

ENDNOTES

- ¹ Matthew Gutman, “Two Terrorist Missiles Narrowly Miss Arkia Flight from Mombasa,” *Jerusalem Post*, 29 November 2002, <http://web.lexis-nexis.com>.
- ² When referring to small arms and light weapons, this report uses the definition of firearms contained in the OAS Firearms Convention. Article I of the Convention defines firearms as “any barreled weapon which will or is designed to or may be readily converted to expel a bullet or projectile by the action of an explosive, except antique firearms manufactured before the 20th Century or their replicas; or any other weapon or destructive device such as any explosive, incendiary or gas bomb, grenade, rocket, rocket launcher, missile, missile system, or mine.” “Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials,” 13 November 1997, Organization of American States Member Nations, S. Treaty Doc. No. 105-49 (1998), art. I.
- ³ Graduate Institute of International Studies, *Small Arms Survey 2001*, (Oxford: Oxford University Press, 2001), p. 1.
- ⁴ This report uses the US government’s definition of terrorism: “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.” See US Department of State, *Patterns of Global Terrorism 2002*, 108th Congress, 1st Session, April 2003, <http://www.state.gov/s/ct/rls/pgtrpt/2002/>.
- ⁵ Every OAS member state except for Dominica has signed the Convention. The following member states have also ratified it: Antigua and Barbuda, Argentina, Bahamas, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Grenada, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Lucia, Trinidad & Tobago, Uruguay, and Venezuela.
- ⁶ Like the Firearms Convention, the Model Regulations also require states to, *inter alia*, keep adequate records of firearms transfers, designate a Central Information Office on firearms transfers, share information on relevant national legislation, regulations and government agencies, and provide training and technical assistance to implement the above-mentioned requirements.
- ⁷ Since the 1960’s, Colombian society has been racked by an internal armed conflict between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and various right wing paramilitary organizations, several of which now comprise the United Self-Defense Forces (AUC) (Referred to hereafter as the Colombian illegal groups).

The Revolutionary Armed Forces of Colombia (FARC) was officially established in 1966 but came into existence under a different name a few years earlier. The FARC has Marxist roots and still uses Marxist rhetoric, although its current commitment to Marxist ideals is debatable. Membership estimates range from 9,000 to 17,500 armed members, and it is thought to have the support of no more than 5% of the population. The FARC raises funds primarily through kidnapping,

extortion and macro-trafficking. Peace negotiations with the government ended in deadlock in 2002.

The National Liberation Army (ELN) is a Marxist-Leninist group established in 1965. Its members are estimated to number between 3,000 and 5,000. The ELN engages in extensive criminal activity — including kidnapping, extortion, and bombings — much of which is directed at foreign corporations. Its attacks on the Cano Limon oil pipeline in 2001 resulted in environmental damage and \$500 million in lost government revenue. Recent efforts by the Colombian government to restart peace negotiations have been unsuccessful, and in August 2003 the FARC and ELN closed the door on future attempts by joining forces and declaring that “...while the illegitimate government of Alvaro Uribe persists in its fascist and militaristic policies, we will not advance any process of political accord and national dialogue...” See Rachel Van Dongen, “Colombia’s leftist rebels unite,” *Christian Science Monitor*, 27 August 2003, <http://www.web.lexis-nexis.com>.

The United Self-Defense Forces/Group of Colombia (AUC) is an umbrella organization of paramilitary groups that was formed to protect local communities from attacks by the FARC. The AUC was formed in 1997 but some of the individual paramilitary groups are much older. It has between 6,000 and 8,500 members which are supported with funds obtained from communities seeking protection from the FARC and from narco-trafficking. The AUC signed a ceasefire with the Colombian government in December 2002, and in July 2003, it agreed to a peace process whereby it would demobilize its fighters by the end of 2005.

- ⁸ Interviews with experts at Jane’s Information Group, May 2003 and other sources.
- ⁹ See US Department of State, *Patterns of Global Terrorism 2002*; “HK Businessman’s Associates Investigated in Paraguay for Terror Links,” *Agence France Presse*, 24 November 2002, <http://www.web.lexis-nexis.com> and “House-arrest 3 not Hopeful of Being Freed Soon,” *South China Morning Post* (Hong Kong), 12 January 2003, <http://www.web.lexis-nexis.com>. For additional reports of arms trafficking to Hezbollah by Central and South American trafficking rings, see Sue Lacky and Michael Moran, “Russian Mob Trading Arms for Cocaine with Colombia Rebels,” *MSNBC*, 10 April 2000, <http://www.nisat.org> and Kim Cragin and Bruce Hoffman, *Arms Trafficking and Colombia* (Santa Monica, CA: RAND Corporation, 2003), pp. 22-23.
- ¹⁰ Jeremy McDermott and Toby Harnden, “The IRA and the Colombian Connection,” *London Daily Telegraph*, 15 August 2001, <http://www.nisat.org>.
- ¹¹ Maeve Sheehan, “IRA Smuggled Arms while Talking Peace,” *Sunday Times* (London), 20 February 2000, <http://www.web.lexis-nexis.com>.
- ¹² See Douglas Farah, “Report Says Africans Harbored Al Qaeda; Terror Assets Hidden in Gem-buying Spree,” *Washington Post*, 29 December 2002, <http://www.web.lexis-nexis.com> and Global Witness, *For a Few Dollars More: How al Qaeda moved into the diamond trade* (Global Witness, April 2003).
- ¹³ Grupo de Representaciones Internacionales SA, or GIRSA.

- ¹⁴ Global Witness, *For a Few Dollars More*, p. 44.
- ¹⁵ Farah, "Report Says Africans"
- ¹⁶ See Global Witness, *For a Few Dollars More*, p. 49-51 and Ambassador Morris D. Busby, *Report of the General Secretariat of the Organization of American States on the Diversion of Nicaraguan Arms to the United Self Defense Forces of Colombia*, OEA/Ser.G, CP/doc. 3687/03 (Washington, DC: Organization of American States, January 2003), p. 21, http://www.fas.org/asmp/campaigns/smallarms/OAS_Otterloo.htm.
- ¹⁷ United States Department of Defense, "Secretary Rumsfeld Pentagon Town Hall Meeting," 14 August 2003, <http://www.defenselink.mil/transcripts/2003/tr20030814-secdef0581.html>. Under pressure from the United States, the Nicaraguans reportedly agreed to destroy an undisclosed number of its MANPADS in 2004, but is likely to retain some of the systems, which the Nicaraguan military has claimed it needs to counter Honduras' F-5 multirole fighter aircraft. "Nicaragua set to destroy air-defense systems," *Jane's Defense Weekly*, 3 December 2003, p. 10.
- ¹⁸ According to Nicaraguan press reports, the FARC has tried several times to acquire one or more of these missiles, offering up to \$1 million for a single system. See "Nicaragua: Resolve weakens on missile arsenal," *Latin American Weekly Reports*, 11 November 2003, <http://www.web.lexis-nexis.com>.
- ¹⁹ Assistant Secretary of State for Western Hemisphere Affairs Otto Reich testifying before the Subcommittee on the Western Hemisphere, House International Relations Committee, 107th Congress, 2nd Session, 11 April 2002, <http://fas.org/terrorism/at/docs/2002/Reich-ColombiaTerrorism.htm>.
- ²⁰ Scott Dalton, "Rebel's Words Changed Life of Photographer, Reporter for 11Days," *Miami Herald*, 16 February 2003, <http://www.web.lexis-nexis.com>. When the journalists realized that their captors were serious about taking them hostage, Dalton exclaimed "[t]here are consequences if you kidnap international journalists!" According his account of the incident, the political commander of the 45th front merely chuckled and replied "What consequences?"
- ²¹ "President Uribe Vows to Defeat Violent Groups in War Speech," trans. BBC Worldwide Monitoring, *El Espectador* website, 22 November 2002, <http://www.web.lexis-nexis.com>.
- ²² Under Uribe, the army has increased in size from 120,000 to 135,000 and the police from 100,000 to 110,000. Frances Robles, "US Restates Its Support of Colombia; Rumsfeld Sees Progress by the Military" *Miami Herald*, 20 August 2003, <http://www.web.lexis-nexis.com>.
- ²³ According to the State Department, the 71 US helicopters provided to the Colombian military are "...the only reliable airlift available for military units engaged in counter-narcotics operations." Acting Assistant Secretary of State for International Narcotics and Law Enforcement Affairs Paul E. Simons testifying before the House Committee on Government Reform, 107th Congress, 2nd Session, 9 July 2003, <http://www.state.gov/g/inl/rls/rm/2002/15904.htm>. See also Jeremy McDermott, "Uribe Gains the Upper Hand in Colombia's Guerrilla War," *Jane's Intelligence Review*, December 2003.

- ²⁴ Center for International Policy, “US Aid to Colombia Since 1997: Summary Tables,” <http://www.ciponline.org/colombia/aidtable.htm> and United States General Accounting Office, *Drug Control: Specific Performance Measures and Long-Term Costs for US Programs in Colombia have not been Developed*, GAO-03-783, June 2003, <http://www.fas.org/asmp/resources/govern/GAO-03-783.pdf>.
- ²⁵ Jeremy McDermott, “Nightclub Attack Demonstrates FARC’s New Urban Capability,” *Jane’s Intelligence Review*, March 2003, p. 22.
- ²⁶ Planes engaged in coca eradication, which are often flown by private US military contractors, were fired upon by the rebel groups 70 times over a year’s period ending August 2003. See Rachel Van Dongen, “US Company Holds Colombia Operations Secret; Firm’s Plane Shot Down During Mission,” *Washington Times*, 18 March 2003, <http://www.web.lexis-nexis.com>.
- ²⁷ David Adams, “US Military Aid Turned Against Colombia Rebels,” *The Times* (London), 22 August 2002, <http://www.web.lexis-nexis.com>. The Director of Central Intelligence George Tenet affirmed this greater threat, commenting in February 2003 that “the FARC has shown a new willingness to inflict casualties on US nationals.” Director of Central Intelligence George J. Tenet testifying before the Senate Select Committee on Intelligence, *The Worldwide Threat in 2003: Evolving Dangers in a Complex World*, 108th Congress, 1st Session, 11 February 2003.
- ²⁸ Dalton, “Rebel’s Words Changed Life.”
- ²⁹ Office of National Drug Control Policy, Executive Office of the President of the United States, *National Drug Control Strategy Update 2003*, February 2003, <http://www.whitehousedrugpolicy.gov/publications/policy/ndcs03/table24.html>.
- ³⁰ Office of National Drug Control Policy, Executive Office of the President of the United States, *Drug Facts: Cocaine, and Drug Facts: Heroin*, accessed 5 September 2003, <http://www.whitehousedrugpolicy.gov/drugfact/cocaine/index.html> and <http://www.whitehousedrugpolicy.gov/drugfact/heroin/index.html>
- ³¹ Office of National Drug Control Policy, *The President’s National Drug Control Strategy 2003*, Washington, DC, February 2003, pp. 38-39, http://www.whitehouse.gov/publications/policy/ndcs03/drug_related_data.pdf.
- ³² Otto Reich, testimony before the House International Relations Committee.
- ³³ Paul E. Simons testifying before the House Committee on Government Reform, 107th Congress, 2nd Session, 12 December 2002, <http://www.state.gov/g/inl/rls/rm/2002/15904.htm>.
- ³⁴ Tamara Makarenko, “Colombia’s New Crime Structures Take Shape,” *Jane’s Intelligence Review*, April 2002, p. 19.
- ³⁵ Committee on International Relations, *Summary of Investigation of IRA Links to FARC Narco-Terrorists in Colombia*, 107th Congress, 1st Session, 24 April 2002, http://www.house.gov/international_relations/107/findings.htm

- ³⁶ Interview with officials from the Colombian Administrative Department of Security (DAS), January 2003.
- ³⁷ Among the most spectacular examples of FARC collaboration with foreign terrorists is their relationship with members of the Provisional Irish Republican Army (PIRA), which was brought to the world's attention by the August 2001 arrest of PIRA members as they prepared to depart for France from El Dorado Airport in Colombia. Colombian authorities accuse the men — one of whom is nicknamed “Mortar” for his role in the ongoing development of the improvised mortars used by both the FARC and the IRA — of training the FARC in the construction and handling of mortars, explosive charges and landmines, and the operation of missile launchers. According to one well-placed US government official, the “training manuals and maps found in the prisoner’s possession in Colombia were identical to material used by the IRA in Ireland.” Evidence collected by Colombian intelligence also suggests that the IRA members were arranging for the shipment of explosives to the FARC, which FARC leader ‘Mono JoJoy’ said would be used to “shake to [sic] the cities.” House Committee on International Relations, *International Global Terrorism: Its Links with Illicit Drugs and Illustrated by the IRA and Other Groups in Colombia*, 107th Congress, 1st Session, 24 April 2002, pp. 30 & 56.
- ³⁸ Jane’s Information Group asserts that Colombian criminal groups have also entered into alliances with criminal groups from Italy, Nigeria, South Africa, Spain, Poland, and Romania. See Makarenko, “Colombia’s New Crime Structures,” p. 18.
- ³⁹ House Armed Services Committee, *Hearing on Terrorism and Threats to US Interests in Latin America: Memorandum for Members of the Special Oversight Panel on Terrorism*, 106th Congress, 2nd Session, 29 June 2000, <http://www.web.lexis-nexis.com>.
- ⁴⁰ Jeremy McDermott, “Colombia Forges Ahead with Counterfeit Dollars,” *Jane’s Intelligence Review*, May 2003, p. 37.
- ⁴¹ This section draws heavily on research done by Carla Cartwright, former associate at the law firm Covington & Burling.
- ⁴² US law currently criminalizes such behavior, and no change would be required to comply with Convention requirements. See, e.g., 18 USC. § 922 (2000), which criminalizes unauthorized behavior involving the importing and transporting of firearms and ammunition; and 22 USC. § 2778 (2000), which criminalizes unauthorized exports of munitions.
- ⁴³ OAS Convention, art. VI.
- ⁴⁴ *Ibid.*, art. VII-VIII.
- ⁴⁵ *Ibid.*, art. XI.
- ⁴⁶ The Convention also encourages, but does not require, States Parties to share information on carriers of firearms.
- ⁴⁷ *Ibid.*, art. XII-XVII.

- ⁴⁸ *Ibid.*, art. XIV, sec. 5.
- ⁴⁹ Similarly, Article XVIII asks that treaty parties, “[s]hould their domestic legal systems so permit” and with due regard to jurisdictional issues, allow for the appropriate use of “controlled delivery” measures in specific cases as a means to identify and prosecute arms trafficking offenders. *Ibid.* art. XVIII, sec. 1-2.
- ⁵⁰ *Ibid.* art. XX-XXI.
- ⁵¹ Prepared Statement of General Charles E. Wilhelm, USMC, Commander in Chief, US Southern Command before the Senate Armed Services Committee, 105th Congress, 2nd Session, 5 March 1998, http://www.fas.org/irp/congress/1998_hr/s980305w.htm.
- ⁵² Jeremy McDermott, “Financing insurgents in Colombia,” *Jane’s Intelligence Review*, February 2003, p. 17.
- ⁵³ Angel Rabasa and Peter Chalk, *Colombian Labyrinth: The Synergy of Drugs and Insurgency and Its Implications for Regional Stability* (Santa Monica, CA: RAND, 2001), p. 32.
- ⁵⁴ The mortars are constructed from cooking stove gas tanks, which are loaded with fuel and shrapnel and then placed inside of tubes packed with dynamite. When the dynamite is ignited, the gas tanks are propelled out of the tubes and toward their targets. Human Rights Watch points out that the mortars “cannot be aimed accurately and are considered indiscriminate weapons.” See the chapter on “Indiscriminate Weapons” in Human Rights Watch, *Colombia: Beyond Negotiation*, April 2001, <http://www.hrw.org/reports/2001/farc/index.htm#TopOfPage>.
- ⁵⁵ Jane’s Information Group, “Army Operation Uncovers FARC Weapons Dump,” *Jane’s Terrorism Watch Report*, 8 October 2002.
- ⁵⁶ Information provided by Jane’s Information Group, April 2003.
- ⁵⁷ For more on the debate surrounding FARC possession of MANPADS, see Thomas B. Hunter, “The Proliferation of MANPADS,” *Jane’s Intelligence Review*, September 2001; “Rebels Reportedly Using New Type of Surface-to-Air Missile,” trans. BBC Worldwide Monitoring, *Notimex News Agency* (Mexico City), 21 January 2000, <http://www.web.lexis-nexis.com>; Amira Abultaif, “Damned; I Saw Bogota 3 Testing Surface-to-Air Missiles,” *The Mirror*, 8 February 2003, <http://www.web.lexis-nexis.com>; “Article Examines FARC Weapons Acquisition Activities,” *Cambio* website (Bogota), 22 October 2001, <http://www.nisat.org>; and Jeremy McDermott, “War Resumes After Collapse of Colombian Peace Process,” *Jane’s Intelligence Review*, April 2002, p. 11.
- ⁵⁸ In early 1999, an international arms trafficker allegedly tipped off Colombian police to a “factory” that was manufacturing silencers and parts for assault rifles and handguns. The facility, located in the heart of the Cali industrial zone, was raided by National Police during “Operation Coyote.” According to media reports, Colombian police found 2 milling machines, one of which was computerized, a parallel lathe and various firearms and firearm components. Two years later, the Colombian media claimed that US intelligence had compiled “precise” information

on three such factories in the FARC demilitarized zone. See “Police Dismantle FARC Weapons Factory in Cali,” trans. FBIS, *El Tiempo* website (Santa Fe de Bogota), 2 March 1999, <http://www.nisat.org>; “Policia descubre “Principal fabrica de armas” de las FARC en Cali,” *Spanish Newswire Services*, 1 March 1999, <http://www.nisat.org>; “Article Examines FARC Weapons Acquisition Activities,” *Cambio* website (Bogota), 22 October 2001, <http://www.nisat.org>; and “FARC reportedly establishes facility for repairing weapons,” trans. BBC Worldwide Monitoring, *El Pais* website (Cali), 14 September 1999, <http://www.web.lexis-nexis.com>.

- ⁵⁹ Jane’s Information Group, “Fuerzas Armadas Revolucionarias de Colombia,” *Jane’s World Insurgency and Terrorism* 15, posted 28 June 2002.
- ⁶⁰ “Autodefensas Unidas de Colombia (AUC),” *Jane’s Terrorism and Security Monitor*, 1 February 2003.
- ⁶¹ “Weapons for the enemy,” trans. BBC Worldwide Monitoring, *Cambio* website (Bogota), 11 November 2002, <http://www.web.lexis-nexis.com>. See also Martha G. Rojas, “Military Explosives Detoured to FARC,” *El Espectador* website (Bogota), 10 February 2002.
- ⁶² Publicly available data on the rate at which they replace their small arms, and quantity of ammunition consumed, by the illegal groups is difficult to find, and is largely limited to media reports. For example, the Colombian newspaper *El Espectador* estimates that the FARC provides each of its fighters with 150 rounds of ammunition per month. See “Security report outlines sources of FARC, ELN weapons,” trans. BBC Worldwide Monitoring, *El Espectador* website (Bogota), 27 August 2000.
- ⁶³ While experts and government officials differ on which sources contribute the most to the flow of weapons to the illegal groups, most agree that foreign sources account for the majority of these weapons. Cragin and Hoffman found that “75% of the illegal small arms trafficking in Colombia originated outside of the country.” Cragin, *Arms Trafficking and Colombia*, p. xvii. See also Douglas Farah, “Colombian Rebels Tap E. Europe for Arms: Guerrilla’s Firepower Superior to Army’s,” *The Washington Post*, 4 November 1999, <http://www.web.lexis-nexis.com>; “Rifles from Foreign Armies among Weapons Seized from Armed Groups,” trans. BBC Worldwide Monitoring, *El Pais* website (Cali), 13 July 2000, <http://www.web.lexis-nexis.com>; Martha Paredes Rosero *et al.*, *Colombia’s War Against Drugs: Actions and Results 2002*, National Anti-Narcotics Agency, Strategic Investigation Subdivision, Bogota, 2003, p. 121; and Tamara Makarenko, “Colombia’s New Crime Structures.”
- ⁶⁴ Interview with DAS officials and Colombian National Police, January and April 2003. See also Rosero, *Colombia’s War Against Drugs*, p. 121 and Cragin, *Arms Trafficking in Colombia*.
- ⁶⁵ See Larry Rohter, “Rebels Linked to Drug Trade by Arrests in Colombia,” *The New York Times*, 4 March 2001, archived at <http://www.nisat.org>.

⁶⁶ “Brazilian Drug Trafficker Admits Links to the FARC,” trans. BBC Worldwide Monitoring, *Cambio* website (Bogota), 8 May 2002, <http://www.nisat.org>. In addition to Da Costa’s testimony, documents on his common law wife at the time of her arrest also link Da Costa with arms trafficked to the FARC. In his wife’s possession were notebooks containing records of a shipment of more than 500 rifles and machine guns to the FARC. She was also carrying a signed photograph of Da Costa which she supposedly used as a passport to access the former DMZ. See Rohrer, “Rebels Linked to Drug.”

Da Costa’s huge network has allowed him to continue his illicit activities in prison. Brazilian authorities taped the incarcerated Da Costa instructing his contacts to acquire Stinger surface-to-air missiles for him, which he allegedly intended to swap for cocaine with the FARC. “Delivery of Drug-Running Guerrillas to US Hailed by Colombia,” *EFE News Services*, 20 June 2002, <http://www.web.lexis-nexis.com>.

⁶⁷ See Cragin, *Arms Trafficking in Colombia*, pp. 32-39. In 2000, Venezuelan President Hugo Chavez publicly acknowledged that weapons from his country stock the FARC’s arsenals, commenting that “...it is not strange for the Colombian guerrilla to wind up with Venezuelan and US weapons.” “FARC Supply Lines,” trans. FBIS, *El Comercio* website (Quito), 12 July 2000, <http://www.nisat.org>.

⁶⁸ Interview with DAS officials, January 2003. See also “Rifles from foreign armies among weapons seized from armed groups,” trans. BBC Worldwide Monitoring, *El Pais* (Cali), 13 July 2000, <http://www.web.lexis-nexis.com> and Cragin, *Arms Trafficking in Colombia*, p. 29.

⁶⁹ William Godnick, Robert Muggah and Camilla Waszink, “Stray Bullets: The Impact of Small Arms Misuse in Central America,” *Small Arms Survey Occasional Paper No. 5*, October 2002, <http://www.smallarmssurvey.org/OPs/OP05CentralAmerica.pdf>.

⁷⁰ Nayra Delgado, “Panama Becomes Bazaar for Central American Weapons,” *Reuters*, 21 April 2000, <http://www.nisat.org>.

⁷¹ Tamara Makarenko, “Colombia’s New Crime Structures,” p. 18.

⁷² Interview with DAS officials, January 2003.

⁷³ “Jordan-Peru Connection ‘Broken Up’ by Lima,” *Latin America Weekly Report*, 29 August 2000, <http://www.web.lexis-nexis.com>.

⁷⁴ Interview with DAS officials, January 2003. See also “Colombian Air Force Destroys Alleged Arms-smuggling Aircraft,” *EFE News Services*, 4 January 2001, <http://www.web.lexis-nexis.com>; “Air Force Destroys Plane Alleged to be Taking Weapons to FARC,” trans. BBC Worldwide Monitoring, *El Tiempo* website (Bogota), 7 September 2000, <http://www.web.lexis-nexis.com>; “Commander Interviewed about Aircraft Carrying Ammunition for FARC,” trans. BBC Worldwide Monitoring, *Caracol TV* (Bogota), 6 September 2000, <http://www.web.lexis-nexis.com>; “Congress Report Reveals Colombian Drug-trafficking Ties are Rife with Brazil,” trans. BBC Worldwide Monitoring, *Cambio* website (Bogota), 18 December 2000, <http://www.web.lexis-nexis.com>; “Defense

- Minister Says CIA was Notified about FARC Arms Traffic,” trans. BBC Worldwide Monitoring, *El Tiempo* website (Bogota), 27 August 2000, <http://www.web.lexis-nexis.com>; and Cragin, *Arms Trafficking in Colombia*, p. 38.
- ⁷⁵ International Crisis Group, *Colombia and its Neighbors: the Tentacles of Instability*, 8 April 2003, p. 12, http://www.crisisweb.org/library/documents/report_archive/A400939_08042003.pdf.
- ⁷⁶ According to media and NGO reports, the Jordanian government approached Soghanalian about finding a buyer for 50,000 AK-47s that it had acquired from East Germany in the mid-1980’s but had never used. A colleague of Soghanalian introduced him to Peruvian operatives, and Soghanalian agreed to arrange for the delivery of 50,000 Jordanian AK-47s to the “intelligence side” of the Peruvian military in December 1998. The weapons were delivered via a modified Ilyusin-76 cargo plane piloted by a Russian and Ukrainian crew. The initial 22 crates of weapons were airdropped into Colombia, and landed near the town of Barranco Minas, which is in territory that is home to the FARC’s 16th Front. In total, 10,000 of the 50,000 assault rifles were delivered in this manner before the Jordanians were notified of the diversion and terminated the deal. See Kathi Austin, *Arms Trafficking: Closing the Net. A Test Case for Prosecution under the US Law on Arms Brokering* (Fund for Peace, June 2001), pp. 12-17, <http://www.fundforpeace.org/publications/reports/closingnet.pdf> and William C. Rempel and Sebastian Rotella, “Arms Dealer Implicates Peru Spy Chief in Smuggling Ring,” *Los Angeles Times*, 1 November 2001, <http://www.web.lexis-nexis.com>.
- ⁷⁷ Interview with Colombian National Police, April 2003.
- ⁷⁸ Interview with DAS officials, January 2003.
- ⁷⁹ “Colombian Police Seize Rebel-bound Weapons from Ecuador,” trans. BBC Worldwide Monitoring, *Colombian Office of the President* website, 21 September 2000, <http://www.web.lexis-nexis.com>. So extensive was the trade in weapons across the Ecuadorian border that the FARC constructed a 40 kilometer wood plank road over which smugglers transported guns from Ecuador to the FARC neutral area. The road was destroyed in March 2001 by the Southern Joint Task Force but the trafficking continues. See “40-km-long Road to Ecuador Built by Colombian Rebels Discovered,” *EFE News Service*, 24 March 2001, <http://www.web.lexis-nexis.com>.
- ⁸⁰ Rosero, *Colombia’s War Against Drugs*.
- ⁸¹ Interview with DAS officials, January 2003.
- ⁸² Interview with State Department official, February 2003. See also “Colombian Guerrillas’ Supply Base,” trans. FBIS, *Guayaquil Vistazo*, 19 June 1997, <http://www.nisat.org>.
- ⁸³ Roberto Godoy, “FARC Shops for Weapons in Leticia,” trans. FBIS, *O Estado de Sao Paulo* website, 7 September 1999, <http://www.nisat.org>.
- ⁸⁴ Busby, *Report of the General Secretariat*, pp. 17-22.
- ⁸⁵ The list of changes included in this section is not comprehensive.

- ⁸⁶ Information compiled from documents provided by the governments of Costa Rica, Venezuela, and Guatemala, September and October 2003. The Convention also prompted Argentina to add a comprehensive definition of illicit manufacturing and trafficking in firearms, ammunition, and explosives to their Penal Code. Similarly, Paraguay destroyed 3000 firearms and 15 tons of ammunition and explosives stockpiled in its War Materials Directorate "...in an effort to implement the Inter-American Convention."
- ⁸⁷ "Parliament Debates Stiffer Penalties for Gun-related Crimes," BBC Worldwide Monitoring, *Caribbean Media Corporation News Agency* (Bridgetown), 10 December 2003, <http://www.web.lexis-nexis.com>.
- ⁸⁸ Susannah L. Dyer and Geraldine O'Callaghan, *One Size Fits All? Prospects for a Global Convention on Illicit Trafficking by 2000* (British American Security Information Council, 1999), <http://www.basicint.org/pubs/Research/1999onesize1.htm>.
- ⁸⁹ The States Parties of MECOSUR are Argentina, Brazil, Paraguay, and Uruguay.
- ⁹⁰ See UN General Assembly, 53rd Session, *Asistencia a los Estados para detener la circulación ilícita de armas pequeñas y proceder a su recogida*", A/53/207, 31 July 1998 and Consejo del Mercado Comun, *Mecanismo Conjunto de Registro de Compradores y Vendedores de Armas de Fuego, Municiones, Explosivos y Otros Materiales Relacionados para el MERCOSUR*, MERCOSUR/CMC/DEC N° 7/98, 23 July 1998.
- ⁹¹ Specifically, officials from Colombia's Administrative Department of Security (DAS) interviewed for this report asserted that failure to respond to queries about illicit transfers, including tracing requests, hinders investigations.
- ⁹² Written response to questionnaire completed by an official from the Colombian Ministry of Defense, October 2003.
- ⁹³ OAS Secretariat for Legal Affairs, Department of Legal Cooperation and Information, *Replies to the Questionnaire on Ratification and Implementation of the Inter-American Convention on the Illicit Manufacturing of and Trafficking in Firearms, Explosives, and Other Related Materials*, OEA/Ser.L/XXII.2.2, CIFTA/CC-III/doc.5/02, 26 April 2002.
- ⁹⁴ Interview with DAS officials, January 2003.
- ⁹⁵ General Secretariat of the Organization of American States, *Inventory of Measures Already Taken by the States Parties to Promote Training and Mutual Exchange of Knowledge and Experiences*, OEA/Ser.L/XXI.2.3 CIFTA/CC-III/doc.4/02, 26 April 2002.
- ⁹⁶ Rosero, *Colombia's War Against Drugs*, p. 123.
- ⁹⁷ Cragin, *Arms Trafficking in Colombia*, p. 19. The relative importance of large, gray market shipments versus small black market activity to the illegal groups is debatable. RAND scholars Kim Cragin and Bruce Hoffman found that most of weapons used by the illegal groups "...trickle" into Colombia by ones and twos or at most by the dozen, rather than cascading into the country by the thousands."

They qualify this assertion by pointing to recent large, gray market shipments, which "...may indicate a shift by the FARC and the AUC toward buying in bulk." See Cragin, *Arms Trafficking and Colombia*, pp. 18 & 39. Even if this shift never materializes, preventing gray market transfers is an essential part of any effort to reduce the flow of weapons to terrorists and other criminals simply because of the size of these transfers.

The FARC itself has claimed that it cannot keep its arsenals consistently stocked via small deliveries of black market weapons. Commenting on the Ecuadorian black market, FARC commander Rodolfo Gonzalez pointed out that "[i]ndividuals looking to improve their economic lot could get a hold of 10 or 15 weapons and sell them to some FARC commander. However, this is a minor ingredient, there is no regularity to this, and such avenues could not resolve the FARC's strategic weapons needs." The commander claimed that the FARC could meet its supply needs through weapons it acquires from the Colombian domestic black market — which is fed by the international black market — and from weapons it seizes from Colombian troops. See "FARC Supply Lines," trans. FBIS, *El Comercio* website (Quito), 12 July 2000, <http://www.nisat.org>.

⁹⁸ Busby, *Report of the General Secretariat*, p. 32-33.

⁹⁹ *Ibid.*, p. 33.

¹⁰⁰ OAS Secretariat for Legal Affairs, *Replies to the Questionnaire on Ratification*.

¹⁰¹ Dirección General de Información and Comunicación, *Comunicado de Prensa Relativo al Informe de la Secretaria de la OEA Sobre el Desvio de Armas Nicaragüenses a las Autodefensas*, NP-10-2003, 20 January 2003. See also "Foreign Ministry Reacts to OAS Report on Diversion of Weapons," trans. BBC Worldwide Monitoring, *El Nuevo Diario* website (Managua), 21 January 2003, <http://www.web.lexis-nexis.com>.

¹⁰² "Remarks at Signing Ceremony for the Inter-American Convention Against Illicit Production of Firearms and Explosives," FDCH Political Transcripts, 14 November 1997, <http://www.web.lexis-nexis.com>.

¹⁰³ US Department of State Bureau of Political-Military Affairs, *Fact Sheet: Inter-American Convention Against the Illicit Trafficking and Manufacture of Firearms, Ammunition, Explosives and Related Items*, 1 August 2002 (emphasis added).

¹⁰⁴ Letter from Paul V. Kelly, Assistant Secretary of Legislative Affairs, to Joseph R. Biden, Chair of the Senate Foreign Relations Committee, 2 February 2002. This letter included three different priority lists of treaties currently in the SFRC. The OAS Convention was the first on the list of treaties which should be given very high priority, immediately after the top five treaties listed as having an urgent need for Senate approval.

As of January 2004, the treaty priority list for the 108th Congress had not been transmitted to the Senate Foreign Relations Committee. According to a State Department official, the list has been the subject of a year-long interagency review

that is currently deadlocked.

- ¹⁰⁵ This section draws heavily on research done by Carla Cartwright, former associate at the law firm Covington & Burling.
- ¹⁰⁶ See, e.g., 22 USC. § 2778 (2000). This section on the control of arms imports and exports lists US foreign relations objectives, which includes the furtherance of world peace and security of the United States. It also calls for regulations for the control of arms imports and exports, as well as criminalization of violations, that are similar to those required by the OAS Convention.
- ¹⁰⁷ *Report of the Chair of the Working Group to Consider an Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials*, Twenty-Fourth Special Session, at 6-12, AG/doc. 6 XXIV-E/97 (1997).
- ¹⁰⁸ Dyer, *One Size Fits All*, p. 13.
- ¹⁰⁹ Interview with OAS official, June 2003.
- ¹¹⁰ As an observer, the United States is not allowed to vote on recommendations. While most of the time the Consultative Committee makes decisions by consensus, in instances when the Committee is unable to come to consensus, a vote is taken. Thus, observers would be excluded from influencing the outcome of debates that end in a vote — the most contentious and presumably the most important debates.
- ¹¹¹ Interviews with officials from the permanent missions to the OAS and from the Organization of American States, September and November 2003.
- ¹¹² Several interviews with representatives of permanent government missions to the OAS and with senior OAS officials, June and July 2003.
- ¹¹³ See Anton La Guardia, “Humiliation as US loses UN human rights seat,” *The Daily Telegraph* (London), 4 May 2001, <http://www.web.lexis-nexis.com> and Stewart Stogel and Glenn Garvin, “US Loses Long-held Seat on U.N. Rights Commission,” *The Miami Herald*, 4 May 2001, <http://www.web.lexis-nexis.com>.
- ¹¹⁴ Bruce Stokes and Mary McIntosh, “How They See Us,” *The National Journal*, 21 December 2002, <http://www.lexis-nexis.com>.
- ¹¹⁵ This section draws heavily on research done by Priti Seksaria Agrawal, associate at the law firm Covington & Burling, and Carla Cartwright, former associate at Covington & Burling.
- ¹¹⁶ See *Message from the President of the United States Transmitting the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials*, 9 June 1998, 105th Congress, 2nd Session (Washington, DC: Government Printing Office, 1998).
- ¹¹⁷ Import Certificate for firearms destined for Organization of America States, 15 C.F.R. § 748.14 (2001) (explaining procedures for requirement of Import Certificates from OAS member nations).

- ¹¹⁸ 15 C.F.R. § 742.17. Exports of firearms to OAS member countries (Jan. 2001).
- ¹¹⁹ Implementation of the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition, 65 Fed. Reg. 38194, (20 June 2000) (codified at 27 C.F.R. pts. 47 and 178). The Bureau of Export Administration also made changes to policies in Exports of Firearms to OAS Member Countries 15 C.F.R. § 742.17 (1 January 2001).
- ¹²⁰ *Ibid.*
- ¹²¹ *Ibid.*
- ¹²² The ODTTC was renamed in 2002. It is now the Directorate of Defense Trade Controls.
- ¹²³ See 64 Fed Reg. 17531, 17532 (April 12, 1999). See also 22 C.F.R. § 121.1.
- ¹²⁴ See 64 Fed Reg. 17531, 17532 (April 12, 1999). See also 22 C.F.R. § 123.17.
- ¹²⁵ See 64 Fed Reg. 17532, 17533 (April 12, 1999).
- ¹²⁶ “George Bush Senior Delivers Remarks,” *Federal Document Clearing House Political Transcripts*, 13 September 2001, <http://www.web.lexis-nexis.com>.

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