

HOSTAGE NEGOTIATION IN COLOMBIA AND THE FARC: DECONSTRUCTING THE PROBLEM

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INTRODUCTION

The conflict in the Republic of Colombia has been going on for more than 50 years. The international media, however, has greatly overlooked the conflict's international ramifications and its dangerous liaison with the illicit drug trafficking business, due to more "appealing" conflicts and forms of terrorism which produce better television ratings. Nevertheless, the conflict is one of the oldest existing ones, with heavy political and security implications for Colombia's close neighbors and the international community. With more than 40 years of guerrilla fighting and terrorist activity, the Colombian Revolutionary Armed Forces--People's Army (FARC-EP, from the acronym in Spanish) is one of the oldest and largest guerrilla groups of its kind. Other notable groups like the National Liberation Army (ELN) or the guerrilla movement called M-19 are either smaller or have been pacified through negotiated agreements. In order to bring to "justice" through "people's tribunals", the Colombian guerrilla groups, and later the United Self-Defense Forces of Colombia (AUC) or "paramilitaries" (extreme right fighting groups) commonly implemented fighting strategies and tactics including: the taking of hostages (kidnapping) for political purposes, economical support to the war, political assets in negotiations, media and international attraction and attention, or simply the summary execution of people affiliated with the enemy. The hostage-taking history in Colombia is as much a long term strategy as a "traditional" fighting tactic of the insurgencies and terrorists groups in Colombia and all Latin America, and was reinforced at the end of the Cold War due to the halting of support to Marxists guerrillas coming from the Soviet Union or Cuba.

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It is important to establish in the introduction that this paper will not deal specifically with any particular hostage crisis event, although it will make reference to some like the recent case of Ingrid Betancourt or the taking of hostages in the Colombian Supreme Court building in the 1980s'. In order to analyze the building blocks of a negotiation, BATNA and the demands and interests of the parties in this long term crisis negotiation, one must always keep in mind that the hostage problem is immersed in a deeper and more structural one related to insurgency, drug trafficking and plain crime that created the Latin American "industry of kidnapping". The present paper aims to present an analysis that puts these problems in a broader perspective and is not a policy recommendation of any kind.

HISTORICAL BACKGROUND

A historical and causal summarization of the conflict would require an entire volume and scholars don't agree on even where to begin; as social scientist Gonzalo Sanchez puts it, Colombia has spent "decades fighting itself". Sanchez' asserts that "violence has become the reference point for Colombian politics, society, and economy during the second half of the twentieth century"². Denominated by the media as a "civil war of more than fifty years", the conflict has its origins in the mid-1960's. This paper cannot go into all of the many and varied causes of the conflict, but it can be noted that Colombia has seen 14 distinct internal wars since its independence. In addition, the country's complex geography helped to reinforce the differences and divisions of the Colombian people. Historians concur that hatred between the two traditional political parties (Liberal and Conservative) was the generator of the war unleashed in the time (Luisana Coll Gomez). The war, academically and popularly known as "*La violencia*" (the violence), started in 1948 and ended in 1965. In total there were more than 200,000 casualties, mainly through political assassinations and small scale clashes in rural towns³. Both parties had their workers platform to fight for social claims and achieve power during the 1940s'. It

² Sanchez, Gonzalo. "*Problems of Violence, Prospects for Peace*", in Charles Berquist, Ricardo Penaranda and Gonzalo Sanchez eds. *Violence in Colombia*. Wilmington: Scholarly Resources, 2001.

³ Urrutia, Nicolas. "Negotiation with Terrorists: A Reassessment of Colombia's Peace Policy". *Stanford Journal of International Relations*. 2006. Retrieved at http://www.stanford.edu/group/sjir/3.2.09_urrutia.html on the 12-08-08

was in this context in April 1948 that Jorge Eliecer Gaitan, a very popular and independent leader of the Liberal party who was also critical to the liberal and conservative oligarchies, was assassinated in the wake of winning the Presidential election. This crime was the catalyst for the great violence that grouped poor *campesinos* (farmers or peasants without land) and simple people in armed movements to defend themselves from police oppression. Gaitan's proposal was in opposition to the status quo imposed by the ruling class, and centered on the reformation of labor and agriculture laws.

With the violence and protests of the farmers, many *terratenientes* (landlords) had to abandon their properties. In response the central Government launched a strong offensive against the peasants to recover this land for the landlords. In 1958, the differences between the Liberal and Conservative parties were so great, and chaos so complete, that an agreement was established for political and government participation, in which the presidency would alternate between the two parties every four years, and the political and public positions would be distributed equally. This accord, called '*Frente Nacional*', "forgot" to politically include the peasants in the distribution of power. As a result, the peasants ended up retreating further into the inland and the jungle, where the "microrepublics" that were created struggled constantly with the armed forces, and when they lost terrain in a battle, the land was adjudicated once more to big *terratenientes* or landlords.

The *campesinos* movement was not ignorant: their ideas had strong Marxist influences, their members included intellectuals and students from urban centers, and they were well organized with central coordination (which subsequently made the transition to an organized insurgency easier). In 1966 this movement became known as the FARC-EP⁴. The FARC was a product born out of specific historical events and developments in conjunction with the political will, funding, intellectual power and ideological decision to go to the armed struggle of the Colombian Communist Party (PCC)⁵. The FARC then formed its own political party (UP), in the same way the IRA

⁴ Coll-Gomez, Luisana. *La Política Exterior Estadounidense Hacia Colombia: Droga y Guerrilla*. Universidad Simón Bolívar. Caracas, 2001.

⁵ Mackenzie, Eduardo. *Las FARC: fracaso de un terrorismo*. Random House Mondadori, Bogotá, 2007.

formed the Sinn Fin, or the formation of PLO as a political front⁶. The FARC, while not the only insurgency in Colombia as stated in the introduction, is still the biggest and most operational one together with perhaps the much smaller ELN, which focuses more on attacks against the industrial and oil sectors.

BUILDING BLOCKS AND ANALYSIS

An analysis of the negotiation elements and components is necessary to understand the problem of the hostages. Such an analysis should include a view of: types of negotiations (bilateral, multilateral, multilevel); parties, issues, interests and power; alternatives (BATNA, WATNA), demands, time perception and participants; mediators, leverages, location, communication, phases, the zone of possible agreement, and finally the hostages themselves. All of this is necessary in order to understand the dilemmas of hostage negotiation in the long term conflict and the "permanent" crisis negotiation in Colombia. Additional elements from William Ury and Robert Fisher's techniques of negotiation will be commented on throughout the analysis.

Strategic implications of kidnapping for the insurgencies and the shift from declarative to instrumental approach

The PCC defined its formula for achieving its political goals as "the combination of all the forms of struggle". That was not an invention of the Colombian communism, but an adaptation of Stalin's mandate and Mao's idea that "it's necessary to know how to play piano", explaining in a poetic way that every tactic, and every strategy (political or violent) is accepted and desired when it comes to advancing the cause⁷. Obviously, that strategic concept spread to the PCC's guerrilla, the FARC, not only in the ideological realm but also in the domain of tactical and practical warfare. That meant that the FARC would use any tactic to achieve victory over the enemy, behaving most of the time like a purely guerrilla organization but acting as a rural and urban terrorist group too. When the Soviet Union collapsed, the covert military,

⁶ Dudley, Steven. *Walking Ghosts: Murder and Guerrilla Politics in Colombia*. Routledge, London, 2004.

⁷ Mackenzie, E. *Op. cit.*

financial and logistical support that went from Cuba, USSR and other countries of the block to several Marxists insurgencies in Latin America (often through Cuba) ended, and small groups like M-19 got weakened while the bigger ones were forced to search for alternative sources of funding⁸. It was at this point that the fusion of drug business and kidnapping with the guerrilla became a common phenomenon. Funding the war was one of the reasons for the shift from the **declarative** approach of hostage taking to the more **instrumental** one, in contrast to the tendency of most of the Islamist terrorist movements like al-Qaida or Jemaal Islamyah, that moved from an instrumental to a declarative approach to hostage-taking. However, taking hostages for funding purposes was not the only reason for that shift. It's a strategy that proved useful when negotiating for a broader possible peace agreement or guerrilla members incarcerated by the government. The hostage situation has become the number one issue in Colombia's public opinion and consequently also in the war against the guerrillas. Hundreds of civilians, policemen and soldiers are in guerrilla camps in the hands of the FARC, living in the jungle with no news reaching their families. This places an enormous pressure on the Colombian Government that no state can resist, a fact that is well known by the guerrillas. Of course, this also plays against the armed groups in some ways, as they garner less sympathy and support internally and internationally because of the social drama of the hostages.

A necessary but brief explanation of the guerrilla structure may be needed. Main insurgencies in Colombia organized themselves similarly to one another: they have a national directorate or command (in the case of the FARC, the '*Secretariado*' or secretariat), and operational fronts. Fronts have around 600 combatants and divide in columns, companies, platoons, units and teams. Unit level can specialized into one of the several tactical activities for logistics, support and funding activities like drug business (cocaine laboratories), extortions, **kidnappings**, and other psychological and combat operations⁹. Needless to say, moving on foot gives them a thorough knowledge of the area in which they operate. An important tactic for these groups is attacking police and army posts to seize ammunitions, uniforms and weapons, and

⁸ Urrutia, N. *Op. cit.*

⁹ Coll-Gomez, L. *Op. cit.*

Colombian guerrillas are characterized by excellent intelligence gathering in preparation for these operations. In particular, intelligence capability is extremely high when it comes to the kidnapping of V.I.P's and wealthy people. In this context it can be considered a rational decision to adopt kidnapping as a long-term strategy. Guerrillas have made a huge business and an important political asset of the kidnapping of all kinds of citizens: wealthy or poor, common or V.I.P, Colombian or foreigner, civilian or military and police individuals (these are especially valuable when it comes to demands of the release of *guerrilleros*).

At the beginning, leftist guerrillas all over Latin America had a more declarative approach for their demands. In Venezuela there was a famous case regarding William Frank Niehaus, president of the Owens-Illinois of Venezuela, who was kidnapped by leftist insurgencies in the sixties. The kidnapping was accompanied by declarative demands of a populist character, including that Owens-Illinois raise the salaries of all their workers or that the government and the company distribute food packages in the poor areas of the big cities. This was an example of an extreme declarative demand, but from there insurgencies have moved to an instrumental approach where they instead set demands such as prisoner exchanges, money, political influence and assets in future negotiation and as a way to influence public opinion; the demands are less and less frequently used as a declaration of their principles or struggle.

Type of Negotiations with the Colombian insurgencies

One of the few clear areas of this analysis is that the types of negotiations that exist in Colombia are among the worst possible combinations. Negotiations tend to be **multilateral** instead of bilateral, always **multi-issue**, and **repeated** over and over and again. The Government has never been able to successfully negotiate with the guerrillas, or convince them to stop kidnapping, so they must periodically and repeatedly engage in negotiations. The Government rarely succeeded in sitting alone with only one insurgent organization. The only good factor is that the negotiations are always conducted in the presence of mediators and facilitators, because at least until recently, the guerrillas trusted the International Red Cross Organization and

emissaries of other countries. This also could end, due to the misuse of the Red Cross emblem by a soldier in the operation that rescued 15 hostages -among them the high profile hostage Ingrid Betancourt. Another blow to the guerilla groups' trust in mediators was the apparent cooperation of France security agencies with the operation while conducting negotiations on the other side, and the use of similar helicopters to stage the same type of humanitarian operation that several months before was mounted as a publicity stunt by Chavez's Government to lift hostages released by FARC with Chavez mediation. This may possibly mean that guerrillas won't easily trust the presence of foreign actors anymore, at least for a while. Negotiations are multi-issue, including cultural factors: until recently almost the entire high central secretariat of FARC was formed by peasants that became guerrilla fighters decades ago, and had never lived in the modern cities. Because of that, one could argue that they tend to be focused on multiple issues, a perspective generally held in traditional rural Latin American culture. Another angle is that by having so many levels of discussions and agreements, insurgencies leaders can move backward or forward in negotiations between issue, never staying on the same point. They use this as a negotiation tactic to wear out the other side and so as not to compromise on issues they don't want to.

Strategy of negotiation

The conflicts have been seen pretty much as a competitive game, except on a few occasions, and as a way to avoid compromise. There are exceptions to this generalization, like in the administration of President Andres Pastrana in the 1990s', where negotiations were conducted and a "free zone" was guaranteed to the FARC as concession towards pacification and transition to political life. This did not work well, perhaps because there were no painful counter-concessions made by FARC to the Government¹⁰.

The building blocks technique for analysis of hostage negotiation

¹⁰ Urrutia, N. *Op. cit.*

According to research by IDF Col. (Res.) Lior Lotan, researcher at the Interdisciplinary Center of Herzliya, the most important factors for analyzing a hostage negotiation are the following "building blocks": location, time, leverage, participants, hostages, and demands. If a negotiator gains control or succeeds in influencing, changing, or introducing new elements to at least two of these factors, the balance of negotiations could incline in his favor.

Location: The location of the hostages is imprecise due to the nature of the Colombian conflict, but it can be influenced by other strategies. A good example is the recent attack of Colombian Armed Forces to a FARC camp located in Ecuador's territory (on the border with Colombia), where the number two in the line of command, Raul Reyes, was killed with several other men, and important intelligence was gained through seizing two laptop computers. This probably forced the FARC to move all the hostages steadily and urgently around the jungle and the country side to different locations, which, among other things, reduces the number of men guarding the hostages and makes them more visible. This may have played a role months later during the rescue operation of Betancourt and 15 other hostages, including three American contractors. Location also refers to the place where negotiations are conducted; the ones in the demilitarized free-zone created by Pastrana's administration are not the same as conducting secret meetings in Caracas, Havana or Paris through political emissaries of the insurgencies.

Time: Perception and use of time plays in favor of the guerrillas most of the times; they have no problem holding hostages for years; they have all the time in the world while the Government does not. Public opinion and elections, along with the bad health conditions of captivity for the hostages play against them. However, sometimes public opinion also affects the FARC and the ELN. Lack of support can derive from the death of a high profile hostage or a big number of them (e.g., the execution of several local parliamentary members). Public opinion can be influenced by a campaign coming from the Government or NGO's and civil society. Time started playing against the FARC and ELN too when it comes to negotiating hostages, the cruel captivity of high profile hostages and even forgotten ones started to play a role in wearing out any support or social consideration for the struggle the insurgencies'

claim to fight. In Colombia today, the ends don't always justify the means even among sympathizers of the insurgencies vindications.

Leverages: Who could influence or add "weight" to the negotiations with Colombian insurgencies? In the past, the Soviet Union and its sphere had certain power due to the support it gave to Marxist insurgencies. Today, Cuba and probably Venezuela's government can convince FARC to release or at least to negotiate; and maybe Ecuador's Government have some connections too. The ICRC (Red Cross) and some intellectuals of leftist affiliation can influence some issues, as can the mediation of certain European nations. But when it comes to world leaders, only neighbors Chavez or Castro are in the position to "pull" to some agreement, although in the Venezuelan case the influence is seen everyday less openly, as opposition to Chavez government grows.

Participants: The list of participants is long. Mediators of the Organization of American States, ICRC, and high profile leaders like the French Foreign Minister and its envoy, Chavez and Castro played a role in the past. The Colombian Government is not an exactly one united front either. The Armed Forces carry the burden of the war and therefore have a say in every negotiation (like in any normal Democracy). The Government usually consults the other democratic political parties in highly strategic decisions (the agreement of 1958 to alternate in power created the tradition of bi-partisan consultation of main State issues). The United States Government, due to "Plan Colombia" and the fight on drugs sees the Colombian conflict as one that affects its own national security¹¹. And finally we have the FARC-EP, the ELN, their political envoys in Europe (France, Austria), the different decentralized commanders of fronts and the central commands or secretariat (FARC), their attachés in Cuba and China, and all political members that are not involved directly in the operations and which are tasked to seek support and being spokespersons to the insurgencies like the notorious Rodrigo Granda known as the "chancellor" of the FARC. Also families of the hostages play a role, both by pressuring the government through the media or through more direct means, and also pressuring the Armed Forces and the National

¹¹ "Three hours by air from Miami we have a potential nest of international terrorism probably equal to Afghanistan". Henry Hyde, head of the White House Committee on foreign policy in 2002. *The Miami Herald*, March, 2002.

Police (when they are military hostage' families). Last but not least are the AUC, the extreme right self defense groups, also coordinated by a central committee and with the darkest human rights violations record among a host of dark records of all the other groups.

Hostages: Differentiating between the hostages is important when there are so many of them. Also every country and society has its own cultural differences regarding how they see hostage taking. There are low- and high-profile hostages. Betancourt is an example of a high profile one, but there are hundreds of other, humble and middle class families who were kidnapped. Then there are civilians and military and police captured in combat or out of duty. In Colombia, contrary to in Israel for example, public opinion is considerably less sensitive when members of the military are kidnapped. Society sees it as the consequence of conflict, and assumes that the Armed Forces will keep them in mind and behave responsibly towards them trying to bring them back. Therefore there is less pressure from civil society on the government. With civilians it is different: in the last years civil society and the media have engaged in campaigns to remember who the hostages are. Every story has been out in the press--civilian and military--but there is a sense of change in the perception of the public on the hostage's situation. As of the 17th of August of 2008, the FARC held 643 hostages and the ELN 240 according to the newspaper El Tiempo.

Demands: While the shift from declarative to instrumental seems to be the overall trend, the FARC may be trying to think out of the box and make an operation that will cause admiration and sympathy, or at least an impression of courage and the pursuit of justice. An example of this kind of operation was the 1974 theft from the National Museum of Colombia of the sword of Simon Bolivar, the liberator and founding father of several Latin American nations, by the M-19. But kidnapping will surely remain a tactic for instrumental demands of money, prisoner exchanges and political advantages, or other types of demands such as demilitarized zones and the introduction of general pardon laws.

Interests, BATNA, WATNA and ZOPA

Fisher and Ury's concept of Best Alternative to a Negotiated Agreement, says among other things that the lines must be clear in terms of when to accept the other party's proposition. In other words a decision to accept or reject a negotiated agreement should be a function of one's best alternative course of action. If the BATNA advances one's interests to a greater degree than a negotiated agreement, or does so with comparably smaller costs, then one should not accept the said agreement¹². Given this framework, is it in Government's interest to negotiate the hostage situation? Yes. Does it have other alternatives? Yes, it has two: a policy of total war or total confrontation, or a policy of total compliance to the demands of the guerrillas in every issue¹³. Are these alternatives better than a negotiated agreement over the hostages? No, but that doesn't mean that the Government will not try to rescue the hostages whenever tactical and operational could be possible, at least as long as the insurgencies does not commit to stop any kind of hostage taking. The WATNA is the reverse of the BATNA coin. What is the worst alternative to a negotiated agreement? A total confrontation or total war policy or compliance to the terrorists demands. ZOPA, or the "zone of possible agreement", is very wide: somewhere between confrontation and compliance, but only if there is some kind of negotiation at the same time and permanent contact through different channels. Explaining this is difficult due to the multi-issue character of negotiations and the particularity of the conflict, so the BATNA assessment has some variants. According to Nicolas Urrutia, in the Colombian conflict, **"the position of the Government shouldn't be estimating BATNA in relation to reaching a negotiated solution with the insurgencies"** but instead, **"to stay or not at the table of negotiation with them"**, because the guerrillas haven't complied or made any relevant concessions in the past several years. All of the alternatives that the Government has should always be clear (particularly in this case-study, but also in every negotiation). Guerrilla leadership will understand very quickly that it is in front of a weak negotiator if the negotiators do not have clear alternatives. The ZOPA, on the contrary, is very wide

¹² Fisher, R. and Ury, W. *Getting to Yes: Negotiating Agreement Without Giving In*. 2nd ed., Penguin Books, New York, 1991.

¹³ Urrutia, N. *Op. cit.*

and should be very creative, almost everything should be open provided that the insurgencies take serious steps in renouncing violence and crime as a form of political struggle, quitting the drug business, crime industry, and committing to a plan of reintegration of the ranks into civil and productive life.

The interests are a complex issue, but can be defined in one simple sentence: The main goal is power in Colombia. Be it national power or just regional, the insurgencies, despite the drug business and their alliance with mafias, cartels and common criminals, are faithful to their original goal: to take power through armed struggle and implement a Marxist regime with the idea of bringing social justice to Colombia. Are the social justifications for that aspiration the same as 40 years ago? Obviously not; and that is what makes this conflict so difficult to understand and why it is so difficult to justify acts of violence like the privation of liberty of the hostages in the hands of the guerrillas. The Colombian Government's interest can be described in the big picture as providing security for its citizens, and exercising full power, control and sovereignty over the national territory.

Communications, options and negotiation

The communication channels are different and complex. Of course the central command or secretariat in the case of FARC is always the best option, but since the Pastrana's direct talks it has never happened again. Intelligence channels probably exist even in moments of harsh combats and operations. Communicating through "emissaries" in key places is common used, but there is little margin to play with immediate emotions, and these guerrilla commanders are men experienced in dealing with negotiations. Feelings always play a role, and also ideology. When contacts are cut even for a while, there is a game going on; when contacts are ongoing, the options should be on the table for everyone to discuss. Establishing a direct relationship may be hard, but establishing a relationship with friends shouldn't be. If President Chavez is really a friend of the FARC it would make sense for Colombia to reinforce the diplomatic ties with Venezuela instead of pushing away. Seeking closeness to Cuba in the economic or cultural aspect may serve the negotiations with the insurgencies. Communications must serve the purpose of creating trust to overcome conflict in the

sense that any pact with the enemy is going to be honored. The negotiation must be done with the idea of expanding the pie as much as possible.

CONCLUSION AND FINAL WORD

A final word on the hostage aspect of the multi-issue negotiation with insurgencies in Colombia: the overall effects of the recent successful rescue operation have yet to be seen. It was tactically brilliant and there is no doubt that it provided a huge blow to FARC and a big political gain to the Colombian Government. But several mistakes may have been committed if the FARC are not as debilitated as they seem. The use of Chavez' mediation to 'stabilize the event', while in parallel planning and executing a rescue operation may prove problematic in the future. It is likely that no positive leverage will come from the Venezuelan president--he probably felt "used" or deceived by the Colombian Government--and absolutely no trust will come from the FARC secretariat. The stratagem was very good, using the same type and color of helicopters sent from Venezuela to "pick-up" in the jungle from the FARC three hostages a few months ago, and a camera crew acting like they were from TELESUR (a Venezuelan state-funded channel that transmits to all South America), gave confidence to the FARC's column transporting the hostages that there was no danger. The "delegation" was a platoon of Colombian Special Forces. The guerrillas were fooled once, but not in the long term. There may be escalation if negotiation doesn't continue, and a long term solution must contemplate a political exit to the conflict. Total military victory, even if it were possible, would't solve the violence and hostage-taking problem in Colombia. If the FARC are as weak as is predicted by some analysts, with the election of Alfonso Cano as commander of the general secretariat, changes may well be coming. Cano has university studies in sociology, is an intellectual, knows the city and has been more in touch with Colombian modern reality than the old guard of Manuel 'suershoot' Marulanda, who may never have been in a big city long enough in his life to know it. The deaths of the supreme commander Manuel Marulanda, Raul Reyes and Ivan Rios this year has been another huge blow to FARC. But the guerrilla won't disband quickly after 40 years of combat and even if it does, this may present a problematic future for Colombia. Almost 10,000 men and

women that have training in combat, killing, kidnapping, drug business and no other known ability to earn a life, job or salary. Just a look at the "industry of kidnapping" in Mexico gives the picture. The guerrillas have become a way of living for thousands of Colombians and that would be addressed in negotiations. Kidnappings as a strategy won't be prevented or eradicated in large numbers unless peace is achieved in Colombia. The FARC and the ELN will continue with them unless a comprehensive agreement can be achieved. Once achieved, the Government must continue to implement serious policies of labor and education to the former ranks of the insurgencies. Today this is done to guerrilla fighters who abandon the insurgencies, but if it is not continued the day peace arrives, hundreds of bands of "specialists" will continue to unfairly punish Colombian society.

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