. By the 1990s they had operated in over 100 countries.¹¹⁷ At the same time, the British government was expanding its use of another private security company, Keenie Meenie Services (KMS), which used former Special Air Service personnel to inspect and protect high-risk embassy locations in Africa and the Middle East. KMS was itself an earlier offshoot of Control Risks Group created in 1977.¹¹⁸

Control Risks Group argued consistently that, of those kidnapped, less than 5 per cent were insured. Where ransoms were paid, those particular cases managed by Lloyds and Control Risks Group were usually a third of the sum initially demanded. Banning ransom insurance, they insisted, would simply force potential victims to go to less well-organised overseas insurance companies that did not insist on the involvement of specialists to improve security standards and that paid out more readily.¹¹⁹ While unapologetically protecting the kidnap insurance market to the frustration of fellow EC member states, Thatcher's government was nevertheless particularly keen to confiscate funds gained from any such terrorist activities. In 1985, Home Secretary Douglas Hurd, began devising legislation that would eventually allow the British government to seize the proceeds of any successful kidnap and ransom incident held in British banks.¹²⁰

In the spring of 1986, to the dismay of Home Office officials, the subject of kidnap insurance reared its head again. The Dublin government suspected that British firms were paying large sums to the IRA as protection against kidnapping. In the House of Commons, John Biffen, Secretary of State for Northern Ireland, was asked about a company executive who was found at Dublin airport with £300,000 in his suitcase. Some MPs suspected this was connected to operations advised by the Control Risks Group.¹²¹ By this point, British officials had intelligence suggesting that a number of businessmen 'may be paying protection money on a large scale as a result of threats from the provisional IRA'.¹²² At the same time, a member of the Guinness family was abducted and then released by gunmen after being held for a \$2.5 million ransom. In Parliament, John Hume, leader of the mainly Catholic Social Democrat and Labour Party, focused his criticism on Control Risks. The company stoutly defended its reputation, explaining that it had advised negotiators faced with a total of \$697 million in ransom demands and had succeeded in reducing the total paid out to \$109 million. But some MPs called on the Attorney General Sir Michael Havers to prosecute Control Risks, together with Cassidy Davis Ltd, Lloyd's leading underwriter of kidnap and ransom

¹¹⁷ Sir James Adams, Control Risks Group, 30 June 1998, Appendix 28, Select Committee on Foreign Affairs First Report (21 December 1998), available at: {<https://publications.parliament.uk/pa/cm/199899/cmselect/cmcaff/100/100ap29.htm>} accessed 14 October 2016.

¹¹⁸ Sean McFate, *The Modern Mercenary: Private Armies and What They Mean for World Order* (Oxford: Oxford University Press, 2014), p. 36.

¹¹⁹ HO325/757, Control Risks Ltd, 'The Role of Insurance in the Private Sector's Response to Kidnap and Ransom', Ref: 3021, 4 June 1985.

¹²⁰ HO325/612, Brummel to Home Office, 18 April 1985.

¹²¹ Hansard, 1 May 1986, 1106.

¹²² HO323/757, Harrington to Boys Smith, 'Kidnap and ransom insurance and terrorist extortion: meeting with the Secretary of State for Northern Ireland – 15 May', 14 May 1986.

insurance, for breach of the Prevention of Terrorism Act. Meanwhile, the Dublin government recognised that this was a Europe-wide problem and initiated new high-level discussions focused on the possibility of curbing ransom payments.¹²³

On 28 April, Home Secretary Douglas Hurd travelled to The Hague to attend a ministerial-level meeting of the TREVI group, the European forum for counterterrorism cooperation.¹²⁴ Because the Irish government were suspicious of the activities of Control Risks, they raised the matter directly at this meeting.¹²⁵ Hurd also had ‘strong feelings on the matter’ and returned determined to do something about kidnap and ransom insurance.¹²⁶ He argued that while it was reasonable to take out insurance against theft, this sort of insurance often involved negotiation with the terrorists and therefore constituted something more sinister.¹²⁷ Privately, officials accepted that some of the claims made in the sales literature of Control Risks about reimbursement of ransoms were rather alarming and added that they ‘must involve a contravention’ of the Prevention of Terrorism Act. The Northern Ireland Office was worried that what they were uncovering about the company looked like ‘conspiracy to breach sections 10 or 11’ of the act. They also felt that the insurers who worked with them might be liable to a charge of aiding and abetting the same offence.¹²⁸ But although a cross-Whitehall working party deliberated for many months, they were reluctant to move against ransom insurance, observing that the matter needed ‘considerable thought’.¹²⁹

This was partly because the Control Risks Group was well organised and well connected. Christopher Soames, the chairman of their Advisory Board, was an effective lobbyist. Previously a Cabinet Minister under Harold Macmillan, Ambassador to Paris, EEC Commissioner for Trade and then leader of the House of Lords, Soames was also Winston Churchill’s son-in-law and carried considerable influence. He enjoyed a close friendship with many in the Thatcher cabinet, including Lord Carrington. Nicknamed ‘Fatty Soames’, he was a large and boisterous figure renowned for his talents of persuasion and diplomacy.¹³⁰ He asked to meet personally with Hurd, bringing the chairman and director with him, a request to which his officials readily agreed.¹³¹ Hurd was also lobbied repeatedly by Robert McCrindle, an MP who was an insurance broker and a parliamentary consultant to the insurance industry.¹³² ‘The insurance industry is engaged in a major lobbying campaign’, noted Hurd’s private secretary, and it was also bombarding him with long briefing documents. But, he added, the home secretary ‘feels strongly that kidnap ransom insurance is an objectionable business’ and officials thought that he would ‘not be convinced’ by the entreaties of Soames and McCrindle.¹³³

¹²³ Kathleen Callo, ‘To insurance companies, kidnap protection is worth a king’s ransom’, *Los Angeles Times* (6 July 1986).

¹²⁴ HO325/757, Hurd to John Hume MP, 6 May 1986.

¹²⁵ Ibid., Harrington to Boys Smith, ‘Kidnap and ransom insurance’, 16 May 1986.

¹²⁶ Ibid., Harrington to Boys Smith, ‘Kidnap and ransom insurance and terrorist extortion: meeting with the Secretary of State for Northern Ireland – 15 May’, 14 May 1986.

¹²⁷ Ibid., Hurd minute, n.d. and Boys Smith to Harrington, 8 May 1986.

¹²⁸ Ibid., Marsh to Harrington, ‘Kidnap and Extortion Insurgence’, and attached memo, 7 May 1986.

¹²⁹ Ibid., Harris to Birt, 29 April 1986.

¹³⁰ Sue Onslow, ‘The man on the spot: Christopher Soames and decolonisation of Zimbabwe/Rhodesia’, *Britain and the World*, 6:1 (2013), pp. 68–79.

¹³¹ HO325/757, Soames to Hurd and draft response, 16 May 1986.

¹³² Ibid., McCrindle MP to Hurd, 17 April 1986, enclosing Control Risk Group memo, ‘Kidnap and Ransom Insurance’. McCrindle was also a director of the Hogg Robinson travel agency and the first chairman of All Parliamentary Group on Insurance and Financial Services.

¹³³ Ibid., Boyd Smith (PS) memo, ‘Terrorism: Meeting with US Attorney General, Ed Meese’, 30 May 1986.

In fact, Hurd's most formidable opponent was the United States. In May 1986, Hurd met with Ed Meese, the US Attorney General and a range of other officials including William Webster, Director of the FBI and Admiral Poindexter, Reagan's National Security Adviser. Webster was not keen on an insurance ban. The FBI was anxious to create a climate in which the family of the victim would readily approach them for guidance. Outside the US, American corporations 'often saw ransom as a business risk which they had to bear'. All clearly felt that a ban on insurance was an inhibition to early contact with law enforcement. Instead, Meese undertook to look at freezing terrorist assets, but did not like the idea that government might 'find itself in the difficult position of having caused the death of the victim'.¹³⁴ Hurd had hoped for US support, but came away from his visit disappointed, realising that in the short-term the freezing of terrorist funds was the only way forward.¹³⁵

Hurd's officials were visibly cheered by the American position, since they saw the whole matter as simply too difficult to tackle. Roy Harrington, who headed the interdepartmental review, now drafted recommendations on ransom insurance for the Cabinet Committee on Terrorism, although he was 'by no means confident' that Hurd would accept them. Harrington's proposal was 'to do nothing' unless an emergency made it absolutely necessary. He argued that any legislation that addressed the IRA problem by banning insurance would mean that many British companies might have difficulty recruiting staff to work in high-risk areas like South America if, as a result, insurance cover against kidnapping was not available. Moreover, when dealing with specific ransom cases, they feared they would lose the cooperation of the families of the victims.

In this country ... there is a great risk of a collapse of resistance and an immediate secret payment by an uninsured victim than an insured victim whose insurers are very likely to succeed in making him play for time. While the Governments' interest and those of Control Risks are not identical, they do overlap. The difference may be summarised crudely by saying that Control Risks and the insurers might settle for 10% of the demands: we would only settle for 0%.

Ultimately, the Home Office knew that Control Risks could transfer their entire business abroad and so preferred to keep them in London where they could exercise some influence over them. They also valued Control Risks as an informal source of intelligence on terrorism. Therefore, officials chose the path of accommodation. If pressed further, their plan was to opt for greater powers to freeze terrorist funds, but not to act against insurers or negotiators. This would allow them to deal with embarrassing local cases where protection money seemed to be going to the IRA, but would leave insurers free to operate in a global market.¹³⁶ Meanwhile, the British government reached an informal agreement to insert a Criminal Acts Exclusion Clause into all future insurance policies. This ensured that if ever the threat from domestic kidnapping grew and the government needed to act to make the payment of ransoms illegal, the insurance policies would not pay out. In effect, this gave the government the option of a future veto on existing policies if it wished to exercise it.¹³⁷

In short, what the British government were seeking, and indeed obtained until 2015 was the ability to have their cake and eat it. Domestically, what they wanted was for any new case to be disclosed to

¹³⁴ Ibid.

¹³⁵ Ibid., Harrington to Bell, 'Kidnap and Ransom Insurance', 6 June 1986.

¹³⁶ Ibid., Harrington to Bell, 13 June 1986, enclosing draft submission to Cabinet OD(T), 'Kidnap Ransom Insurance and Terrorist Extortion'.

¹³⁷ Briggs, *The Kidnapping Business*, p. 44.

the government and the police so that the authorities had the option of participating directly in its handling. These assurances were extracted in return for continued toleration. Outside Britain, they actually thought the ‘involvement of experienced advisers’ who could support the victims at a time of acute psychological and emotional pressures was helpful since the government itself ‘could not take responsibility of handling cases outside UK jurisdiction’. In other words, Control Risks were fulfilling a difficult global security role that the British government preferred to leave to proxies and privateers.¹³⁸ Together with its extensive use of KMS for diplomatic protection, this British policy appears to have contributed to the rise of some of the first private military companies, albeit they were small by current standards.

Remarkably, by 1986, officials had also anticipated the position to which they would eventually have to retreat to over a decade later, namely making the payment of ransom illegal on a national basis only. Again, this addressed the awkward issue of domestic payments to groups like the IRA, but left Control Risks and the insurers free to carry out their overseas business. Officials observed that, having read the Lloyds briefing papers, most kidnap and ransom insurance business was in respect of cover for Third World countries, and they realised that by leaving this alone there would be ‘fewer howls ... of anguish from the industry’.¹³⁹ Ultimately, this was the position that Britain adopted in 2000 and during the next decade the kidnap and ransom insurance market often grew at an impressive 15–20 per cent a year.¹⁴⁰

Conclusions

In 2016, David Cameron attended a major NATO summit hosted in Wales.¹⁴¹ With ISIS holding only British and American citizens – having released the French, Spanish, Germans and Italians – Cameron somewhat meekly reminded fellow NATO members of previous public commitments they had made not to concede and pay terrorist ransoms.¹⁴² Yet he was probably unaware of how much Britain’s own policy had varied over previous decades. Publicly, Britain claims to have taken a historic hard line in respect of hostage negotiation and ransom payments, yet privately there have been conflicting voices. Indeed, Britain has only pursued a really consistent policy on kidnap and ransom insurance since 2015. Up until that point, officials pursued a flexible policy, acting against payments to the IRA, but facilitating insurance against extortion by South American terrorists or drug gangs.

This is still a story in the shadows, since much archival material remains beyond the reach of researchers. So, do a handful of extant historical examples matter much? What is most striking about the cases discussed here is the consistent efforts of officials to keep negotiation secret and to maintain the illusion of a hard line for the benefit of the public and the press. For terrorism researchers who rely on databases driven by press material, this raises interesting questions. On specific issues where governments wish to dissemble, such as state-sponsorship of violent non-state actors, or kidnap for ransom, how reliable are these databases? Historians have documented the extensive efforts of

¹³⁸ Ibid.

¹³⁹ HO325/757, Bell to Harrington, ‘Kidnap Ransom Insurance’, 4 June 1986.

¹⁴⁰ Briggs, *The Kidnapping Business*, p. 43.

¹⁴¹ ‘No Ransom Payments to Terrorists, Cameron Tells NATO’, *BBC News* (2016), available at: <http://www.bbc.co.uk/news/uk-29072940> accessed 12 December 2016.

¹⁴² Ibid.

governments to shape public narratives and press reporting in recent decades, but the extent to which this has impacted upon terrorism research requires more extensive exploration.¹⁴³

These episodes also shed light on the importance of interstate cooperation and third-party facilitators of negotiation. Canada's Prime Minister, Pierre Trudeau wrote personally to Fidel Castro to thank him for helping with 'the arrangements' that led to the release of James Cross, and a few years later became the first NATO leader to visit Cuba, to the dismay of the United States.¹⁴⁴ Salvador Allende's successful efforts to release Jackson were similarly appreciated by Edward Heath. Some traction within the state system, if only as a place of refuge, added to terrorist credibility during negotiations. By contrast, more anarchistic groups, such as that led by 'Carlos the Jackal', were eventually shunned by all but the most maverick of states.¹⁴⁵

The British response to kidnapping and diplomatic protection was to promote state-private networks developed by former Special Forces operatives. This helped to lay the foundation for the modern private security industry – which is now immense.¹⁴⁶ Control Risks now boasts offices in some 36 countries and has had many subsequent emulators. Finally, all of these events cast a long shadow and the files suggest that, when faced with difficult decisions on terrorism, policymakers often used past cases and historical analogies to help them make sense of current options. This persistence of memory is all the more reason that we should devote more effort to probing the documentary record.¹⁴⁷ Perhaps the time has come for a more generous release of historical materials and, thereafter, a fresh examination of both approaches and outcomes regarding terrorist kidnap and ransom.

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Biographical information

Richard J. Aldrich is Professor of International Security at the Department of Politics and International Studies, University of Warwick, and is the author of *The Black Door: Spies, Secrets and British Prime Ministers*, written with Rory Cormac. He has recently spent time writing a report for

¹⁴³ Frances Stonor Saunders, *Who Paid the Piper? The CIA and the Cultural Cold War* (London: Granta Books, 2000); Hugh Wilford, *The Mighty Wurlitzer: How the CIA played America* (Cambridge, MA: Harvard University Press, 2009).

¹⁴⁴ B. Plamondon, *The Truth About Trudeau* (Ottawa: Great River Media, 2013), p. 32.

¹⁴⁵ This lends support to Bapat's findings about state-sponsors, 'State Bargaining with Transnational Terrorist Groups', p. 222; Daniela Richterova, 'The anxious host: Czechoslovakia and Carlos the Jackal 1978–1986', *International History Review*, 40:1 (2017), pp. 108–32.

¹⁴⁶ Molly Dunigan, *Victory for Hire: Private Security Companies' Impact on Military Effectiveness* (Stanford: Stanford University Press, 2011); Simon Chesterman and Chia Lehnardt (eds), *From Mercenaries to Market: The Rise and Regulation of Private Military Companies* (Oxford: Oxford University Press, 2007).

¹⁴⁷ D. P. Houghton, 'The role of analogical reasoning in novel foreign-policy situations', *British Journal of Political Science*, 26:4 (1996), pp. 523–7. See also D. Reiter, 'Learning, realism, and alliances: the weight of the shadow of the past', *World Politics*, 46:4 (1994), pp. 490–526.

the German parliamentary enquiry into the Snowden affair. In 2016, he began a Leverhulme Major Research Fellowship on the changing nature of secrecy.

Lewis Herrington was an Early Career Fellow at the Institute of Advanced Study at the University of Warwick 2015–16 and is now a University Teaching Fellow at Loughborough University London. He has published widely on Islamic Fundamentalism, International Security, Counterterrorism, and Cyber Security. He is a regular media commentator on Islamic State and terrorist attacks.