

# Ante-room to Peace : Recognizing the FARC as Belligerents

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The debate on recognizing the Colombian guerrillas as a belligerent force is now wide open. The mere fact that Chavez stated an obvious truth in relation to international law has caused such panic around the world that his statement itself is a victory : an armed conflict exists in Colombia which has lasted nearly 50 years and which has no chance of a solution without some peace agreement that goes beyond a simple surrender by the guerrillas. That means not just peace as an absence of conflict, but one resulting from a reformulation of economic policy leading directly to a better redistribution of wealth and an end to social injustice .

To reach that peace agreement it is necessary to go through intermediate agreements and one of those is the recognition of the guerrillas as a belligerent force similar to one that allows for the exchange of prisoners. Prisoners, not kidnap victims. Most of the people held by the FARC and included in the humanitarian agreement are soldiers and police. All that is happening is that in Colombia we are witnessing the same spectacle as in Israel where the aggressor is turned into a victim - attacking a tank or a soldier is not the same as attacking a bus or a civilian.

Every time a Palestinian resister (guerrilla, insurgent - put whatever term is most appropriate) fires a rocket, attacks a tank, a convoy of soldiers, a settlement or a bus line, Israel catalogues that action as terrorist. It makes no difference that the Palestinian resistance against the occupation of their territory is backed by International Law or that there is proportionality between the means used by the resisters and the objectives they pursue, which are no more than Israeli withdrawal to the 1967 frontiers. Palestinian armed struggle is frowned on. It is all terrorism.

In Colombia , every time the guerrilla capture a soldier or a police officer in combat, it is called kidnapping. And every time the legal recognition of the concept "belligerent force" is put on the table, as recognized in International Law, the reaction is to apply the label "terrorist". Colombia 's President, Alvaro Uribe, is not exactly an intellectual. He is a simple man, someone without redeeming characteristics, able to say one thing and its opposite without blinking an eye. He is a man obsessed with the military defeat of the guerrillas and someone so submissive to the interests of his big boss, the United States , that he had no qualms at all in being the only Latin American President to support the illegal invasion of Iraq . Uribe put the boot into International Law by supporting the invasion of that Arab country and returns to do it again now someone mentions the possibility of lawfully recognizing a legal concept which applies to the Colombian guerrillas de facto.

Like it or not, the Colombian guerrilla organizations are not as Uribe and the whole military-

media front around him say “terrorist organizations that changed their old revolutionary marxist ideas to become mercenaries financed by illegal drugs and furthermore provoked paramilitary terrorism” (1) but rather political military organizations with a reiterated concrete public programme. So much so that Uribe’s predecessor as President, Andres Pastrana, the person who promoted the peace talks in San Vicente de Caguan, regarded the political nature of the Colombian armed conflict as undeniable and one that has its origins and feeds on structural conditions of injustice and social, political and economic exclusion.

But Pastrana got upset when the FARC-EP guerrilla put a reformulation of economic policy on the table. The Colombian oligarchy is not worried by the search for a negotiated solution so long as the economic policies that have always enriched them are left alone. That and nothing else was the reason Pastrana decided unilaterally to break off the peace talks and shut down the neutral zone. A look at how the military-media front treated the economic demands of the FARC is very instructive. And taking advantage of the fact that after 9-11 Bush was looking for terrorists the world over they decreed that the FARC and the ELN were terrorist organizations. Hey presto ! Just like that.

### **Hobbes and hostile action against dissidence**

The press release Uribe and his military-media front have issued on why the “terrorist” label should be hung on the guerrilla wastes nothing in its simplicity. First it blames the guerrilla for the development of the paramilitaries. Which is as much as to say that if the guerrillas had not existed the paramilitaries would not have emerged. By that rule of thumb, if capitalism did not exist and grow on conditions of structural violence and poverty trades unionists would not appear who would need to be murdered year after year before, under and, sadly, after Uribe. Nor would there be social activists to be killed year after year before, under and, sadly, after Uribe, since the murder of these activists is an inherent facet of Colombia’s political system. This fallacy of Uribe and his military-media front is, after all, a fallacy. The paramilitaries were created by the State, they acted under the State’s protection and individuals like Uribe have always thrived on the warm blood the paramilitaries made run throughout the whole country, whom people like Uribe have protected and protect still.

Under Uribe’s rule 150 left wing leaders have been murdered, the latest being Alirio Gutierrez, a young man belonging to the Communist Youth who was in exile in Venezuela. During Uribe’s government 282 union leaders have been murdered according to information from the United Workers Central. Under Uribe’s rule 936 extrajudicial executions attributable to the security forces have been counted by Colombia-Europe-USA Coordination in a report published last October in Medellin . The United Nations itself has called for investigation into 37 executions of social leaders by the army, passed off as guerrillas killed in combat. To all those statistics one has to add the people who have been disappeared.

There is State terrorism in Colombia . Colombia’s political leaders and the security forces have ignored with impunity the values and norms underlying the rule of law they say they represent and have turned legal structures into a weapon to oppress their internal enemies. It is what Hobbes called “hostile actions”, or “actions directed at someone who is politically disobedient to the State and legal authority.” And for these hostile actions for Hobbes “the imposition of any punishment is legitimate”. So, in Colombia there is no limit to violence against dissidents, whether they are leftists, trades unionists or human rights defenders.

The official text of the Colombian government explains that the guerrillas are terrorists because “they fund themselves from drugs dealing, they kidnap, they place bombs indiscriminately, they recruit and murder children, they murder pregnant women and old people, they use anti-personnel mines leaving thousands of innocent victims in their wake; they destroy the ecosystem; all they have produced is displacement, grief, unemployment and poverty; they kidnap anywhere.” Straightforward false propaganda. But let’s suppose things are indeed that way. The guerrillas would have lost a long time ago.

One has to demand from the Colombian government and its military-media front at least a modicum of intellectual rigour and to acknowledge they are dealing with at the very least a revolutionary “terrorism”. And in that case we find ourselves with the category of revolutionary parties and movements who use terror as an auxiliary weapon since it is not generally accepted that an attack on a military post or a police station can be considered a terrorist act since its objective is clear. Unless one enters into the same paranoia used by Israel against the Palestinians as indicated above and which is so much in vogue with the Colombian military-media front opposed to any negotiated peace that does not amount to a surrender.

Every time the term “terrorist” is used, it is as a perjorative against the insurgents. However, there are important differences, both theoretical and practical, between guerrilla warfare, be it urban or rural, and terrorism. Guerrillas can fight with few personnel or weaponry but they can fight in accordance with the conventions of war and frequently do so, capturing and exchanging prisoners and respecting the rights of non-combatants. Terrorists do not often do that. That is an important difference between a terrorist and a guerrilla.

### **The Geneva Convention**

Uribe and his military-media front want to fence off the discussion. They think a simple adjective can change the root and direction of Colombia’s armed conflict. But even so, the word “terrorist” does not hide that fact that one can still negotiate “for humanitarian reasons”, although that negotiation may involve a clearly defined guerrilla discourse with essentially political attributes. That political status of the guerrillas will not go away, now or ever, just as no exponent of State terror, like the US in Iraq, Israel or Colombia, can lose their Statehood.

Nor do the guerrillas lose their status as a belligerent force given that they meet very precisely the attributes recognised in public International Law to attain that condition and which in both its practical and its terminological sense is applicable to Colombia’s internal conflict as allowed by the Geneva Convention of 1948 and the Additional Protocols of 1977, signed by Colombia. Thus, Protocol 1 designates as “legitimate combatants” rebels who a) wear a uniform known to their adversaries; b) openly carry weapons; c) are subordinate to a command structure; d) respect the laws and customs of war. There is no doubt this is the case in Colombia whether Uribe and his military-media front like it or not. And it is not up to Colombia to recognize this but to third States as happened with France and Mexico in 1984 when they recognized the Farabundo Marti Front for National Liberation in El Salvador as a “belligerent force”.

Uribe wants total war. He knows that recognition of the guerrillas as a “belligerent force” would humanize the conflict at the same time as laying a solid basis for the beginning of a dialogue for peace. A dialogue that would take in all those aspects from which the guerrillas

sprang in the first place and which remain current still. Arguing otherwise is just a firework display, deepening the conflict, betting on yet more suffering.

(1) Comunicado de la Presidencia del gobierno colombiano. 11 de enero de 2008.

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