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COLOMBIA

STATUS OF THE FARC

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Executive Summary

The Revolutionary Armed Forces of Colombia (Fuerzas Revolucionarias de Colombia, FARC) is the oldest and largest revolutionary communist guerrilla force in Latin America. Drug trafficking and kidnappings have financed its operations. Victims of FARC murders and occupations of land are not only political and business figures but also peasants displaced from their land in rural areas targeted by the FARC. There have been a number of unsuccessful peace negotiations between the government and the FARC. President Juan Manuel Santos has just announced a new peace process aimed at eradicating guerrilla violence for good. In the meantime, several laws have been adopted for the protection and compensation of victims of the internal conflict in recent years.

I. Profile of FARC's Purpose and Members

The Revolutionary Armed Forces of Colombia (Fuerzas Revolucionarias de Colombia, FARC) is a revolutionary guerrilla movement that has been active in Colombia for almost five decades. This movement was inspired and guided by communist principles, engaging workers and peasants in the struggle to take control of Colombia's territory and overthrow its government.¹

According to sociologist James Peters, the majority of FARC members are peasants, most of them young and uneducated. They are attracted to FARC mostly for the money and revolutionary feelings.² New recruits include indigenous and younger people, including children who have allegedly been forced to enroll in the FARC, especially in areas where landowners cannot afford to pay the "war tax."³

According to Colombian authorities, a nineteen-year-old boy seeking refugee status in the US testified during refugee petition proceedings held in this country that he was approached by FARC members while he was working on his family's farm and was told he had to join the

¹ GARRY LEECH, *THE FARC: THE LONGEST INSURGENCY* 16 (Zed Books, New York, 2011).

² Jerrold Post, *Revolutionary Armed Forces of Colombia (FARC)*, in M. KINDT ET AL., *THE WORLD'S MOST THREATENING TERRORIST NETWORKS AND CRIMINAL GANGS* 235–40 (Palgrave Macmillan, New York, 2009).

³ The so-called "war tax" is a payment made by landowners to the FARC to avoid being kidnapped. See LEECH, *supra* note 1, at 110.

guerrilla group or else be “punished” for his refusal. The harassment later continued via threatening phone calls.⁴

In 1982, the FARC was a small organization of fifteen fronts with approximately 2,000 guerrilla soldiers trying to increase recruiting. In 1990, as a consequence of the funds derived from drug trafficking operations, the FARC expanded its forces to 5,000 active members.⁵ The FARC is considered the largest and oldest guerrilla group in Latin America with around 12,000 members currently operating in rural areas.⁶

FARC strategies include not only attacks on military, political, and business targets; the group is more widely known for its extensive criminal activities, which include drug trafficking, kidnapping, extortion, and murder.⁷ Indeed, for decades the guerrilla group financed its operations against government forces with narcotics production and distribution. Basically, three types of prisoners are held by the FARC: (1) high-profile politicians such as Ingrid Betancourt, (2) police and soldiers captured during combat, and (3) civilians kidnapped for ransom or “war taxes” used to finance FARC operations.⁸

II. Current Situation

The violence in rural areas during former President Álvaro Uribe’s administration from 2002 through 2010 was mostly due to his policy of using only military force to combat the FARC instead of a political approach with peace negotiations.⁹ However, under Uribe’s plan, *Seguridad Democrática* (Democratic Security), major cities became more secure, allowing people to travel between cities without the looming threat of being kidnapped by the FARC.¹⁰ Murders and kidnappings in big cities were the lowest in decades during Uribe’s presidency. He also reduced by half the number of murders per year, which stood at 32,000 when he took office in 2002.¹¹ In addition to Uribe’s aggressive military strategy against FARC violence, Colombia’s economic growth reached 5% in 2005, due mostly to the increase in oil and metal prices at that time.¹²

⁴ Post, *supra* note 2, at 240.

⁵ *Id.* at 239.

⁶ *Id.* at 235.

⁷ *Id.*

⁸ LEECH, *supra* note 1, at 110.

⁹ Darya Vakulenko, *Peace Talks with Terrorists: Declarations of Santos*, COUNCIL OF HEMISPHERIC AFFAIRS (Sept. 17, 2012), <http://www.coha.org/peace-talks-with-terrorists-declarations-of-santos/>.

¹⁰ Post, *supra* note 2, at 242.

¹¹ *Id.*

¹² *Id.* at 242.

Currently, President Juan Manuel Santos is changing the strategy to negotiate with the guerrilla force instead of focusing exclusively on military combat.¹³ Santos recently announced a three-step negotiation process with the FARC. The first stage, which has already been completed, involved establishing rules for the process; the second stage, scheduled for October 2012 in Norway and Cuba, will include direct negotiations with the FARC; and the last stage is the actual implementation of whatever agreement is reached.¹⁴

This peace process constitutes a new beginning in the attitude of the Colombian government toward the FARC and gives the Colombian people well-founded expectations that the end of guerrilla violence in the country may at last become a reality.¹⁵

III. Protection of Victims

In response to the prolonged internal armed conflict, which has affected mostly civilians, who have been murdered or forcibly displaced from and dispossessed of their land, the government has adopted a number of measures to protect and compensate victims through the passage on June 10, 2011 of Law 1448 Adopting Measures to Care for, Assist and Compensate in Full the Victims of the Internal Armed Conflict and Additional Measures, also known as the *Ley de Víctimas* (Victims' Law).¹⁶

In addition to providing integral compensation and assistance to victims, the law aims at restoring stolen land in cases of illegal dispossession and providing reparations, including economic compensation to the victims of violence and abuse during the conflict. According to Human Rights Watch, "by passing this historic legislation, President Santos and the Colombian Congress have advanced the fundamental right of forcibly displaced people and other victims to obtain reparation for the abuses they have endured."¹⁷

The great challenge ahead lies in the implementation of the law and how effective and powerful the government will be in fulfilling the commitments undertaken pursuant to the new law. In particular, it remains to be seen what level of protection will be awarded to displaced individuals who seek to reclaim their lands, something that the FARC forcefully opposes.¹⁸

¹³ Vakulenko, *supra* note 10.

¹⁴ *Proceso de Paz se Hará en Tres Fases, Juan Manuel Santos [The Peace Process Will Take Place in Three Phases, [Says] Juan Manuel Santos]*, REVISTA GOBIERNO (Sept. 4, 2012), <http://www.revistagobierno.com/portal/index.php/politica/actualidad/12628-proceso-de-paz-se-dara-en-3-fases-juan-manuel-santos>.

¹⁵ Vakulenko, *supra* note 10.

¹⁶ Ley 1448 de 2011, Por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones [Law 1448 of 2011, Adopting Measures to Care for, Assist and Compensate in Full the Victims of the Internal Armed Conflict and Additional Measures], DIARIO OFICIAL [D.O.], June 10, 2011, http://www.secretariassenado.gov.co/senado/basedoc/ley/2011/ley_1448_2011.html.

¹⁷ *Colombia: Victims Law: A Historic Opportunity*, HUMAN RIGHTS WATCH (June 10, 2011), <http://www.hrw.org/print/news/2011/06/10/colombia-victims-law-historic-opportunity>

¹⁸ *Id.*

The Law provides for restitution, monetary compensation, rehabilitation, and guarantees of no more violence or damage caused to the victims by the guerrillas.¹⁹ Where restitution of the land is not possible, the Law provides for economic compensation for the disposed owner.²⁰ The Law also provides vulnerable groups such as women, children, indigenous people, and the disabled with special treatment and the support of experts according to their special circumstances and needs.²¹

One year after its enactment, 42,000 people have received full compensation or restitution of their lands under the Victims' Law.²²

The government has partnered with civil society groups and associations to ensure the safety and protection of the leaders of victims' organizations who have been threatened and even killed in order to prevent the restitution of land to the legitimate owners. The Santos government has increased efforts to guarantee security in the most dangerous zones.²³

IV. Concluding Remarks

The progress made by the government in the military aspect of the fight against the FARC in the last decade is undeniable, but it is the political approach that is more likely to achieve permanent peace in the long run. However, some have argued that results must be achieved not only through peace negotiations but through the implementation of policies that guarantee a structural transformation of Colombia's inequitable society.²⁴

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¹⁹ MINISTERIO DE AGRICULTURA Y DESARROLLO SOCIAL, PREGUNTAS FRECUENTES SOBRE LA RESTITUCIÓN DE TIERRAS EN LA LEY DE VÍCTIMAS [FREQUENTLY ASKED QUESTIONS REGARDING THE RESTITUTION OF LAND IN THE LAW ON VICTIMS] 9 (Bogotá, July 2011); Ley 1448/2011 art. 69.

²⁰ Ley 1448/2011 arts 97–98.

²¹ *Id.* art. 13.

²² *Entregan las Primeras Reparaciones por la Ley de Víctimas [The First Reparations Provided by the Law on Victims]*, EL TIEMPO (June 10, 2012), http://www.eltiempo.com/politica/ARTICULO-WEB-NEW_NOTA_INTERIOR-11935071.html

²³ JUAN FERNANDO CRISTO BUSTOS, LA GUERRA POR LAS VÍCTIMAS: LO QUE NUNCA SE SUPO DE LA LEY 208 (Grupo Zeta, Bogotá, 2012).

²⁴ *Id.* at 214.