

FARC: The Possibility for Colombian Peace in the Wake of the International War on Terrorism

The Revolutionary Armed Forces of Colombia, otherwise known as FARC, was originally established as the military wing of the Colombian Communist Party at the height of the Cold War. Nowadays, the FARC is considered to be the most powerful Colombian Communist guerrilla group.¹ It was put on the European Union's terror watch list by the European Council in 2002. Following one of the most deadly attacks by the group on a crowded church in which 119 civilians were killed, extreme pressure was put on the EU by the Colombian authorities to include the FARC on the list. Earlier that year, the European Council was not that keen on including the FARC.² Thus simply the initial inclusion of the FARC on the list illustrates that the decision-making process by which groups are classified as 'terrorist' is far from mechanical; it emphasises the many political factors that are weighed in compiling such lists. Schmid also notes that bureaucratic perspective and responsibility are key in the development of definitions, and are the reason many governments and institutions, like the European Council, have internal definitions of terrorism.³ Recently, the Council actually complied with the wishes of the Colombian government to suspend the FARC from this list to ensure the success of negotiations for peace.⁴ In this paper I will discuss why I believe it to be a justified and legitimate decision not to include the FARC on the EU list of designated terrorist organisations.

We should start off by aligning our own definition of terrorism with that of the EU. The key part of their definition depends on their interpretation of a 'terrorist act'. Article 1(3) of Common Position 2001/931/CFSP states that these acts are "intentional, given their nature or context, and may seriously damage a country or international organisation and which are defined as an offence under national law".

Actions that are explicitly added to this definition and which it is widely known that the FARC is guilty of, include attacks that result in casualties or physical harm, kidnapping/hostage taking, extensive destruction to public facility and seizure of means of public or goods transport. However, more detail about the supposed intent of such organisations is given by the following extension: "for these acts to constitute terrorist acts, they must be carried out with the aim of seriously

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¹ A. Molano, "The Evolution of the FARC: A Guerrilla Group's Long History", *NACLA*, <https://nacla.org/article/evolution-farc-guerrilla-groups-long-history>.

² J. Mariner, "FindLaw Forum: The EU, the FARC, the PKK and the PFLP: Distinguishing politics from terror", *CNN.com*, 13 May 2002, <http://edition.cnn.com/2002/LAW/05/columns/fl.mariner.terror.05.13/>.

³ S. Marsden and A. Schmid, "Typologies of Terrorism and Political Violence", in A. Schmid, ed., *The Routledge Handbook of Terrorism Research* (Routledge, 2011).

⁴ "EU suspends FARC from terrorist list to support Colombia peace deal", *European Union External Action*, 27 September 2016, https://eeas.europa.eu/headquarters/headquarters-homepage/10564/eu-suspends-farc-from-terrorist-list-to-support-colombia-peace-deal_en.

intimidating a population, [...] or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country".⁵

Right away, it does seem clear that there certainly are grounds upon which the initial inclusion of the FARC to said list seemed justified.

A discussion of whether or not an organisation like the FARC should remain on this list needs to include a brief summary of all relevant ramifications of being on that list.

The official repercussions and sanctions against listed organisations include the freezing of all funds and assets and being subject to future cooperative EU policy and judicial action. However, the consequences of being officially deemed a terrorist group exceed these sanctions. Apart from legal and economic impact, designation also influences an organisation politically.⁶

In effect, the future success of a truce between the Colombian authorities and the FARC highly depends on this inclusion. In her book, Crenshaw describes how terrorist designation lists actually hinder diplomatic peace building efforts. Such a list stigmatises groups and shuts off any negotiating tracks.⁶ Stigmatisation has gravely hindered the group's reputation in Colombia, indirectly negatively influencing the results of the referendum. Once a group is deemed 'terrorist', it becomes extremely hard for a state to engage with it. One could argue that the delisting of groups from such lists can be harmful to the legitimacy and credibility of such lists. I can agree with this point, but do not believe it to be relevant to the FARC case for the following reasons. Delisting will only have negative consequences if it happens too frequently, relatively as well as absolutely, or without widespread international support. It has been over 14 years since the FARC was added to that list, so I do not predict any loss of credibility on that front. More importantly, a decision to delist the FARC would be supported by many states. At the moment, the FARC appears only on the terrorist list of Canada⁷, the EU⁸ and the USA⁹. In other words, the FARC appears in just 3 out of the 19 terrorist lists.

Apart from the majority of all countries not recognising the FARC as a terrorist organisation, neighbouring countries in particular have underlined their view that peace and justice in Colombia is a strictly internal matter. For instance, during a large summit for all Defence Ministers of the Americas in 2004 neighbouring countries explicitly declined to support the 'call for solidarity' by the then Colombian President Velez.¹⁰ Over the last few years, numerous countries have spoken out against the idea of FARC as a terrorist group, including Ecuador¹¹, Venezuela¹² and Mexico¹³.

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⁵ The Council of the European Union, "COUNCIL COMMON POSITION of 27 December 2001 on the application of specific measures to combat terrorism. (2001/931/CFSP)", *Official Journal of the European Communities*, 2001, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:344:0093:0096:EN:PDF>.

⁶ M. Crenshaw, *The Consequences of Counterterrorism* (1st ed. Russell Sage Foundation, 2010), retrieved from: JSTOR.

⁷ Public Safety Canada, "Currently listed entities", 2016, <https://www.publicsafety.gc.ca/cnt/ntnl-scrnt/cntr-trrrsm/lstd-ntts/crrnt-lstd-ntts-eng.aspx>.

⁸ European Council, "EU terrorist list", 2016, <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/terrorist-list/>.

⁹ U.S. Department of State, "Foreign Terrorist Organizations", 2016, <http://www.state.gov/j/ct/rls/other/des/123085.htm#>.

¹⁰ J. Román, "La política de seguridad democrática de Álvaro Uribe y el conflicto armado en la región andina", *Centro de Investigación para la Paz*, 2009, <http://politicalatinoamericana.sociales.uba.ar/files/2011/08/sanchezroman.pdf>.

¹¹ Xinhua, "Ecuador breaks off diplomatic relations with Colombia", 2008, http://news.xinhuanet.com/english/2008-03/04/content_7711157.htm.

Moreover, I believe that the global reach and threat of a group should be taken into consideration in order for it to be included on such a list. Over half-a-century the FARC-insurgency has limited itself to Colombian territory and targeted the dominant class therein. There has been no evidence that the conflict with the FARC has transgressed national borders.¹⁴ Starting off as a fragment of the larger global Communist movement, the FARC directs its political violence against domestic institutions. Even when foreign forces partook in military actions against the FARC, it continued to focus its own efforts towards improving the inequitable conditions in Colombia, not in other states.¹⁵

The US took an interest in Colombia when it started its 'war on drugs', which deeply weakened the FARC financially. Moreover, at the end of the last millennium cooperation between Colombian authorities and the American Department of State constricted any links it had to terrorist groups outside of Latin America.¹⁶ There appears to be a tendency in the US and EU to view Latin America exclusively from a counterterrorist perspective. This approach hinders local cooperation. FARC activities have always been inward, not outward-looking and therefore there does not appear to be a direct security threat to the US and EU.¹⁷

In addition, the FARC has always expressed the desire to be considered a belligerent, not terrorist movement.¹⁸ This is defined as "the acknowledgement of a juridical fact that there exists a state of hostilities between two groups contending for power or authority; it is [...] the recognition of the existence of war."¹⁹ This status of belligerency is protected under International Law. Moreover, belligerent groups are not deemed to be terrorist, but actually more accurately represent civil, national unrest.²⁰ The criteria set forth by the Institut de Droit International in 1900 are that (a) the insurgents control certain areas within the State territory; (b) establish a central command exercising the rights inherent in sovereignty; and (c) are able to carry out military operations and complying with the laws and customs of war.²¹ The FARC meets all these requirements as they have maintained a military campaign in every department of Colombia, claimed sovereignty over a part of territory and kept their conduct of hostilities under military discipline and compliant with the laws and customs of war.²⁰

¹² M. Goncalves, "Conditional Convenience: Venezuelan Support for FARC Since Hugo Chávez", *The Yale Review of International Studies*, 2014, <http://yris.yira.org/essays/1251>.

¹³ Mathaba, "Mexico Deputy Supports Chavez' Proposal about the FARC and ELN", 2008, <http://www.mathaba.net/news/?x=578182>.

¹⁴ G. Leech, "Killing Peace: Colombia's Conflict and the Failure of U.S. Intervention" (Information Network of the Americas, 2002), p.86.

¹⁵ M. Kenny, "From Pablo to Osama: Trafficking and Terrorist Networks, Government Bureaucracies, and Competitive Adaptation", p. 251 (The Pennsylvania State University Press, 2007).

¹⁶ J. Engle, "Blow Back", *Foreign Policy*, 2013, <http://foreignpolicy.com/2013/05/01/blow-back/>.

¹⁷ C.A. Youngers, "Dangerous consequences: the U.S. 'War on Drugs' in Latin America", in *Latin America After Neoliberalism: Turning the Tide in 21st Century*, 2006, p. 75-78.

¹⁸ Colombia Reports, "FARC says conditions are met for belligerent status", 2012, <http://colombiareports.com/farc-says-conditions-are-met-for-belligerent-status/>.

¹⁹ Institut de Droit International, "Resolution of Insurrection/Annuaire de l'Institut de droit International", 1900.

²⁰ P. Wolf, "FARC Not a Terrorist Group", *Colombia Journal*, 2008, <http://colombiajournal.org/farc-not-a-terrorist-group.htm>.

²¹ Institut de Droit International, "Resolution of Insurrection/Annuaire de l'Institut de droit International", 1900.

Conclusion

In sum, certainly terrorist lists are powerful international instruments. They create some common ground upon which states can tackle and discuss issues related to terrorism. However, in my opinion they undermine regional diplomacy and civil liberties at home. Crenshaw even went so far as to state that “these lists may easily become a source of discord abroad” and thus may actually stand in the way of peace.²² Colombia, having suffered over 5 decades of violence, under the leadership of President Juan Manuel Santos desperately wishes to make amends with the FARC. A full-on de-escalation in their eyes would include a removal from renowned terrorist indexes, like those of the EU and US.²³ Moreover, the FARC has not proven to be an international threat and has always directed its efforts domestically. This reaffirms the idea of the FARC being a belligerent, not terrorist, movement. The whole discussion around removing the FARC from the EU terror list is not a matter of accepting its goals and methods as legitimate. It is much more about resolving the tiring conflict that has stirred Colombian society for so long. Placing such a group on a dedicated terror list only demonises a movement that is not considered ‘terrorist’ by most of the world. Therefore, the international community should consider the effect inclusion to such lists has on peace-building efforts on a regional scale.

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²² M. Crenshaw, *The Consequences of Counterterrorism* (1st ed. Russell Sage Foundation, 2010), retrieved from: JSTOR.
²³ The Guardian, “Colombia asks US to remove Farc from terror list in event of peace deal”, 2016, <https://www.theguardian.com/world/2016/jan/29/colombia-farc-rebel-group-civil-war-us-terrorist-organization-list-peace-deal>.

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