



UNITED NATIONS  
*Office on Drugs and Crime*

# VIOLENCE, CRIME AND ILLEGAL ARMS TRAFFICKING IN COLOMBIA



**VIOLENCE, CRIME AND  
ILLEGAL ARMS TRAFFICKING  
IN COLOMBIA**

**RESPONSIBLE FOR THE STUDY**  
**VIOLENCE, CRIME AND ILLEGAL ARMS TRAFFICKING IN COLOMBIA**

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# Preface

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Colombia has one of the highest homicide rates in the world. Most of those killings involve firearms. What is the relationship between violence, crime and arms trafficking in Colombia? This report aims to find out.

The biggest problem is that in parts of Colombia, the State does not have a monopoly on the use of force. Highly organized criminal structures such as drug trafficking mafias and paramilitary groups are well-armed and dangerous. There are many private security companies, some of which use illegal weapons. Most Colombians who die from bullets do not die through indiscriminate violence. Rather, firearms are being used in the “professional” exercise of violence.

The Government therefore has a major challenge to disarm such groups and reduce violence. It also needs to strengthen gun control by increasing penalties for arms trafficking and the illegal carrying of arms.

Furthermore it needs to cut the supply of weapons by stopping the illicit trafficking in firearms. As demonstrated in this report, this is a trans-border issue. Weapons and ammunition are being smuggled into Colombia, very often in return for drugs. Regional cooperation and improved border control are essential to cut the links between drug trafficking, organized crime and insurgency.

Colombia deserves praise for its regional and international efforts to regulate and control small arms and light weapons. It understands from its bitter experience the need to reduce arms trafficking and that international cooperation, particularly with neighbouring States, is vital.

More countries should learn from Colombia’s experience. Since 2005 the world has had a powerful instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, namely a Protocol which supplements the United Nations Convention against Transnational Organized Crime. Ratification of this protocol is shamefully slow considering the seriousness of the threat posed by illegal weapons.

Preventing, combating and eradicating the illicit manufacture and trafficking in firearms is not an impossible dream. Whereas in the past people have talked about the importance of beating swords into ploughshares, some inspired Colombians are showing the world that you can turn guns into guitars. Colombian musician and peace activist Cesar Lopez has built several “escopetarras” – part rifle (*escopeta*) and part guitar (*guitarra*). With more activists like Mr. Lopez, greater domestic gun control and greater regional and global cooperation, Colombia and the rest of the world will have less guns and more guitars.



**Antonio Maria Costa**  
Executive Director



*“We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.”\**

Colombia is currently experiencing a series of situations in which firearms play a decisive role. Those engaged in the domestic armed conflict and in drug trafficking, as well as the highly specialized criminal groups, base their operational capacity and their power on firearms. Thus, in conformity with our mandate of combating drugs and crime, we decided to cooperate with the Colombian government by carrying out this assessment of the arms situation in the country.

The purpose of this initiative was to define and analyze the current situation with respect to both legal and illegal firearms in Colombia, determine the role they play in the exercise of violence, and analyze the institutional framework that Colombia has to control arms. Likewise, we reviewed the country’s participation in the different international agreements and instruments.

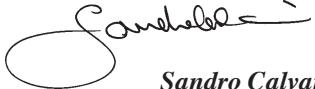
The analysis expounds the strengths and weaknesses of arms handling in Colombia. An in-depth diagnostic of the institutions directly responsible for the handling and control of arms shows that Colombian institutions adhere to high control standards, ranging from the regulation and monitoring of arms in the hands of private citizens to strict protocols for the control of arms held by the Government’s different security agencies, such as the Armed Forces and the Police. The Colombian Military Industry has strict regulations concerning the marking, transfer, and sale of arms.

On the other hand, the analysis of the relation between arms and violence leads to a surprising and paradoxical conclusion, since the use of firearms in Colombia is highly controlled and regulated by different actors, as well as by criminal organizations and rebel groups, who do not allow the indiscriminate proliferation of firearms in the zones or in the activities they control. The problem is that although these illegal arms are relatively “controlled”, they are used very efficiently to generate levels of lethal violence unlike those in the rest of the world.

Through this report, the United Nations Office on Drugs and Crime express the need of giving priority to the arms issue on its agenda for Colombia, not only because of the conflict Colombians are still experiencing, but also due to the demobilization, disarmament, and reinsertion process currently under way with different groups involved in the conflict.

I wish to extend special thanks to the governments of Sweden and Belgium that financed this report, to the Office’s Crime Prevention Area and to Fundación Seguridad y Democracia, entrusted with carrying out this research, which turned out to be one of the most complete and exhaustive studies of the issue undertaken at both the national and the regional levels.

Finally, I would like to thank the Organization of American States and the Colombian Government agencies that supplied the information necessary to carry out this study: the General Command of the Military Forces; the Office of the Prosecutor General of the Nation; the Interinstitutional Antiterrorism Group - GIAT; the Administrative Department of Security - DAS; the National Institute of Legal Medicine and Forensic Sciences; the Central Directorate of the Judicial Police - DIJIN; the Colombian Military Industry - INDUMIL; the Ministry of Foreign Affairs; the Program for the Sanctity of Life and Disarmament of the Office of the Secretary of Government of Bogotá; and the Private Security and Surveillance Superintendency.

  
**Sandro Calvani**  
Representative for Colombia

\* UN General Assembly 59th session. Follow-up to the outcome of the Millennium Summit. Report of the secretary general of the United Nation, Towards security, development and human rights for all. march, 2005.



# Introduction

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Although the main concern with respect to arms control during the Cold War was the control of nuclear and “strategic” weapons, during the past few years concern about the incidence of small arms and light weapons<sup>1</sup> in everyday violence, crime, terrorism, and the different worldwide conflicts has been occupying an ever more central role on the international community agenda. This is no coincidence: The manufacturing and marketing of firearms, especially of small arms and light weapons generate billions of dollars each year globally. This is because the arms are easily distributed, do not require specialized maintenance, and have a relatively low cost.

The thousands of civilian and military casualties resulting from the most serious current worldwide conflicts, such as those in Iraq, Afghanistan, Chechnya, Israel-Palestine, Kashmir, Sudan, or Sri-Lanka, are caused not by weapons of mass destruction or high-technology weapons, but by small arms, light weapons, and different explosive devices for personal use. Similarly, many cities around the world are experiencing serious public order disturbances caused by juvenile delinquent gangs that have developed significant degrees of power thanks to the access they have to small arms and light weapons. Such is the case in cities like Los Angeles, New York, Madrid, Medellín, Moscow, San Salvador, and Managua.

In 1988, the United Nations International Conference for the Adoption of a Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances for the first time called attention to the issue of small arms and light weapons. Since then, there have been important developments at the international level. In 1997, all member states of the Organization of American States - OAS, approved the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials - CIFTA<sup>2</sup>. In 2001, forty-four nations signed the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime<sup>3</sup>. Colombia has played a leading role in all of these developments. Light weapons, and any instrument that facilitates the exercise and consolidation of power through violence, undoubtedly play a fundamental role in a country whose homicide rates are eight times higher than the average international rate, which has experienced a low-intensity armed conflict for over five decades, and that occupies the first place in coca leaf production and exporting of cocaine hydrochloride. However, little is known in Colombia about the true relationship between firearms and the different dynamics of violence that are affected by them. What is the true role of both legal and illegal weapons in the exercise of violence in Colombia? Does the Colombian government have the capacity to control illegal weapons and fight against illegal trafficking? Does Colombia have an adequate legal framework to sanction the illicit trafficking and carrying of arms? Is Colombia complying with the established international standards with respect to importing, manufacturing, and marking of firearms?

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<sup>1</sup> The terms *firearms*, *short arms*, *long guns*, and *light weapons* are used in this document. The term *firearms* is used in those cases in which it is not possible to differentiate or break down the category into the types it includes. For example, in the chapter “Violence and Crime with Firearms in Colombia: Dimension of the Problem”, the statistics used exist only for the category of firearms. The terms *short arms* and *long guns* are used in order to make a precise distinction between pistols and revolvers, and assault rifles, respectively. In the chapter on “Colombia and the international instruments concerning the fight against illicit arms trafficking”, the term *short arms* is used since it is used in some of the treaties and agreements.

<sup>2</sup> The Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials was approved in the first plenary session held on November 13 of 1997, Organization of American States, Washington, DC. <http://www.oas.org/juridico/spanish/tratados/A-63.html>

<sup>3</sup> The Protocol was adopted through Resolution 55/255 of May 31 of 2001 by the United Nations General Assembly.



The objective of this document is to carry out a diagnostic study of the dynamics and behavior of small arms and light weapon use, marketing, and trafficking in Colombia. It will explore the institutional control mechanisms, public policies, and international performance of the Colombian government with respect to this issue. Finally, the study will serve as the basis for a series of recommendations aimed at orienting the future development of technical cooperation projects by the United Nations Office on Drugs and Crime.

The first chapter of the document provides an overview of violence with firearms in Colombia, the main violence-generating factors in the country, and the relationship between firearms and the different forms of violence. Violence in Colombia is not indiscriminate or generalized but is highly selective and derived from circumstances and motives generally related to criminal activity or to the armed conflict. As such, the use of firearms in Colombia is related to very high fatality levels. While it is possible to establish a correlation between small arms and light weapons and "intentional" homicidal violence (the violence exercised in the contexts of delinquency or the armed conflict) it is not possible to establish that firearms in Colombia, whether legal or illegal, increase or foster that violence. This is because the use of arms in Colombia is strictly controlled, both by the Government and by the different delinquent organizations, and that firearms are not always the preferred weapon used in actions of violence. There are other types of weapons that are widely used in the execution of violent acts, such as blunt and sharp weapons.

The second chapter examines the dynamics of the manufacturing, trafficking, illegal possession and carrying of small arms and light weapons, as well as the contraband routes, the groups involved, and the principal suppliers. It will also evaluate the different mechanisms available in Colombia to deal with the problem. Although the Colombian Government has adequate capacity to monitor and gather intelligence with respect to illegal trafficking, it lacks the operational capacity to exercise effective control of the main arms contraband routes. Finally, the chapter will also call attention to the serious issue of illicit trafficking in ammunition and will argue that this could potentially become even more critical than the illegal trafficking of arms.

The third chapter addresses different aspects of the institutional handling of firearms in Colombia. To this effect, a review is carried out of the institutions and government agencies that contribute to the control, regulation and production of firearms and ammunition, stipulating the scope of their duties, their operational capacity, and the results of their actions. An inventory of the procedures and processes established for the production, import, export, possession, and carrying of firearms in the country is also included, along with institutional capacity with respect to judicial investigation and ballistic registration. The chapter shows that certain aspects related to the filing and handling of information and to ballistic registration need to be improved. Nevertheless, Colombia currently has an institutional and procedural framework which generally satisfies expectations regarding the control and regulation of legal arms. This includes arms both privately owned and those belonging to government security agencies. Finally, the chapter will review the handling of weapons within government entities, and the standards applied in the different fields of the Military Industry, to include manufacturing, commercialization, and the marking of arms.

The fourth chapter reviews the different disarmament experiences that have taken place in the country, such as the disarmament experiences of rebel groups and those carried out voluntarily. The chapter shows that overall the Colombian experience in the different processes of disarmament, demobilization and reintegration (DD) with armed groups in Colombia has been rather improvised. However, the current process of demobilization of paramilitary groups has been the one to establish the most procedures for the reception and inventory of firearms. The chapter also describes how voluntary disarmament

campaigns and restrictions to carrying legal arms have had marginal effects on the reduction of violence, given that this violence is mainly exercised by criminal groups.

The fifth chapter analyzes the commitments, actions, and positions assumed by Colombia with respect to the different protocols, conventions, and cooperation agreements on small arms and light weapons. In this respect, it is important to highlight the leadership and permanent initiative that Colombia has displayed in the international field, by promoting the signature and adoption of different instruments aimed at reducing illegal trafficking and strengthening controls of legal arms transfers at the international level. With the exception of the weak penalization for the illegal carrying of arms, Colombia has tried to adapt its internal legislation to international requirements and standards. Both chapters three and five include a detailed review of the current national legislation on the issue.



Photo: El Tiempo - Jaime García

# 1. VIOLENCE AND CRIME WITH FIREARMS IN COLOMBIA: DIMENSION OF THE PROBLEM

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During the year 2005, there were 17,331 homicides in Colombia, of which 70% (12,055) were committed with firearms. The total homicide rate per hundred thousand inhabitants for that year was 39. The rate for homicides with firearms was 26.1 <sup>(4)</sup>.

Both of these rates attract international attention because they are extremely high. The average worldwide rate for deaths by firearms not directly related to situations of conflict ranges between 2.8 to 4 *hhti* <sup>5</sup>. The average rate for the Latin American and Caribbean region fluctuates between 13.6 and 16.6 *hhti*. Other regions like Europe, Asia, and the Middle East, all have rates below 2 *hhti* <sup>6</sup>.

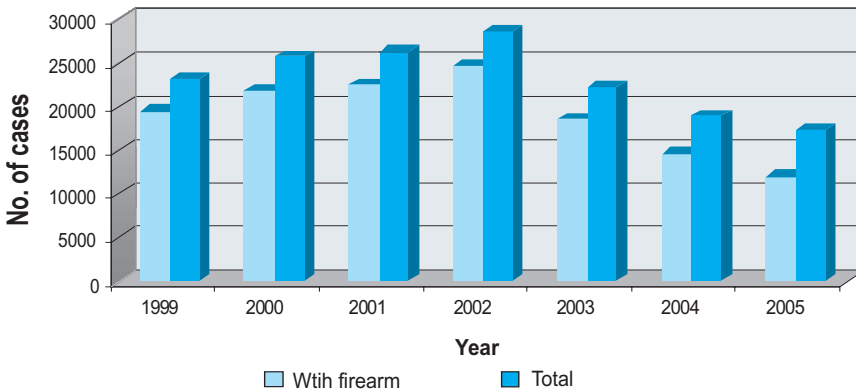
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<sup>4</sup> Attachment I contains tables with detailed statistical information regarding all of the graphs included in this chapter.

<sup>5</sup> (*hhti*)= homicides per 100,000 inhabitants.

<sup>6</sup> Small Arms Survey 2004. Electronic version, Web Page: [www.smallarmssurvey.org](http://www.smallarmssurvey.org).p. 175.

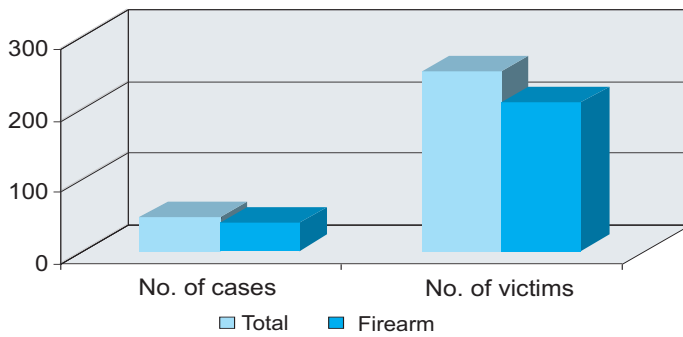
Graph 1 - Participation of firearms in homicides at the national level 1999-2005



Source: Reference and Expert Information Division - National Institute of Legal Medicine and Forensic Sciences

The participation of firearms in collective homicides or “massacres”<sup>7</sup> is also high. More than 80% of the victims of this modality of crime were killed with firearms. The remaining victims were mainly killed with blunt weapons.

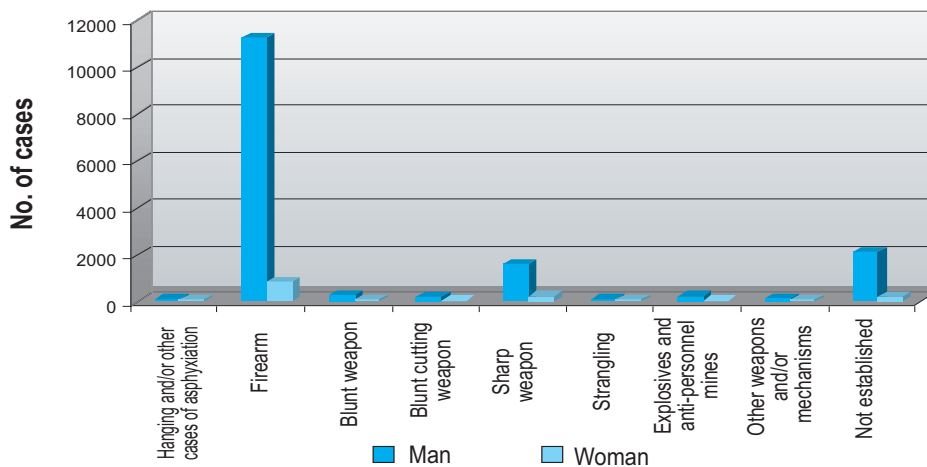
Graph 2 - Participation of firearms in collective homicides Year 2005



Source: Criminal Investigation Center - National Police

Although firearms are the main instrument used to commit homicides in Colombia, the role of blunt weapons, cutting blunt weapons, and sharp weapons<sup>8</sup> is still significant. In total, they account for 20% of the homicides. The remaining 10% corresponds to homicides caused by landmines, explosives, hanging, and asphyxiation.

Graph 3 - Homicides by gender according to arm or mechanism Year 2005



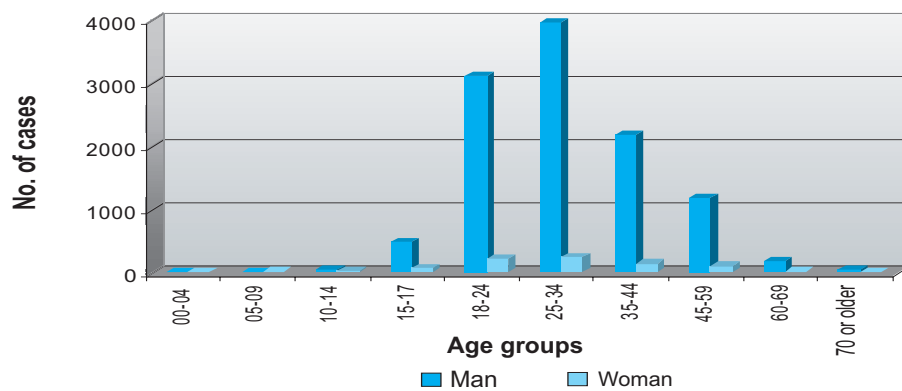
Source: Reference and Expert Information Division - National Institute of Legal Medicine and Forensic Sciences

<sup>7</sup> “Collective homicide” or “massacre” refers to the murder of 4 or more persons.

<sup>8</sup> Examples of blunt weapons are clubs and rocks; a machete is a blunt cutting weapon; and knives, switchblades, and daggers are examples of sharp weapons.

92% of the homicide victims in Colombia during 2005 were males, and only 8% were females. The most affected group was that of men between the ages of 18 and 44, with an accentuated incidence in the group of men between the ages of 25 and 34. Incidence by age-range in females was the same as that for males.

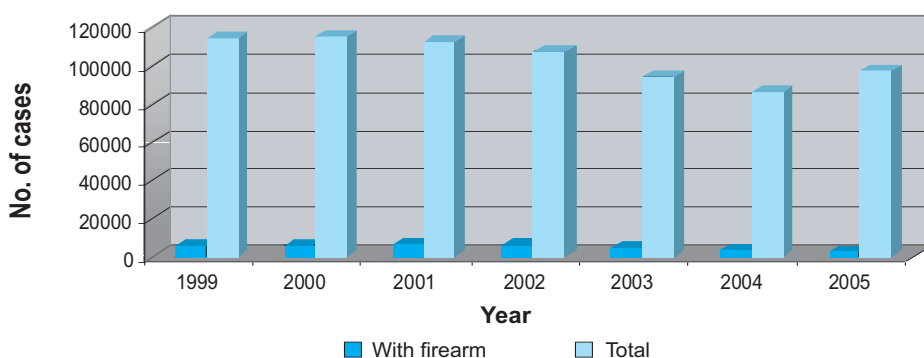
Graph 4 - Homicides with firearms by age group and sex Year 2005



Source: Reference and Expert Information Division - National Institute of Legal Medicine and Forensic Sciences

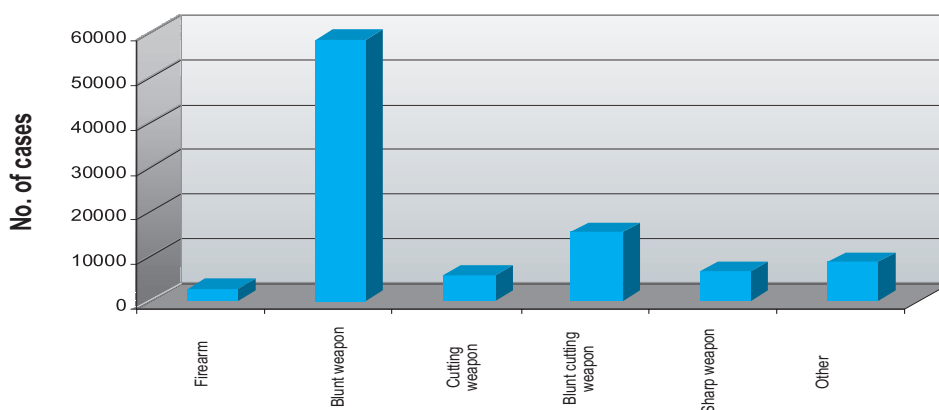
One of the most striking characteristics of the relationship between firearms and violence in Colombia is the role of the former in non lethal violence, for example personal injuries, ordinary offenses, and suicides is marginal or minor. Indeed, firearms do not contribute more than 26% to these acts. For example, only 3% of all non-lethal injuries occurred during the year 2005 were caused by firearms. Blunt weapons, cutting blunt weapons, and sharp weapons account for 95% of personal injuries.

Graph 5 - Participation of firearms in personal injuries at the national level 1999-2005



Source: Reference and Expert Information Division - National Institute of Legal Medicine and Forensic Sciences

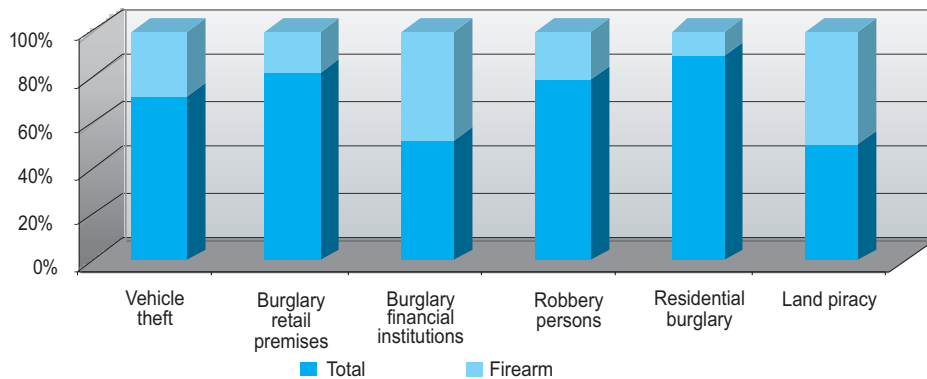
Graph 6 - Personal injuries according to weapon or mechanism Year 2005



Source: Reference and Expert Information Division - National Institute of Legal Medicine and Forensic Sciences

Similarly, the percentage of firearms involved in common offenses such as burglaries and muggings, is not as high as could be expected. In a sample of 89,278 offenses (see table below), only 26% of them (23,478) were committed using firearms. The crimes in which firearms are used the most are land piracy (96%) and vehicle theft (40%).

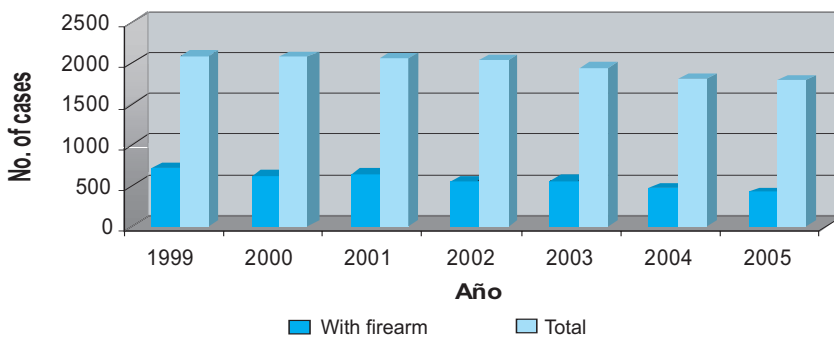
Graph 7 - Participation of firearms in common crimes Year 2005



Source: Criminal Investigation Center - National Police

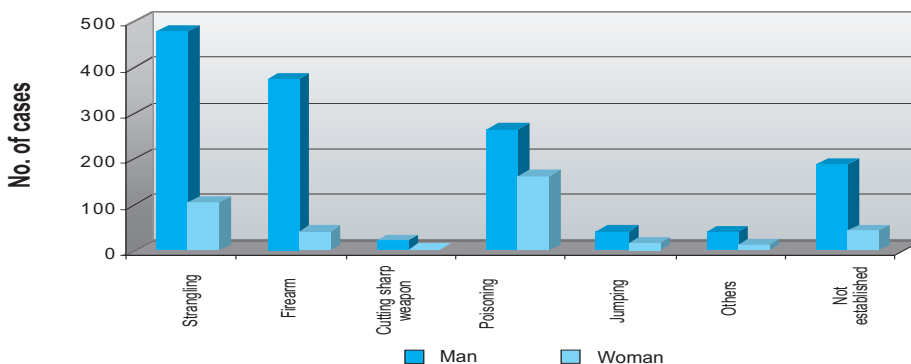
Firearms do not contribute significantly to suicides either. Of the 1,786 suicides that occurred in Colombia during the year 2005, only 23% were committed using firearms. The total suicide rate for that year was 3.8 per hundred thousand inhabitants. The rate for suicides using firearms was 0.9. From an international perspective, the rate for suicides with firearms in Colombia is low. In North America, the rate is 5.5 and in Western Europe, 1.7<sup>(9)</sup>. The most common forms of suicide in Colombia in 2005 were hanging in the case of men, and poisoning in the case of women.

Graph 8 - Participation of firearms in suicides at the national level 1999-2005



Source: Reference and Expert Information Division - National Institute of Legal Medicine and Forensic Sciences

Graph 9 - Suicides by gender, according to weapon or mechanism Year 2005



Source: Reference and Expert Information Division - National Institute of Legal Medicine and Forensic Sciences

<sup>9</sup> Ibid. p. 178

Homicides, as well as suicides and personal injuries with firearms, have shown a falling trend over the past 5 years. Since 1999, the proportion of homicides using firearms has decreased by 38%, dropping from 19,553 to 12,055 homicides. The proportion of personal injuries caused by firearms has decreased by 51%, dropping from 5,582 to 2,697 injuries. Finally, the proportion of suicides has diminished by 41%, falling from 708 to 415 suicides<sup>10</sup>.



Photo: DDA/RDB/UNLIBREC Library

## 1.1 The relationship between firearms and violence

The different studies and research projects that analyze the relationship between firearms and violence are characterized by their high political, ideological, and emotional content, regardless of where in the world they are carried out. This is not surprising, since firearms not only involve significant economic interests and play an essential role in the balance of power, but also represent the instrument that causes the most deaths and, consequently, the most grief among human beings. However, as pointed out in the “Small Arms Survey”<sup>11</sup>, it is important to bear in mind that although firearms are used in violent acts, this does not necessarily mean that they are the cause of such acts, or that they contribute to the increase of violence.

There are currently two conflicting positions with respect to the relationship between firearms and violence in the world. Some studies argue that the possession of arms by private citizens has a significant influence on levels of violence. Others argue that arms carried by citizens actually contribute to the reduction of

<sup>10</sup> See tables in Attachment I

<sup>11</sup> Ibid. p. 180

violence, because it acts as a deterrent against criminal activity. The first position, represented by authors like Conwell, Miller, and Slovak<sup>12</sup>, uses the relationship between the availability of firearms and the increase in fatal and non-fatal injuries in specific population groups, such as young people, senior citizens, and women, to support this argument. The second position, represented mainly by authors like Lott and Mustard<sup>13</sup>, is based on studies showing that levels of criminal violence are much higher in countries and regions where possession and carrying of arms is prohibited, rather than in those where it is permitted<sup>14</sup>. Furthermore, delinquency and criminal violence tend to increase during periods following the prohibition to carry arms. Indeed, a related position argues that in periods following prohibitions of firearms, violence with firearms is reduced, but general levels of violence using other types of weapons increases<sup>15</sup>.

In Colombia, the role of firearms in homicidal violence seems to be related more to organized crime and illegal subversive groups than to a “culture of violence” where firearms are privately owned by citizens. Homicidal violence in Colombia has three dimensions. One is related to the armed conflict; the other, to the dynamics of ordinary crime and organized crime; and the third, to community life and social conflict. Although they have their own dynamics, these three dimensions are closely linked to one another, and it is often difficult to establish categorical differences among them. Nevertheless, the dynamics associated with delinquency, organized crime, and the armed conflict are those that produce the greatest number of violent acts. Violence generated by factors related to community life and social intolerance occupies a secondary position. Although counter-intuitive, because Colombia is a country beset by an armed conflict that has lasted several decades, and since it features several highly organized criminal structures, such as drug trafficking mafias and paramilitary groups, the use of firearms in Colombia is NOT indiscriminate, but rather, highly “professional” and structured. In Colombia, firearms do not cause injuries, they kill. The low participation of firearms in personal injuries (3%), in suicides (23%), and in common crimes (26%), as well as their high participation in homicides (70%) and massacres (90%), indicates that firearms in Colombia are not used indiscriminately by the population and that their use is restricted to very specific situations related to the “professional” exercise of violence.

This peculiar characteristic of the Colombian case distinguishes it significantly from the different patterns of violence with firearms in other regions and countries. For example, in the United States, in certain Western European countries, and in Central America, there is currently a serious problem caused by the availability and indiscriminate use of firearms by juvenile gangs, petty offenders, and drug dealers. Another pattern may be observed in certain African nations, where the indiscriminate use of firearms especially affects minors. In other parts of the world, such as certain regions of the former Soviet Union and Northern Mexico, there is yet another pattern: carrying and using firearms is an expression of a “mafia culture”.

In order to clearly understand the role of firearms in Colombia, it is essential to understand the different dynamics of violence in the country, their evolution in recent years, the weight that each one of them has, and the role each one plays. In fact, of the total of 17,331 homicides in 2005, approximately 20%, (3321 homicides) were directly related to the armed conflict<sup>16</sup>. In the years prior to 2001, this proportion was lower, since the deaths directly related to the armed conflict did not exceed 10% of the national total. The increase as of 2002 is mainly due to President Uribe’s Democratic Security Policy, and to the reallocation of Plan Colombia resources to the strengthening of military capacity for the fight against terrorism.

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<sup>12</sup> Conwell, Y., et. al. *Access to firearm and risk suicide in middle aged and older adults*. American Journal of Geriatric Psychiatry. Vol.10, 2002; Miller, Mathew, et. al. *Firearm availability and unintentional firearm deaths, suicide and homicide among 5-14 year olds*. Journal of Trauma Injury, Infection, and Critical Care, Vol. 52, 2002; Slovak, Karen. *Gun violence and children: factors related to exposure and trauma*. Health and Social Work, Vol. 27, 2002; cited in *Small Arms Survey*, 2004.

<sup>13</sup> Lott, John. *More Guns, Less Crime*. The University of Chicago Press, Chicago, 2000 and Lott, John y David Mustard. *Crime, deterrence and right to carry concealed guns*. Journal of Legal Studies, Vol. 26, 1997.

<sup>14</sup> For example, in the USA, the states that allow free carrying of arms have violent crime rates that are twice as low as those in states where it is prohibited. (See: Lott, 2000). See: *Small Arms Survey* 2004.

<sup>16</sup> Casualties in combat for both the Armed Forces and the rebel groups are taken into account here. There are other deaths related to the armed conflict, such as political assassinations, assassinations of community leaders, civilians killed in the course of actions by the guerrilla groups or the Armed Forces, and massacres, but their classification is not easy given that in most cases, the circumstances in which these deaths occur are not clear and that most of these investigations are still open.



Graph 10 - Total homicides vs. deaths directly related to the armed conflict 1999-2005



Source: Seguridad y Democracia Foundation Information System.

\* Only the casualties occurred in combat between the Armed Forces and rebel groups are taken into account.

It is difficult to establish a nationwide characterization of that 80% of homicides that are not directly related to the armed conflict. However, there are studies at the local level that, to some extent and taking appropriate factors into account, may be extrapolated to the national level in order to obtain an idea as to their proportional relevance. For example, studies carried out in Bogotá by researchers of the Public Peace Program at the Universidad de los Andes<sup>17</sup> established that “instrumental violence”, (violence exercised by or related to criminal organizations) has a greater incidence than “impulsive violence” (violence associated with conflicts arising out of community life.) Indeed, according to these researchers, from the spatial point of view homicidal violence in Bogotá is highly correlated with the presence of criminal structures and the illicit trafficking in arms<sup>18</sup>. On average, the number of “instrumental” homicides in the city is 2.5 times higher than the number of “impulsive” homicides. In some parts of the city, this ratio can be as high as 4.4 “instrumental” homicides for each “impulsive” one. In other words, “the participation of impulsive violence in the capital does not exceed 30% of the total homicides



Photo: General Command of the Military Forces

<sup>17</sup> Llorente Ma. Victoria, Escobedo, Rodolfo, Echandía, Camilo, and Rubio, Mauricio. *Violencia homicida en Bogotá: más que intolerancia*. Documento CEDE, Universidad de los Andes, School of Economics Web Page, 2001, and Llorente Ma. Victoria, Escobedo, Rodolfo, Echandía, Camilo y Rubio, Mauricio. *Caracterización de la Violencia Homicida en Bogotá*. Alcaldía Mayor de Bogotá, 2000.

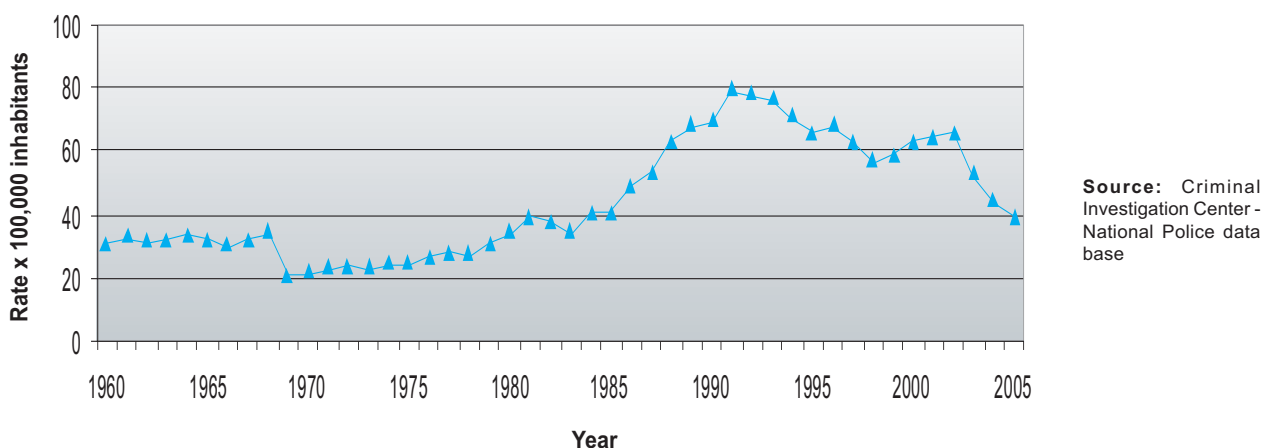
<sup>18</sup> Llorente et.al, 2001. p. 15

reported<sup>19</sup>. Similarly, figures from Crime Observatories<sup>20</sup> in cities such as Cali, Medellín, Cúcuta, and Cartagena, as well as to studies carried out by the Seguridad y Democracia Foundation<sup>21</sup> in 9 of the country's principal cities, reveal that the majority of the homicides which have occurred are associated with the phenomenon of "sicariato"<sup>22</sup> and with the settling of scores among organized crime structures.

Taking this into account, it can be inferred that, at the national level at least, 50% of the homicides not related to the armed conflict are the result of the different dynamics of crime. The remaining 30% would be related to communal living and intolerance issues.

The historical pattern of the total homicide rate supplements the previous argument by showing that the rate has increased significantly during those periods associated with political conflicts, or periods in which the drug trafficking mafias have been especially active. Over the last one hundred years, the average homicide rate in Colombia has been between 20 and 30 homicides per one hundred thousand inhabitants. This average was atypically altered at the end of the 1940's and beginning of the 50's due to the civil war between the two main political parties – The Conservatives and The Liberals. During that period, the national rate rose to more than 50 *hhti*, and to even over 80 *hhti* in several parts of the country. During the 60's and 70's, the rate dropped back to its historical average mainly due to the agreement achieved between the dominant political forces, and "Frente Nacional" or the National Front. The sole exception during this period of relative peace that Colombia experienced in the 60's and 70's was at the local level. In the Department of Guajira, the homicide rate reached levels higher than 100 *hhti* due to vendettas among marijuana cartels. Later during the 80's, the increased activity of the guerilla groups and the cocaine cartels caused the national homicide rate to rise to unprecedented levels surpassing 80' *hhti*.

Graph 11 - Evolution of homicide rates in Colombia 1960-2005



During the 1990's, homicide rates started to decrease once again, at both the national and the regional levels. This reduction was mainly due to the war on drugs declared by the governments of the United States and Colombia, which managed to dismantle the main cartels that controlled the business at the beginning of the decade. The effects of the war on drug trafficking at the beginning of the 90's are clearly reflected in the decrease in homicide rates in the cities where those cartels operated.

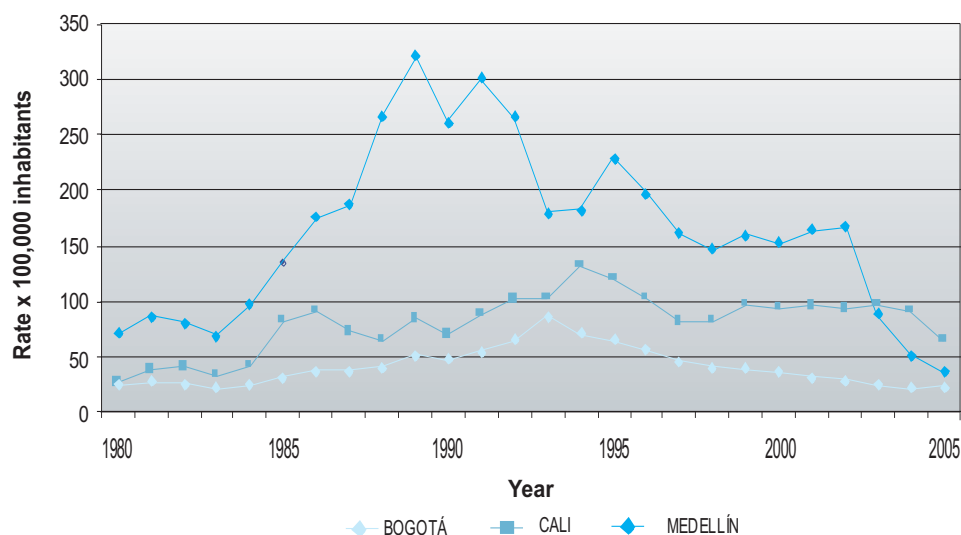
<sup>19</sup> Llorente et.al, 2000, pp. 27-31

<sup>20</sup> See: [www.observatorio.cali.gov.co](http://www.observatorio.cali.gov.co); [www.distriseguridad.gov.co](http://www.distriseguridad.gov.co); [www.alcaldiadecucuta.gov.co](http://www.alcaldiadecucuta.gov.co); [www.medellin.gov.co](http://www.medellin.gov.co).

<sup>21</sup> Fundación Seguridad y Democracia. *Los paramilitares en las ciudades de regiones de Colombia*. Unpublished document, 2006

<sup>22</sup> Hired assassins.

Graph 12 - Homicide rates in the country's three main cities 1980-2005



**Source:** For the period between 1980 and 1989, the source is: Cubides, Fernando, Olaya, Ana Cecilia and Ortiz, Carlos Miguel, *La violencia y el municipio colombiano 1980-1987*. Universidad Nacional, Centro de Estudios Sociales, 1998. From 1990 to 2005, the source used was the data base of the National Police Criminal Investigation Center.

Starting in the second half of the 1990's, the operative form of drug cartels, organized crime groups, and armed rebel groups was restructured as both guerrilla and paramilitary groups initiated their attempt to control the entire drug trafficking business, as well as most of the country's criminal activities. This is reflected in the slight increase of homicide rates between 1997 and 2002<sup>(23)</sup>. After the drug cartels that controlled the business during the eighties were dismantled, some of their members who were not captured, relocated to the rural areas of the country and, began to use the self-defense/paramilitary groups<sup>24</sup> as a facade to retake control of the drug trafficking business, now that they were strengthened according to this small army format<sup>25</sup>. This allowed them to exercise a greater territorial control over areas critical for processing coca leaf and exporting cocaine hydrochloride. Similarly, the guerrilla groups came to have greater control over the production (planting) of coca leaf. At the urban level, different paramilitary groups began to control important criminal organizations, for example: the Cacique Nutibara Block in the city of Medellín, the Centauros Block in Bogotá, and the Catatumbo Block in Cúcuta<sup>26</sup>. As of 2002, the consolidation of these structures at both regional and local levels generated a more selective violence, focused on specific targets. This, together with the enforcement of agreements with the national government aimed at the cessation of hostilities and subsequent demobilization of these groups, has contributed to the continued decrease in the homicide rate.

Notwithstanding the above, certain cities and regions where there are disputes over the control of criminal organizations and illegal economic activities still feature rather high homicide rates. For example, in the "Eje Cafetero" (Coffee-growing zone) and the northern part of the Department of Valle, there are conflicts among different groups and mafias engaged in drug trafficking. In the northwestern part of Antioquia, there is a conflict for territorial control between guerrilla and paramilitary groups whilst in the foothills of the Eastern Cordillera, there are confrontations among paramilitary groups for control of the territory. In other regions, such as the Department of Nariño and the Catatumbo area in Norte de Santander, homicide rates are also high due to the competition between guerrillas and paramilitary groups for the control of the drug trafficking business (see map below.)

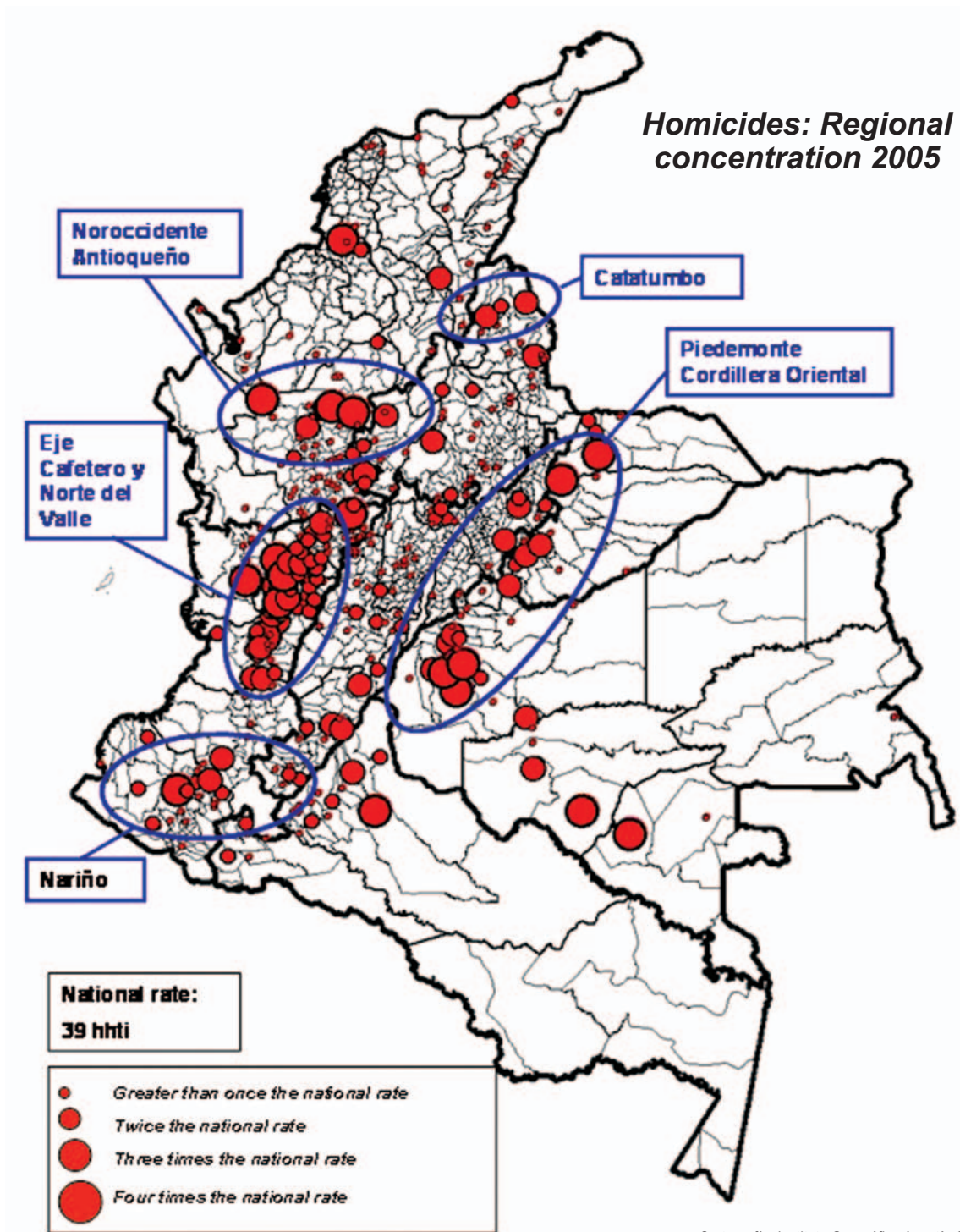
<sup>23</sup> Garzón, Juan Carlos. *La complejidad paramilitar: una aproximación estratégica*. In Rangel, Alfredo (ed.). *El Poder Paramilitar*. Editorial Planeta, Bogotá. 2005

<sup>24</sup> The "self-defense" groups were created at the initiative of the Government in order to protect the civilian population (farmers and cattle-raisers) from the constant attacks by guerrilla groups. However, these groups were soon infiltrated and used by the drug traffickers.

<sup>25</sup> Duncan, Gustavo. *Narcotraficantes, mafiosos y guerreros: historia de una subordinación*. In Rangel, Suarez, *Narcotráfico en Colombia: Economía y violencia*, Ensayos sobre Seguridad y Democracia, Bogotá, 2005.

<sup>26</sup> For more information, see: Garzón, Juan Carlos. *Desmovilización Bloque Héroes de Granada*. Electronic document, Fundación Seguridad y Democracia. Web Page, [www.seguridadydemocracia.org](http://www.seguridadydemocracia.org)

Map 1



Source: Calculations: Seguridad y Democracia Foundation. Data: National Police, Criminal Investigation Center

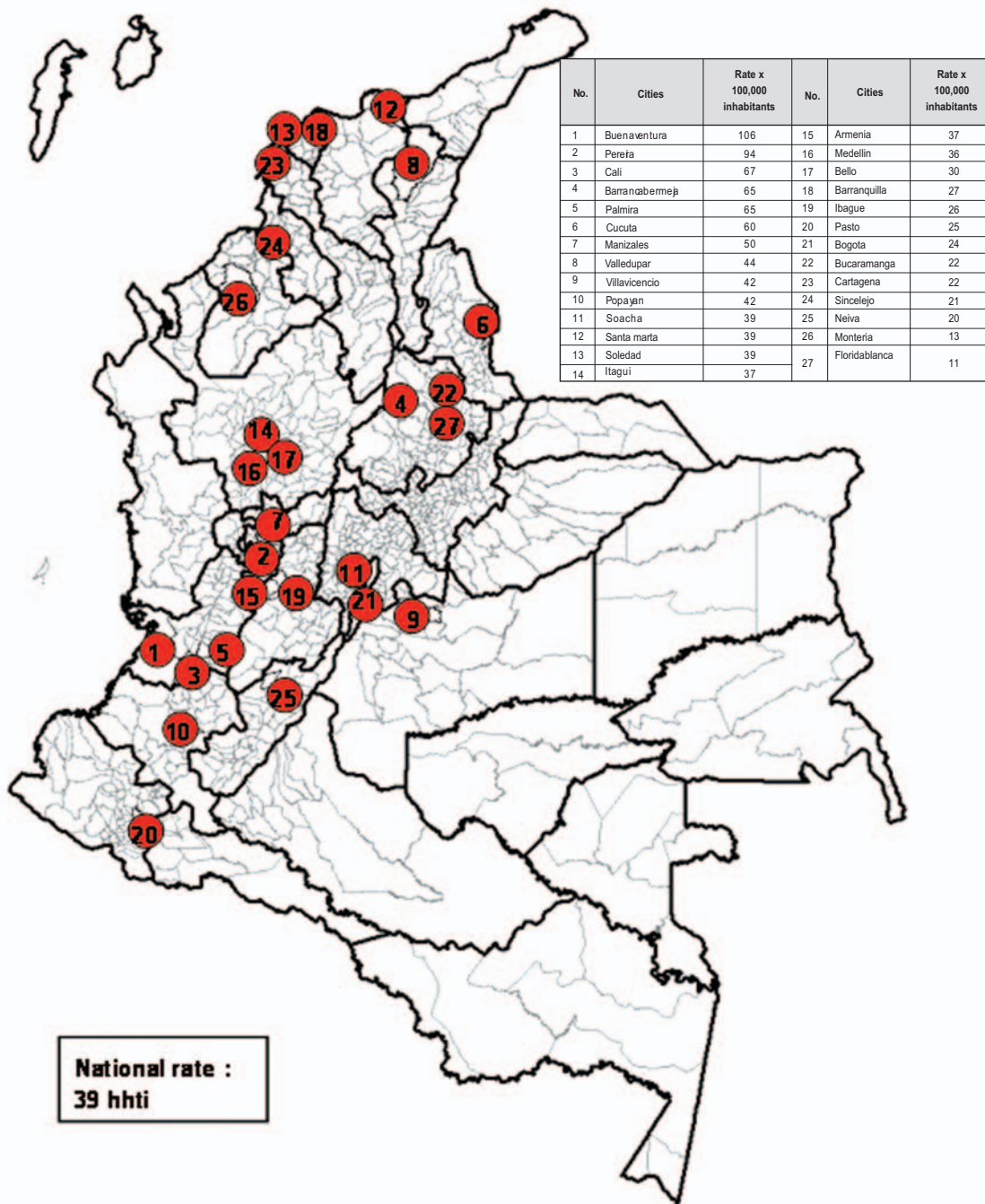
At the local level, 10 of the 27 largest cities in Colombia<sup>27</sup> feature rates that surpass the national average of 39 homicides per hundred thousand inhabitants. Two of those cities, Buenaventura and Pereira, have rates

<sup>27</sup> Cities with more than 200,000 inhabitants.

twice as high as the national average: 106 and 93 *hhti*, respectively (see map below). In the case of Buenaventura, the high rate is due to the constant battle for control of the drug trafficking business among paramilitary groups, guerrillas, and mafias. In Pereira, the high rate is also due to the dynamics of drug trafficking, but here the activity is controlled by paramilitary groups that handle small groups of drug traffickers (see map below).

Map 2

**Homicide rates in the main cities of Colombia  
Year 2005**

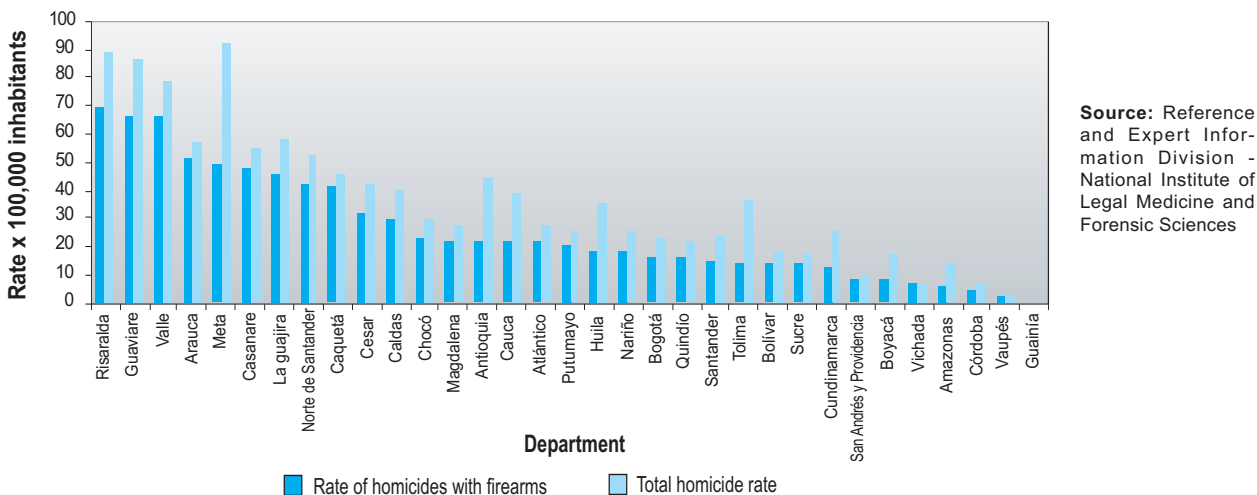


Cartografía: Instituto Geográfico Agustín Codazzi

Source: Calculations: Seguridad y Democracia Foundation. Data: National Police, Criminal Investigation Center.

Although the elevated homicide rates indicated above for some Colombian regions and cities are the result of actions by armed illegal groups and organized crime groups, this violence does not necessarily involve the use of firearms. Indeed, the relationship between firearms and the regions with the highest homicide rates is not consistent. For example, in departments such as Meta, Antioquia, Huila, and Tolima, whose homicide rates are very high compared to the national average, homicides with firearms account for less than 50% of the total homicide rate. This indicates that other weapons, such as blunt weapons, blunt cutting weapons, and sharp weapons, are widely used in homicides.

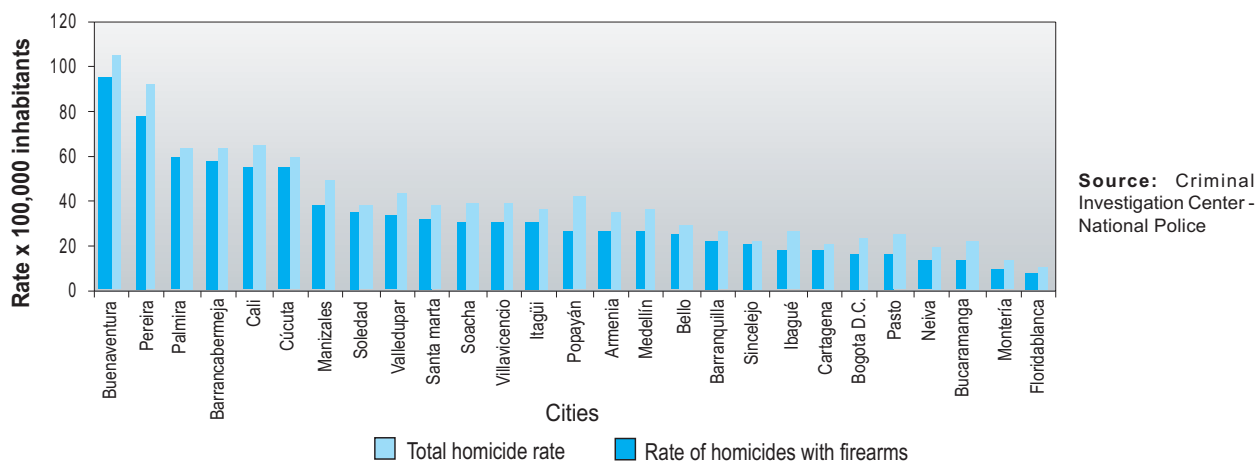
Graph 13 - Homicides by department-total rate vs. firearms rate Year 2005



Source: Reference and Expert Information Division - National Institute of Legal Medicine and Forensic Sciences

In the case of cities, the relationship between the total homicide rate and the rate of homicides with firearms is more consistent. In fact, cities with very high homicide rates, such as Buenaventura, Pereira, Barrancabermeja, Palmira and Cali, also have very high rates of homicides committed with firearms. This clearly indicates that in these urban areas, firearms are the preferred means of committing homicide.

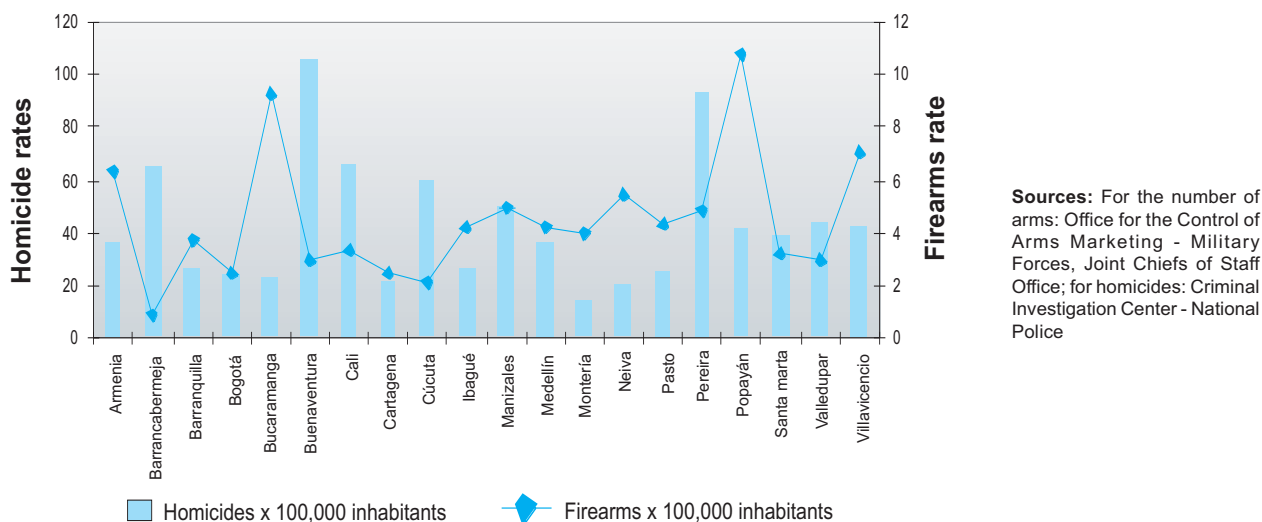
Graph 14 - Homicides by city total rate vs. firearms rate Year 2005



Source: Criminal Investigation Center - National Police

By contrast, if the homicide rates in the country's largest cities are compared to the presence of **legal** arms in these cities, one can see that paradoxically, the cities with the highest numbers of legal firearms, such as Popayán, Bucaramanga, Neiva, Armenia, and Villavicencio, are those with the lowest homicide rates. Furthermore, the cities with the highest homicide rates are those whose proportion of legal arms is the lowest. This is the case of Pereira, Buenaventura, Cúcuta, Barrancabermeja, and Cali (see Graph below).

Graph 15 - Homicide rate vs. legally possessed firearms Year 2005



Sources: For the number of arms: Office for the Control of Arms Marketing - Military Forces, Joint Chiefs of Staff Office; for homicides: Criminal Investigation Center - National Police

The fact that some of the cities with the highest homicide rates, such as Pereira, Buenaventura, Barrancabermeja, and Cali, also have very high rates of homicides with firearms and the lowest legal arms possession rates might seem initially a contradiction. However, this merely confirms the hypothesis that the majority of the arms used to kill in those cities are illegal arms owned by illegal or subversive groups.

With respect to the relationship between legal arms and violent acts such as homicide, there are case studies that have tried to calculate the participation of these arms in such acts. In the year 2001, the Ministry of Defense published a study that establishes the minimal participation of legal arms in violent acts. According to the study, "...in the year 2000, only 3.8% (27) of the total arms identified in Bogotá corresponds to arms with legal permits, and the remaining 96.2% (650) corresponds to illegal arms. The behavior for 1999 is similar in magnitude. If it is assumed that the behavior of armed homicides mirrors the national trend, it would be reasonable to conclude that in Colombia a high number of homicides are committed with illegal firearms".<sup>28</sup>

On the basis of the above, it is possible to conclude that although there is a clear relationship between homicidal violence and criminal organizations in Colombia, the relationship between firearms and violence is not equally clear. Since it is a highly selective and specialized violence, predominantly motivated by circumstances related to the armed conflict, to the settling of scores among groups, and to the consolidation of control over illicit activities in certain regions, violence is not indiscriminate (where the availability of firearms becomes a variable that affects the number of fatalities, as is the case in other parts of the world). In Colombia, firearms are mainly in the hands of individuals who intend to use them as "work" instruments. Likewise, one can argue that Colombia does not have an arms-carrying culture, nor a culture in which indiscriminate use of firearms prevails. This is confirmed by the statistical indicators regarding the behavior of non-lethal violence and suicides. More than 96% of the violent, non-lethal injuries are committed with weapons other than firearms. The fact that over 92% of homicide victims are young men and not women also indicates that the circumstances in which violence occurs are closely related to the armed conflict and to criminal activity.

<sup>28</sup> Ministry of Defense. *Homicidio y control de armas en Colombia*. Electronic version, Web page [www.mindefensa.gov.co](http://www.mindefensa.gov.co) 2001.



Photo: General Command of the Military Forces





Photo: National Police

## 2. ILLEGAL TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS IN COLOMBIA<sup>29</sup>

There is no question that the existence and the expansion of illegal armed organizations in Colombia are based on the continuous and permanent access to the acquisition of arms. This, in turn, constitutes the essential source of their power for intimidation and action. Thus, the enormous demand for arms generated by their criminal activities imposes a critical need to satisfy that demand by resorting to different sources and suppliers. Guerrilla and paramilitary groups, organizations engaging in drug trafficking, and even individuals, have resorted to illicit trafficking in order to acquire different kinds of weapons for all sorts of purposes. The common denominator, however, is their non-compliance with the legal acquisition procedures and, hence, with the requirement of obtaining the corresponding authorization.

<sup>29</sup> According to the Political Constitution of Colombia: "Only the Government may introduce and manufacture arms, war ammunition, and explosives" and "Nobody is allowed to possess or carry them without permission granted by the competent authorities". For this reason, in this chapter, illegal trafficking in arms will be understood as any transaction for the acquisition of small arms and light weapons that is not carried out through the legal channels and with the appropriate permission granted by the competent authorities.

According to the government's intelligence and investigation agencies<sup>30</sup>, the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the paramilitary groups such as the United Self-Defense Groups of Colombia (AUC)<sup>31</sup> have historically acquired the greatest quantity of armament by illegal means, and, consequently, represent the greatest demand for weapons in Colombia. It is estimated that 80% of the arms entering the country illegally are destined for these groups, while 20% go to common crime groups and organized crime. For reasons of economy of scale, common crime groups do not engage directly in arms trafficking. Indeed, most of the weapons they obtain originate in the internal market (based on the organized illegal trafficking by the principal armed groups).

As long as the armed conflict continues and crime structures that control important illegal businesses persist in Colombia, there will be a demand for arms. As such, it is clear that there will be a direct relationship between the intensity of the confrontation and the expansion or contraction of the armed organizations, and the level of demand for arms. Similarly, the tactical and operational conditions of the armed conflict will have an effect on the qualitative aspect of demand. For example, a case that has been much speculated upon in the past few years is the possibility that the FARC acquire Man Portable Air Defense Systems (MANPAD's) in order to counter the Military Forces' armed air support system (this includes Toucan and OV-10 aircraft, as well as gunship helicopters, especially the Black Hawk Helicopter.) Another case that illustrates the qualitative changes in the demand for arms by these groups is that of the Plan Patriota (Patriot Plan). There are many military reports denouncing the presence of FARC snipers in charge of preventing the advance of troops in the jungles in the southern part of the country. Such reports show that these snipers possess sophisticated high-precision rifles, which did not form part of this organization's armament in the past. This means that the demand for illegal arms can vary not only with respect to quantity, but also with respect to quality or to the type of weapons sought in order to better adapt to a certain tactic or operational plan.

Intelligence agencies estimate that the standard equipment for combatants in illegal armed groups such as the FARC and the paramilitary organizations consists of 2 arms per combatant. For the ELN, the ratio is estimated to be 1 arm per combatant. This does not necessarily mean that each combatant is issued 2 weapons, but rather that the organization as a whole may have a reserve arsenal<sup>32</sup>.

On the basis of military intelligence reports and of the armament seized from illegal groups, it is possible to determine the type of rifle most used by each one of these groups. The illegal self-defense groups, for example, prefer to use American-made rifles, such as the Colt Match Target, M-16, AR-15, and Winchester M-14. Nevertheless, arms manufactured in other countries have also been seized from these groups, especially Bulgarian AK-47 M1's, Russian AK-47's, Hungarian AMD-65's, and Russian PKM machine guns. Due to the variety of armament, the self-defense groups use 5.56 and 7.62 ammunition. The FARC have used Russian AK-47 rifles, as well as their Hungarian AKM and former East German MPIKM versions. The Swiss FAL rifle, models M63 and M61T1 are also commonly used by the group. Other weapons seized from the FARC are American semi-automatic Ruger Mini-14 and COLT AR-15, M-16, and Match Target rifles. Although the FARC mainly use caliber 7.62 ammunition, they have a smaller supply of armament that uses caliber 5.56 ammunition in their arsenal. In the case of the ELN, the most used weapons are FAL rifle and the AK-47 in its AKM and MPIKM versions. This group uses caliber 7.62 ammunition.

Every year Military Forces, National Police and DAS units carry out operations to seize arms from the illegal groups. According to the records obtained of confiscations carried out by the National Army during the years 2004 and 2005, it is possible to observe that an important quantity of armament was seized in a one-year period.

<sup>30</sup> In the process of research for this paper, interviews were carried out with members of the Interinstitutional Anti-Terrorist Analysis Group -GIAT, of the Intelligence Department of the Office of the Joint Chiefs of Staff of the Armed Forces, and of the Judicial Police and Investigations Directorate -DIJIN of the National Police.

<sup>31</sup> Although the AUC were completely dismantled as an armed organization in March of 2006, there are still illegal self-defense groups in the country, which either did not participate in the negotiation process with the Government, or decided to reorganize into new independent groups when they demobilized their structures. Given that this is a new situation in its initial phase, it is currently very difficult to measure the scope of the demand for arms that may arise as a result of the creation of these new self-defense groups, also known as "third generation" paramilitary groups. In any case, it is reasonable to suppose that these groups, whose actions and power rely on the use of arms, will sustain a permanent demand for war materials.

<sup>32</sup> This document does not include a calculation of the number of illegal arms in Colombia. The reason for this is that although it is possible to make an estimate with respect to the illegal armed groups on the basis of military standards of issue per combatant, in the case of common crime there are no parameters that allow standardization, given the diversity of crime organizations, modalities, and modus operandi. Consequently, the estimates made of the number of illegal arms in Colombia are rather questionable.

There is an interesting aspect related to the confiscation of rifles. In 2004, more than three thousand rifles were seized, of which 48.4% belonged to the illegal self-defense groups, which, at that moment, were already involved in the peace process with the National Government. 43.7% of those rifles belonged to the FARC and the remaining 7.7% to the ELN.

In the year 2005, confiscations of rifles decreased significantly due to a considerable reduction in the number of arms seized from the illegal self-defense groups, which dropped from 1,475 in 2004 to a mere 526 in 2005. Thus, of the 1,982 rifles seized in 2005, 63.4% correspond to the FARC. The number of arms seized from the FARC and the ELN has remained stable.

Undoubtedly, these seizures of rifles represent significant quantities of this type of armament, and to that extent, constitute a clear explanation of why the illicit traffic in arms, especially in rifles for the illegal armed groups, is so dynamic and continuous. In the case of the FARC, given the loss rate of 1,300 rifles per year through seizures by the Army, it is easy to see why there is a constant demand for and thus illicit trafficking of arms.

Other facts that deserve attention are also revealed as a result of those seizures. Firstly, significant numbers of carbines and shotguns have also been confiscated, especially from the FARC. This shows that the FARC's great purchasing power (derived from the profits of the drug trafficking business) is not unlimited and has not allowed them to standardize their armament. On the contrary, they are still using arms that are not efficient for combat, such as carbines and shotguns.

Secondly, the seizure of small arms, especially of pistols and revolvers, from the three illegal groups is also significant. In the case of the FARC, their tendency to make intensive use of light artillery is clearly reflected in the significant confiscation of grenades and mortars, in quantities much higher than those of other groups. Finally, important quantities of ammunition have also been seized. In 2004, more than one million six hundred thousand cartridges were seized, of which 60.9% corresponded to the FARC and the remaining 40% is almost equally distributed among the illegal self-defense groups and the ELN. In 2005, the ammunition seized amounted to more than a million and a half cartridges, of which 76.6% belonged to the FARC.

Table 1  
Types of weapons seized from illegal groups  
2004-2005

TYPE OF WEAPON	2004				2005				2004-2005
	Self-Defense	ELN	FARC	Total	Self-Defense	ELN	FARC	Total	Total
Machine guns	25	2	0	34	7	1	27	35	69
AVN	8	1	7	16	3	1	20	24	40
Rifles	1,475	237	1,332	3,044	526	198	1,258	1,982	5,026
Carbines	47	11	170	228	20	5	86	111	339
Submachine guns(D)	65	17	34	116	29	15	77	121	237
Pistols	414	118	626	1,158	202	115	616	933	2,091
Revolvers	441	119	488	1,048	229	128	505	862	1,910
Shotguns	260	74	439	773	134	74	403	611	1384
Grenade launchers	54	8	21	83	19	3	22	44	127
Mortars	103	11	132	246	26	18	246	290	536
Grenades	2,106	363	8,638	11,107	1,107	413	9,804	11,324	22,431
Missile launchers	16	1	18	35	13	4	12	29	64
Telescopic sight	4	3	13	20	4	1	12	17	37
Ammunition (D)	598,650	46,582	1'007,015	1'652,247	309,762	41,658	1'150,946	1'502,366	3'154,613
Magazines	5,433	975	5,923	12,331	2,606	784	4,438	7,828	20,159
Night vision equipment	2		982	984	3	1	51	55	1,039

Source: Interinstitutional Antiterrorist Analysis Group -GIAT

Given that the illicit trafficking in arms is a dynamic and permanent process, it is worth asking whether it is possible to identify a rising or falling trend over time. At first sight, it could be reasonable to suppose that because of their limited number of combatants and their permanent process of illegal acquisition of arms, these organizations might come to fully satisfy their need for armament at some point. This would imply the beginning of a falling trend in the acquisition of illegal arms, since the rebel groups would only maintain a low level of acquisitions aimed at replacing the armament that has fulfilled its useful life.

However, this logic does not apply strictly in practice. According to analyses carried out by intelligence agencies, one of the main characteristics of the illegal traffic in arms in Colombia is that it takes place in the form of multiple shipments of small quantities of arms. This means that with each shipment which successfully reaches the illegal armed organization, it is possible to equip only a small number of combatants. Authorities calculate an average of 15 to 20 weapons per shipment, and explain that numerous shipments of this sort enter into the country each year. As such, it is clear that the supply cycles of the armed organizations are completed over long periods of time, in such a way that as new weapons arrive to equip some units, others are going out of circulation because they have fulfilled their useful life cycle.

It is also important to bear in mind the difficult climatic conditions that prevail in the zones where armed organizations operate; mainly jungle and mountainous zones with high levels of humidity. This significantly contributes to the deterioration of the armament. Consequently, the periods of use and replacement of armament are shorter.

Additionally, another aspect that affects the demand for arms may be the increase in the effectiveness of arms seizure operations by the Armed Forces. As such, it is reasonable to suppose that as the rate of arms seizures by the Armed Forces increases, the illegal groups will also increase their demand for arms proportionally if they are to maintain the size of their organization and fulfill their goal for expansion. It is thus understandable that the flow of arms to these illegal organizations remains relatively constant over time. Rather than decreasing significantly at certain times or as a general trend, it increases during periods of expansion or intensification of the armed conflict.

## 2.1 Sources of illegal arms traffic

With respect to the sale and acquisition of armament, there are three types of markets, known as white, gray, and black markets<sup>33</sup>.

The white market corresponds to the sale and acquisition of arms by authorized private manufacturers or government-owned arms manufacturing companies. Thus, both the purchase and sale, as well as the final destination of these arms is legal. In the gray market, the initial sale and distribution is carried out through legal channels, by a government company or a private company authorized to make the sale. However, the final destination may be an illegal or illegitimate organization or actor. Finally, the black market is that in which the whole transaction, that is the sale, distribution, and final destination, is carried out illegally, whether because it is done among unauthorized actors, or because it takes place outside the legal channels.

In the case of the illicit trafficking in arms for the illegal armed groups in Colombia, the gray market and especially the black market are the major sources for the acquisition of armament, accounting for close to 80% of the total of illegal arms that enter the country each year<sup>34</sup>.

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<sup>33</sup> Craig, Kim and Hoffman, Bruce. *Arms Trafficking and Colombia*. Rand Corporation. 2003. p. xxiii.

<sup>34</sup> According to the estimates made by Government intelligence services.

In previous years it was the transactions on the gray market that generated the most attention on the part of the authorities and of the public opinion. A particularly notorious case was the 1999 transaction where a sector of the Peruvian government sought to divert an important shipment of arms to the FARC. In that particular case, representatives of the National Intelligence Service led by Vladimiro Montesinos and of the Peruvian Army carried out a legal transaction for the acquisition of 10,000 AK-47 rifles from the Government of Jordan. Until that moment, it was a normal transaction within the white arms market. However, those arms never reached the destination stipulated in the transaction (the Peruvian Intelligence Services and the Army.) On the contrary, through the contacts and intermediation of an illegal trafficker, the arms were diverted and air-dropped into Colombian territory, bound for the FARC. This final operation turned the transaction originally carried out on the white market into a typical gray market operation.

In the same year, the Nicaraguan Army and Police carried out a transaction with a private agency authorized to sell arms in Nicaragua (Grupo de Representaciones Internacionales -GIR S.A. or International Representations Group.) The GIR was supposed to deliver a certain number of pistols and machine guns to the Nicaraguan Police in exchange for more than 3,000 AK-47 rifles that formed part of the Nicaraguan Army's arms surplus. In the process of finding a buyer for the arms it was about to receive from the Nicaraguan Army, GIR contacted an arms dealer, claiming to represent the Panamanian Police, who was interested in acquiring the arms. The dealer submitted a fake purchase order, supposedly issued by the Panamanian Police. Nicaraguan authorities never verified the authenticity of the order and carried out the transaction.

When the dealer received the rifles from GIR, he obviously did not deliver them to the Police in Panama, but rather diverted the shipment to the Colombian port of Tumaco, bound for the paramilitary groups. When a similar transaction was being prepared, involving 5,000 AK-47 rifles and 17 million cartridges, Colombian, Nicaraguan, and Panamanian authorities discovered the operation and prevented it from taking place.

Another type of gray market transaction that is of concern for Colombian authorities is the illegal arms traffic from the United States. Unlike the two cases described above, these transactions do not involve large shipments and the government's role has less incidence. In the first instance, it is necessary to point out that the sale of arms is permitted in the United States and that it is not monopolized by the Government. In fact, the market for small arms and light weapons is a predominantly private market, supervised, of course, by federal authorities. Furthermore, according to the Second Amendment to the Constitution of the United States, the Government shall not restrict the people's "right to keep and bear arms". Accordingly, the first part of this type of transaction is legal, insofar as citizens or residents purchase the arms legally in the many points of sale across the United States. However, it is at this point that the illegal part of the transaction begins, because some of those arms purchased legally are diverted to armed groups in Colombia.

A variation of this type of transaction involves a purchase that is illegal in a certain respect. This happens when both the seller and the buyer are legally authorized to make the transaction, but the buyer presents a fake identification document. Thus, although the operation is seemingly legal, it is not entirely so, as it involves false information. In this case, the arms purchased are also diverted to illegal Colombian groups, and it is more difficult to trace the operation due to the fake identification provided at the moment of purchase. In this type of transaction, the shipments of arms are much smaller than in the other cases described, but they are nevertheless more constant.

On several occasions, Colombian authorities have seized weapons coming in from the United States, especially AR-15, MAK-90, M-16, 84S rifles, Austrian Steyr AUG rifles, and German Heckler & Koch rifles. Even though not all of these are produced in the United States, they had a license and had been imported for sale in that country.

Although, compared to the black market, the gray market is a secondary source of armament for the armed groups in Colombia, these two cases are a representative example of what armed groups may come to acquire through such types of transactions. A characteristic of gray market transactions and specifically, of these two cases, is that they usually involve the acquisition of high volumes of weapons. The weapons are usually purchased from government companies or from the armed forces for whom it is inefficient to negotiate and carry out transactions for smaller quantities of armament and ammunition.

Despite the fact that there is no reliable evidence to prove that foreign governments or regimes, as part of their government policy, currently supply, or have supplied the illegal armed groups in Colombia with arms, the gray market transactions involving the acquisition of arms manufactured by government companies, or derived from the arms surplus of those countries, indeed are an important source of weapons for the illegal armed groups in Colombia.

Although corrupt authorities of some governments are the source of this armament, the transaction is often handled by an intermediary, an arms dealer who operates with either legal or false authorizations and who is in charge of diverting the shipment to the illegal organizations in Colombia. As a result, it has been impossible, until now, to prove the existence of direct contacts between organizations such as the FARC and representatives of foreign governments in order to carry out arms acquisition transactions.

In the above example, the governments are only guilty of nonobservance and slackness in the application of the mechanisms and procedures (especially those regarding the final use or destination of the armament, established in instruments such as the CIFTA or in the UN Program of Action to Prevent, Combat, and Eradicate the Illicit Trafficking in Small Arms and Light Weapons in all of their Aspects).

The main source of illegal armament for the subversive groups in Colombia is the black market. This implies the main suppliers of arms to those groups **are illegal arms traffickers**. Within the black market weapons may have a different source, even if they end up being sold by illegal dealers. With this in mind it is important to distinguish between the international black market and the domestic black market.

In the first case, members of the illegal armed groups or their support networks contact international arms traffickers, whether in Colombia or abroad, to begin the negotiation process. The question is, however, where do the legal traffickers obtain the arms? A substantial part of the arms purchased previously corresponds to an arms surplus or to arms currently in use by the armed forces of different countries. In such instances the sale is not authorized by the respective governments but undertaken by corrupt individuals. Such individuals, either within the armed forces or the government, carry out an illegal sale to an international arms dealer, who subsequently becomes an illegal arms trafficker.

In this context and on the basis of the seizures of arms held by illegal armed groups in Colombia, Colombian authorities are concerned by those black market transactions through which armament for the exclusive use of the armed forces of countries like Venezuela, Ecuador, and Peru end up in the hands of groups such as the FARC. While it is not possible in the light of the available evidence to affirm that these governments directly supply armament to the FARC as part of their government policy, it is undeniable that within their respective armed forces, there are corrupt sectors that facilitate the illegal sale and distribution of war materials to the Colombian armed groups.

A case that has recently attracted a great deal of attention was the announcement by Venezuela's President Chávez in 2004 of the purchase of 100,000 AK-47 rifles from Russia, with the purpose of totally replacing the FAL rifles currently in use by the Venezuelan armed forces, which are made up of approximately 60,000 men<sup>35</sup>. 30,000 of those rifles have already been delivered, and the rest will arrive at the end of this year<sup>36</sup>. Although the announced destination of the FAL rifles will be the popular militia created by the Chávez administration, Colombian authorities are still concerned that part of those arms might end up in the hands of the FARC and the ELN.

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<sup>35</sup> International Institute for Strategic Studies. *The Military Balance 2004*, 2005.

<sup>36</sup> [http://eltiempo.terra.com.co/inte/latin/noticias/ARTICULO-WEB-\\_NOTA\\_INTERIOR-2928226.html](http://eltiempo.terra.com.co/inte/latin/noticias/ARTICULO-WEB-_NOTA_INTERIOR-2928226.html)



Photo - General Command of the Military Forces

Another important supply sector for illegal traffickers is the the remainder of arms in post-conflict zones such as Central America, which experienced a series of civil wars during the Cold War era. One of the characteristics of those conflicts was the direct intervention of the great powers, both the United States and the Soviet Union (through Cuba) provided enormous quantities of armament for these wars in order to support either one of the parties in conflict. Once the confrontation was over, thousands of arms were left in the region, available, in many cases, to unscrupulous persons or organizations without any type of legal or moral controls, and moved only by their desire to profit from the situation.

The case of Central America -particularly of El Salvador, Honduras, Nicaragua, Panama, and to a lesser extent, Costa Rica- is highly relevant for the illicit traffic of arms into Colombia, given that the Colombian authorities have identified that zone as one of the largest suppliers, if not the largest, of illegal armament for the armed groups in the country. Unofficial calculations have established that around 25% of the illegal weapons that have entered Colombia during the last ten years come from Central America<sup>37</sup>.

The countries of Eastern Europe and Central Asia are another important source of arms for international arms traffickers. These countries, which formed part of the Soviet Union until 1991, inherited an enormous infrastructure for the manufacturing of arms that surpasses their own defense needs. Consequently, their arms surplus are put on sale without the conditions or restrictions imposed by international standards. Additionally, the Soviet Union had at some point, granted licenses, without restrictions, to several Eastern European and Asian countries for the manufacturing of AK-47 rifles. Some of these countries sell arms under very lax control measures, especially with respect to the final destination and use.

Among the arms seized by the armed forces from the illegal armed groups, there are arms manufactured in or shipped from different countries. 50% of the armament comes from countries such as Belgium, France, Spain, Bulgaria, Germany, Hungary, Russia, China, and North Korea. 15% originates from the United States, 25% from Central America, and 10% from Colombia's neighboring countries<sup>38</sup>. This of course does not mean that the governments of these countries authorized the sale or transfer of the material to the illegal armed groups in Colombia.

With respect to the domestic black market, there are local trafficking and distribution networks that obtain illegal armament from international traffickers. Occasionally, arms, explosives and ammunition may be diverted to the illegal groups by corrupt employees of security organizations or private companies, who sell materials to these groups. However, such situations have been duly acknowledged and punished by the authorities, and the companies affected have adopted corrective measures in order to prevent the recurrence of such situations as much as possible. A typical example is that of some private security companies who despite the fact that they have been granted the license to operate by the Surveillance and Security Superintendency, sometimes divert part of the armament they have acquired legally from the government, to the illegal arms trafficking and distribution networks. This is typically achieved by reporting a certain number of weapons as stolen, obtain a license to acquire new arms, and then sell the arms reported as stolen to the illicit trafficking networks.

Despite this, it is important to note that the role of the domestic black market in the total supply of arms for the illegal groups is a minor one. This market is used by illegal groups to cover arms shortage emergencies. Furthermore, even though the main characteristic of the domestic market is the immediate availability of armament, its importance is secondary when compared to the volume of illegal arms that enters the country.

There are two other sources of illegal armament that are of secondary importance, but which are nonetheless used regularly by armed groups - especially the guerrillas. The first one is the theft of arms from military and police units, especially from ambushed mobile units. The other source is the non-industrial manufacturing

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<sup>37</sup> According to conversations with government intelligence service officers. The cited Rand Corporation study of arms trafficking in Colombia in 2003 agrees with the estimate.

<sup>38</sup> Interinstitutional Antiterrorist Analysis Group – GIAT.



of arms. The authorities have found that the FARC have developed a “semi-industrial” capacity to produce light artillery materials, especially mortars and grenades. Although some reports state that this guerilla group has the capacity to produce machine guns, the government intelligence services deny that the FARC have such capacity. What the authorities do confirm, however, is that the FARC have a series of workshops and repair centers where they are able to manufacture certain parts for some rifles. In these workshops they are able to provide maintenance for the arms and, in some cases, to refurbish them with new parts.

Finally, another source of illegal arms is the “recycling” process derived from the recent demobilization of paramilitary groups. It is probable that not all of the arms were handed over to the authorities. During the demobilizations such in case it is probable that this armament has been delivered to the paramilitary groups which have not demobilized and to the new “third generation” paramilitary groups that have appeared in different regions of the country where paramilitary fronts have already demobilized. It is also very possible the demobilized groups may have kept a reserve arsenal in case the political conditions would force them into a return to arms. Furthermore, if there were still a remainder of arms, it is possible that they could be sold to drug trafficking, criminal organizations, and even to guerrilla groups.

## 2.2 Modalities of payment and acquisition of illegal arms

Due to the close link between the illegal armed groups and the drug producing/trafficking business, these groups have access to enormous amounts of economic resources. In the case of the FARC, the profits derived from this activity represent about 50% of their total income<sup>39</sup>. A large part of these earnings is invested in the strengthening and expansion of the organization, i.e. the purchase of armament, ammunition, and explosives.

The armed organizations in Colombia use two main modalities to pay for arms. The first is the traditional form in which representatives of the organizations or members of their support networks contact international traffickers abroad or plan meetings in Colombia to negotiate the transaction, and the armament is paid for by means of a transfer of funds, or a combination of cash and a fund transfer. The other modality, which is typical of the Colombian armed organizations, is to pay for the arms with cocaine or heroin. It is common practice to use the same means of transportation through which the arms are delivered to Colombian territory to load the drugs and ship them back as payment to the arms traffickers.

## 2.3 Routes and points of entry for the illicit arms traffic into Colombia

As stated above, most of the illegal arms that come into the hands of the rebel and criminal groups in Colombia are obtained on the international black market and to a lesser extent on the “grey market”<sup>40</sup>.

Considering that one of the main characteristics of the illicit traffic of arms into Colombia is that it is carried out by means of multiple small shipments, traffickers use every means of transportation available and a great variety of routes and points of entry along the borders, in order to evade the authorities.

Undoubtedly, illegal arms traffickers take advantage of Colombia’s unique geo-strategic location. Colombia serves as a bridge between Central and South America, and has extensive coasts on the Caribbean Sea and the Pacific Ocean, as well as land borders with Venezuela, Ecuador, Panama, Brazil, and Peru.

<sup>39</sup> According to the report, “*Las Finanzas de las FARC*”, published by the Ministry of National Defense in the year 2004.

<sup>40</sup> For greater information regarding this term, see section 2.1.

Another difficulty these groups skillfully exploit is that the Colombian government does not have the technical or human resources to maintain a permanent and effective surveillance in many areas of the national territory, particularly in the border zones. As a result, Military Forces, National Police, and DAS (Administrative Department of Security) units have to make enormous efforts in order to optimize their limited manpower and their scarce technical resources, such as radars and other electronic surveillance equipment, which allow them to monitor these zones.

In order to estimate the number of routes and points of entry used by illegal arms traffickers to supply the armed groups in Colombia, it is useful to analyze the modalities of this illicit trafficking across each one of the country's borders<sup>41</sup>. In this sense, it is important to establish a difference between those zones or countries that are sources or suppliers of armament, and those that are simply transit zones for the arms shipments into Colombian territory. Colombia's neighboring countries are not great suppliers of arms for the armed groups in Colombia, but rather transit points for the armament shipped from other parts of the continent or the world. Nevertheless, significant quantities of illegal armament do come from these countries. Indeed, on several occasions, Colombian authorities have seized arms meant for exclusive use by the armed forces of Venezuela, Ecuador, and Peru, which is generally taken illegally from the arsenals of the respective security organizations and sold to local or international arms dealers. There are also cases of arms obtained from traffickers operating in the neighboring countries, but who acquire the arms in other countries.



Photo: National Police

<sup>41</sup> According to conversations and information supplied by members of the government's intelligence services.

Most of the illegal arms enter Colombia by land, across the country's five borders, particularly the Colombia-Venezuela and the Colombia-Ecuador borders. Second in importance are the shipments that arrive by sea to both the Caribbean and the Pacific coasts. Of the total maritime shipments arriving in Colombia, it is estimated that approximately 50% enter through the route that uses Panama as the last link. Of tertiary importance are shipments that use river routes or air routes. These take place mainly in jungle border zones that are inaccessible to conventional transportation vehicles as there are no roads connecting the countries. This is particularly relevant along the borders with Panama and Brazil. It is estimated that around 50% of the air shipments of illegal arms come across the Colombia-Brazil border. Rivers are used mainly in the Orinoquía region, in the southern portion of the Colombia-Venezuela border, along the border with Brazil, and to a lesser extent along the borders with Peru and Ecuador.

### 2.3.1 Colombia-Panama Border

The Central American region has been one of the greatest sources of illegal armament for the Colombian armed groups, and the Colombia-Panama border has become the principal point of entry for the armament originating from other Central American countries, as well as from the United States, Europe, Asia, and the Middle East. The land border, and especially the maritime border, between Colombia and Panama are the main entry points for arms left behind from the armed conflicts in countries like El Salvador, Honduras, and Nicaragua. Estimates provided by previous studies<sup>42</sup> indicate that arms coming in from five Central American countries (El Salvador, Honduras, Nicaragua, Panama, and, to a lesser extent, Costa Rica) represent 36% of the total small arms and light weapons that enter Colombia illegally.

Given its geo-strategic location and its free port status, Panama is an area of great importance for the transit of arms into Colombia. According to the authorities, the following are the principal routes for the illicit trafficking in arms across this border:

- El Salvador □ Nicaragua □ Costa Rica □  
Río Sereno □ La Palma □ Cupica
- Colón □ Panama City □ Isla El Rey □  
Bahía Cupica
- Colón □ Golfo de Morrosquillo □ Tolú □  
Coveñas
- Puerto Obaldía (Panamá) □ Capurganá □  
Acandí □ Tolo River
- Cocosolo (Panamá) □ Costa □ Turbo
- Puerto Armuelles □ Bastientos □ Puerto  
Obaldía (Panamá) □ Acandí □ Mulatos □  
Necoclí □ Turbo □ Valencia

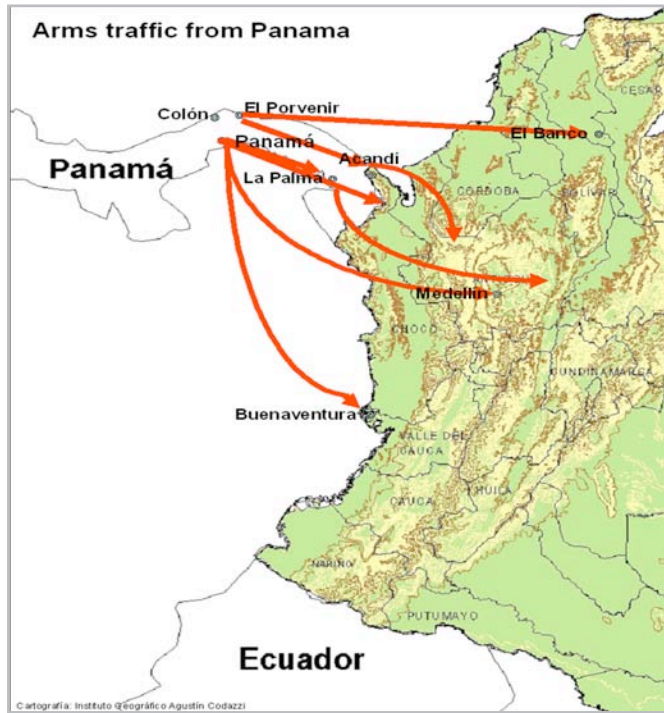
These are mainly maritime routes, given that land transit between Colombia and Panama is practically impossible due to the extension of thick rain forest known as the Tapón del Darién or the Darién Gap. Even so, the authorities have reported cases of

Map 3



<sup>42</sup> See Rand report: "Arms Trafficking and Colombia". 2003.

Map 4



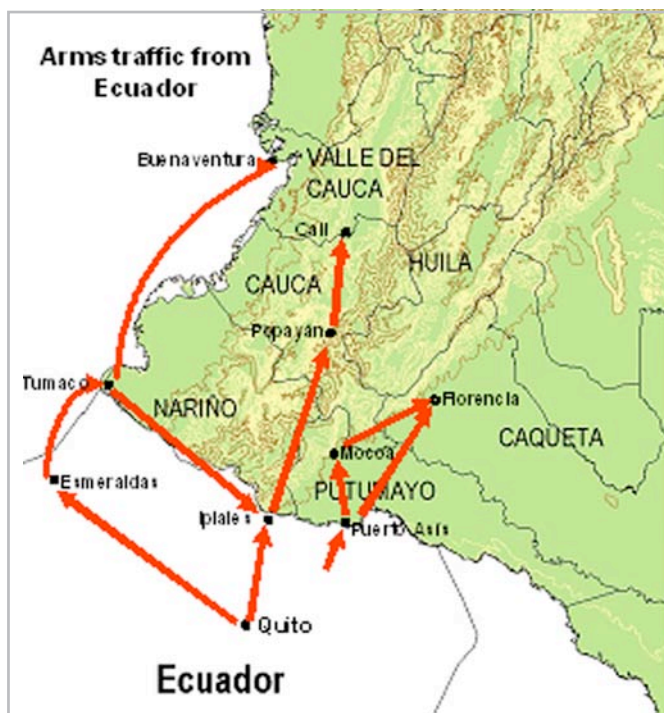
traffickers who, fully aware of the difficulties and the complexity of the terrain, take advantage of the almost total absence of security forces from either country in the area to transport arms through the zone.

The maritime routes, on the other hand, run close to the shore and involve the use of canoes or speedboats to deliver the arms to Colombian ports on both the Pacific and the Caribbean coasts. Traffickers also use air routes, whose principal points of entry are Acandí, Capurganá and Turbo to deliver armament.

### 2.3.2 Colombia-Ecuador border

In contrast to the border with Panama, the Colombia-Ecuador border is characterized by its great dynamism and the constant flow of people and goods from one country to the other. Apart from the Rumichaca International Bridge, which connects the Pan-American Highway on each side of the border, there are several legal or authorized border crossings, and an even larger number of unauthorized crossings along the 586 km of land border between the two countries.

Map 5



This situation has greatly facilitated legal trade among the border provinces, but, it has simultaneously given rise to growing illegal traffic in different products, including arms, ammunition, and explosives. In fact, Ecuador has become a principal source of explosives, especially dynamite, for the terrorist activities of groups such as the FARC. EXPLOCEN is an Ecuadorian company that produces explosives, 93% of which are for the mining industry in that country. However, in that field of economic activity, there are sectors that divert the explosives to international traffickers who purchase them and then sell them to the Colombian armed groups. This has made the border with Ecuador the entry point for the greatest quantity of explosives for the rebel groups.

With reference to arms and ammunition, the authorities constantly carry out seizure operations of 7.62 mm-caliber ammunition, hand grenades, rifle and fragmentation grenades, and Ruger Mini 14, AK-47 and AKM rifles.

The following are the main routes for the illicit traffic of arms, ammunition, and explosives across this border:

### Land Routes

- Across the Rumichaca International Bridge
- Suspension bridges and trails that connect the towns of Tufiño (Ecuador) and Policías de Chiles (Colombia)
- Maldonado (Ecuador) □ Cumbal □ Guachavez □ Chile □ Tuquerres (Colombia)
- Nueva Loja □ Lago Agrio □ San Miguel River □ Puerto Ospina □ by trail up to the Sinsiya river – downstream to Remolinos del Caguan
- Tulcán (Ecuador) □ Vereda Taramvinas □ Paja Blanca □ Ipiales (Colombia)
- Tulcán (Ecuador) □ Vereda El Piro □ Ipiales (Colombia)
- Quito □ Ibarra □ Tulcán □ Ipiales
- Santo Domingo de los Colorados □ Esmeraldas □ Lago Agrio □ Tulcán □ Ipiales

The most common modality to carry out this traffic consists in concealing the weapons in either legal or contraband merchandise, which is transported across the border in trucks or other vehicles. Legal and unauthorized parcel delivery and courier services are also used.

### Maritime and River Routes

- San Lorenzo (Ecuador) □ Pacific Ocean □ Tumaco (Colombia)
- Esmeraldas □ Pacific Ocean □ Tumaco
- San Miguel (Ecuador) □ San Miguel River □ Valle del Guamuez (Colombia)
- Tetetes (Ecuador) □ San Miguel River □ Cohembí River □ Putumayo River □ Puerto Asís (Colombia)

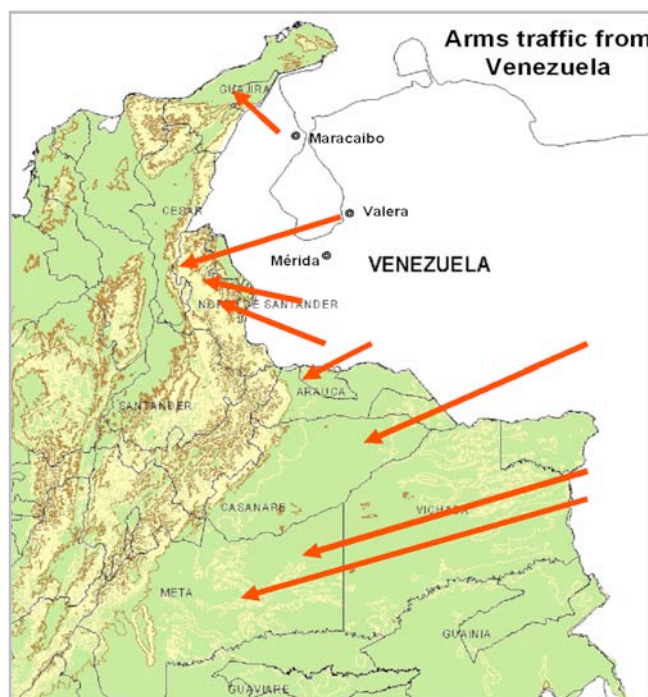
In the case of maritime routes, fishing boats are the most used means of concealing the armament, mainly in the refrigerated rooms or among the fish.

### 2.3.3 Colombia-Venezuela border

Like the border with Ecuador, the Colombia-Venezuela border is a very dynamic one, especially its northern zone, around the border cities of Cúcuta (Colombia) and San Cristóbal (Venezuela).

Venezuela is Colombia’s second most important trading partner after the United States, and the majority of the trade takes place across the land border. This is characterized by the constant movement of vehicles and persons transporting a great variety of merchandise. There is a main border crossing, but as in the case of the border with Ecuador, there are also multiple legal and illegal crossings. Furthermore, Venezuela is the longest of Colombia’s borders.

Map 6



The most frequently used routes for the illegal traffic of arms are the following:

#### Land Routes

- Maracaibo □ Paraguaicoa □ Paraguachon □ Maicao
- El Vigia □ Lagrita □ tres Bocas □ Tibú
- Maracay □ San Cristóbal □ Cúcuta
- El Amparo □ Guasualito □ Arauca
- Maracaibo □ Maicao
- San Antonio del Táchira □ Cúcuta
- Coloncito □ La Fría □ Cúcuta
- El Nula □ Saravena
- La Victoria □ Arauquita
- Elorza □ Las Mañanitas □ Caracol
- Puerto Paez □ Puerto Carreño
- Puerto Ayacucho □ Casualito □ Puerto Nariño

Additionally, arms traffickers are using the region of Venezuela that borders the Colombian departments of Vichada and Guainía, a region characterized by extensive rain forests, a scanty population, and the absence of control by the authorities of either country. Colombian authorities have identified four main points of entry in this region: Cravo Norte, Puerto Carreño, the Guaviare River, and Puerto Inírida.

#### River Routes

- Lago de Maracaibo □ Catatumbo River □ Zulia River
- Arauca River □ Bajaba River □ Brazo Bayoneros
- Capanaparo River □ Cabo Cabuyare – Caño Negro
- Cinaruco River □ Caño Agua de Limón
- Orinoco River □ Meta River □ Ariporo River □ Ele River
- Orinoco River □ Tomo River
- Orinoco River □ Vichada River
- Orinoco River □ Atabajo River – Guaviare River – Inírida River
- Negro River □ Vaupéz River

#### Air Routes

Although there are records showing that commercial airports have been used for illicit trafficking in arms from Venezuela, a more common practice is to use landing strips and clandestine airports on Colombian soil.

### 2.3.4 Colombia-Brazil border

Like the Darién Gap, the Amazon rain forest, which extends all along the border with Brazil, constitutes a natural obstacle for the transit of people and the transportation of goods from one country to the other.

Since there are no roads connecting the two countries across the border, the principal communication routes between Colombia and Brazil are the intricate network of rivers and air routes. This situation applies to both the flow of legal trade and the illegal traffic of merchandise, including arms, ammunition, and explosives. The following are some of the most common routes:

#### River Routes (Across the Amazon River)

Manaos (Brazil) □ San Antonio de Isa □ Benjamín Constant □ Leticia (Colombia)  
 San Antonio de Isa (Brazil) □ Pedrera □ El Encanto □ Puerto Asís (Colombia)

## Air Routes

Traffickers use clandestine landing strips and airports located in the departments of Amazonas, Guainía, Vaupés, and Vichada, where small aircrafts deliver arms shipments and depart with the drugs given in payment for the armament.

In the case of the routes for the illegal traffic of arms originating from Brazil, it is important to mention Suriname and the Triple Border area. The small country of Suriname has become one of the main bases for the operations of international arms traffickers active in the region. Shipments leaving Suriname transit through Brazilian territory on the way to Colombia. According to Colombian authorities, many of the traffickers working out of Suriname have cooperation and business relations with the “capos” of the Brazilian drug mafia and with illegal armed organizations in Colombia.



The Colombian armed organizations receive the arms that arrive illegally from Suriname transiting through Brazil with the collaboration of the Brazilian mafia. In exchange, the Colombian rebel groups pay for them with shipments of drugs, part of which go to the Brazilian drug traffickers and part to the arms traffickers in Suriname.

The Triple Border, that is the border shared by Brazil, Paraguay, and Argentina, is classified as one of the main areas of operation for international criminal organizations, and as an arms supply center for different criminal organizations in the continent, including the Colombian armed groups. There have even been reports to the Colombian authorities concerning the presence of members of these armed groups in the Triple Border area, where they carry out transactions for the purchase of arms, including purchases paid for with drugs. Once the transaction is completed, the arms are transported by air, usually entering Colombia across the Colombia-Brazil border.

The reason why air transportation is preferred is that the radar coverage of the Colombian authorities in the Amazon area is highly deficient. This makes it easier for traffickers to enter Colombian territory, especially if they fly at low altitudes. Consequently, the border with Brazil shows the greatest traffic of illegal aircraft transporting drugs, as well as arms, and ammunition from and to Colombia respectively.

### 2.3.5 Colombia-Peru border

Compared to the other borders, the Colombia-Peru border shows the least movement with respect to illicit arms traffic into Colombia. This however does not mean that traffickers do not use Peruvian territory to transport arms into Colombia. In fact, the authorities have records of seizures of arms originating in Peru, especially HK-G3 rifles marked with the seal of the Peruvian National Guard, FN MAG 7.62-caliber machine guns, 7.62-caliber ammunition, electric detonators and explosives.

The following are the main routes used to introduce illegal armament from Peru into Colombia:

- Iquitos (Perú) → Remanso → Putumayo River → Refugio (Colombia)
- Iquitos (Perú) → Remanso → Napo River → Nueva Loja → Puerto Asís (Colombia)
- Leticia (Colombia) → Amazon River (Perú) → Remanso → Napo River → Putumayo (Colombia)

Map 8

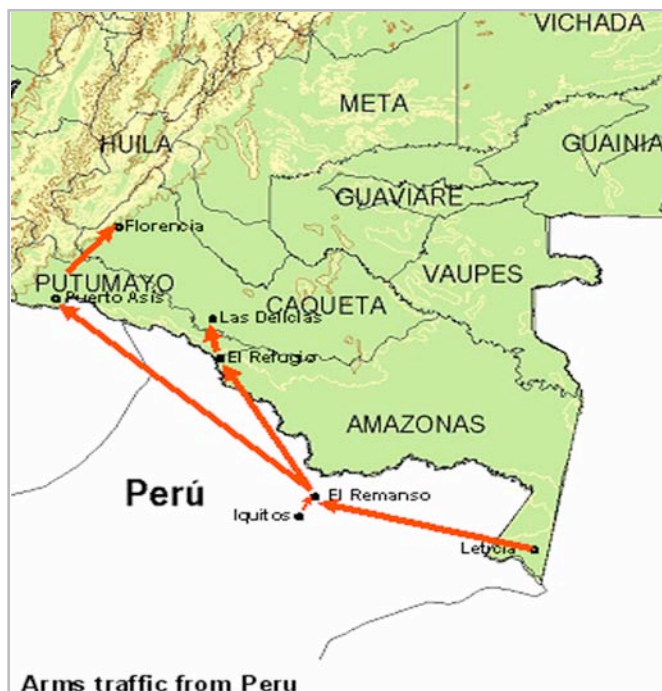


Chart 1

Principal operations against illicit trafficking

Operation	Year	Type of weapon confiscated	Group bound for	Place of origin	Place of confiscation/entry of armament
Balboa Operation	1997	Rifles Hand grenades Grenades 40mm	Not specified	Not specified	Not specified
Siberia Operation	1999	7,460 AK-47 rifles, model M1A1, caliber 5.56x45mm	FARC	Not specified	Not specified
Bulgarian Rifles	2000	200 machine guns 2 million machine gun cartridges 40 Grenade launchers 2 sniper rifles	Not specified	Bulgaria	Not specified
Arms for the AUI Case	2000	200 PKM machine guns caliber 7.62x54R 2 million cartridges 40 RPG7 missile launchers 2 sniper rifles	AUI (Autodefensas Unidas Ilegales)(Illegal United Self-Defense groups)	Rumania	Not specified
Otterloo Ship	2001	5,000 AK-47 rifles 6000 bayonets 5 million cartridges	AUI (Autodefensas Unidas Ilegales)	Nicaragua	Turbo Antioquia
Nadya Jay Ship Arms Case	2002	1,800 weapons	FARC	Bulgaria	Santa Marta
Confiscation by the National Navy	2003	81 AK-47 rifles 1 revolver 963 cartridges	Not specified	Not specified	Chocó
Jupiter Operation	2003	285,210 cartridges 2,000 450 gram charges of pentolyte 1 shotgun 2 pistols 1 revolver	Not specified	Not specified	Solano, Caquetá

Source: Interinstitutional Antiterrorist Analysis Group - GIAT



## 2.4 Illegal trafficking in ammunition

Illegal trafficking in ammunition is usually relegated to a secondary position in analyses or studies on illegal arms trafficking. However, the importance of the provisions of illegal ammunition should not be ignored, especially in the case of Colombia.

According to a report issued by the Joint Intelligence Board<sup>43</sup>, the category of expenses corresponding to the purchase of ammunition and grenades accounted for 35% of the FARC's total expenses in the year 2003. This means that it was the second most important item in the organization's consolidated budget after expenditures for the purchase of chemical raw materials, for the production of cocaine and heroin. In contrast, only 5% of the organization's total expenses went to the purchase of arms in that same year.

As the demand for arms decreases or stabilizes, the supply of ammunition, an essential element for the already available armament, acquires more and more relevance. It is thus reasonable to assume that after decades of organization and development of armed activity, the rebel groups have managed to acquire and maintain a supply of armament for their different structures. Furthermore, in the extreme case of an arms shortage, their nationwide activities would not be strategically affected, at least for a considerable period of time. By contrast, a shortage of ammunition would have a profound strategic effect as it would greatly affect the operational capacity of the armed units. Without ammunition, it would be useless to have a well-supplied arsenal in perfect conditions. The efforts made over the years to accumulate a supply or armament for the organization's combatants could be minimized or even annulled in the face of a strict blockade on the ammunition supply.

In any case, both the illegal traffic of arms and that of ammunition tend to use the same routes and in many cases, one and the same trafficker combines them into one shipment. Everything described above with respect to the illicit traffic in arms further applies to ammunition.

Although there are many cases of shipments exclusively made up of ammunition, actions against the illicit trafficking in arms usually imply actions against the illicit trafficking in ammunition and vice versa.

One of the measures advocated by Colombian authorities is that international organizations such as the UN and the OAS establish the requirement that ammunition manufacturers mark cartridges with the name of the manufacturer and the country of origin, in order to make it possible to trace illegal traffickers.

## 2.5 International cooperation in the battle against illegal arms trafficking

According to the Colombian authorities, international cooperation in this respect is still in its early stages, and a much greater effort is required on the part of both international organizations and the countries involved or affected in some way by this illegal trafficking. Like any other transnational crime, the illegal trafficking in arms involves several countries in each one of its phases, from the legal or illegal purchase, to the transport or transit of illegal shipments, to the final delivery and illegal sale, in this case to the illegal armed groups in Colombia.

Since Colombia cannot, by itself, handle a problem that undoubtedly requires a multilateral and coordinated effort, the authorities are trying to establish cooperation mechanisms aimed at combating the illicit traffic of arms in all of its stages, rather than waiting until the weapons arrive in Colombian territory to adopt the appropriate measures.

<sup>43</sup> Ministry of National Defense. *Las Finanzas de las FARC*. Joint Intelligence Board. 2004.



Photo: DDA/RDB/UNL IREC Library

With respect to international agencies, Colombian authorities, especially the DAS, maintain close contact with the INTERPOL office in Colombia for the identification and monitoring of international arms traffickers.

As far as foreign governments are concerned, the most significant cooperation agreements are subscribed with the United States, through the Bureau of Alcohol, Tobacco, and Firearms (ATF) and the Southern Command of the United States Army. The British government is also cooperating with Colombia in order to identify illegal traffickers and detect shipments or transactions aimed at supplying the Colombian armed groups with arms.

For example, with the help of the United States Southern Command, it has been possible to intercept illegal arms shipments bound for the Colombian armed groups in international waters in the Caribbean. These operations, however, are sporadic and they still have not produced decisive results in the sense of significantly debilitating illicit trafficking networks, not even at the regional level. At the regional level and referring to the cooperation by Colombia's neighbors in the effort to prevent transit through their territory of illegal armament bound for Colombia, the situation varies greatly.

The highest level of cooperation is provided by the Peruvian government, with whom Colombia is currently working closely in security and defense matters. An intelligence officer has been designated as liaison with a Peruvian military border unit, and several cooperation agreements have been signed for the coordinated surveillance of river and air routes along the border.

There is no question that these types of measures have had a favorable impact on making it more difficult to carry out illicit arms trafficking operations across the border. The result so far, according to the authorities, is that the border with Peru registers the lowest number of illegal arms and ammunitions entries into Colombia.

Next is Brazil, with whom relations of cooperation in matters of security have been improving significantly over the past few years, especially with respect to the coordination of activities carried out by military units and police in the border zone. Cooperation in air space surveillance has also been strengthened in order to prevent the proliferation of aircraft that illegally cross the border from Brazil into Colombia, which occurs almost daily.

Even so, air transportation is the most widely used method for introducing arms into Colombian territory from Brazil and as stated above, the Colombia-Brazil border registers the highest number of airplanes coming in with illegal arms shipments. In order to change this situation, Colombia is currently carrying out negotiations with the Brazilian government aimed at the approval of the shared use of the Amazon Surveillance System / Amazon Protection System (SIVAM – SIPAM). This is a Brazilian system that features the coordinated work of radars, satellites, surveillance and combat aircrafts, and other monitoring systems in the Amazon region.

Third in importance are the cooperation efforts with Panama. Although the Panamanian government is ready and willing to cooperate with Colombia in the fight against all criminal activities taking place along the border, including the illicit trafficking in arms, the great obstacle to this project is Panama's lack of human and technical resources. This situation makes it difficult for Panama to undertake adequate surveillance and control along the land border and especially in the maritime zone. As mentioned previously, this is the principal point of entry of illegal arms shipments.

In the case of Ecuador, although historically there have been good relations of cooperation, there are currently two main obstacles. Firstly, Ecuador's position with respect to the necessary measures that both governments should adopt to increase security in the border zone differs, sometimes fundamentally from that of Colombia. Secondly, Ecuador has limited human and technical resources to maintain an active presence and exercise control in the border zone.

This situation is exploited by the armed groups, especially by the FARC, who have a diversified system of logistical supply networks in Ecuador, especially for the illegal provision of armament, ammunition, and explosives. As explained earlier, one of the sources of armament is the Ecuadorian Army, in which there have been cases of corrupt individuals who have acquired weapons from the institution's arsenals and sold them directly or through intermediaries to Colombian rebel groups, particularly to the FARC.

Although this study is not suggesting that corruption in the army is sanctioned by the government, the fact is that Ecuador's official policy in this respect falls short of Colombia's expectations of its neighbors regarding a multilateral strategy for the struggle against the illicit trafficking in arms.

Finally, Venezuela is the neighboring country with which cooperation for security is currently at its lowest point. Although there are bilateral mechanisms for cooperation, some of these, such as the Binational Border Commission (COMBIFRON), were unilaterally suspended by Hugo Chávez's government. While the possibility of cooperation still exists at the level of small frontier units, the truth is that at the political and strategic level, binational cooperation in this matter is practically nonexistent. As is the case with Ecuador, part of the illegal weapons that reach the rebel groups, especially the FARC and the ELN, are Venezuelan Armed Forces weapons sold to these organizations by corrupt individuals of that institution.

Nevertheless, given the absence of bi-national cooperation, there is a continuous, largely uncontrolled flow of illegal shipments of arms and ammunition across the border with Venezuela (especially the land border, which is the longest of the Colombian borders).



Photo: National Police

### 3. INSTITUTIONAL MANAGEMENT AND CONTROL OF FIREARMS IN COLOMBIA

In Colombia, the control and trading of arms is monopolized by the government, in conformity with Article 223 of the Political Constitution of 1991, which reads as follows:

*Art. 223.- Only the Government is allowed to introduce and manufacture arms, ammunition, and explosives. No individual is allowed to possess or carry them without permission granted by the competent authority. This permit cannot be issued in the case of political meetings, elections, or sessions of public corporations or assemblies, whether it be to participate actively in them or to attend them as a spectator.*

*The members of national security agencies and other official armed corps which have a permanent character and have been created or authorized by the law are authorized to carry arms under Government control and in conformity with the principles and procedures established by the law.*

This means that the State is the sole proprietor of the arms and has a monopoly over them, and that natural or legal persons have the possibility to carry or possess arms only through their assignment by the State, upon compliance with the requirements established by the law. In other words, the State cedes or assigns authority for the use of arms to a citizen. The weapon ceded may be returned to the state whenever the citizens deem convenient, once the value of the weapon has been paid.

This assignment scheme, which is halfway between the American scheme in which any citizen has the constitutional right to bear arms, and the English one, in which the citizens may not possess arms, is regulated by means of Decree Law 2535 of 1993. This establishes regulations concerning arms, ammunition, and explosives, and covers every aspect pertaining to arms control, permits to possess and carry for both natural and legal persons, seizure of arms processes, imposition of penalties, confiscations, and records of arms returns. The Decree also stipulates the exclusive right of the government to export, manufacture, and commercialize arms, ammunition, and explosives.

### 3.1 Decree Law 2535

Decree Law 2535 defines the procedures and jurisdictions for the acquisition of arms by natural and legal persons, and establishes the appropriate controls for each case. According to the Decree, arms are classified as follows:

*Weapons of war or weapons for exclusive use by the Armed Forces:* This category includes 9.652 mm-caliber (.38 inches) or higher pistols and revolvers, semiautomatic rifles and carbines, automatic weapons regardless of their caliber, anti-tank weapons, mortars, mortar bombs, land, sea, and air missiles of every caliber, rocket launchers, bazookas, bombs, grenades, weapons with infrared or laser sights, etc., as well as the ammunition corresponding to those weapons. Since these are weapons of war, the majority of these arms can be used only by the armed forces, and there is no possibility that a natural person could be granted a permit to possess them. However, in a reduced number of cases, some legal persons, previously authorized by a special committee, may have access to this type of weapons, as explained in the following classification:

*Arms for restricted use:* These are weapons for exclusive use by the Armed Forces which in exceptional cases, may be used for personal defense. This type of weapons is much more strictly regulated than are weapons for civilian use. Decisions regarding their possession and carrying are made by the Ministry of National Defense's Arms Committee. The maximum number of weapons of this type that private citizens, whether natural or legal persons, may carry is also regulated.

*Arms for civilian use:* These are weapons that may be possessed or carried by private citizens with authorization granted by the competent authority and with due approval of the government, issued by the Office for the Control of the Arms Trade. These weapons are classified as follows:

- *Personal Defense Weapons:* Arms designed for short distance personal defense, such as revolvers and pistols with a maximum caliber of 9.652 mm (.38 inches) and a maximum barrel length of 15.24 cm. (6 inches); repeating or semiautomatic pistols, with a magazine capacity of maximum 9 cartridges; non-automatic carbines; and shotguns with a maximum length of 22 inches.

Graph 16 - Total restricted-use and personal defense weapons



- *Sports Weapons:* Those that meet the specifications accepted by the International Sport Shooting Federation as well as those established for hunting.
- *Collectible Weapons:* Those weapons whose historical, technological, or scientific characteristics make them appropriate for private or public exhibition.

Given that the State has a monopoly over arms, the competent military authorities have the discretionary power to grant permits to possess, permits to carry, and special permits to natural or legal persons. These permits are valid throughout the national territory, and they are defined as follows:

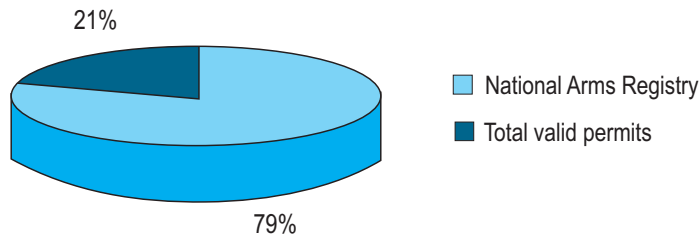
- *Permit to possess arms and ammunition:* This is understood as permission to possess and use the weapon within the premises registered in the corresponding permit, granted to the holder of the valid permit and to the residents, whether permanent or temporary, of those premises that use the weapon for self-defense. Under this permit, the weapons may be transported from one place to another for their repair or for authorized shooting practices, provided that both the weapon and the magazine are unloaded.
- *Permit to carry arms and ammunition:* This is understood as permission to carry arms or to have them within reach for purposes of personal defense.
- *Special permits:* A special permit is a permit to carry arms issued for the protection of diplomatic missions or foreign officers.

This Decree, which went into effect in December of 1993, together with Decree 1809 of 1994, regulating the former, and Decree 356 of 1994, which established the Private Security Statute, constituted a rather restrictive package of reforms of the control and handling of arms in Colombia, which included the following; increase in the number of requirements that must be met to acquire a weapon; previous analysis of the justification for the request of a weapon; tightening of the conditions that must be fulfilled in order to acquire a weapon for restricted use; need for both physical and psychological tests; increase in the level of responsibility required of those who use arms or introduce them into public places; prohibition of liquor consumption for those carrying arms; restrictions with respect to the number of weapons that natural and legal persons may possess; and measures for the control of arms carrying. For the implementation of these reforms, a transition process was established for those individuals who already possessed arms prior to the Decree or those who acquired them after the Decree went into effect. An amnesty was therefore declared in 1994 aimed at changing the permits that had been issued up to that date, whether they were still valid or not, and, on the other hand, at making it possible for those who possessed an illegal weapon, that is, a weapon not acquired through the Colombian Military Industry, to legalize it by obtaining a permit and entering this weapon into the system.

As a result, 549,101 weapons were legalized through the amnesty: the origin of 376,022 of these is unknown, and only 173,079 had been acquired from the Colombian Military Industry. Although the amnesty was

successful in the sense that a high number of weapons that had been acquired illegally were entered into the corresponding official records, 583,074 legal weapons did not abide by the Decree, which means that they are currently illegal and open to confiscation. This is a cause for concern since it implies that the current status of practically half of the arms registered in the National Arms Registry is unknown and that they may have transferred to the black market. Possible causes of this are the lack of information about the amnesty, especially in certain regions, and the difficulties encountered by many people of traveling in order to carry out the necessary legalization procedures. The amnesty benefited a large percentage of those who had acquired and carried arms illegally until 1993, and who, in conformity with the Decree, decided to bring in their weapons in order to legalize them. This also explains why only twenty-five percent of the arms registered in the National Arms Registry currently have a valid permit.

Graph 17 - Valid permits in the National Arms Registry



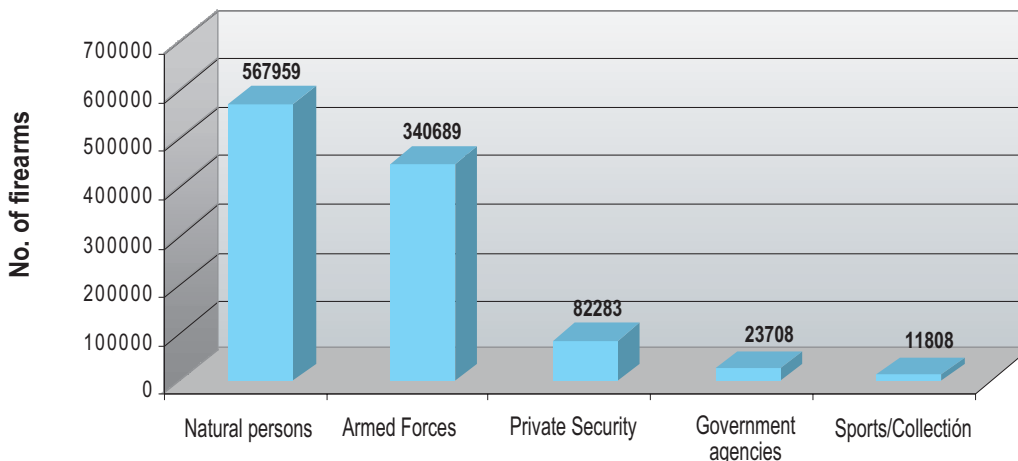
Source: Department for the Control of the Arms Trade – Military Forces General Command

### 3.2 Legal arms

In Colombia there are 1'893,185 small arms and light weapons legally acquired, although not all of them have a valid permit. A proportion of these arms, exactly 1'283,996, are registered in the National Arms Registry (Registro Nacional de Armas - RNA) the remainder are weapons which remain in the hands of the Armed Forces (Army, Air Force, Navy, and Police). The Armed Forces have a total of 609,189 small arms and light weapons.

The National Arms Registry includes those weapons in the hands of natural and legal persons and government organizations other than the Military Forces and the Police. This register accounts for the weapons that were once registered in the Office for the Control of the Arms Trade, those that were duly acquired through the Colombian Military Industry, and those which were registered as a result of the amnesty in 1994. Of the total weapons registered in the National Arms Registry, only 336,764 currently have a valid permit. Of the 567,959 in the hands of natural persons, 230,563 had a valid permit as of May 2006; and of the 82,283 weapons in the hands of legal persons, mainly private security services, 55,016 have a valid permit.

Graph 18 - Who holds firearms in Colombia?



Source: Department for the Control of the Arms Trade – Military Forces General Command



### 3.2.1 Arms in the hands of the Government

Arms in the hands of the Colombian government are those held by the Armed Forces (Police, Army, Air Force, and Navy), as well as those in the hands of other government agencies, such as the Prosecutor’s Office, the Administrative Department of Security -DAS, the National Bureau of Prisons, the Office of the Attorney-General, and the National Tax Administration.

Article 8 of Decree 2535 of 1993 states that weapons of war or for the exclusive use of the Armed Forces are those used to defend national independence and sovereignty; preserve territorial integrity; assure peaceful coexistence, the exercise of rights, public freedom, and the constitutional order; and maintain or reestablish public order. Consequently, they may only be used by the Armed Forces, which are, the Army, the Air Force, the Navy, and the Police. These weapons include pistols and revolvers with a caliber greater than or equal to 9.652 mm (32 inches), semiautomatic rifles and carbines with a caliber greater than 22L.R, automatic weapons of any caliber, antitank weapons, cannons, mortars, mortar bombs and land, sea, and air missiles of any caliber, weapons with military devices such as infrared or laser sights or accessories such as grenade launchers and silencers, and the ammunition corresponding to each one of these types of arms.

Apart from restricted-use arms, the Armed Forces possess and use personal defense arms for civilian use in their day to day surveillance activities. The army has a total of 289,980 active short arms and light weapons. The Air Force owns a total of 9,523 short arms and light weapons, all of them in use and none in deposit or reserve. The Navy has 41,186 short arms and light weapons, all of them in use and none in deposit or reserve, and the Police posses 258,500. In total, the Armed Forces hold 609,189 weapons, distributed as shown below:

Graph 19 - Firearms in possession of the government

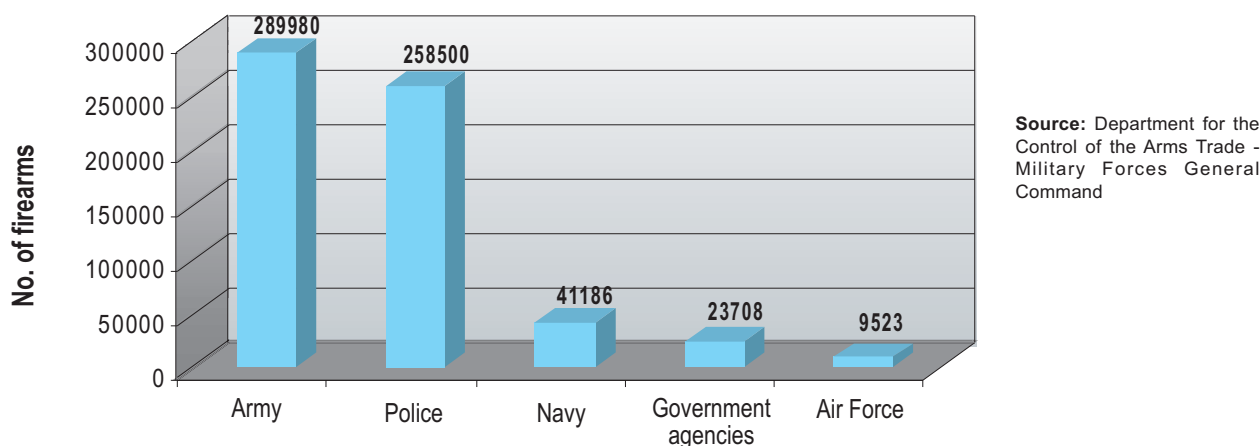


Table 2  
Short arms and light weapons in the hands of the Armed Forces

Type of Weapon	Army	Air Force	Navy	Police	Total
Rifles	258,000	8,513	35,950	135,000	437,463
Repeating weapons	23,480	460	3,518	4,500	31,958
Small arms	8,500	550	1,718	119,000	129,768
Arms in deposit	10,000	-	-	-	10,000
<b>Total arms</b>	<b>299,980</b>	<b>9,523</b>	<b>41,186</b>	<b>258,500</b>	<b>609,189</b>

Source: Department for the Control of the Arms Trade – Military Forces General Command



Photo: General Command of the Military Forces

The policy of the Armed Forces is to maintain only the materials considered necessary in active use. Arms remainders are periodically destroyed and melted down in a foundry. This explains why the majority of arms melted down in the context of disarmament programs are arms belonging to the State. Between 1992 and 2006, 111,083 weapons belonging to the Armed Forces have been destroyed. In order to control the administrative processes and guarantee that arms destruction is fully complied with, the General Command appoints an officer of the Joint Chiefs of Staff to supervise, approve, and sign the certificate of weapon destruction, and submit a report to the General Command. The number of weapons put out of circulation varies annually between 12,000 and 14,000.

As shown in the table below, the arms/man ratio in the cases of the Army and the Navy is 1.3 per member of the force, while in the case of the Air Force, the ratio is less than 1 (0.7). This indicates that the arms/man ratio in the Colombian Armed Forces is not exaggerated; on the contrary, it is rather low. The arms belonging to the Armed Forces which are put out of circulation are deleted from the depot files and from the national inventories of war weapons for purposes of supervision by the nation's Office of the Comptroller.

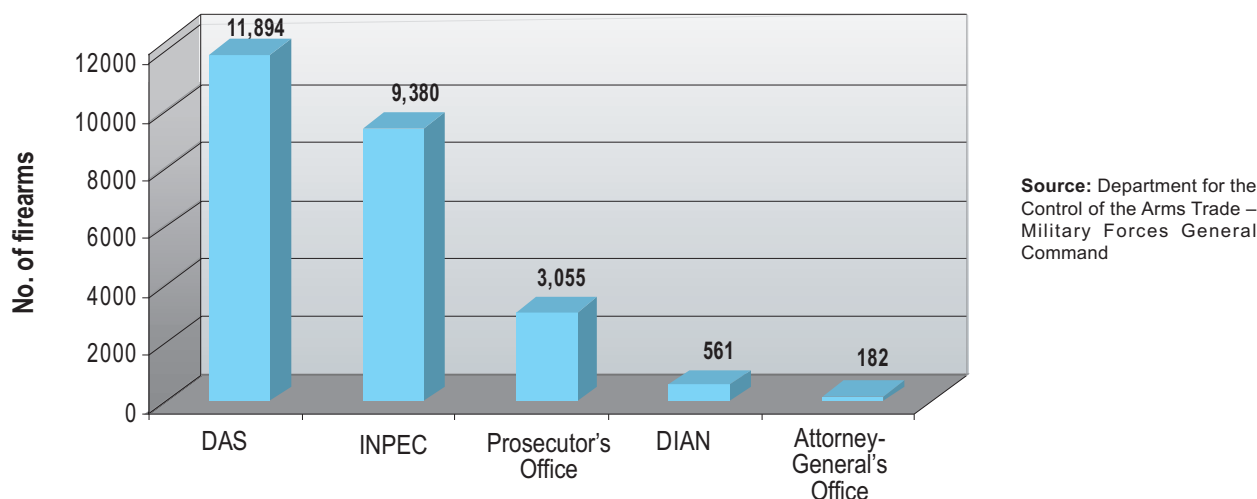
Table 3  
**Arms/man ratio in the hands of the Armed Forces**

Force	No. of arms	No. of men	Arms/man
Army	299,980	214,594	1.40
Air Force	9,523	12,483	0.76
Navy	41,186	30,501	1.35
Police	258,500	128,555	2.01
<b>Total Armed Forces</b>	<b>609,189</b>	<b>386,133</b>	<b>1.58</b>

Source: Department for the Control of the Arms Trade – Military Forces General Command

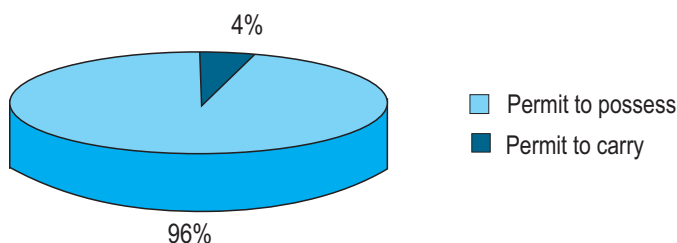
Apart from the Armed Forces, other government agencies are allowed to possess or carry civilian-use or personal defense arms, and, in exceptional cases and with authorization granted by the competent authority, arms meant for exclusive use by the Armed Forces. These government agencies are: the Prosecutor's Office, the Administrative Department of Security -DAS, the National Bureau of Prisons -INPEC, the Office of the Attorney-General, and the National Tax and Customs Administration -DIAN. Most of these weapons are in the hands of the DAS and INPEC.

Graph 20 - Firearms in possession of government agencies



For obvious reasons, which are directly related to the duties that the members of these entities must perform, most of these arms have a permit to carry (96%). Only 4% of these weapons, which are used to provide security in different sorts of facilities, have a permit to possess.

Graph 21 - Permits to possess and to carry firearms granted to government agencies



### Control and handling of arms in the hands of the Government

The control of arms in Colombia is exercised by the General Command of the Military Forces, through different institutions that handle arms in the hands of natural and legal persons, and in the hands of the Armed Forces and other government agencies.

The General Command includes the General Command and Headquarters, the Joint Chiefs of Staff, the Armed Forces General Inspection, the War College (Escuela Superior de Guerra), and the Administrative Head Office. In order to exercise control of the war materials in the hands of the Armed Forces, a logistics organization has been set up, which issues permanent or temporary guidelines and orders to regulate and maintain the armament in optimum working conditions, as well as to carry out an inventory in order to determine the exact location of the weapons, on the basis of positions and numbers.

Each force has its own Armament Directorate in charge of determining the armament needs of each force, and of deciding how the available materials are distributed in order to equip each one of its members with the necessary defense weapons. These Directorates carry out a strict inventory in their respective forces so as to establish the number of arms held and to classify them according to type, caliber, brand, number, loading and capacity, and to determine the number of magazines per man, squadron, platoon, and/or company. This careful inventory allows the military authorities to know exactly how many arms are available to a tactical Army unit or to its corresponding National Navy or Air Force unit. Logistics officers also have the duty to exercise controls through strict daily inspections aimed at controlling arms per man, as well as monthly inspections to count and check all of the arms allocated to each force on the basis of their numbers.

These controls have been established in order to prevent losses. However when losses occur, the commanders at all levels are directly responsible. It is their duty to carry out daily inspections and to maintain arms in good condition at all times. In order to facilitate control and be able to easily locate the weapons, the arms have been duly numbered and marked by the Military Industry with the seal of each force.

The control of arms in the hands of other government agencies is exercised by the Department for the Control of the Arms, Ammunition, and Explosives Trade (DCCA), which, in turn, is subordinate to the General Command of the Military Forces. This organic department of the General Command is in charge of controlling the sale of all arms, ammunition, and explosives acquired by private citizens, whether natural or legal persons, as well those acquired by government agencies from the Military Industry. Although the Department's Offices are located in the Colombian Military Industry -INDUMIL building, the DCCA does not depend on INDUMIL organizationally or administratively; it reports directly to the head of the Joint Chiefs of Staff of the Military Forces.

The DCCA's mission is to keep and control the registry of firearms, ammunition, explosives, accessories, raw materials, and supplies legally acquired by private citizens and government agencies that have been authorized to do so. To this effect, it has thirty-four (34) depots distributed nationwide and whose facilities are located at the Brigades' headquarters, especially in the capitals of the departments and in the most important municipalities in the country, where there are Army, Air Force, and Navy units. These depots operate as part of INDUMIL, since this institution supplies and organizes them by appointing a depot manager in each city or municipality. Additionally, the Commands of the Tactical or Operational Units found in those cities or municipalities appoint a Director of Arms Control, whose duty it is to issue the permits to possess and to carry the arms sold or legalized in their jurisdiction.

The following military authorities have the power to issue and renew permits to possess and permits to carry arms, ammunition, and explosives:

- The Head of the Department for the Control of the Arms, Ammunition, and Explosives Trade.
- The Heads of the Joint Chiefs of Staff of the smaller Operational Units or their equivalents in the Navy and the Air Force.
- The Executive and Deputy Commanders of the Tactical Units in the Army, or their equivalents in the Navy and the Air Force.

The DCCA controls and systematizes all of the information regarding procedures, and verifies all of the materials and documents submitted for civilian use weapons, that is, personal defense, collectible weapons, and sports weapons. However, when permits are requested for restricted-use arms, specifically by government agencies and private security services companies, the permits have to be authorized by the Arms Committee of the Ministry of National Defense, which is the only agency that can authorize the possession or carrying of restricted-use arms. The composition of said Committee is the following:

- Two delegates from the Ministry of National Defense.
- The Ombudsman ("Defensor del Pueblo") or his delegate.
- The Superintendent of Surveillance and Private Security.
- The Head of the D-2 Department of the Joint Chiefs of Staff of the General Command of the Military Forces.
- The Deputy Director of the Judicial and Investigation Police.
- The Head of the Department for the Control of Arms, Ammunition, and Explosives.

Ordinary meetings of the Arms Committee are summoned once a month by the Secretary, and extraordinary meetings may be called by one of its members. The Committee studies and decides on the requests made through the competent military authority for the issuance of permits to possess and carry restricted-use arms, ammunitions, and explosives. It also determines which government agencies should keep firearms, how many of them, and what type of ammunition they should use, depending on their respective mission.

The Committee's specific duties are:

1. Recommend general policies regarding the acquisition of arms, the sale of ammunition and explosives, and their importing and exporting.
2. Give an opinion with respect to the suspension or cancellation of permits to possess or to carry arms granted to natural or legal persons.
3. Recommend to the competent military authority the temporary suspension of the sale of arms, ammunition, and explosives whenever they deem the measure necessary to prevent public unrest and guarantee citizen safety.
4. Once the Superintendency of Surveillance and Private Security has given its favorable opinion, make decisions with respect to authorizing the issuance of permits to possess or carry restricted-use weapons to those companies, persons, or organizations registered and supervised by said Superintendency.
5. Make decisions regarding the requests to carry restricted-use arms submitted by those who believe their lives are at risk, given their profession or job, or due to the fact that they have received threats by ordinary criminal groups, and they need to protect their families.
6. Regulate the control of materials required for industrial use which, taken individually, are not explosives, but, taken together, produce explosive substances, as well as of those elements that may be transformed into explosives through a chemical process.

Apart from the DCCA and the Arms Committee, each government agency has an Armament Office, similar to that of the Armed Forces, in charge of registering the arms held by each agency and accounting for their condition. For example, the DAS has registered all the weapons held by its agents in the Integrated Ballistics Identification System-IBIS station under its jurisdiction, in order to be able to establish whether any of these weapons are involved in any type of criminal activity.

Government control of the permits issued is also difficult to manage given that these permits are granted to the companies or legal persons and not to the natural person who actually carries or holds the weapon. In this case, the Department for the Control of the Arms, Ammunition, and Explosives Trade has been carrying out a process aimed at purging the data bases corresponding to the National Arms Registry and to this date, the information indicates that almost 40% of the total of 23,708 arms in the hands of government agencies do not currently have a valid permit, or the data registered is incomplete or insufficient to exercise adequate control.



Photo: DDA/RDB/UNILIREC Library

The control of government arms is not only exercised with respect to arms in use. There is also a clear policy regarding useless weapons. This means that the stock of arms in each force is quite low and that most of the weapons are in use. Those that are not being used are collected and stored in the arms depots of each one of the operational or tactical units, and subsequently sent to the general armament depot of the General Command. Here, the components that may be used as spare parts are removed and the remaining components are destroyed by melting. This process is recorded in a document issued by the General Command so that these weapons may be deleted from the respective inventories.

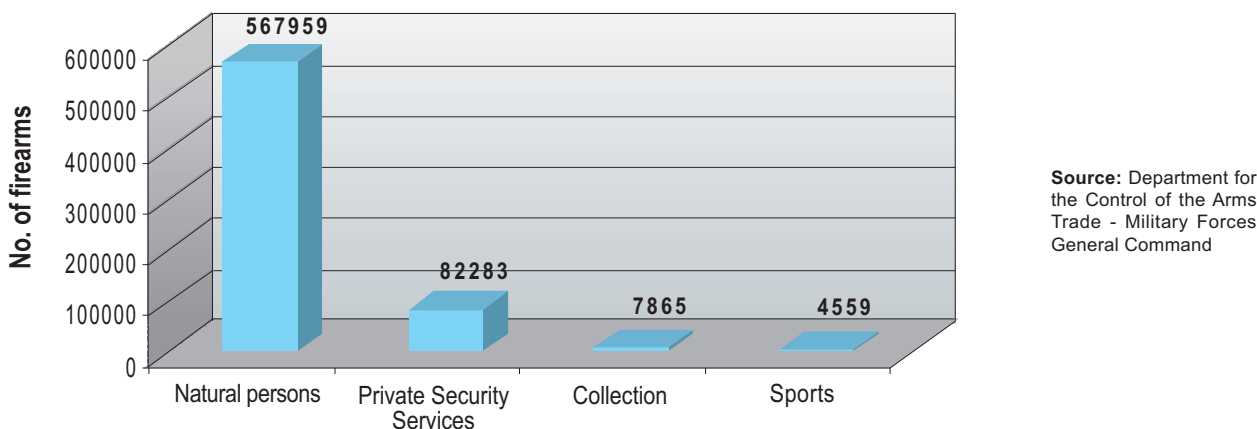
In this sense, the control of the 364,397 arms in the hands of the government is strict, a part from some specific weaknesses in the case of arms in the hands of government agencies, whose control depends more on the guidelines issued by the agencies themselves than on the guidelines provided by the Department for the Control of the Assignment of Weapons. As of today, there have been no reports of Armed Forces weapons involved in illegal trafficking.

In the event of this happening, Law 522 of 1999 of the Military Criminal Code, in Articles 59, 152, 180, and 181, define the manufacturing, possession, and illegal trafficking in arms, ammunition, and explosives as crimes. The seriousness of these crimes increases if the arms are meant for the exclusive use of the Armed Forces. Also defined as crimes are; the embezzlement of military equipment, delays in the surrender of arms, ammunition, and explosives, the improper use of firearms (particularly their use in the commission of a crime) all of which results in the offender’s prohibition to use arms for a period of up to three years.

### 3.2.2 Arms in the hands of private citizens and Private Security Services

In Colombia, private citizens may possess or carry arms, their parts, components, ammunition, explosives, and accessories with a permit issued at the discretion of the competent authority under legislation described as “assignment of the use of arms” in Decree Law 2535. Thus, private citizens, including natural persons and legal persons in their capacity as providers of private security services, collectors, and sportsmen, currently possess or carry a total of 662,666 arms.

Graph 22 - Firearms in possession of private citizens



An individual may hold up to two permits to possess, two to carry, and two for restricted-use arms. Permits to possess have a maximum validity of ten years; permits to carry personal defense weapons have a maximum validity of three years; and permits to carry restricted-use arms have a maximum validity of one year. The following are the requirements that a natural person must comply with in order to obtain a permit for a weapon in Colombia:

Chart 2

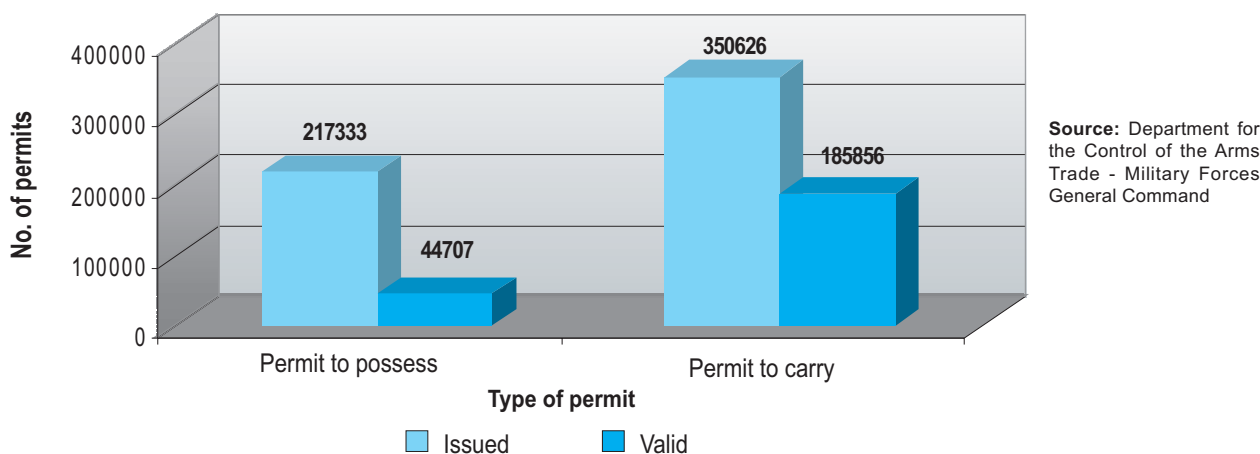
**Comparative table of permits required of a natural person**

PERMIT TO POSSESS	PERMIT TO CARRY
a) Duly filled out form issued by the competent authority;	a) <b>Comply with the requirements established for the permit to carry arms;</b>
b) Presentation of reservist card or temporary military card;	b) If a permit for a personal defense weapon is being requested, the applicant must justify the need to carry a weapon for his or her defense and personal integrity, in conformity with what is established in Article 23 of this Decree, and submit any evidence available to him or her;
c) Duly authenticated photocopies of the Citizenship Card and of the Judicial Certificate;	c) If a permit is being requested to carry a restricted-use weapon, the applicant must prove that his or her life is at risk, or that he or she is in danger of serious personal injury, due to special circumstances related to his or her profession, job, position held, or economic activity engaged in, and that this justifies issuance of said permit. To this effect, the applicant must submit any evidence available to him or her, in order to obtain approval from the Ministry of National Defense's Arms Committee.
d) Medical certificate attesting to psychological and physical aptitude for the use of arms;	

Given that the permit issued by the military authority at its discretion is a permit in the form of an assignment of arms to a citizen, the latter must pay for the weapon when the permit is issued. The permit may be extended upon expiration, or the weapon may be returned to the military authority. In the latter case, the initial value of the weapon or its appraised value shall be returned to the holder upon delivery of the weapon, except in those cases in which the permit is not valid and there are grounds for confiscation. In this case, even if the individual who possesses or carries the weapon comes forward to pay the corresponding fines and request an extension of the permit, the weapon is confiscated and its value is not refunded.

This is probably the main reason why many individuals holding arms did not avail themselves of the amnesty Decree of 1994, and why these arms are currently illegal. Even if the citizens holding weapons lacked information about the amnesty or were guilty of neglect and, if they came forward to pay the corresponding fine, the weapon would be confiscated and its initial value would not be refunded. As shown in the graph below, this applies not only to the arms that did not accept the amnesty, but also to those arms whose permit is no longer valid due to the violation of some regulation. Only 230,563 of the 567,959 arms in the hands of natural persons have their permits in order.

Graph 23 - Permits to possess and to carry firearms granted to natural persons



## Private Security and surveillance service companies

In Colombia, private security and surveillance service companies are established with the authorization of the Private Security and Surveillance Superintendency and are regulated by the Private Security Statute. This is the instrument that governs the provision of private security and surveillance services. The Private Security Statute is classified according to the following types:

Table 4  
Number of companies per type of private security service

SECURITY SERVICE	NUMBER OF COMPANIES
Security Departments	1,296
Security companies - unarmed	94
Security companies - armed	495
Authorized armored car companies	23
Security cooperatives - armed	51
Training schools	60
Special training departments	20
Special security services	3
Community security services	4
Securities transportation companies	6
<b>TOTAL</b>	<b>2,052</b>

Source: Private Security and Surveillance Superintendency

Private security and surveillance services may obtain authorization to use arms in the execution of the following services:

- Stationary surveillance, provided by guards or by any other means, in order to provide protection to persons, personal property or real estate property, in a specific location.
- Mobile surveillance, provided by mobile guards or by any other means, in order to provide protection to persons, personal property or real estate property, in a certain area or sector.
- Bodyguard service, which provides armed protection to prominent individuals, vehicles, merchandise or any other object, during their movement from one place to another.
- Transportation of securities, aimed at transporting, safeguarding, and handling securities, as well as performing other related activities.

Private security and surveillance services are allowed to use personal defense weapons in the proportion of one weapon for every three guards on their payroll, and, in exceptional cases and with due authorization by the competent authority, they may be allowed to acquire restricted-use weapons. They may also obtain permits to possess or carry restrict-use weapons but the personnel holding a permit to carry such arms must also carry the valid identification credential issued by the Private Security and Surveillance Superintendency. This is the entity responsible for approving the purchase of arms, the renewal and cancellation of permits, and an authenticated photocopy of the corresponding permit to carry. The following are the requirements that must be met to obtain these permits:



Chart 3  
**Comparative table of permits required of legal persons**

PERMIT TO POSSESS	PERMIT TO CARRY
a) Duly completed form provided by the competent authority;	a) Compliance with the requirements established to obtain a permit to possess.
b) Certificate of existence and legal representation;	
c) Duly authenticated photocopies of the Citizenship Card and Judicial Certificate;	
d) Approval of Private Security and Surveillance Superintendency, for those who provide services subject to supervision by this entity.	

Legal persons may be granted permits to possess up to five of any of the following weapons: revolvers, pistols, carbines or shotguns. In order to obtain the permits to possess or to carry arms, they must comply with all the requirements established for legal persons. However, the law has occasionally authorized legal persons to possess more than five arms, if they set up a Security Department. This is rather paradoxical, given that securities transportation companies, which face a high risk level, are allowed to carry only revolvers or shotguns, while Security Departments are allowed to carry long weapons, such as assault rifles.

At present, the companies providing private security services have a total of 82,283 arms, of which 27,726 are subject to confiscation or have expired permits.

Graph 24 - **Valid permits for firearms in possession of Private Security Companies**

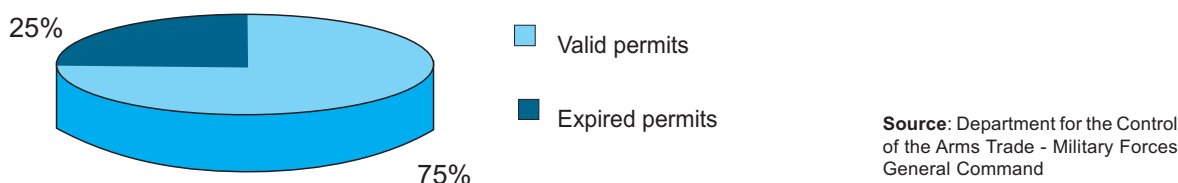


Table 5  
**Arms/man ratio in private security services**

MEN	ARMS	Arms/man ratio
120,000	82,283	0.68

Source: Department for the Control of the Arms Trade - Military Forces General Command

The previous table shows that the ratio of legal arms to the total number of men working in private security services is 0.68, a rather low ratio, especially if the fact that not all of the 120,000 men carry or have arms is taken into account. This is the case because some of the weapons are found in training schools, and others are subject to confiscation.

## Handling and control of arms in the hands of Private Security Services

Although the Department for the Control of the Arms, Ammunition, and Explosives Trade, the Arms Committee of the Ministry of Defense, and the Superintendency authorize the acquisition of arms by private security companies, it is the companies that are responsible for the armament. The Superintendency has the duty of verifying the use of these arms, and whenever it deems appropriate, to request the General Command of the Military Forces to confiscate arms and not renew their permits whenever there is a non-compliance with the regulations. The Superintendency is also authorized to carry out inspections at any time, to check the conditions of the arms kept in the companies' vaults by means of "extraordinary visits". This occurs at the request of a competent authority. "Ordinary visits" occur in the context of an *annual inspection plan* scheduled by the institution. These inspections are carried out together with Armed forces personnel in charge of verifying the Arms Book and checking the state of the arms.

In spite of this structured control system, there have been reports regarding the involvement of Security Departments in illegal activities. For example, people in the drug trafficking business have used the services of legally incorporated private security companies. When control operations have been carried out, it has been those very same security companies suspected of connections with illegal activities who have had both their arms and their legal documents in order. Several problems are evident here. Firstly, the lack of control of the 1,296 Security Departments created over the past 12 years with the purpose of giving small companies and businesses with security risks means to protect themselves easily, without all the requirements established for companies that provide and sell surveillance and security services. This proliferation of small Security Departments has prevented their adequate control.

A second cause for concern is the case of bodyguards who have the ability to obtain permits to possess or to carry restricted-use arms. This has given rise to the so-called "private armies", in which, for example, 180 men armed with 30 sub-machine guns are at the service of a single person. Although the Superintendency has cancelled 300 of these licenses over the last three years, similar cases continue to arise. Furthermore, the Community Security Services, of which only four are left in the national territory, two in Antioquia and two in the Llanos, have also been accused of connections to paramilitary activities.

Thirdly, limited control is exercised over third-level companies (C level) which are small companies in the process of growth, and which, due to their size, do not expect government inspections. Consequently, even though they are legally established companies, they supply themselves with arms acquired on the black market. For example, at the beginning of this year, three companies of this level were inspected and 500 illegal arms, whose numbers had been altered, were seized. Another issue common with these type of companies is that a percentage of legal arms belonging to private security companies whose license have been cancelled or companies that were liquidated, are then transferred to illegal or "pirate" companies.

Overall, there are numerous control problems, both service-related and arms-related, with respect to companies that provide private security services. These control gaps should be corrected by the Private Security and Surveillance Superintendency, which lacks the means necessary to exercise adequate controls. During the present administration, the Superintendency's regional branches were closed and it is currently operating only in Bogotá. Although it receives support from the Brigade and the Police, it has only ten inspectors for the whole country. This obviously means that it does not have the technical and logistical capacity to carry out the necessary inspections, since it would be impossible for its reduced staff to travel to all the different municipalities to inspect the vaults where arms are kept. It would, therefore, be essential to reactivate the Superintendency's regional branches, at least in regions such as Cali, Medellín, Bucaramanga, and Ibagué.

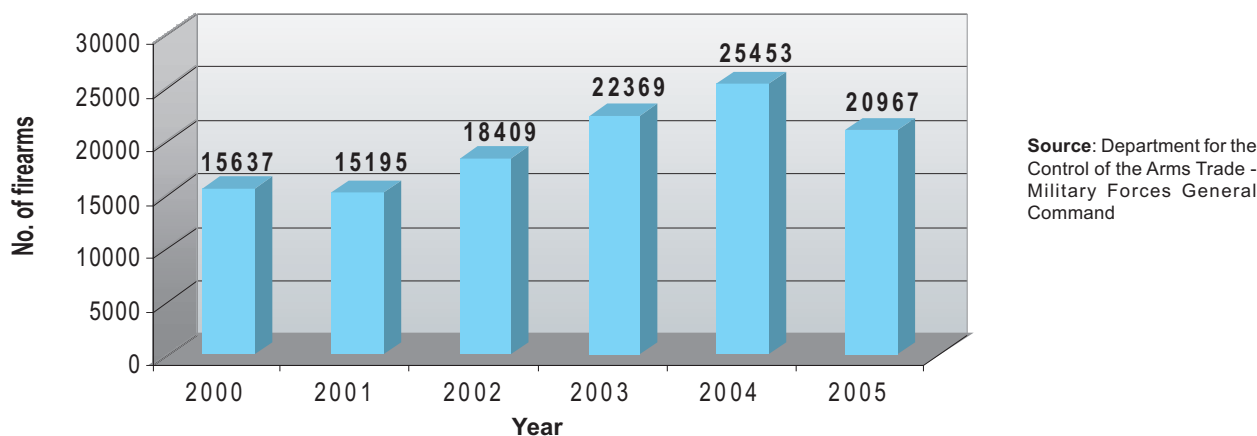
In spite of the above, the Private Security Support Network was created by presidential decree in the year 2002, in order to achieve greater cooperation between private security personnel and the Police, and to

increase security in different zones. This measure has been quite effective and has indeed fostered cooperation; for example, during the 2006 elections, 9,000 private security guards provided security at those polls that the Armed Forces could not cover. Private companies also provided technological support during the elections, given that they have equipment capable of detecting explosives within a 15-meter radius, which aided the security programs in the zone.

### 3.3 Seizure and confiscation of weapons

Noncompliance with the regulations established by the law leads to the seizure of arms. Depending on the seriousness of the violation, the competent authority decides whether; the weapon in question will be returned immediately to the bearer, if a fine is to be imposed, or if the weapon will be confiscated. During the year 2005, the Police seized 76,166 weapons, most of them without permits. A proportion of these were at the behest of the authorities who considered they were being used improperly.

Graph 25 - Firearms seized by the Police 2000-2005



Another reason why numerous arms seizures take place is the violation of the restrictions on arms carrying imposed by some mayors and governors in a number of cities and departments of the country. Paragraph 1, Article 41 of Decree 2535 states that.

*“...governors and mayors may ask that the competent military authority declare the general suspension of permits, whether directly or through the Ministry of National Defense”. Similarly, Paragraph 2 states that “the military authority that orders the general suspension of the validity of the permits may authorize, in special and individual cases, the carrying of arms, upon request by the respective mayor or governor.”*

These programs of intervention in legal arms control began to be implemented in the nineties and gained strength during Antanas Mockus’ two terms as Mayor of Bogotá, as one of the key policies aimed at reducing the high homicide rates evident at the beginning of the 90’s. Other policies were voluntary disarmament programs and increased police operations in zones with high rates of violence. Upon analysis of the relationship between arms and homicide in Bogotá, however, experts have concluded that these measures were not very effective<sup>44</sup>.

<sup>44</sup> See: Casas, Pablo and González, Paola. *Políticas de seguridad y reducción del homicidio en Bogotá: mito y realidad*. In: Fundación Seguridad y Democracia, *Ensayos de Seguridad: Seguridad Urbana y Policía en Colombia*. Bogotá, 2005.

## Seizure

Seizure is appropriate in all cases of possession or carrying of arms, ammunition, or explosives and their accessories without having complied with the requirements established in the Decree.

The following are grounds for seizure:

- Consumption of liquor or use of psychoactive substances while carrying arms, ammunition, and explosives in public places.
- Carrying, transporting, or possessing arms, ammunition, explosives, or accessories without the corresponding permit or license.
- Carrying arms, ammunition, explosives, or accessories at political meetings, sessions of government bodies, assemblies, and demonstrations.
- Carrying of the weapon or ammunition without the corresponding authorization.
- Carrying or possessing arms, ammunition, explosives, or accessories once the respective permit or license has expired.
- Carrying or possessing a weapon whose serial number has been altered without due permission.
- Allowing arms, ammunition, explosives, or accessories to be carried or kept in places other than those authorized.
- Carrying or possessing a weapon whose permit or license shows alterations.
- Carrying or possessing a weapon whose permit or license is so physically deteriorated that the information cannot be read.
- Carrying, transporting, or possessing arms, ammunition, explosives, or accessories without the corresponding permit or license, even though the permit has been issued.
- Carrying arms, ammunition, explosives, or accessories to public shows.
- A decision by a competent authority when the latter considers that the arms, ammunition, explosives, and accessories may be improperly used by the persons or groups that possess them, even if they have been duly authorized.

In the previous cases, the competent authority decides whether to initiate the process of definite confiscation of the weapon or whether to return it to the holder, if it has been obtained legally. In this latter case, a fine will be imposed according to the violation.

The authorities empowered to carry out arms seizures are the following:

- All of the active members of the Armed Forces whenever they are exercising service-related duties.
- Prosecutors, judges of all ranks, governors, mayors, and police inspectors in their respective jurisdiction, through the Police, whenever they have knowledge of the illegal possession or carrying of any weapon, ammunition, or explosive.
- Agents of the DAS in the performance of their duties, and officers of the Judicial Police Units.
- Customs agents and employees in charge of inspecting merchandise and baggage in the performance of their duties.
- Prison guards.
- Ship and aircraft commanders during their trips.

## Confiscation

Arms are confiscated from their owners or holders if they are guilty of any of the following violations:

- Carrying or possessing arms, ammunition, or explosives without the corresponding permit or license issued by the competent authority.
- Possessing a weapon when the permit has expired.
- Possessing or carrying arms while under the influence of alcohol.

- Having been fined for consuming alcohol or using psychoactive substances while carrying a weapon.
- Carrying a weapon when the permit is for possession.
- Carrying a weapon when the government has ordered the suspension of the validity of the permits.
- Not having surrendered the weapon to the government within the specified period.
- Using arms, ammunition, explosives, or accessories to put the flora and fauna, the environment, and areas of special ecological importance at risk.
- Transporting explosives without meeting the requirements established by the General Command of the Military Forces.
- Having arms repaired at workshops operating without a license.
- Lending or allowing a third party to use the weapon, except in cases of imminent emergency.
- Carrying arms, ammunition, explosives, or accessories at political meetings, sessions of government bodies, assemblies, and demonstrations.
- Having been sentenced to prison and not surrendered the weapon as stipulated in the Decree.
- Not paying the fine imposed as penalty.
- Ceding the use of the arms, ammunition, or explosives for any reason, without due authorization.

In this case, the competent authorities are the following:

- Prosecutors at any level and criminal judges whenever the weapon, ammunition, or explosive is part of a legal process.
- Brigade Commanders and their equivalents in the Air Force and the Navy, within their jurisdiction, as well as the Commanders of Specific or Unified Commands.
- Commanders of the Army Tactical Unit and their equivalents in the Air Force and the Navy.

In any of the previous cases, the competent military authority, through an administrative decree, decides whether to impose a fine or to order the confiscation of the weapon, fifteen days after its seizure. In the case of war weapons meant for exclusive use by the Armed Forces, the authorization to return the weapon must be approved by the General Command of the Military Forces.

In case the confiscated weapons are not linked to a criminal process as evidence, they remain in the hands of the Military Forces, who can decide how to dispose them. The General Command of the Military Forces shall determine whether they are to be included in the Armed Forces arsenal, or whether they are to be assigned to active officers of these same forces or to the Police for personal defense. Up to this date, 37,315 weapons have been assigned to members of the Public Forces.

Some of the confiscated arms have been destroyed. In the year 2005, more than 13,000 weapons that had belonged to illegal armed groups and ordinary criminal groups were melted down.

### 3.4 Criminal and ballistics investigation

Colombia has recently adopted the accusatory criminal justice system<sup>45</sup>, in which judicial power is represented by two actors: the judges and the prosecutors. The former are in charge of handling the process against the defendant, guaranteeing his or her rights, presiding over the hearings, and receiving all the evidence without interfering in its gathering. The prosecutors, on the other hand, carry out the pertinent investigation in order to establish the evidence on the basis of which the cases will be judged.

<sup>45</sup> The adversarial criminal justice system was implemented in Colombia in the year 2005, specifically in Bogotá and the coffee-growing zone. It will be gradually implemented in the rest of the judicial districts.

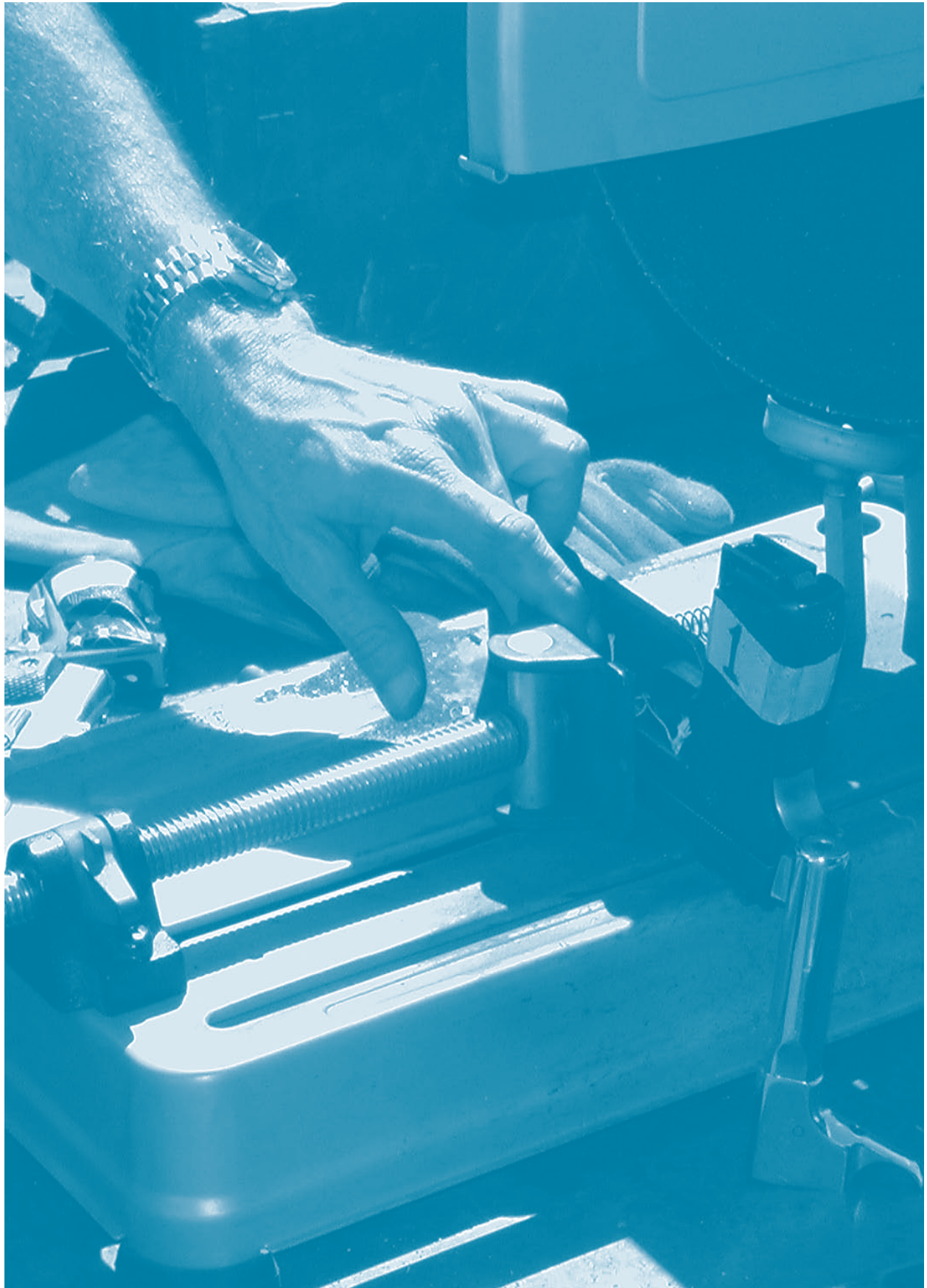


Photo: DDA/RDB/UNILIREC Library

Judicial police duties are performed by government institutions in charge of gathering all the evidence necessary to resolve the crime. Those invested with these powers carry out the following activities, among others: inspection of the crime scene and the body, carrying out interviews or enquiries, gathering of evidence, etc. These investigators may also be summoned as witnesses during the trial, a fact which demonstrates their importance in the process. The Colombian institutions invested with Judicial Police duties are:

1. Technical Investigation Unit of the Prosecutor's Office - CTI
2. Central Judicial Police Directorate - DIJIN or Judicial Police Regional Branches - SIJIN
3. Administrative Department of Security - DAS.

In case the crime under investigation involves a firearm, the investigators, at the prosecutor's direct request, may require ballistics services provided by one of the institutions who carry out scientific research applied to ballistics and who have the technical and human resources to provide such services, in order to obtain the evidence needed to resolve the case.

There are four institutions with ballistics investigation laboratories, which also have basic technical elements such as a comparison microscope for criminology and IBIS system stations. Although three of these institutions are invested with Judicial Police duties, the ballistics laboratories and investigation areas operate independently, as explained below in the section on procedures.

The following are the institutions with ballistics laboratories in Colombia:

1. National Institute of Legal Medicine and Forensic Sciences
2. Central Judicial Police Directorate - DIJIN
3. Administrative Department of Security - DAS
4. Technical Investigation Unit of the Prosecutor's Office - CTI

### 3.4.1 Processes and procedures

When a homicide involving a firearm occurs in Colombia, any of the following competent authorities carry out the official removal of the body:

1. Central Judicial Police Directorate - DIJIN or Judicial Police Regional Branches - SIJIN.
2. Administrative Department of Security - DAS
3. Technical Investigation Unit of the Prosecutor's Office - CTI
4. Traffic Police

They take the body to the National Institute Legal of Medicine and Forensic Sciences, where the corresponding examination takes place. If there is no body, the case is referred to a prosecutor who, together with his investigators, has seven months to gather all the necessary evidence that will be presented to the judge as part of the prosecution's case.

When the crime involves a firearm, the prosecutor, acting through the investigator, requests that one of the institutions with ballistic investigation capability carry out the tests necessary for the investigation. The laboratories generally offer the following services:

1. Internal, external, and effects ballistics.
2. Comparative microscopic identification aimed at establishing whether two projectiles were fired from the same weapon.
3. Analysis of gunpowder residues in the barrel of the firearm, in order to determine if the weapon was fired and when.
4. Examination of the working order of the firearm, in order to establish whether the weapon was able to receive the cartridge and fire it adequately at the moment when it was supposedly fired.
5. Examination and restoration of serial numbers, in order to establish whether the weapon's serial numbers had been deleted or altered, or to identify them if they are not visible.

The following services are provided sporadically, with permission granted by the judicial authorities:

- Checking to see if a firearm kept in a depot is in adequate working order.
- Analysis of the state of preservation of confiscated ammunition in order to establish whether it can be reused for another weapon, depending on the caliber.
- Identification of certain etchings, markings, and symbols in order to determine where a firearm was manufactured, on the basis of comparison with the available references. The National Police, for example, only has 20 marks from different countries available for purposes of comparison. This reference catalogue is extremely limited for purposes of establishing the origin of the arms in case they are illegal, or where they were acquired and what type of ammunition they use in case they are legal. In those cases in which the markings or serial numbers have been completely deleted and cannot be identified, the firearm is assigned a new serial number and sold once again by the Military Industry.

The above duties may be performed by any of the institutions with ballistics analysis capacity - the prosecutor may request services from any one of them. However, if the test or analysis required involves a body, the procedure must be undertaken by the National Institute Legal of Medicine and Forensic Sciences (the only institution capable of and authorized to carry out postmortem examinations, determine firing distances, and participate in the exhumation of bodies). In the case of an operation carried out by the Police, the prosecutor will not refer the analyses to the Police laboratories, but rather to one of the other institution's laboratories.

After the ballistics laboratory completes the analyses requested, it submits its findings to the investigator, along with the scientific support. The investigators then continue to gather evidence necessary to solve the case. Although the ballistics laboratories contribute to the process, they do not carry out the investigation.

When the piece of evidence arrives at one of the laboratories, it is registered on a form with the adequate specifications, photographed, and duly bagged. A document known as the "Safekeeping Chain" is drawn up for each piece of evidence. This document specifies the regulations that must be applied to guarantee the adequate conservation of the evidence, preventing alterations or contamination, as well as the names of the persons who came into contact with the evidence from the moment it was gathered at the crime scene until it is handed over to the expert assigned to the case.

The collection of evidence such as firearms, projectiles or cartridges from the crime scene is carried out by investigators from the Technical Investigation Unit of the Prosecutor's Office - CTI, the Central Judicial Police Directorate of the National Police - DIJIN, the Judicial Police Regional Branches - SIJIN, the Traffic Police, and, in some cases, the Administrative Department of Security - DAS. Some of these agencies have mobile laboratories that are technically equipped to carry out these procedures.



## 3.4.2 Institutions that carry out ballistics investigation

### Technical Investigation Unit of the Prosecutor's Office - CTI

The CTI is divided into two sections: the first one is made up of the investigators who operate at both national and sectional levels, and the second one corresponds to the members of the criminology area, in charge of carrying out the required scientific studies. The CTI has seven regional laboratories, and the investigators' geographic jurisdiction is distributed according to where the Judicial Police Regional Offices are located, in such a way as to cover all of the country's regions. The Prosecutor's Office also has a work team in charge of identifying consecutive or correlated homicides in order to establish trends. However, only two of the laboratories have the technical and human resources to carry out such studies, since they rely on ballistic comparison microscopes. Said Office also has two IBIS stations. One in Medellín handles cases in Antioquia, and the northwestern and northern regions of the country, with the exception of Atlántico, financed with funds from Plan Colombia, and one in Bogotá, which existed before those acquired through Plan Colombia. The latter handles cases in Cundinamarca, Atlántico, and all of the eastern and central regions of the country. The two stations have 8,667 registered cases, with a total of 377 hits or correlations.

Since the CTI has Judicial Police duties, it also counts on investigators who handle and collect information that is useful to resolve a criminal case, in addition to the experts in ballistics.

### Central Judicial Police Directorate of the National Police - DIJIN

The Central Judicial Police Directorate has several laboratories throughout the country, but the only one with ballistics investigation capacity is the one in Bogotá. It has an IBIS station, a ballistics comparison microscope, and experts in ballistics.

Like CTI investigators, DIJIN agents are in charge of gathering the evidence requested by the prosecutor after a joint agreement has been reached. The DIJIN investigation corps is made up of 107 police officers, distributed among three areas:

1. The "*Life Area*" which is in charge of investigating homicides and personal injuries, it is made up of 40 investigators of which an average of 30 are permanently active. As of March 2006, this area had 54 open cases in process of investigation.
2. The "*Humanitas Area*" is in charge of investigating cases of rape, domestic violence, etc. it is made up of 45 investigators.
3. The "*Police Homicide Area*" which is made up of 22 investigators, is in charge of investigating cases, homicides against police man.

Each investigator is assigned a certain number of cases, which according to the new accusatory system must be handled until they are totally closed. In the Life Area, each investigator handles an average of 15 cases, which are not always cases of individual homicide or personal injury; they may be cases of massacre, serial homicides, or analyses of an issue such as the increase in the homicide rate in a certain city or municipality of the country.

Since the DIJIN is the Judicial Police Head Office, it only investigates high-profile, high-impact political or social crimes, while the Judicial Police Regional Branches - SIJIN handles the rest of the cases. The level of importance of each case is determined by the Human Rights Institute of the Presidency of the Republic, which has jurisdiction over the Life Area. However, in some cases this level is determined according to recommendations by different top-level political actors.

In each region, the SIJIN handles its investigation processes similar to that to the DIJIN. At the regional level, however, the situation is quite different, since there is a greater volume of cases, the number of investigators is lower, and there are fewer resources. This makes it difficult for agents to travel to distant municipalities or locations where homicides or massacres have taken place, especially if these areas are under the control sometimes of illegal armed groups. Furthermore, there are no SIJIN units in many parts of the country, and when they do manage to arrive, the crime scenes have often changed considerably, which makes it difficult to initiate an investigation. There are cities with only 4 investigators in charge of investigating all of the crimes occurred within that police jurisdiction. To make the situation even more complicated, the accusatory system allows a shorter time period for solving the case, and cases never close definitely. On the contrary, they can be reopened at any time, and the officer who was initially responsible for the case has to take it up again until it is finally solved.

### **Administrative Department of Security - DAS**

The DAS has a single ballistics investigation laboratory in Bogotá that provides 13 different investigation services. It has a staff of 12 ballistics technicians, 3 comparison microscopes, and one IBIS station, which currently has 800 registrations in the system to the present. During 2005, this laboratory analyzed 41,952 elements/objets involved in criminal acts, including arms, barrels, cartridges, vehicles, etc.

The accredited ballistics technicians employed by the DAS are also investigators, and in the majority have university degrees.

Since this institution has Judicial Police powers, it carries out a high number of criminal investigations. In 2005, it allocated 35% of its budget to fund 854 permanent positions to cover these functions. This accounts for 12% of the total permanent positions in the DAS. Although high impact cases are given priority, the assignment of investigations to both field investigators and ballistics experts depend on the location where the crime took place, or on the institution that first arrived at the crime scene.

According to the final report submitted by the DAS Special Commission in March of 2006, “the duties performed by DAS in these matters hardly differ from those performed by other institutions such as the CTI or the DIJIN. Close to 40% of the arrests made by the DAS were for offenses such as noncompliance with alimony payments, theft, illicit exercise of activities that are the monopoly of the state, rape, trial fraud, negligent injuries, criminal restraint, and fraudulent vote. In the opinion of the Commission, the DAS should preserve its Judicial Police powers, but it should limit its activities exclusively to investigations related to its intelligence and counterintelligence work, given that the institution’s scarce resources are being assigned incorrectly and key areas such as the production of strategic intelligence and the development of counterintelligence (detectives, secret agents, etc.)”<sup>46</sup>.

Something similar occurs with the other institutions invested with Judicial Police powers, especially at the regional level, where the number of cases is higher and the human and technical resources available to handle them are much more limited.

### **National Institute of Legal Medicine and Forensic Sciences**

The National Institute of Legal Medicine and Forensic Sciences has one of the most specialized laboratories in the country, in areas such as chemical and physical analysis and ballistics, and it is the only institute where forensic investigations are carried out.

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<sup>46</sup> Arrieta, Carlos Gustavo, Bejarano, Ramiro, Rojas, Emiro, Arango, José Roberto and Jiménez, Claudia. *Informe final Comisión especial para el DAS*. Bogotá, March of 2006. Access at: <http://www.presidencia.gov.co/documentos/informefinalpresidenteuribe.pdf>

Unlike the institutions mentioned above, Legal Medicine has no field investigators since it is not invested with Judicial Police powers. Its job is to deliver the evidence or scientific reports requested by the prosecutors for the solution of cases. Forensic investigators only leave the laboratory to carry out reconstructions of the crime scene, for which they are supplied with information such as plans, photographs, statements, etc.

At present, Legal Medicine has 8 laboratories in the cities of Bogotá, Medellín, Cali, Barranquilla, Bucaramanga, Pereira, Cúcuta, Tunja, as well as 20 ballistics technicians distributed nationwide: 8 in Bogotá, 2 in Medellín, 4 in Cali, 2 in Barranquilla, 1 in Bucaramanga, 1 in Pereira, 1 in Tunja, and 1 in Cúcuta. The Institute also has two IBIS stations, one in Bogotá and one in Cali.

### 3.4.3 Technical resources for ballistics investigation

In technical terms, the two basic tools for ballistics investigation are the *comparison microscope*, which allows for the comparison and effective analysis of the evidence, and the *Integrated Ballistics Identification System -IBIS*, a system which stores a data and image base of firearms and projectiles which makes comparison possible, in order to establish relationships between criminal acts. The purpose of this growing data base is to achieve a historic reference base that enables investigators to establish whether the projectile being checked coincides with one previously entered into the data base with a specific code.

The main objective sought when feeding information into the IBIS system is to determine whether the same firearm has been used in the commission of several crimes in different places. IBIS does not, however, establish this directly, but reduces the number of samples subject to analysis by the investigator, who must carry out the final job of investigating and comparing with the aid of the microscope. The system does not replace the investigator's expertise, but facilitates procedures. Two years after its implementation IBIS had helped solve 88 cases, by identifying the firearms that had been used in crimes and murders, thus making it possible to find the perpetrators.

In addition to the above, one of the most important features of IBIS is that it makes it possible to save the weapon's fingerprint, that is, the characteristic striation that each barrel leaves on the bullet fired independently of the weapon's type or brand. In theory, no firearm is identical to another, in the sense that they each leave a unique fingerprint on the bullet.

In Colombia, however, the IBIS system has rarely been used for ballistic fingerprinting; in most cases, it has been used to establish relations among crimes, given that only projectiles used in crimes have been entered into the system. The reason for this, according to the DIJIN ballistics laboratory, is that carrying out a generalized ballistic registration would exhaust the system's capacity, and in turn this would not allow the registration of all those that are crime-related.

Nonetheless, a general registration would be essential in solving cases since it would make it possible to establish whom the firearm involved in a crime belongs to. The same is true for arms that are seized, especially those carried illegally, which should be included in the system in order to determine whether they have been involved in criminal activities by comparing them to IBIS files. Furthermore, looking toward the future, continuous expansion of the data base would make the system much more useful since it would allow a greater number of hits<sup>47</sup>. For example, in the case of arms that have been melted down in the context of disarmament processes, all possibilities of linking them to a crime are definitely lost. Although this registration tool is fundamental, the number of entries is still quite low, and, consequently, the possibility of finding relations is reduced to a minimum.

<sup>47</sup> In technical terms, the existence of a correlation of cases is known as a "hit".



Photo: DDA/RDB/UNILIREC Library

Not all samples may be entered into the system, given that there are special requirements for this. First of all, the request must be made by a judicial authority who through professional obligation, needs to establish whether there is a match between the projectiles or fragments at his or her disposal and those found in the IBIS data base. However, if the samples do not meet the requirements for inclusion, they are kept anyway in the physical files of the IBIS station where they may be requested by the authorities whenever deemed convenient.

The system, although evidently useful, is extremely expensive. On maintenance of the equipment, the government spends 3 thousand million pesos a year. There is already a need to gradually expand the capacity of the hard disk so that each station has more room for registrations. More funds would be needed to acquire new stations that would allow for a national policy of ballistics registration of all the new arms produced by INDUMIL, the arms in the hands of the military or of government agencies, and those in the hands of private citizens, whether natural or legal persons. This expanded information would guarantee a larger base for the establishment of correlations among criminal offenses.

The *IBIS System* was introduced to Colombia in 2001 as a project within the Human Rights Module of Plan Colombia. 5 IBIS stations were brought in to supplement the one that had been acquired before the Plan, and they were distributed as follows:

- One for the DIJIN in Bogotá
- One for the DAS in Bogotá
- One for National Institute Legal of Medicine and Forensic Sciences in Bogotá
- One for the CTI in Bogotá
- One for National Institute Legal of Medicine and Forensic Sciences in Cali
- One for the CTI in Medellín

When the stations arrived in Colombia and seeking a greater efficiency of the system, the possibility was examined of consolidating the laboratories that carry out criminal investigations, but for organizational reasons, this was not possible. The stations were therefore distributed among the corresponding regions and institutions, and an interinstitutional criminology committee was set up, with a national sub-committee for IBIS. The latter is in charge of handling purely technical aspects, rather than those related to the exchange of information or institutional integration.

As can be observed, the system is distributed geographically among three cities. Although it is linked and intercommunicated, there are still communication failures with the stations in Cali and Medellín. This has been a significant problem since the correlation of data achieved until this moment is local, not nationwide. Local coverage is also insufficient, thus raising the need to regionalize the service even more so as to cover the entire national territory.

### 3.4.4 Human resources and professionalization in ballistics investigation

Colombia has a total of 147 ballistics technicians distributed nationwide among the different institutions that offer investigation services. They are a group of highly trained individuals, with the technical skills to carry out their job. However, most of these human resources are concentrated in Bogotá, which leaves the other regions short of the resources required. When training courses are offered, not all the ballistics technicians can attend since most of these programs take place in Bogotá, and only those who can travel can benefit from them. Nevertheless, Legal Medicine does have training programs more regularly than other institutions, such as refresher courses every two years, which are usually attended by all the Institute's technicians.

The situation for Police investigators is more difficult. Investigators often have to develop their investigative work simultaneously with other police duties, such as controlling public order. This creates a heavier workload and less efficiency in resolving the crimes under investigation. In order to solve these cases, the expert investigator needs time and the sufficient tools to establish correlations among crimes or trends in different cities. Such was the case of a single weapon that was involved in 8 homicides in different time periods. However, the successful resolution of this case was an exception as there is generally a lack of tools for this purpose.

Another problem that often arises is concerned with the collection of evidence. Although investigators receive training by the Judicial Police, sometimes errors are made, such as, not bagging the item of evidence adequately or not cleaning it correctly, which may result in it being valueless as evidence. In this respect, the so-called Safekeeping Chain is fundamental as it allows for a certain degree of control over the evidence by having different persons perform each task. That is, one person collects the item, another person transports it, another one receives it, and yet another carries out the analysis. Nevertheless, at some point along the chain, the evidence may be damaged or lost.

The above are examples of one of the main problems faced by institutions with respect to criminal investigation. While each institution has enough resources, all of the institutions have the capacity to do exactly the same job since they have the same technical resources. Although this means that any one of the three institutions can respond efficiently to the prosecutor's requests, the resulting division of the information makes it impossible to advance in some investigations, especially those concerned with armed groups or ordinary crime organizations. The technical capacity of the ballistics experts is also divided among the three institutions.

### **3.5 Institutional management of the fight against illicit arms trafficking**

In Colombia no single entity is in charge of investigating, preventing and fighting illegal arms trafficking. These duties are performed simultaneously and in a complementary manner by different government, security, and national defense agencies.

The fight against illegal arms which trafficking is headed up by a group called the Interinstitutional Anti-Terrorist Analysis Group- GIAT, is composed of representatives from the DAS, the state intelligence agency, the Army, and the National Police. In administrative terms, this entity has its offices at the DAS facility.

The GIAT is concerned with all illegal arms trafficking cases in Colombia. It is in charge of keeping records of illegal arms seizures and carrying out the respective investigations and intelligence analyses to identify the main routes used to smuggle weapons into the country, possible suppliers, the origin of the weapons, and their destinations in Colombia. Furthermore, it is responsible for establishing cooperation agreements with counterparts or similar agencies in other countries, as well as for liaison with the relevant international agencies such as the Inter-American Drug Abuse Control Commission (CICAD) and the Inter-American Committee Against Terrorism (CICTE) of the Organization of American States (OAS).

Despite this, in practice, the GIAT does not have operational units or forces to control and neutralize cases of illicit arms trafficking in the national territory. This task is the responsibility of the different military units, such as the Army, the Navy, and the Marine Infantry, as well as the National Police stations which are in charge of surveillance operations, tracking and making seizures of illegal arms shipments.

The GIAT is informed about these operations and is in charge of updating the records of armament seizures carried out by all of these operating units. Also, based on the tracing and seizure operations, the GIAT pursues the corresponding investigations into the routes and origins of the weapons.

The above does not mean that the respective intelligence services within each of the military forces, and also the Central Judicial Police Directorate - DIJIN, do not also pursue their own analyses and investigations for specific cases within their respective jurisdictions or in general concerning illicit arms trafficking in the national territory.

The Colombian Air Force also plays a significant role in the fight against illicit arms trafficking. As will be explained further, one of the means of smuggling illegal armament into Colombia is by airdrops of arms and ammunition by aircraft flying over Colombian territory. To counter this, the Air Force Intelligence Department and the Chief of Operations, as well as the different operational commands, are responsible for identifying these illegal flights and neutralizing them, either by forcing them to land or shooting them down, as the case may be.

Furthermore, the CTI of the Prosecutor General's Office has the task to investigate cases of illicit arms trafficking once criminal charges have been made. Although this kind of investigation contributes to identifying patterns in the different kinds of illicit arms trafficking, it continues to be a task that is carried out more on a case-by-case basis than systematically.

One of the major problems in terms of the institutional capacity to fight illicit arms trafficking is that almost all of the work in this field is undertaken based on the identification and seizure of shipments of illegal weapons once they are already in Colombian territory. As such, it continues to be a reactive rather than a preventive measure.

The focus should be on the identification of weapons vendors and distributors, national and international logistics networks, and the identification of suspicious monetary transfers, etc. Such focus patently entails diligent international cooperation from the agencies and entities that handle these issues in other countries, as well as that of the respective international organizations.

An aspect that is fundamental in the efforts to prevent illicit arms trafficking is intelligence. Although the intelligence services from different armed forces, as well as the DAS, have produced various and very comprehensive studies and analyses on the problem of illicit arms trafficking, it is also true that this intelligence usually does not translate into specific operations against this kind of criminal activity. As such, it remains more a quasi-academic conceptualization of the problem.

In the world of security and defense, intelligence which does not translate into operations and that does not provide clear advantages over the adversary is intelligence that is underused and, up to a point, without value.

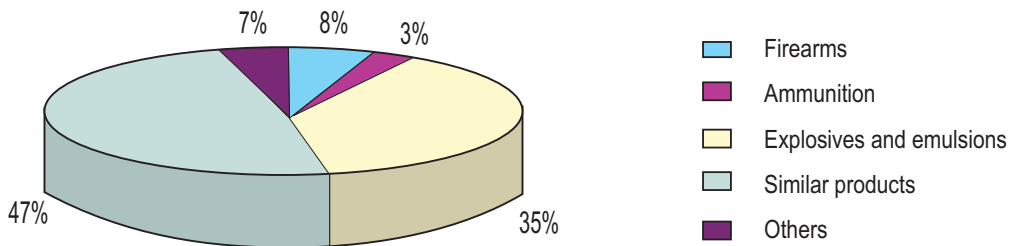
A further aspect that hinders greater effectiveness in the fight against illicit arms trafficking is the fact that the GIAT, the entity that heads up the strategy in Colombia, has no operational capacity. This means that the GIAT only hears about illicit arms trafficking cases when a military or police unit has seized weapons. The GIAT does not have operational units to carry out surveillance, monitoring, or intelligence by infiltrating the networks of arms traffickers or the armed groups' support networks. As such, it depends completely on the action and availability of the military or police units that are distributed throughout the national territory. There is also the limitation that the GIAT does not have the power to order or plan a determined operation; these tasks remain the exclusive domain of the commanders of the respective units. Similarly, it is the commander and not the GIAT who determines the priority and the focus of the operational labors of his unit. Therefore, even if the GIAT considers an operation against a weapon distribution network or the detection of an illegal shipment to be crucial, the unit commander may consider other objectives or operations to be more important. In short, the unit commander may relegate operations against illicit arms trafficking to the background.

## 3.6 The Military Industry

In Colombia only the state may export and import arms, as well as manufacture and sell them within the national territory. For this reason, in 1954 the Military Industry (INDUMIL) was created as a state enterprise to fulfill these functions. Its main mission is to pursue the government's general policy on importing, manufacturing, and selling arms, ammunition, and explosives and complementary elements, both to the Armed Forces and to the economic sectors that require these materials. INDUMIL's range of operations is fairly broad and it has increased over the years as the result of the high degree of professionalism acquired. INDUMIL has obtained the ICONTEC ISO 9001 Certificate of Quality Management, and it has three plants and 34 commercial outlets located throughout the country.

Currently INDUMIL not only manufactures arms, ammunition, and explosives, but it also produces military products other than weaponry. In fact, these products represented 47% of its sales in 2005. Its second most important product line is explosives and the third most important is arms.

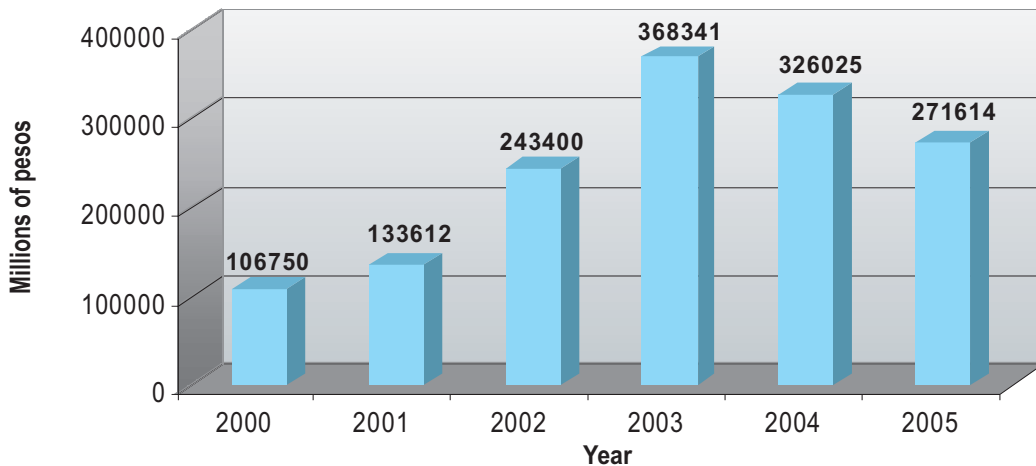
Graph 26 - Participation in the sales of the products 2005



Source: INDUMIL

Sales of arms and ammunition together represent only 11% of all products manufactured by INDUMIL, while military products, explosives and emulsions represent 82% of national production. Starting in 2002 there was a significant increase in INDUMIL's commercial activities, particularly due to the production of non-warfare military products, and considerable demand for explosives and emulsions for industrial use in fields such as mining and civil engineering. Despite this, between 2004 and 2005 the sale of military products decreased significantly (-33%) due to the low budget the Finance Ministry allocated to the Armed Forces for the acquisition of these materials.

Graph 27 - Historical sales-INDUMIL

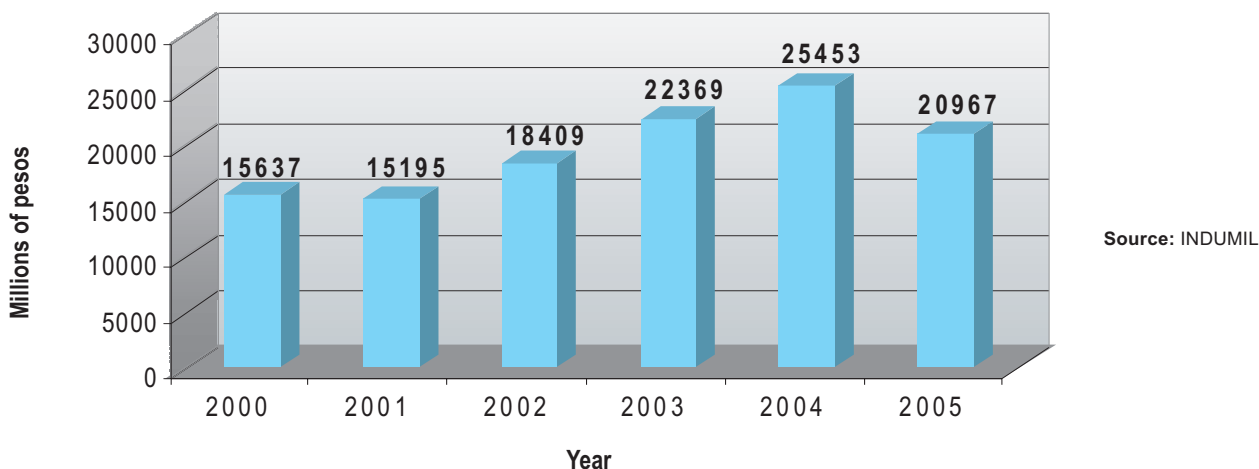


Source: INDUMIL

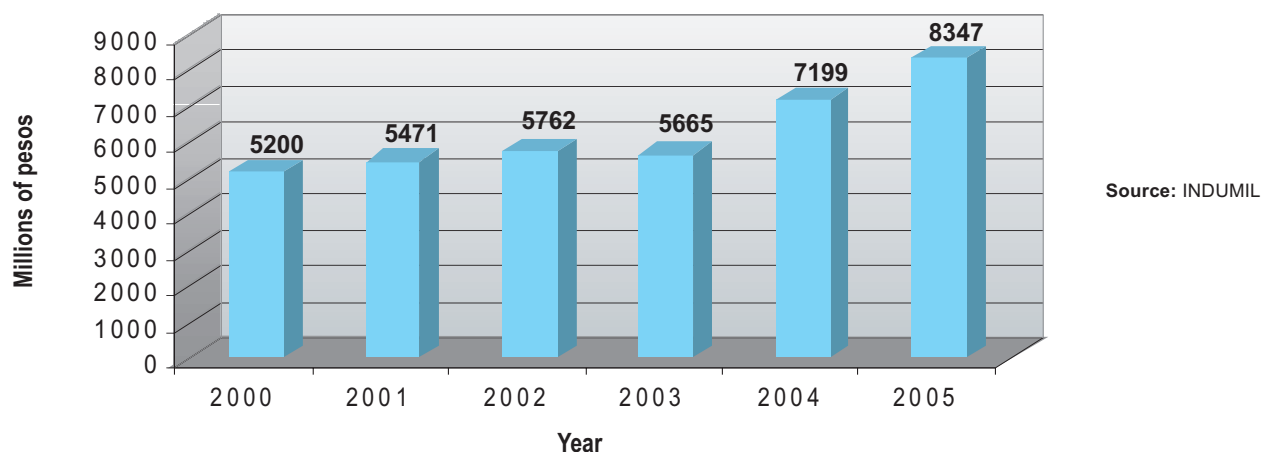
Sales of weapons and ammunition have been on the rise for the past five years - largely due to the escalation of the armed conflict. The sale of weapons fell as of 2004 because the supplier countries, especially those in the European Union, were subject to restrictions on their licenses to export to countries in conflict.



Graph 28 - Historical sale of firearms 2000-2005



Graph 29 - Historical sale of ammunition 2000-2005



Also, exports of material for warfare have increased significantly, especially because of sales to Israel (89%) and to Panama (11%). In 2005 exports of arms and ammunition increased by \$65,645 compared with 2004, rising from a total value of \$54,060 to \$119,705 for exports.

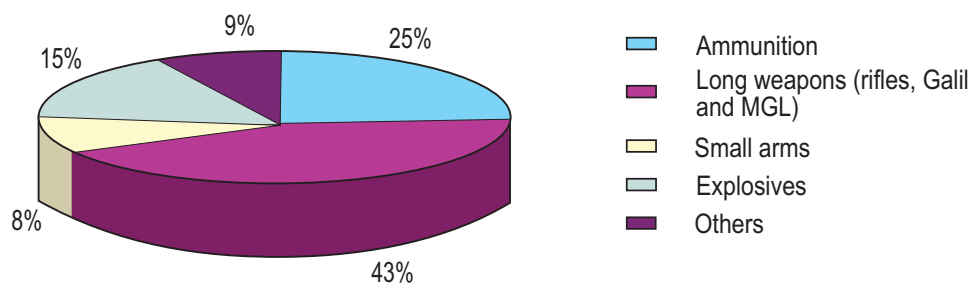
Table 6  
Exports during 2005

Articles	Quantity	Country of Destination	Buyer	Value US\$
Bolt releasers	500	Israel	Israel Weapon	19,000
Rifle parts	7,500		Israel Weapon	77,100
9 mm cartridges	1'000.000		Silver Shadow	9,860
38L cartridges	1'000.000	Panama	Amunal	13,745
Cal. 38 revolvers	75			
<b>TOTAL</b>				<b>11,9705</b>

Source: INDUMIL

In terms of weapons production, INDUMIL has specialized in the production of long arms, particularly Galil and MGL rifles, through agreements on technology transfer with the government of Israel. Currently these weapons are being completely assembled in the country and a significant proportion of the production is being exported to Israel.

Graph 30 - Distribution of production



Source: INDUMIL

### 3.5.1 Marking and licenses pursuant to international requirements

The Military Industry has sought to ensure that its sales and production are consistent with international requirements, and that its processes meet the standards of international regulations.

In accordance with international regulations such as “The Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition” which Colombia has not yet ratified, firearms must bear a distinctive mark that allows them to be identified and easily located. To be in concurrence with the above, the Military Industry requires of the manufacturers that each weapon bear an identification mark specific to Colombia, and all weapons that enter Colombia through INDUMIL are marked at the time they are imported.

These marks are reviewed in advance to ensure they meet the necessary criteria such as permanence, durability, indelibility, and uniformity. The mark must also contain the name of the manufacturer, year of manufacture, model and caliber of the weapon, year of import, and contract number. Once the weapons arrive, they are processed through customs and received through the depot where the corresponding number is registered, and then they may be sold.

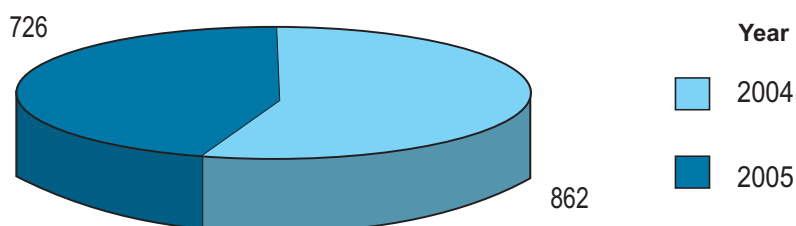
In the case of weapons manufactured by the Military Industry, these are stamped with the acronym INDUMIL (IM), as well as the caliber and serial number, and the same is done with ammunition and explosives. Thus, all weapons, ammunition, and explosives are marked at the time of manufacturing. Ammunition for personal defense and hunting has the acronym INDUMIL and the caliber stamped on the base of the cartridge, and each box is marked with an eight-digit serial number, the first two digits indicating the year of manufacture. In the case of explosives, these are identified with the date of manufacture and marked with a serial number or box number, depending on the kind of explosive, and at the time of sale the date of remission, date of sale, and client’s name and personal information, in case the explosives are lost or diverted.

The above shows that INDUMIL’s marking systems, both for imports as well as for manufactured weapons, ammunition, and explosives, is quite efficient compared with other systems that have been adopted in the hemisphere. This is particularly pertinent given that Colombia is one of the few countries that marks ammunition and explosives individually and by lots, which in turn allows greater control over production and provides a fundamental tool for tracing weapons. Colombia also has an advanced marking system, such as internal and external markings in the case of grenades, thus if the external mark is erased it is still possible to trace or track these materials.

Currently firearms are also being marked efficiently in accordance with international requirements. For some weapons like the “INDUMIL Llama” revolver marking records exist since March 1991, or the Galil 5.56-mm rifle whose records go back to 1996. These two cases meet the Protocol’s requirement of retaining weapons registers that go back a minimum of 10 years. The registration system has improved in its professionalism to the point that it is possible, for example, to use the enterprise’s databases to identify any of its products within six hours. Furthermore, one can find other information such as the buyer and the date of sale.

The law allows private citizens to sell weapons, taking into account that all exports or imports must be carried out through INDUMIL once the respective license has been obtained from the Ministry of Trade, Industry and Tourism, and after the requisites of national and international customs authorities have been met.

Graph 31 - Licenses processed by INDUMIL



Source: INDUMIL

If an individual wishes to acquire a license of this kind, the procedure to follow is set out in the country’s law on contracting - Law 80 of 1993. In the case of a temporary import to be used as a demonstration model or for a fair, a special permit may be granted under Article 57 of Decree 2535 of 1993, Article 19 of Decree 1809 of 1994, Decree 2685 of 1999 on the Customs Statute, and the Military Industry Export Manual.

The DIAN reviews the merchandise and verifies that the transport company meets the necessary requirements. INDUMIL then issues a certificate of final use that specifies the document’s date of issue, name of the sender, name of the recipient, subject, copy of the authorization from the corresponding authority, and a detailed list of the weapons and their corresponding calibers. The technical verification of the materials and the legal verification of the intermediaries are very strict which ensures there is complete control most of the time. Furthermore, the certificate ensures it is possible to maintain a record of the origin and destination of the weapons which, in turn, prevents sales to third countries or the possibility of resale.

The licenses for exports and imports are in accordance with the application of the CICAD model regulations on intermediaries and intermediation activities. A directory has been compiled of suppliers, in which information on the manufacturer, representative or intermediary is updated annually, including the legal, financial, and technical documents for each. Additionally, and in pursuit of the responsibility that the National Government assigns to the Military Industry in Decrees 2535 of 1993, 334 of 2002, and Trade Ministry External Circular No. 45 of 2005, a total of 726 import operations were supervised and controlled in 2005.

The above demonstrates that the Colombian Military Industry keeps close and detailed control on sales, in keeping with the international requisites for trade in these materials. Nonetheless, it is necessary to clarify that the INDUMIL operates as a government enterprise and is strictly in charge of selling materials for warfare. Its duties do not include controlling the materials or their final use, despite the obligation to comply with the necessary requisites so that the corresponding authorities may exercise sufficient control. As such, INDUMIL is a brand that sells to whomsoever the state, by means of the Military Forces, authorizes it to sell, and as such final responsibility falls on the state itself.

Despite the above, INDUMIL makes joint efforts to prevent the possible redirection of materials, particularly explosives, a case which used to be quite common due to control difficulties. For example, in 2002 the authorities carried out a joint operation to review the companies to which explosives were being sold. As a result of this review, 108 licenses for acquisition were cancelled due to inadequate handling of the explosives, particularly in terms of maintaining sufficient security. The review prompted an increase in the level of responsibility for companies at the moment of purchasing materials. A further outcome was the decision that dynamite or explosives may only be stored in locations where there is complete military control.

As may be observed from the above, factors such as the escalation of the armed conflict and the government's need to save on military materials have made INDUMIL a very professional and advanced enterprise, both in terms of technology and control systems. During the past year for example, Israel transferred technology for the manufacture of 60-mm grenade launchers. Furthermore, INDUMIL is currently manufacturing Galil rifles, as well as mortar and fragmentation grenades that were previously imported from South Africa.

Chart 4

LEGISLATION THAT REGULATES AND DEFINES THE MARKING OF ARMS, AMMUNITION, AND EXPLOSIVES		
International Regulations	Domestic Laws	Internal Procedures
<ol style="list-style-type: none"> <li>1. Convention against the manufacturing of and illicit trafficking in firearms, ammunition, explosives, and other related materials, included in the country's legislation through Law 737 of 2002.</li> <li>2. Convention for the prohibition of the manufacturing of and the entry or exit from the territory of plastic explosives, approved for Colombia through Law 381 of 2003.</li> <li>3. Andean Decision 552</li> </ol>	<ol style="list-style-type: none"> <li>1. Decree 2535 of 1993, Articles 52, 53 y 54.2. Decree 1809 of 1994, regulating Decree 2535 of 1993, Article 18.3. Decree 334 of 2002 whereby norms regarding explosives are issued, Article 16.</li> </ol>	<p>The internal procedures of the Military Industry are regulated by the NTC ISO 9000 and 9001 quality control system.</p>



Photo: Revista Semana

## 4. DISARMAMENT PROCESSES

The 1990's was characterized by the beginning of numerous processes and programs aimed at putting an end to the internal conflicts that had been developing in different regions, such as Central America, Africa, and South America. Depending on the agreements reached between the parties in conflict, each country developed its own schemata to end the conflict and prevent future outbreaks of violence. In this context, several DDR (Disarmament, Demobilization, and Reintegration) processes took place. With time, these processes became quite common at the global level as a necessary step before national reconciliation processes or the establishment of truth commissions could take place. Disarmament and demobilization processes are essential because, as the first step in the process, they are an *"indispensable condition for the reintegration and reinsertion phases"*<sup>48</sup>.

Different ways of carrying out the process of surrendering arms have been adopted, among which the following warrant attention: *amnesties, repurchase, and arms exchange programs*<sup>49</sup>, although, in the majority of the cases, the three modalities have been included, depending on the effectiveness of each one. However,

<sup>48</sup> Cramés, Albert, Fisas, Vicent and Luz Daniel, *Análisis de los programas de desarme, desmovilización y reinserción (DDR) existentes en el mundo durante 2005*. Escuela de Cultura de Paz, febrero 2006. p. 20.

<sup>49</sup> Mera, Adriana, *Los caminos de de las armas*, Grupo de Trabajo sobre Post-conflicto, Fundación, Ideas para la Paz, 2003, p. 1.

not all of the arms collection and control programs take place in DDR contexts. These programs may take place before or after said process, and are on many occasions symbolic acts aimed at putting an end to a conflict. In such cases, a reduced number of weapons are surrendered, especially since arms collection programs involve a significant allocation of funds. For example, the government of South Africa has invested US\$320,000<sup>50</sup> in the destruction of small arms with the aid of its armed forces. Regardless of the modality, it seems evident that any program of this kind, whether carried out in a DDR context or not, involves three fundamental aspects: *reduction of the demand*, *control of the supply*, and *recovery of the arms reserve held by civilians or armed groups*<sup>51</sup>.

In all of these cases, the disarmament process is characterized by three dimensions: the *strategic*, the *symbolic*, and the *functional* dimensions. The first corresponds to the calculations made by combatants at the moment of surrendering their arms, given that they generally decide to keep an arms reserve in case of noncompliance with or failure of the reinsertion process. The symbolic dimension involves the message conveyed to the parties with respect to the uselessness of arms in the process of building a new way of life. Finally, the functional dimension corresponds to the possibility of reducing to a minimum the creation of new criminal organizations by taking advantage of the arms remainders.

According to the Small Arms Survey (2004), since the year 2000 close to 22 arms reduction projects have been implemented in post-conflict zones. The growing importance of such processes is reflected in the ever greater participation of the United Nations in the supervision or coordination of these processes. Nevertheless, disarmament processes have faced significant difficulties which have prevented them from being completely effective. The Small Arms Survey (2004) cites three reasons for this: the *lack of political will*, the *inequality in selection processes*, and *inadequate funding*<sup>52</sup>.

## 4.1 Disarmament experiences at the international level

The Peace Culture School Escuela de Cultura de Paz - UAB released a study this year providing a comparative analysis of the DDR processes developed worldwide during 2005<sup>(53)</sup>. One of the aspects analyzed is the way in which these disarmament processes have been carried out. The following constants were found:

1. The arms surrendered are generally light weapons; heavy or war weapons are rarely given up.
2. In the majority of cases, the weapons collected are handed over to the Armed Forces or the Police for safekeeping.
3. Generalized destruction processes of a symbolic nature are carried out in most cases.
4. Generally, there is a certain lack of control and scarce monitoring of the final destination of the arms collected, which results in their being diverted into the illegal markets.
5. Once the arms have been surrendered, especially in those cases in which a reduced number of arms were given up, voluntary arms surrender programs are carried out.

One of the elements that has been analyzed the most during these processes is the number of weapons surrendered per combatant. According to the above-cited study, the average rate of surrender is one weapon for every two demobilized combatants (1:2). Thus, Afghanistan, Colombia and Sierra Leone are above the average, while Liberia, Indonesia and Angola fall way below.

<sup>50</sup> Faltas, Sami, Mc Donald Glenn, Waszink Camilla, *Removing small arms from society*, Small Arms Survey, July, 2001. p. 9

<sup>51</sup> Ibid. p. 2

<sup>52</sup> Small Arms Survey, 2004, Chapter 10

<sup>53</sup> Caramés, Albert. et.al., 2006

Table 7  
Arms per combatant in some disarmament processes

Country	Demobilized Combatants	Arms Surrendered	Arms / Combatant	Years
Afghanistan	63,000	47,575	0.75	2003 / 2005
Angola	85,000	33,000	0.38	2002
<b>Colombia*</b>	<b>30,150</b>	<b>17,000</b>	<b>0.56</b>	<b>2005</b>
Congo	15,000	6,500	0.43	2000
Philippines – MNLF	10,000	4,874	0.49	1999
Indonesia ( Aceh)	3,000	840	0.28	2005
Liberia	107,000	28,314	0.26	2005
Sierra Leone	72,500	42,300	0.58	2002
Total Group	375,615	175,642	0.47	
Nicaragua	23000	17,000	0.74	1990
El Salvador	11,000	10,200	0.93	1992
Guatemala	3,000	1,824	0.61	1997

Source: Escuela de Cultura de Paz (UAB).<sup>54</sup>

\*Note: The information for Colombia is not the one that appears on the original table in the cited source. It has been updated by the authors of this document in order to adjust it to the official figures supplied by the Colombian government.

In Central America, parallel and very similar disarmament processes took place specifically in Nicaragua, El Salvador, and Guatemala, as a result of the “Esquipulas Agreements” signed by these countries in order to put an end to the conflict.

Although there was a permanent international presence both before and after the conflict, the disarmament process in Central America has been one of the most criticized processes of its type ever carried out. Different studies point out that thousands of weapons that were not destroyed continue to circulate illegally in these countries, and that they continue to be used by both civilians and criminal organizations such as the “Maras”<sup>55</sup>. As a result, the crime rates have increased significantly or remained the same as they were before the peace agreements. In the case of El Salvador, the United Nations peace-keeping operation known as ONUSAL, with the cooperation of the Nicaraguan and Honduran governments, supervised the surrender and partial destruction of armament. However, the operation was not completely effective. In this case, more than 11,000 FMLN combatants surrendered 10,200 weapons and 9,200 grenades<sup>56</sup>. The latter were destroyed, while the weapons were handed over to the Armed Forces in order to increase their supply. With respect to civilian disarmament, almost a year after the peace agreements, the United Nations reported that a mere 100 weapons had been handed over by civilians<sup>57</sup>, a fact which reflects the parties lack of confidence in the consolidation of the peace agreements. Nonetheless, a later campaign known as “Consumer goods for arms”, organized by the non-governmental organization Patriotic Movement Against Crime (Movimiento Patriótico Contra la Delincuencia - MPCD) managed to collect 150,000 arms and parts in good condition, in exchange for vouchers to acquire consumption basket products. Unfortunately, the plan was suspended in mid-1999 due to lack of funds.

<sup>54</sup> Ibid, p. 21.

<sup>55</sup> Barcena, Martha, *Seminario internacional sobre sistemas jurídicos comparados. “La evolución derecho internacional y seguridad global: seguridad humana y procesos de desarme y control de armas convencionales, en particular armas pequeñas y ligeras”* February 10, 2004

<sup>56</sup> Faltas, Sami, Mc Donald Glenn, Waszink Camilla, *Removing small arms from society*, Small Arms Survey, July, 2001.

<sup>57</sup> Guáqueta, Alexandra. *Desmovilización y Reinserción en El Salvador. Lecciones para Colombia. Informe FIP 1. Fundación Ideas para la Paz. Mayo de 2005. Available at: [http://www.ideaspaz.org/new\\_site/secciones/publicaciones/download\\_documentos/desmovilizacion.pdf](http://www.ideaspaz.org/new_site/secciones/publicaciones/download_documentos/desmovilizacion.pdf)*



Photo: DDA/RDB/UNILIREC Library

In the case of Guatemala, the United Nations mission in charge of supervising and monitoring the surrender of weapons by the UNRG was called MINUGUA. 2,928 demobilized combatants surrendered 1,665 small arms, 159 light weapons, and 535,000 ammunition cartridges. Nevertheless, it is thought that Guatemala is one of the cases in which most arms remained uncollected. In fact, it is estimated that there are currently 1.5 million weapons in circulation without the respective permit<sup>58</sup>.

In Nicaragua, the United Nations verifying mission was called ONUCA. It managed to collect and store 17,833 arms. On the other hand, the government created the Special Disarmament Brigade (Brigada Especial de Desarme - BED)<sup>59</sup>, which “stored 142,000 arms, confiscated 78,000, and repurchased 64,000, which were publicly destroyed”<sup>60</sup>. In order to continue collecting weapons, this Brigade received OAS and government support, and it collected 142,000 returned or confiscated weapons between 1991 and 1993.

In instances such as the Northern Ireland peace process, policies focused mainly on the issues of disarmament and demobilization of combatants. The programs seemed to have been rather ineffective given that there was no supervision or exact verification of the arsenals at the moment the groups

<sup>58</sup> Martínez, Nadia. *El arsenal invisible. Armas livianas y seguridad ciudadana en la postguerra centroamericana*. Fundación Arias para la Paz y el Progreso Humano. 2001, p. 208

<sup>59</sup> Faltas, Sami. et.al. 2001

<sup>60</sup> Mera, Adriana, *Los caminos de las armas*. Grupo de Trabajo sobre Post-conflicto. Ideas para la Paz, Universidad de los Andes, Colombia, 2003.



demobilized. As a result, the arms remainders fell into the hands of groups that had not accepted the peace agreements or of criminal organizations. For this reason, most of the programs carried out have centered on reducing the number of firearms as much as possible, specifically those used in sectarian violence in some regions of the country. Contrary to what occurred in Central America, the demand for weapons has decreased.

It is believed that the majority of the weapons still in circulation are in the hands of the Irish Republican Army (IRA), which currently is estimated to have 1,700 weapons, including over 1,000 rifles, 500 machine guns, anti-air missiles, and grenade launchers. There are also a number of small paramilitary groups that are still active and keep reduced arsenals. “The Independent Monitoring Commission” was created in 2004 by the governments of Northern Ireland and England, in order to address the problem. The Commission, which acts independently of the two governments, monitors all of the aspects related to the agreements reached: victims, combatants, weapons, etc. It also seeks to promote compliance with the agreements by the groups, especially in the case of the paramilitary groups that still continue to operate in different parts of the country.

In Africa, disarmament processes have centered particularly on the reduction of arms in the hands of civilians, and most have been supervised by multilateral international organizations. One of the most significant programs has been “*Operation Rachel*”, in which the governments of Mozambique and South Africa came together in 1995 to carry out arms destruction programs aimed at reducing crime and destroying arms remainders existing in those countries.

In the case of Bangladesh, a disarmament process was carried out in which the government purchased the weapons, given that the region of influence of the Shanti Bahini group had very high poverty indicators<sup>61</sup>. This program was not effective since it resulted in the surrender of only 863 weapons in bad conditions, and the conflict continued<sup>62</sup>. All of this shows that arms purchase programs in post-conflict scenarios may turn out to be ineffective, especially if the conflict has not ended completely, or when the ceasefire only applies to one of the factions in conflict, as was the case in the Central African Republic.

### 4.1.1 Disarmament and reduction of violence

Numerous analyses have been carried out of the effects of disarmament on crime prevention, and one of the conclusions is that disarmament as such has no effect on the reduction of violence if the reasons for the demand for arms are not reduced as well. As a matter of fact, “*the demand for armament in post-conflict contexts generally remains high, and the militarization of some zones increases the risk of acts of violence*”<sup>63</sup>. Similarly, in post-conflict periods, arms dealers or the demobilized combatants who did not surrender their weapons seek to commercialize the arms still in their hands. This, added to the uncertainty prevailing among the population with respect to compliance with the peace agreements, reactivates the market, especially the one aimed at supplying ordinary crime gangs that can now acquire armament more easily.

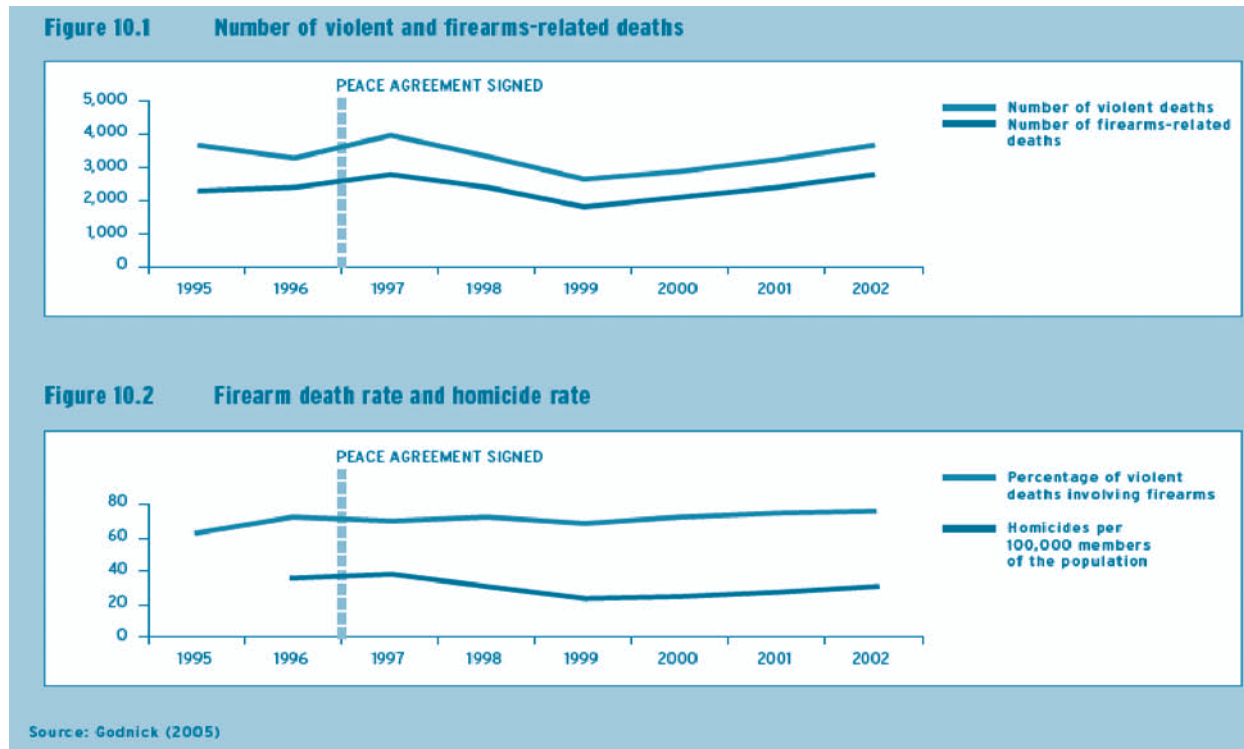
For this reason, post-conflict periods have often been considered more dangerous for the civilian population, particularly in Guatemala, El Salvador, and some African countries. In Central America, the levels of violence associated with firearms were in general much higher during the post-conflict than during the conflict itself, due to the fact that the new police and armed security corps were made up of individuals with little training to combat crime, and often prone to corruption. Indeed, according to the Small Arms Survey, deaths caused by firearms and actual or perceived insecurity have not diminished significantly in those countries that formally put an end to a prolonged war during the decade of the 90s.

<sup>61</sup> Faltas, Sami, Glenn McDonald, and Camilla Waszink. *Removing small arms from society. A review of weapons collection and destruction programs*.p. 20. July 2001.

<sup>62</sup> Ibid, p. 20.

<sup>63</sup> Small Arms Survey, 2004

Graph 32 - Homicide rate in Guatemala



This proves that in such cases the destruction of arms in circulation is fundamental in preventing the escalation of criminal violence, particularly when the parties involved lack confidence in the agreements aimed at ending the conflict. In Guatemala, there are still 2,000,000 weapons in the hands of the civilian population, of which only 150,000 have legal permits. In Nicaragua, there are 15,000 arms in the hands of civilians, and in El Salvador, between 200,000 and 300,000, of which only half are duly registered<sup>64</sup>.

Given this situation, and considering that the proliferation of small arms and light weapons is the principal cause of violence and an increase in crime, voluntary disarmament policies or restrictions to gun carrying have been adopted in many places. Thus, on the basis of arms purchase or exchange policies, such as the United Nations Development Program -UNDP- Arms for Development initiative (which carries out programs for the collection and public destruction of arms) numerous civilian organizations have started campaigns in association with local governments. Such is the case of Brazil and El Salvador, where civilian organizations like "Viva Río" and the Patriotic Movement Against Crime (Movimiento Patriótico contra el Crimen), respectively, work arduously on this type of program.

## 4.2 The disarmament of rebel groups in Colombia

In Colombia, two disarmament modalities are taking place simultaneously in the midst of the conflict: collective and individual disarmament. These modalities have been addressed only marginally by laws which have been modified at least 4 times during the past 10 years, and which do not seem to consider disarmament as one of the three links necessary for the creation of an atmosphere of trust and commitment to reconciliation. Thus, procedural issues and the disarmament spirit are left to chance in the context of the demobilization and reinsertion of illegal groups.

<sup>64</sup> Mera, Adriana, *Los caminos de las armas*, Grupo de Trabajo sobre Post-conflicto. Fundación Ideas para la Paz, Universidad de los Andes, Bogotá, 2003.

There is no legal framework for disarmament in Colombia. As such, all of the activities related to the surrender of arms, whether they be voluntary or mandatory, are based on legal frameworks designed for peace processes or the reduction of crime in cities.

With respect to the surrender of arms resulting from the individual or collective dissociation from illegal armed groups, there are no policies regarding the collection, storage, or final disposal of the arms, and, consequently, no authority as such exists to guarantee the handling of the weapons turned in by the demobilized combatants.

In the context of the Constitution of 1991, the first legal instrument in which disarmament policies and procedures are hinted at is Law 418 of December 26 of 1997, “whereby certain instruments are established for the achievement of peaceful coexistence and the efficacy of justice, and other regulations are passed”. This Law indicates that an Operational Committee for the Abandonment of Arms - CODA should be established, the main purpose of which is certifying all the potential beneficiaries of the demobilization or reinsertion plan offered by the government.

Subsequently, Law 782 of December 23 of 2002, “whereby the validity of Law 418 of 1997, extended and modified by Law 548 of 1999, is extended, and some of its regulations are modified”, refers once again to the Committee for the Abandonment of Arms, assigning to it, as its principal activity, the identification of beneficiaries of the demobilization program among minors. However, the Committee still remained separate from the activities related to the handling of arms surrendered to the state.

The government then defines the procedures for the demobilization of illegal armed groups in Decree 128 of January 22 of 2003, “whereby Law 418 of 1997, extended and modified by Law 548 of 1999 and Law 782 of 2002, is regulated with respect to reinsertion into civil society”. No reference is made in the Decree to the steps that should be taken for disarmament. This shows that while in other places the latter is part of the process of disarmament, demobilization, and reintegration, DDR in Colombia is merely an informal element to be agreed on during the process of demobilization.

Proof of this is the participation of CODA as the authority in charge of identifying those members of illegal armed groups who wish to initiate a demobilization process, but without any procedures for the disarmament of those individuals who come before the Committee. Although the Decree gives a detailed description of the procedure the combatant must follow for demobilization, there is no detailed explanation of the disarmament phase.

Article 10 of this Decree offers a rather imprecise clue with respect to disarmament processes when it refers to the benefits granted to those who surrender their weapons. According to this Article, the Ministry of National Defense is responsible for offering monetary remuneration for the surrender of arms, ammunition, explosives, and weapons of mass destruction. However, it makes no reference to the need to design and implement a specific procedure for that purpose or to the authorities responsible.

Decree 128 thus regulates the duties of CODA, by assigning to it the tasks of verifying whether a demobilized individual actually belonged to an illegal armed group. Furthermore, CODA has to evaluate whether the desertion is voluntary and whether there is a real desire to reintegrate into society, as well as handling the issue of punishments and pardons. This occurs without any reference to disarmament and limiting the process to demobilization and reinsertion.

In November of 2003, the national government issued Decree 3360 to regulate “Law 418 of 1997, extended and modified by Law 548 of 1999 and Law 782 of 2002”. In this Decree, the government addresses the issue of the lack of organs and procedures for disarmament, and, through Article 1, revokes the power granted to the Operational Committee for the Abandonment of Arms – CODA to certify the combatants participating in collective demobilizations. It is left in the hands of the command of the illegal armed group and of the High Commissioner for Peace.

Its activities thus limited, CODA becomes once again a meaningless institutional construction that could have led the complete disarmament, demobilization, and reintegration or DDR process. CODA was unable to, given the evident desire to handle this informally, as reflected in the evolution of the legislation since the Constitution of 1991.

### 4.2.1 Historical background of disarmament in Colombia

In 1989, concrete steps began to be taken in Colombia aimed at the demobilization of several illegal armed groups, which contributed to the demobilization of two of the main guerilla groups of that period, the 19th of April Movement (Movimiento 19 de Abril - M-19) and the Popular Liberation Army (Ejército Popular de Liberación - EPL).

The process with the M-19 was the most important one of the period since it involved the demobilization of 900 guerrillas. The disarmament process was carried out in several phases. This began with the surrender of arms by the M-19, continuing with an inventory of the weapons submitted to the government, the creation of a commission made up of members of the guerilla group and of the National Rehabilitation Plan (Plan Nacional de Rehabilitación - PNR). Who traveled through different regions collecting arms. These were then transferred to Santo Domingo (Cauca) where the demobilization ceremony took place<sup>65</sup>.

After the ceremony, the parties agreed to hand over the weapons to a third party for their destruction. This third party was the Socialist International, which, together with the General Command of the Military Forces, verified the arms inventory and supervised the melting down of weapons and ammunition, as well as the destruction of the explosives surrendered.

With respect to the process with the Popular Liberation Army - EPL, the agreements between the guerilla group and the government included a first stage of arms surrender and destruction of materials for war and of Armed Forces uniforms, a process which was facilitated by the Catholic Church<sup>66</sup>. As the process advanced, it was decided that the uniforms and explosives included on the list would be destroyed directly at the camps to which the combatants had been relocated. With respect to the weapons, the total inventory would be handed over to an International Inspection Commission. The commission was composed, of the Spanish Socialist Workers' Party (Partido Socialista Obrero Español - PSOE) and the Socialist International, and was in charge of the custody of the arsenals until the moment of their destruction.

In addition to these groups, the following also demobilized between 1990 and 1998: the Revolutionary Workers' Party (Partido Revolucionario de los Trabajadores - PRT), the Quintín Lame Armed Movement (Movimiento Armado Quintín Lame - MAQL), the Ernesto Rojas Commandos (Comandos Ernesto Rojas - CER), the Socialist Renovation Movement (Corriente de Renovación Socialista - CRS), the Francisco Garnica Front (Frente Francisco Garnica), and the Independent Revolutionary Movement - Armed Commandos (Movimiento Independiente Revolucionario - Comandos Armados MIR-COAR), which amounted to approximately 4.691 combatants.

Although there is no clear information with respect to the number of weapons surrendered and destroyed during this period, some observers of the processes estimate that, on the average, one weapon was surrendered for every 5 combatants, that is, 0.20 arms per combatant. This very low indicator is understandable given the scarce resources of these guerilla groups and the purely regional character of their operations. Thus, it would be impossible to compare this case with that of the current demobilization of illegal armed organizations, since today's guerrilla and paramilitary groups are present throughout the country and their number of combatants greatly exceeds that of the groups demobilized in the 90s. Furthermore, unlike those small groups made up of natives or peasants with limited sources of funding, today's guerilla and paramilitary groups have found an almost unlimited source of funding in drug trafficking as a means of equipping their combatants.

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<sup>65</sup> Uriceochea, Fernando. *La Dinámica Organizacional de los Procesos de Reinserción de las Armas a la Democracia*, Volume II.

<sup>66</sup> Pardo Rueda, Rafael. *"De primera mano" Colombia 1986-1994: entre conflictos y esperanzas*. Editorial Norma, 1996.

Table 8  
**Disarmament processes in the decade of the 90s: arms/man ratio**

Demobilized combatants – Arms surrendered ratio			
Armed Group	Men	Arms	Ratio
Movimiento 19 de abril - M19	900	280	0.31
Partido Revolucionario de los Trabajadores - PRT	204	-	-
Ejército Popular de Liberación - EPL	2,520	600	0.24
Movimiento Armado Quintín Lame - MAQL	157	50	0.32
Comandos Ernesto Rojas - CER	25	-	-
Corriente de Renovación Socialista - CRS	747	500	0.67
Frente Francisco Garnica	300	15	0.05
<b>TOTAL</b>	<b>4,853</b>	<b>1,445</b>	

**Source:** Gonzáles Peña, Andrea and Jorge Alberto Restrepo. "Desmovilización de las AUC: ¿mayor seguridad humana?". UN Periódico No. 92. Page 8. Santa Fe de Bogotá. May 21 of 2006.

## 4.2.2 The current disarmament of paramilitary groups

The recent process of demobilization and reinsertion of paramilitary groups in Colombia could be considered the most significant plan for disarmament of illegal armed groups in the context of the armed conflict since the ratification of the Constitution of 1991. The legislation serving as a frame of reference for this process, the Justice and Peace Law and Law 782 of 2002, has concentrated on demobilization and reinsertion issues. It gives great importance to the identification of armed structures by the paramilitary commanders and of the properties acquired illegally for purposes of reparation to the victims.

A total of 30,150 members of the self-defense groups demobilized and turned in 17,000 arms, of which 13,036 correspond to long weapons such as rifles, machine guns, and shotguns. The resulting ratio is 0.56 arms per combatant. According to the President's office, these weapons are now in the depots of 23 military units throughout the country<sup>67</sup>.



Photo: General Command of the Military Forces

<sup>67</sup> [http://www.altocomisionadoparalopez.gov.co/noticias/2006/abril/abril\\_17\\_06a.htm](http://www.altocomisionadoparalopez.gov.co/noticias/2006/abril/abril_17_06a.htm)

Table 9  
Demobilizations of Paramilitary Groups: arms/man ratio

Group	No. of Light Weapons	No. of Combatants	Arms per combatant
Bloque Cacique Nutibara	496	868	0.57
Autodefensas de Ortega	47	168	0.28
Bloque Bananero	351	447	0.79
Autodefensas del Sur del Magdalena e Isla de San Fernando	41	47	0.87
Autodefensas de Cundinamarca	137	148	0.93
Bloque Catatumbo	1,120	1,425	0.79
Bloque Calima	467	557	0.84
Bloque Córdoba	353	925	0.38
Bloque Sur Oeste Antioqueño	89	125	0.71
Frente La Mojana	103	110	0.94
Héroes de Tolová	256	465	0.55
Bloque Montes de María	339	594	0.57
Bloque Libertadores del Sur	593	689	0.86
Bloque Héroes de Granada	1,123	2,033	0.55
Autodefensas del Meta y Vichada	232	209	1.11
Frente Héroes del Chocó	144	358	0.4
Anillos de Seguridad	195	300	0.65
Bloque Centauros (Los leales)	684	1,135	0.6
Bloque Noroccidente Antioqueño	142	222	0.64
Frente Vichada del BCB	280	325	0.86
Bloque Tolima de las AUC	136	207	0.66
Frentes del Bloque Central Bolívar (Magdalena Medio-Nechi)	1,254	1,922	0.65
Frente Héroes y Mártires de Guática	350	552	0.63
Bloque Vencedores de Arauca	400	548	0.73
Bloque Mineros	1,301	2,790	0.47
Autodefensas Campesinas de Puerto Boyacá	317	742	0.43
Frentes del Bloque Central Bolívar (Sur Bolívar)		2,523	0
Bloque Resistencia Tayrona	582	1,166	0.5
Autodefensas Campesinas del Magdalena Medio	754	990	0.76
BCB (Zona Sur Caquetá)	334	552	0.61
BCB (Frente Sur Putumayo)	293	504	0.58
Frente Julio Peinado Becerra	175	251	0.7
Fuerzas de Choque de la vertiente noroccidental de la Sierra Nevada de Santa Marta	615	2,215	0.28
Frentes de choque	793	2,545	0.31
Frente Héroes del Llano y Héroes del Guaviare	959	1,765	0.54
Frentes Costanero y Tanela (Bloque Élmer Cárdenas)	199	309	0.64
Bloque Élmer Cárdenas	359	484	0.74

Source: Seguridad y Democracia Foundation Information System.



Photo: Antonino Leto, Bogotà, 2006

With respect to this official balance, some experts who have studied the process closely have expressed their concern about that the final disarmament inventory does not include several shipments of arms from Central America, identified by intelligence agencies in the last four years and not mentioned as part of the arms surrendered. The experts who have had the chance of verifying this armament agree on two points. Firstly, in terms of models and quality, the weapons surrendered do not seem to correspond to those that the combatants from the self-defense groups were actually using. According to the experts, some of these weapons are very old models, many of them useless, which have been refurbished or repaired in order to surrender them during the demobilization. Secondly and more importantly, the number of weapons turned in does not correspond to the total number of arms that these paramilitary groups actually owned.

Considering that a significant proportion of those who demobilized were not combatants but rather members of support networks<sup>68</sup>, it is not possible to assume a 1:1 ratio, that is, one weapon surrendered for every combatant. However, the experts believe that since old armament that did not form part of the self-defense groups actual equipment was surrendered, and because this material was not turned in deliberately, there is clearly a surplus of arms in circulation. It is impossible to quantify the amount of arms, but they undoubtedly constitute an additional source for illicit arms trafficking in the country.

Given that there is no clearly established procedure for disarmament, the OAS has been present at the surrendering of arms by the paramilitary groups. However, it must be acknowledged that in practice, these disarmament procedures led by the government are carried out homogeneously in all of the national territory. The main actors in these processes are the Office of the Prosecutor General of the Nation, the Office of the High Commissioner for Peace of the Presidency of the Republic, the Military Forces, and the OAS Observation Mission. The latter has a clear mandate to mediate in case of any disagreement, thereby avoiding a public debate.

According to reports by some members of the OAS mission, the disarmament phase covers the period starting with the relocation of the paramilitary troops to the so-called concentration zones, until the day of the actual demobilization when a symbolic surrendering of arms takes place. Once the paramilitary troops have been concentrated in those zones, the commander responsible for them submits a list of the men and weapons that will be part of the demobilization process to the members of the OAS mission and to the Office of the High Commissioner for Peace. The arms are then stored in a depot to which only the High Commissioner's representative, the OAS representative, or the paramilitary group commander have access. The depot is guarded by members of the faction in the process of demobilization.

During the time the arms are in safekeeping at the depot, members of the Presidency of the Republic and of the OAS mission are in charge of checking the inventories, taking note of serial numbers and types of weapons, and recording any anomalies with respect to the armament in custody.

After the armament has been surrendered for safekeeping at the depot, it is returned to the combatants exclusively for the demobilization ceremony. At such time those in charge of the security in the concentration zone also give up their arms. These weapons are added to the arsenal already stored in the depot.

The second phase of the disarmament process begins after the demobilization ceremony. Control of the arsenals is transferred to the Army or to the closest military unit, where a special depot for the storage of the paramilitary group's weapons is set up. The weapons are then available for the judicial investigations led by the Office of the Prosecutor General.

Once responsibility for the safekeeping of the weapons has passed over to the Military Forces and their handling is entrusted to the Prosecutor's Office, the participation of the Office of the High Commissioner for Peace and of the OAS Observation Mission in the disarmament phase ends. These entities are then put in

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<sup>68</sup> The support networks are made up of both informers and people who provide logistics services for the actions of these groups.



charge of the reinsertion process. During this second phase, any alteration or transfer of the arsenal is the responsibility of the Prosecutor's Office and of the Justice and Peace Jurisdiction handling the judicial aspects of the demobilization of the paramilitary groups.

The disarmament process seems to be generally designed in such a way as to guarantee control of the arsenals after the surrendering of arms and ensuring the availability of the weapons for judicial investigations. Nevertheless the possibility remains that these weapons may be used by corrupt members of the Armed Forces in the development of non-service related illegal activities. This danger confirms the need for a third party to act as observer during this second phase to guarantee the arsenals remain intact.

Although the main objective of the disarmament process is to curb the possession and use of arms, it does not guarantee the reduction of demand for arms by those in the process of reinsertion or by the local inhabitants. Furthermore, it does not block the supply of arms coming from the arsenals cached by former combatants as a security guarantee or as an alternate source of funding through distribution on the black market. This proves that disarmament conceived as a result of the dynamics of demobilization and not as a planned phase of a gradual DDR process is only a temporary solution. The effects are rapidly counteracted by the context of conflict in which small and weak post-conflict dynamics coexist.

## 4.3 Voluntary disarmament programs in Colombia

Starting at the end of 1996 and continuing in 1997, several arms collection processes were initiated in the context of interventions by the mayors of several of the principal cities aimed at reducing homicides and personal injuries caused by firearms. These processes were initiated at the proposal by the Archbishop of Bogotá to exchange arms for vouchers for Christmas presents. Proposals such as this one were inspired by similar experiences carried out in New York in order to create awareness about the senselessness of arms possession and the danger they represent within daily life.

On the basis of this experience and its relative success, the Mayor's Office designed a disarmament policy with a purely instructive objective, rather than with the purpose of collecting a large number of weapons. Therefore, the Campaigns of Vouchers for Arms carried out after that first experience have included Educational Disarmament and Construction Drives aimed at creating awareness. For this reason they have been held mainly in schools throughout the city.

### 4.3.1 The Bogotá experience

The disarmament policies implemented in Bogotá are based on two principles. Firstly, these campaigns should include an educational component aimed at undermining the idea that people should "arm" themselves - a mindset which not only includes the ability to own a firearm. Secondly, the program concedes that given the country's politically and socially volatile situation, there are certain individuals for whom it is necessary to bear arms - although this is not the ideal solution. As such, an emphasis is placed on the fact that if citizens feel the need to arm themselves, they should do so according to the regulations and with full awareness of the social responsibility that possessing a weapon entails.

The campaigns carried out until the present have been considered successful, not because they have managed to collect great numbers of arms, but because of the educational process of creating awareness about the harm that weapons can inflict. In this context, the physical collection of arms is only one of the aspects of this educational context which is being created for disarmament. In these voluntary disarmament processes, an agreement is reached whereby the surrendered weapon will no longer be used by anyone, not even the Armed Forces. For this reason, all of the arms collected are melted down. The vouchers for

arms campaigns are widely publicized in the media and formally opened and closed with a press conference which emphasizes the symbolic and educational component of the programs.

A total of 45 Educational Disarmament and Construction Drives have been carried out at the local level. Using different awareness-raising tools, they involved 550,000 people, of whom 75% are teenagers and children, and 90% belong to income brackets 1, 2 and 3. A total of 111,083 firearms have been melted down; however, not all of these were firearms turned in by citizens during the disarmament programs. Also included are weapons discarded by the Military Forces, which are melted down in order to prevent them from going into the black market<sup>69</sup>.

Chart 5

SUMMARY OF VOLUNTARY DISARMAMENT CAMPAIGNS IN BOGOTÁ			
Year	Name of Campaign	No. of arms collected- melted down	Observations
1996-1997	Unnamed	- 2,688 firearms - 15,420 munitions - 367 explosive artifacts	With the support of British Petroleum Company, the Embassy of Spain, and some domestic companies
August 2003	“Armas a la Basura Vida Más Segura” “Arms in the Trash Make for a Safer Life”	- 488 firearms - 10,264.munition - 21 magazines - 1 kilo of pellets - 1 kilo of gunpowder - 8 grenades	Sponsored by the Spanish Agency for International Cooperation in Colombia-AECI
May 2004	“Para Proteger la Vida, Armas a la Basura... ¡Vida Más Segura!” “To Protect Life, Put Arms in the Trash...for a Safer Life”	- 743,688 firearms - 4,511 munition - 176 explosive artifacts	In different parishes of the city
May 2005	“Reconcíliate con la Vida... ¡Entrega Tu Arma de Fuego!” “Make Peace with Life...Turn in Your Firearm”	- 418,688 firearms - 5,598 munition - 11 explosive artifacts	In different parishes of the city

**Source:** Program for the Sanctity of Life and Disarmament (Programa para la vida sagrada y el desarme). Office of the Secretary of Government of Bogotá.

### 4.3.2 The Medellín experience

With the Bogotá campaigns as precedent, a Disarmament Plan was launched in Medellín in June of 2004, aimed at achieving the mobilization of society against arms. As in the case of Bogotá, the objective here was not so much to collect the greatest possible number of arms, but to discourage their use among the population. The Plan was created specifically to discourage the possession and carrying of arms by civilians, by means of a citizen education strategy.

<sup>69</sup> Program for the Sanctity of Life and Disarmament. Office of the Secretary of Government of Bogotá.



Photo: DDARDB/UNLIREC Library

The fundamental objectives of this program are<sup>70</sup>:

1. Generate an attitude of rejection toward arms in the hands of civilians.
2. Strengthen respect for appropriate security conditions and peaceful coexistence.
3. Consolidate dialogue and reflection as effective strategies for the resolution of conflicts, without resorting to arms.
4. Foster the debate over disarmament and strengthen a public opinion platform on that issue.

<sup>70</sup> Disarmament Plan, Web Page, Office of the Mayor of Medellín, [www.plandesarme.org](http://www.plandesarme.org)

In order to achieve these objectives, the Medellín Disarmament Plan established three strategies for action operating on three levels: the communicative level, the educational level, and the symbolic level.

The *communicative strategy* involves spreading the desired message through the media, including the Internet, as well as by means of flyers, T-shirts, and bracelets related to the campaign.

The *educational strategy* involves the promotion of educational campaigns in schools and universities in order to discourage war games and foster rejection of arms possession and carrying, especially among young people likely to become entangled in juvenile delinquent gangs. The strategy also includes the publication of educational materials aimed at strengthening classroom education on the issue.

Finally, the *symbolic strategy* consists in a series of symbolic disarmament campaigns using toy guns and sharp weapons, carried out in the neighborhoods and municipalities of the Metropolitan Area. In the context of these strategies, the plans for the destruction of firearms are also symbolic, in the sense that the great majority of the arms melted down are not those turned in voluntarily by the civilian population, but rather those retained or confiscated by the Police. Of the 90,000 firearms confiscated in 2005, 45,000 have been melted down. 80,000 sharp weapons have also been destroyed. With the support of the UNDP, most of the educational and disarmament activities carried out have focused on the “Comuna 13” section of the city. UNDP has also provided advice, and supported the process in Medellín.

The reason why not only those arms surrendered voluntarily by the population are melted down is that most disarmament campaigns are carried out jointly with police actions aimed at the confiscation of illegal weapons. Instead of subjecting these weapons to the regular process for a confiscated weapon, they are melted down in order to promote the educational awareness program. For this reason, the statistics in Medellín are not as clear as those in Bogotá, as the great majority of the weapons destroyed are weapons confiscated and not weapons voluntarily surrendered. Although the government has been carrying out an aggressive campaign to control the illegal carrying of firearms, such as Operation Orion during which the Armed Forces regained control of “Comuna 13” the symbolic and educational components have been essential in the Medellín processes.

Among the activities carried out in order to achieve the educational and symbolic objectives of the Plan are the following:

- Educational awareness programs on issues such as prevention of violence and discouraging possession and carrying of arms. More than 2,000 young people from the public and private schools in the Municipality of Medellín, particularly student leaders, have been trained during these programs.
- Programs aimed at the elimination of war toys. During one of these, called “Without toy weapons, Christmas is another story”, close to 3,000 war toys were destroyed. Another 20-day program was carried out in 23 educational institutions; 1,300 war toys and 300 sharp weapons were collected and added to those weapons confiscated by the Police, which amounted to approximately 35,000. Other strategies have also been implemented, such as the organization of a special contest awarding a community prize to the neighborhood that collected the most toy weapons and sharp weapons.
- A series of marches by young people from different parts of the city were also organized. In one of them, called “Without weapons, life is another story”, 59 young people marched through 28 neighborhoods in Medellín, spreading the disarmament message.

The programs in Medellín have had a significant effect, given that they have been carried out simultaneously with the recovery of some of the neighborhoods controlled by illegal armed groups and ordinary crime groups. The Plan has resulted in the rehabilitation and reinsertion of 98 criminal gangs, whose chiefs have become program leaders and promoters of the Plan.



Photo: UN - Marco Castro

## 5. COLOMBIA AND THE INTERNATIONAL INSTRUMENTS CONCERNING THE FIGHT AGAINST ILLEGAL ARMS TRAFFICKING

The issue of arms transfers has acquired great relevance on the international scene during the past few decades. As the Cold War ended and concern over the arms race diminished, international attention shifted to the transfer, not of conventional heavy weapons, but of small arms and light weapons. This had increased greatly because such weapons are easily transported and acquired throughout the world.

As a result, mechanisms were sought at both international and regional levels to control trafficking of such arms. Its importance was derived from their impact on a high number of internal conflicts that were developing around the world during the 80s and the 90s, mostly in Africa and Latin America. *Attachment II* includes the different agreements, conferences, and resolutions on small arms and light weapons adopted by international and regional organizations. This attests to the fundamental need which arose at the end of the 80s to develop policies and control measures in this field.

Contrary to what many believe, Colombian legislation on the matter is in line with international regulations. This is precisely because of the country's active participation in the development of those agreements, resolutions, and treaties, and of its regional leadership with respect to the issue. Moreover, laws regulating arms in Colombia date back to 1993, that is, before any international or regional treaty was adopted. This accounts for the importance of Colombia's opinion and its leading role in the structuring and development of debates on the issue in the context of international organizations. The principle guiding Colombian diplomacy was that of joint responsibility with respect to drug and arms trafficking, thus promoting cooperation among nations.

At the same time that they developed legislation to control the possession of arms by civilians and the armed forces, different governments began to consider it their priority to design policies aimed at fighting illicit trafficking and controlling the arms trade. In the development plan known as The Social Leap (El Salto Social) established during the administration of president Ernesto Samper (1994-1998), the international agenda for addressing the issue of illegal drugs and attacking each one of the links in the chain was adopted as a priority. This involved addressing the issue of *illicit arms trafficking*, and of controlling the trade in illegal goods such as chemical products, arms, ammunition, and explosives, by controlling money laundering activities.

Andrés Pastrana's government plan (1998-2002), known as "Change for the Construction of Peace" included a chapter on the need for measures aimed at *international arms control*, which established priorities on this matter, such as the question of anti-personnel mines and the commitment to continue participating in international and regional meetings to eradicate illicit trafficking and its connection to drug trafficking. The issue is also granted importance by the current administration of Álvaro Uribe, who believes that one of the strategies to dismantle the process of drug manufacturing, marketing, and consumption is through the *prohibition and control of arms trafficking*.

Being persistently linked to the problem of illegal drugs, the issue of arms trafficking, although included in government policies, has not acquired autonomy in practice. Instead, it is considered a mere facilitator to the ever expanding dynamics of drug trafficking.

## 5.1 Colombia in the international context

As mentioned above, the United Nations has taken a more active stance on the issue of small arms and light weapons since the end of the 1980's. This is evident in the resolutions presented and approved by the UN itself. These resolutions, mentioned in *Attachment II* form the background for the First Global Conference on Small Arms held by the UN in 2001 (hereinafter referred to as the *Conference*), whose main outcome was the *Program of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*<sup>71</sup>.

This program established the following strategies for action that should be adopted by the participating countries:

1. Strengthening of the legal framework.
2. Collection and destruction of firearms.
3. Disarmament.
4. Arms registration.
5. Mandatory character of ballistic fingerprinting for importers.
6. Awareness campaigns.
7. Constant exchange of information.
8. Establishment of a tripartite commission.
9. Participation of civil society.

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<sup>71</sup> See complete text: <http://www.un.org>

The second international mechanism of fundamental importance was the 2001 *Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components, and Ammunition* (hereinafter referred to as the *Protocol*.) The Protocol, which supplements the United Nations Convention Against Transnational Organized Crime, went into effect on July 3rd of 2005, after the required number of signatures had been obtained. By this time, 58 countries have signed the *Protocol*, with Ruanda, the Centrafrican Republic and Montenegro in October of 2006.

During the *Conference*, Colombia highlighted the importance of advancing in the design of legislation and measures with respect to small arms and light weapons<sup>72</sup>, and played a leading role in the preparation and development of said meeting, reflected in its visible participation and in the presentation of different working documents and resolutions which led to the realization of the *Conference*.

This active participation began with the presentation of two resolutions that were instrumental in placing the control of this type of weapons on the international agenda. The first one was Resolution 43/75 I of 1988, titled "International Arms Transfers", which was the first resolution on arms transfers adopted by the United Nations, and whose main purpose was to propose a *code of conduct* in this respect. According to Article 5 of said resolution, the General Assembly was requested to carry out a "study concerning ways and means to promote transparency in the international transfer of conventional weapons, on a universal, non-discriminatory basis", to include the issue of illicit trafficking in small arms and light weapons. This study was carried out by a group of 18 international experts in 1991. Colombia participated in that group, presenting Document A/46/301 in which it recommended the establishment of a conventional arms transfer register. Initial participation was to be voluntary where governments would provide reports on arms transfers.

The second resolution, presented by Peru and Colombia in 1991, was Resolution 46/36 H. This resolution was of great importance as it focused on establishing guidelines for the control of international arms transfers and was aimed at eradicating illicit trafficking. After this resolution was approved, Colombia presented Document A/CN.10/184 as a contribution to the discussion in the disarmament commission work group and with the purpose of orienting the recommendations emanating from that disarmament commission. The document emphasized the need to expand international cooperation, and particularly multilateral and bilateral cooperation so as to facilitate adequate control in border zones.

However, the resolution that would become the basic precedent for the *Conference* was Resolution 50/70 B, in which the issue of small arms and light weapons was, for the first time, dealt with independently from the issue of conventional disarmament. The resolution was approved in December of 1995, with Colombia voting in favor. The outcome was the creation of a team of experts, made up of 16 countries including Colombia, to analyze the issue between June of 1996 and July of 1997. The most important contribution was that expressed in the Secretary General's verbal note DDA/3-98/SA, in which the Colombian government pointed out the importance of holding a United Nations conference aimed at defining binding actions with respect to the issue of small arms and light weapons, rather than issuing mere recommendations as had been done until that point.

The International Meeting on Small Arms was held in Oslo, Norway in 1998. 22 countries including Colombia attended the meeting, which was the first to address the issue of illicit arms trafficking at the inter-governmental level. In 1999, the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was called through RESOLUTION 54/54 V, which Colombia voted in favor of, and in which the Secretary General was asked to carry out a preliminary study to serve as background for the Conference concerning the viability of limiting the manufacturing and production of arms. Colombia then participated in the preparation of the "Provisional Report Regarding the Study of the Small Arms Situation in the World," by presenting different proposals, some of which were adopted in the Program of Action.

<sup>72</sup> See: Opinions of the States with respect to the Conference, at [www.un.org](http://www.un.org)

Therefore, Colombia practically became the main promoter of arms regulation and control in the United Nations, since it was always ahead in the slow process initiated in 1988 and which finally materialized with the approval of the Program of Action in 2001. This leading role was acknowledged when the Colombian ambassador was appointed president of the Conference. The ambassador then became the principal spokesperson for the Conference's Program of Action in different countries of Central America<sup>73</sup> and Africa. Colombia was also conspicuous by its active participation in the UN Group of Governmental Experts on Marking and Tracing Small Arms and Light Weapons.

Two weeks after the conclusion of the Conference, Colombia assumed the Presidency of the United Nations Security Council, where it continued to lead different debates on the issue of small arms<sup>74</sup>, among which was the concern over the relationship between small arms and civilian deaths, the escalation of internal conflicts, and the violence against women and children deserve to be highlighted. This led to the discussion of the importance of arms destruction in the context of Disarmament, Demobilization, and Reinsertion policies.

The Program of Action called for a follow-up plan to account for the advances made in the application of program strategies. As part of the Plan, it was decided to hold a conference in 2006, as well as some regional follow-up meetings. Among these were: the *Santiago de Chile Follow-up Conference* in November of 2001, in which Colombia participated with representatives from the Ministry of Foreign Affairs, intelligence agencies, and the Colombian Embassy in Chile; the *United Nations First Biennial Meeting of States* in San José de Costa Rica in December of 2001, in which Colombia participated with a declaration regarding the execution of the Program of Action at the national level; the *Tokyo Follow-up Meeting* in 2002, whose objective was the "Evaluation of the outcome of the United Nations Conference and perspectives on the execution of the Program of Action." Colombia did not participate in this meeting, although its permanent ambassador to the United Nations attended in his capacity as President of the Conference.

The program of action determined that a follow-up plan was to be carried out to assess the progress made in the application of agreed upon strategies. As part of the follow-up plan, a review conference was scheduled and held between June 26 and July 7 of 2006 in New York. The outcomes of the conference were not the expected ones for two reasons. Firstly, several countries had made no advances with respect to the agreements reached at the 2001 Program of Action due to different types of problems encountered during the implementation phase. Secondly, some countries such as the United States, Cuba, India, Iran, Israel, and Pakistan did not accept the new proposals aimed at establishing controls of the international arms trade. The lack of consensus led to no official document being issued at the end of the Conference.

The situation with respect to the Protocol<sup>75</sup> is rather more complicated. Colombia did not ratify it for political reasons based on the Vienna Convention on the law of treaties. Colombia's reasons were publicly explained in a footnote to Paragraph 5 of resolution AG/RES.2108 (XXXVG-O/05) on *The proliferation of and the illicit trade in small arms and light weapons in all its aspects*. According to the footnote, Colombia did not ratify the Protocol because it does not agree with the formulation of Paragraph 2, Article 4, concerning the scope of application of the Protocol, which reads:

*"This Protocol shall not apply to state-to-state transactions or to state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations."*

The purpose of this paragraph is to exclude certain transactions or transfers among participating states. For Colombia, this exclusion is quite risky, since it leaves open the possibility that a state could transfer arms without the authorization of one of the other states concerned. It would have been preferable that the

<sup>73</sup> See Ambassador Camilo Reyes' speech in: *Armas pequeñas y livianas en Centroamérica: Dimensiones del control y la regulación del tráfico de armas para implementar el Programa de Acción de las Naciones Unidas*. Available at: <http://www.arias.or.cr/fundarias/cpr/armasliv/sanjose/reyes1.htm>

<sup>74</sup> See: Speeches of the members of the Security Council. Available at: <http://www.un.org/spanish/docs/presidency/4363s.pdf>

<sup>75</sup> See: [http://www.unodc.org/unodc/en/crime\\_cicp\\_signatures\\_firearms.html#Q](http://www.unodc.org/unodc/en/crime_cicp_signatures_firearms.html#Q)





Photo: DDA/RDB/UN/LIREC Library

controls stipulated in the Protocol apply to all transfers among states without leaving that possibility open. The argument is more relevant to those countries which, like Colombia, are affected by illicit trafficking. This is because it does not seem justifiable to make exceptions with respect to the controls adopted by the Protocol in order to favor the economic and political interests of certain states. This is especially relevant when it is known that many state-to-state transfers may be diverted through various channels, ending up in illicit transactions with non-state actors. Furthermore, the exclusion established in this paragraph contradicts the definition of “illicit trafficking” contained in Article 3, section (e) of the Protocol which reads:

*e) “Illicit trafficking” shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol;*

The contradiction exists because Article 4 contains an escape clause which allows states to transfer arms without the authorization or consent of the other state, which would make that transfer illicit, and constitute an act of intervention. The paragraph has other problems such as not specifying the reasons or motives a state could have to opt for that type of measure “in the interest of national security”, or, strictly speaking, not defining what is meant by “interest of national security”.

In order to attenuate the impact of that exclusion, the interpretive notes to the Protocol specify that the terms “state-to-state transactions” refer exclusively to transactions carried out by states in the exercise of their sovereignty, a fact which excludes states acting as commercial agents<sup>76</sup>. Nonetheless, this definition

<sup>76</sup> Interpretive Notes to the Protocol A/55/383/Add.3

did not allay Colombia's concern over the possibility that arms transactions be carried out without due governmental authorization.

As a member of the Special Committee in charge of studying the terminological coherence among the different languages, the structure of the instrument, and its conformity with the United Nations Convention Against Organized Crime, Colombia participated actively in the Convention and Protocol discussions with the presence of a large delegation. Colombia recognizes the importance of the Protocol as a tool to advance in the process of controlling the trade in small arms and light weapons, even though it has yet to ratify the Protocol. The Colombian authorities are currently considering the possibility of resuming the discussion about such ratification so as to demonstrate Colombia's unconditional will to support these international instruments. Nevertheless such discussion would be done without withdrawing the argument initially made with respect to the scope of application of the Protocol, which Colombian authorities still consider to be absolutely valid.

Through Law 800 of March 13 of 2003 and Decree 3173 of 2004 Colombia approved the United Nations Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This supplemented the Convention Against Transnational Organized Crime, adopted by the United Nations General Assembly on November 15 of 2000, and whose instrument of ratification was deposited at the Office of the Secretary-General of the United Nations on August 4 of 2004. Colombia's ratification of the Convention demonstrates its interest in participating in such agreements, and fostering compliance with the obligations stated therein. According to Articles 1 of the Protocol and 37 of the Convention, there is a basic relationship between the two instruments, since *the crimes typified in the Protocol are considered typified also in the Convention, and the mandatory provisions of the Convention may be applied to the crimes typified according to the Protocol.*

This implies that although Colombia did not ratify the Protocol, by ratifying the Convention and other regional instruments such as the CIFTA, which as explained below was the fundamental referent for the Protocol, it is bound by international obligations and has not been excluded from the international legislation on the matter.

Finally, in 1997 during the United Nations *International Study on Firearm Regulation* held in Vienna, Colombia was one of the 11 OAS countries to respond to the summons and provide detailed information for the study<sup>77</sup>. The same year the *Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*, a multilateral, legally binding instrument, was adopted. The Ottawa Convention was ratified by Colombia through Law 554 of January of 2000.

Although the Conference marked a significant advance at the international level, it did not fully meet the expectations across states. According to the *Small Arms Survey* (2001), while multilateral activity with respect to small arms was advanced by the UN Conference, its implementation delayed the process<sup>78</sup>. This is because most of the measures or policies recommended in the Conference's Program of Action, as well as in the Protocol, had already been adopted by the states long before these instruments were created. The majority are minimal regulations and institutions that must be implemented in countries where there is no established democracy or minimal political and institutional development. In other instances, they had already been established through binding regional agreements such as the OAS/CIFTA, dating back to 1997.

Nevertheless, the Protocol, provides greater advances in the context of the control of arms trafficking and its relationship to crime, especially due to its binding nature which means that it is necessary for the states

<sup>77</sup> Godnick, William, La organización de Estados americanos y Conferencia de la ONU sobre el tráfico ilícito de armas pequeñas y livianas en todos sus aspectos: Cómo abordar el tráfico ilícito de armas pequeñas y ligeras, *Biting the Bullet*, el Project Ploughshares, y Fundación Arias para la Paz y el Progreso Humano, 2002, p. 14

<sup>78</sup> *Small Arms Survey 2001*, Chapter 7: Enfrentando el problema de las armas pequeñas: medidas e iniciativas multilaterales. Available at: <http://hei.unige.ch/sas/languages/spanish.htm>

to establish joint measures to control illicit trafficking in arms. Therefore, the different countries have done more lobbying for the application of the Protocol than for the implementation of the strategies defined in the Program of Action. These are less advanced in terms of effective international control of arms circulating around the world.

The realization of these meetings and the adoption of their respective instruments have undoubtedly made it possible to initiate binding regional processes, and they showed the need to make these actions and measures international although this does not seem to be a entirely feasible at the moment<sup>79</sup>.

Some of the main shortcomings of these instruments are<sup>80</sup>:

- The Conference does not refer to arms transfers to non-state armed groups, nor to the possession of arms by these groups. The Protocol, however, does refer to “organized crime groups”, which is an advance, but, in the case of Colombia, it is essential to develop effective and binding instruments regarding arms that are not in the hands of the state.
- The relationship between arms and human rights is not explicit, since there seems to be greater concern for the security of the states. NGOs working on these issues have pointed out that the agreements do not prohibit arms transfers to organizations or states that have committed human rights violations or violations of International Humanitarian Law – IHL.
- Implementation and practical follow-up mechanisms need to be adopted with respect to the Program of Action.

The President of the Conference acknowledged that the Program of Action had two significant shortcomings, resulting from the will of one state. Firstly, it was impossible to come to an agreement with respect to the need for establishing and maintaining controls over the private possession of legal arms in such a way as to foster commitment by the governments to regulate arms possession more strictly. Secondly, there was no agreement with respect to the prohibition of arms sales to non-state actors.

In spite of these shortcomings, the greatest contribution of the Conference and the other treaties was that it emphasized the need for cooperation among governments, regardless of whether they participate in the legal arms trade. As such, it is essential to make these instruments legally binding so as to ensure governments are obliged to comply with internal regulations, as well as of providing information about the legal and illegal arms transfers they are aware of. Furthermore, it is necessary to increase civil society activity in terms of developing disarmament initiatives and pressuring governments to adopt control measures, given that this type of activity has become fundamental in giving priority to arms control on the political agenda of different governments.

With this in mind, some organizations working on the issue suggested six principles that should be considered as obligations for all governments, according to international law and to the regulations concerning international arms transfers. Some of these principles are: only states should be authorized to carry out arms transfers; states will not authorize the international transfer of arms if said transfer involves a violation of international regulations, such as the binding resolutions of the Security Council; arms that do not discriminate between combatants and civilians should be prohibited; states should not authorize the international transfer of arms if the possibility exists that they be used in acts that violate international law; states should submit complete annual national reports concerning international arms transfers to an international transfers registry; and states should establish regulations concerning the transfer of transit and transport licenses, among others.

<sup>79</sup> Godnick, William, La organización de Estados americanos y Conferencia de la ONU obre le tráfico ilícito de armas pequeñas y livianas en todos sus aspectos: Cómo abordar el tráfico ilícito de armas pequeñas y ligeras, Biting the Bullet, el Project Ploughshares, y Fundación Arias para la Paz y el Progreso Humano, 2002.

<sup>80</sup> See: *Ibid.* and Centro para el Diálogo Humanitario, Las armas en su sitio Un conjunto de recursos para dos años de acción por parte de las agencias humanitarias, October, 2004, Available at: [www.hdcentre.org](http://www.hdcentre.org)

## 5.2 Colombia in the regional context

The Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), summoned by the OAS, was the first binding regional instrument concerning arms trafficking. Its main precedent was the Declaration of Ayacucho, issued on December 9 of 1974 and signed by Argentina, Bolivia, Colombia, Chile, Ecuador, Panama, Peru, and Venezuela, in which all countries endeavored to “foster and support the structuring of a permanent order of international peace and cooperation and to create conditions which permit effective limitation of armaments and put an end to their acquisition for offensive military purposes, in order to dedicate all possible resources to the economic and social development of all Latin American countries”<sup>81</sup>.

The purpose of the convention was to establish some general regulations or standards for arms imports and exports, as well as to create mechanisms to extend information and cooperation networks. This was in an effort to toughen the regulations controlling illicit arms trafficking.

In the context of regional activities concerning arms control, Colombia’s participation has been less visible than its participation in the UN Conference, but it has been highly significant nonetheless. The *First Conference of the States Party to the CIFTA* was held in Colombia, and the country’s commitment to the hemisphere is reflected in the *Bogotá Declaration*. Colombia also participated in the Secretariat Pro Tempore of the Consultative Committee.

The CIFTA ratification process began with its approval by Congress through Law 540 of December of 1999, only two years after the Convention. However, the Law was declared UNENFORCEABLE during the legal review process carried out by the Constitutional Court, through decision C-1137/00. The reason for this was that the law did not include the approval of the Addendum to the Convention in which the term “explosive” is defined and the materials and devices that should not be included in that definition are specified. The court granted Congress a period of three months to approve the Addendum, but the term expired and the law was not approved. Three years later, through Law 737 of 2002, issued by Decree 2122 of 2003, the Convention was approved, including all of its articles and the addendum, and it was declared ENFORCEABLE by the Constitutional Court by means of decision C-764-02.

As a result of CIFTA, three important instruments were developed. The first was the *CICAD Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition*, which are developed thanks to a recommendation by the OAS Secretariat. Although these regulations are formulated after the Convention, it is important to point out that it is with CICAD that the process of addressing the arms issue at the regional level actually begins to develop. This is always in association with its connection and dependence on drug trafficking.

Just as Colombia had promoted the arms issue in the United Nations, it continued to do so at the regional level when Bogotá hosted the *Second Seminar on the Control of Arms and Explosives Related to Drug Trafficking* in April of 1994. The seminar, attended by a high number of participants, including observers from Italy and France and some international organizations, reiterated the strong link between arms and narcotics. The process of approval of the Convention gained momentum at this time, and a group of government experts were convened to draft the model regulations – a process in which Colombia played a prominent role.

However, the model regulations are recommendations for the OAS states and they are not binding. They also have the same problem Colombia identified with respect to the Protocol. The model regulations only apply to firearms, their parts, components, and ammunition which are all exchanged on the market, they do not apply to state-to-state transfers or to transfers carried out in the interest of national security.

<sup>81</sup> Ministry of Foreign Affairs, *Colombia y el control internacional de armas pequeñas y ligeras*, Chancillería de San Carlos: Bogotá, 2002, p. 49



Photo: General Command of the Military Forces

The second instrument is the *Draft Model Legislation on Firearms and Ammunition Marking and Tracing* prepared by the Technical Secretariat of the CIFTA-CICAD Group of Experts, which arose out of Paragraph 6 of the Declaration of Bogotá concerning the functioning and application of the CIFTA. According to paragraph 6, the Member States endeavour to promote and adopt legislative and other types of measures with respect to different aspects of the Convention - among them is the marking of firearms referred to in Article VI of said Convention. These regulations have been adopted by the Colombian Military Industry, which is developing a very comprehensive system that ensures adequate marking and even a chemical procedure that prevents the deletion of the markings.

The third instrument was a questionnaire to be filled out by the OAS member states, regarding the measures their governments have adopted to comply with the commitments stipulated in the CIFTA. Colombia filled out the questionnaire completely and deposited it at the OAS Secretariat<sup>82</sup>.

Finally, Colombia also participated actively in the preparatory meetings for the UN Conference at the regional level. In the meeting held in March of 2001, Colombia presented a proposal for the UN to design an international mechanism aimed at enhancing transparency and the exchange of information among states<sup>83</sup>. The Program of Action defined at the Conference is not as explicit as this proposal. The OAS Small Arms Resolution requests that states provide information and prepare reports about the state of illicit arms trafficking in their own countries, thereby giving Colombia and other OAS members the ability to follow-up on advances of the Convention.

In the sub-regional context in the Andean Region, two important decisions were made, in both of which Colombia participated actively. Decision 505, *“Andean Cooperation Plan for the Control of Illegal Drugs and Related Offenses”*<sup>84</sup> approved in Venezuela in June of 2001, was the result of the agreement adopted by the presidents of the Andean Community Member States at the meeting held in Cartagena de Indias on April 17 of 2001.

Similarly, Decision 552, *“Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects”*, adopted in Antioquia, Colombia in June of 2003, took elements from the CIFTA and applied them to the Andean region, especially those regarding the strengthening of customs and border controls. It also approved other measures that entail the commitment of the different countries to carrying out activities aimed at the strengthening of the institutional framework, and at sub-regional cooperation and coordination in aspects related to seizures and confiscation of arms and other issues.

As a result of Decision 552 and on the basis of Law 737 of 2002 ratifying the CIFTA, a draft bill is being prepared in Colombia in order to apply this Decision, by establishing a *National Coordination Committee to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects*. This Committee would be made up of the following members: the Minister of the Interior and of Justice or a delegate; the Minister of Foreign affairs or a delegate; the Minister of National Defense or a delegate; the Minister of Trade, Industry, and Tourism or a delegate; the Prosecutor General of the Nation or a delegate; the Director of the Administrative Department of Security or a delegate; the Commander of the Military Forces or a delegate; the Director of the national Police or a delegate; the Director General of the National Tax and Customs Administration or a delegate; and the Manager of the Colombian Military Industry or a delegate.

The Committee’s main duties would be to design and implement the National Plan of Action to prevent the illicit trade in small arms and light weapons in all its aspect, as well as to ensure compliance with the obligations acquired both in the Andean area and pursuant to the different regional agreements, cooperating

<sup>82</sup> The regulations on the tracing and marking of arms are in the process of being corrected by the OAS. For this reason, the states have not yet established them.

<sup>83</sup> Godnick, William, La organización de Estados americanos y Conferencia de la ONU sobre el tráfico ilícito de armas pequeñas y livianas en todos sus aspectos: Cómo abordar el tráfico ilícito de armas pequeñas y ligeras, *Biting the Bullet*, el Project Ploughshares, y Fundación Arias para la Paz y el Progreso Humano, 2002,

<sup>84</sup> Trafficking in arms, ammunition, and explosives is included in “related offenses”.

in all of the aspects that the fight against small arms and light weapons entails. The draft bill is currently being reviewed by the different administrative entities and is awaiting the signatures of the ministers and of the delegation from the Ministry of Defense. This will be the institution in charge of assuming the Technical Secretariat, in addition to the Ministry of Foreign Affairs, which will be the institution that will chair the Committee.

### 5.3 Laws regulating arms adopted in Colombia

As stated above, one of the reasons why Colombia has played a leading role in the development of legislation to control small arms and light weapons, both regionally and internationally, is that by 1993 it had already developed a series of regulations concerning the control of arms in the hands of civilians and of the government. These regulations are very strict and in line with the legislation that would be adopted years later through international instruments.

In December of 1993, Decree 2535 was approved *whereby regulations are issued concerning arms, ammunition, and explosives*, as a mechanism to control arms in the hands of civilians, on the basis of the idea that bearing arms is not a right. Rather, arms are ceded or assigned by the state to civilians. Thus, Colombia's solution is halfway between the absolute restriction of arms in the hands of civilians and bearing arms as a constitutional right of civilians. The Decree adopts measures regarding the possession, carrying, transport, and loss or destruction of arms and ammunition; creates institutions in charge of controlling the latter; and defines the competencies and duties of the different government entities involved in the issue, such as the Military Forces, the Police, the executive branch, etc. It also establishes general guidelines concerning the import and export of arms, ammunition, and explosives, and issues regulations for the acquisition of raw materials, as well as regulations that arms repair shops, fireworks factories, shooting and hunting clubs, and firearm collectors must comply with. Additionally, the Decree establishes regulations for private surveillance and security services, and defines the processes and procedures for the seizure and confiscation of arms, explosives, and their accessories, as well as for penalties.

Decree 1809, regulating Decree 2535 was issued in August of 1994. This Decree makes certain clarifications with respect to the regulations established in the previous Decree. These clarifications concern aspects such as the types of arms intended for the exclusive use of the Armed Forces, the granting of special



Photo: General Command of the Military Forces

permits to carry restricted-use weapons, installation requirements for shooting polygons, the duties and jurisdiction of the Arms Committee, and the procedures that must be followed to determine an individual's psycho-physical aptitudes, among others.

These decrees contain the general regulations concerning arms and refer particularly to arms possession and carrying by civilians. However, there are other decrees that supplement this general legislation. Among these are the following: Decree 356 of 1994 issues the private surveillance and security statute, which regulates the possession and carrying of arms by private companies that provide security services, and creates a regulatory and controlling institution known as the *Private Security and Surveillance Superintendency*. Decree 1612 of 2002 regulates community surveillance and private security services, and Decree 334 of 2002 establishes regulations concerning explosives, especially their import, transport, and applicable restrictions.

In addition to the above-mentioned decrees, there are others that regulate the possession of arms by each one of the Military Forces and the Police, as well as Decrees defining jurisdiction. Such examples are Decree 0006 of 1993, which authorizes the military authorities to suspend the validity of permits, and Decree 626 of 2001, which authorizes the sale of weapons considered obsolete.

The existence of these Decrees and their continued application by the different administrations shows that *"this is one of the issues about which we can say that there is a government policy with a certain level of continuity"*, according to Rafael Pardo, Minister of Defense in 1993, when Decree 2535 was adopted, and a member of the Interparliamentary Forum for the Promotion of the Program Action among the Member States.

This legislative context demonstrates that Colombia is up to date and in line with international regulations on the issue of arms. It is summarized in the following tables, which show the regulations prevailing in Colombia, along with the articles of the Protocol binding states to adopt measures for the control of arms trading and trafficking<sup>85</sup> in the following areas: *definitions*, *control measures*, and *record-keeping*. The tables are based on the "Legislative Guide for the application of the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components, and Ammunition" which summarizes the Protocol's main articles and specifies the procedures for full compliance with its requirements by the national legislative bodies.

Chart 6  
Comparative Legislative Guide and Colombian Regulation

DEFINITIONS	
LEGISLATIVE GUIDE	COLOMBIAN REGULATIONS
<p><b>Firearm:</b> A portable, barreled weapon from which a projectile can be discharged using an explosive charge.</p> <p><b>Parts and components:</b> Specific elements of a firearm; a specific accessory for a firearm: the silencer.</p> <p><b>Ammunition:</b> The complete cartridge and its components.</p>	<p>Article 6 of Decree 2535 defines firearms and Article 7 establishes their classification.</p> <p>Firearms are weapons that fire a projectile propelled by the expansion of gases produced by the combustion of a chemical substance.</p> <p>Although the Decree does not provide a specific definition for parts and components, in Chapter II it refers to those arms and accessories that are banned, and in Article 15, it mentions silencers.</p> <p>The Decree does not specifically define ammunition either, but the regulations established by said Decree, as stated in Chapter III apply to arms and ammunition, so that ammunition is also regulated by the Decree.</p>

<sup>85</sup> The tables are based on the Legislative Guide for the application of the United Nations Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components, and Ammunition. This will allow for the determination of the degree of applicability of the Protocol to Colombian legislation, although it has not been ratified.



CONTROL MEASURES	
LEGISLATIVE GUIDE	COLOMBIAN REGULATIONS
<p>Any transaction or transfer that does not adjust to the requirements of the Protocol must be typified as a crime. Three types of offenses must be specified:</p> <ol style="list-style-type: none"> <li>Illicit manufacturing.</li> <li>Trafficking.</li> <li>Deletion or alteration of the series number or other marks.</li> </ol>	<p>Book II, Section V, Chapter II of the Colombian Penal Code, titled <i>Crimes Against Public Security</i>, contains two articles that refer to the penalization of arms trafficking and manufacturing, and one that refers to explosives:</p> <p><b>Art. 197.</b> – Possession, manufacturing, and trafficking in dangerous substances or objects. Whosoever illegally holds, manufactures, acquires, keeps, or supplies explosive, flammable, asphyxiating, toxic, corrosive, or infectious substances or objects shall be sentenced to one (1) to five (5) years of prison.</p> <p><b>Art. 201.</b> – Manufacturing of and trafficking in firearms or ammunition. Modified Decree 2266 of 1991, Art. 1. Whosoever without permission from the competent authority imports, manufactures, transports, stores, distributes, sells, supplies, repairs or carries personal defense firearms, ammunition, or explosives shall be sentenced to one (1) to four (4) years of prison and to the confiscation of the element in question.</p> <p>The sentence mentioned above shall be doubled whenever the facts occur in the following circumstances:</p> <ol style="list-style-type: none"> <li>When using a motorized vehicle.</li> <li>When the arm was obtained in an illicit act.</li> <li>When requests by the authorities meet violent resistance.</li> <li>When face masks or other similar elements are used to disguise or hinder identity.</li> </ol> <p><b>Art. 202.</b> – Manufacturing of and trafficking in arms and ammunition meant for the exclusive use of the armed forces.</p> <p>Modified Decree 2266 of 1991, Art. 1. Whosoever without permission from the competent authority imports, manufactures, repairs, stores, keeps, acquires, supplies or carries arms or ammunition intended for the exclusive use of the armed forces shall be sentenced to three (3) to ten (10) years of prison and to the confiscation of the corresponding materials. Similarly, Heading XIV, Chapter III, Article 351 states that the punishment for theft shall be increased by one sixth of half the sentence if the act is committed with respect to property and arms used to safeguard national security and guarantee national defense.</p>
CONTROL MEASURES	
LEGISLATIVE GUIDE	COLOMBIAN REGULATIONS
<p>Firearms must bear a distinctive mark that allows their identification and location.</p> <p>* Arms should be marked in five situations.</p>	<p>Imported Arms: The Military Industry requires that arms manufacturers establish a specific identification for Colombia. Consequently, all arms entering the country are marked with the following information when they are imported: name of manufacturer, date of manufacture, model and caliber of the weapon, year imported, and number of contract. Arms, ammunition, and explosives manufactured by INDUMIL: All of the arms manufactured by the Military Industry are marked with the acronym INDUMIL (IM), as well as with the caliber and the serial number of the weapon.</p> <p>All ammunition and explosives are marked at the moment of manufacturing. Personal defense and hunting ammunition is marked with the acronym INDUMIL and the caliber on the butt of the cartridge; the corresponding box is also marked with an 8-digit serial number, whose first two digits indicate the year of manufacture. Explosives are marked with the date of manufacture and a serial number or a box number, depending on the type of explosive, and when they are marketed, at the moment of sale, the following information is recorded: dispatch number, date of sale, name of client, and client's personal information, in case the explosives sold are lost or diverted.</p>

CONTROL MEASURES	
LEGISLATIVE GUIDE	COLOMBIAN REGULATIONS
<p>Export and import license systems must be established.</p> <p>* Authorizations are required in four cases: import, export, transit, and manufacture of firearms.</p>	<p>In order to control cross-frontier movements, Article 3 of Decree 2535 of 1993 establishes that private citizens may only exceptionally possess or carry arms, their components and parts, ammunition, explosives, and accessories with a permit issued on the basis of the discretionary power of the competent authority. Likewise, <b>Section V</b> establishes regulations for the importing and exporting of arms, ammunition, and explosives.</p> <p>In these cases, it is necessary to obtain a license issued by the Ministry of Trade, Industry and Tourism, after complying with the requirements established by the international and domestic customs authorities. Said licenses must be issued in conformity with the requirements for contracting established in Law 80.</p>
<p>Records must be kept that allow the subsequent location of the firearms on the basis of the information provided by the marks on the weapons and the issuance of authorizations.</p>	<p>Records of firearm marking are kept by INDUMIL. INDUMIL also has a systematized directory of licenses issued to suppliers, which is updated annually and includes the manufacturer, the representative or intermediary, and the legal, financial, and technical documents related to each one.</p>
<p>Regulations governing the seizure, confiscation, and disposal of firearms must be established.</p>	<p>Decree 2535 of 1993 establishes regulations for the confiscation and seizure of arms:Section X: Arms Seizure Section XI: Penalties and Confiscation of Arms, Ammunition, explosives, and their Accessories.Section XII: Confiscated material, remission, relation to a criminal process.</p>
<p>Regulations for the destruction of firearms.</p>	<p>The General Command of the Military Forces authorizes the destruction of the confiscated material that is unusable and cannot be reconverted or used by the Armed Forces.</p>
<p>It is possible to establish measures that regulate intermediation operations.</p>	<p>There are none.</p>
RECORD KEEPING	
LEGISLATIVE GUIDE	COLOMBIAN REGULATIONS
<p>Firearms records must be kept for no less than 10 years.</p>	<p>Records are kept of arms markings. In the case of the INDUMIL Llama revolver, marking records have been kept since March of 1991, and in that of the Galil caliber 5.56 mm rifle, they have been kept since 1996. Likewise, the Department for the Control of the Arms Trade keeps a record of all legal arms, with their respective history and detailed information.</p>
<p>Records of firearm marking and all information related to international firearm transfers.</p>	<p>INDUMIL keeps records of all arms manufactured, as well as of those that enter the country legally, for a period of 5 years.</p>
<p>Records of information concerning parts and components.</p>	<p>These records are kept. For example, in Colombia, ammunition and grenades are marked individually.</p>
<p>Records of crimes committed.</p>	<p>The records are not kept continuously. However, the following information is available: Number of persons sentenced for the offenses of illicit arms possession, trafficking, and manufacturing:2002:169; 2003: 179.</p>



Photo: DDA/RDB/UNILIREC Library

Although Colombia has not ratified the Protocol, its legislation is in line with the latter in most aspects. The articles of the Protocol were taken as reference for these tables, given that it is the most important international mechanism for the regulation of arms trafficking and trading. As the CIFTA served as the fundamental basis for the Protocol they contain very similar articles. The Protocol is the essential instrument for the application of the United Nations Conference Program of Action because it is legally binding.

Nevertheless, despite Colombia's appropriate legislation on the issue, it has not been enough to maintain an adequate control of arms, since it leaves some significant voids. The first and perhaps most important is that regarding the criminalization or identification of the type of offense committed which has not been fully developed yet. Although arms- trafficking is typical in the Penal, Civil, and Military Codes, the crime does not necessarily entail a prison sentence. This increases the probability of re-offending as there are potentially no legal ramifications for the offenders. The second, related void is that some measures, such as carrying arms in public places or while under the influence of alcohol, are not sufficiently controlled and punished. Thirdly, clear policies and procedures are needed with respect to the final destination of seized or confiscated weapons. Finally, given that the law aims at encouraging those who do arm themselves to do so legally, the levels of responsibility with respect to the use of weapons need to be increased by criminalizing these offenses. This is perhaps the most significant void in the legislation.

The measures listed in *Attachment II* are not the only ones regulating arms in the country. The decrees mentioned above regulate the possession and carrying of arms by civilians, but there is also extensive and strict legislation regulating the use of arms by the Armed Forces. For this reason, these forces keep complete records of the arms and ammunition they possess, and follow specific and strict procedures regarding both arms in use, those in reserve, and arms surpluses. Precisely because control is so strict, the loss of any weapon entails an exhaustive investigation on the basis of the offenses typified in the Military Penal Code (Law 552 of 1999): Article 152, Chapter V, Section V, typifies the illicit manufacturing of, possession of, and trafficking in firearms, ammunition, and explosives<sup>86</sup> as crimes. Similarly, Article 180, Chapter I, Section VII, establishes measures with respect to embezzlement.

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<sup>86</sup> Article 152: Illicit Manufacturing of, Possession of and Trafficking in Firearms, Ammunition, and Explosives. Whosoever without permission from the competent authority introduces into the country, takes out of the country, manufactures, repairs, stores, keeps, acquires, or supplies any type of firearm, ammunition, or explosive shall be sentenced to 1 to 4 years of prison. If the arms are intended for exclusive use by the Armed Forces, the sentence shall be three to ten years. The sentences specified in the previous sub-paragraphs shall be doubled if the acts therein described are carried out in favor of rebel groups or organized crime groups.



Photo: General Command of the Military Forces

## 6. CONCLUSIONS

In general terms, considering factors such as the internal conflict, the issue of drug trafficking, and the presence or organized crimes groups, the situation in Colombia with regards to the control and regulation of small arms and light weapons as well as the fight against illicit arms trafficking is more positive than one might expect.

Paradoxically, and possibly because the country has faced an armed conflict and the problem of drug trafficking for many years, the use of firearms in Colombia is strictly controlled and regulated both by the state and by the illegal organizations themselves.

Although the situation of violence attributed to the use of firearms in Colombia is certainly not ideal, (as shown by the high rates of firearm related crime) since it is closely linked to the armed conflict and to organized crime, the violence is not generally indiscriminate (which would effect a broader spectrum of general population). Rather, it is a highly specialized violence, where the motives are generally clearly defined. As such, the role of firearms is secondary in the sense that they are essentially an instrument in the exercise of violence.

The idea of a “culture of violence” or a phenomenon of indiscriminate violence fueled by an oversupply and high availability of firearms should be rejected in the case of Colombia. Although the participation of firearms

in lethal violence is indeed high, their participation in suicides, non-lethal personal injuries, and ordinary crime is low. Furthermore, the relationship between legal firearms and levels of lethal violence is inconsistent. Several of the cities with the highest rates of legal firearms are those with the lowest homicide rates and vice versa. Similarly, in many regions of the country with high homicide rates, firearms account for only 50%, thereby indicating that instruments other than firearms are widely used in the exercise of lethal violence.

On the other hand, illicit arms trafficking into Colombia is not as great as might be expected and has tended to decrease over the last five years. Although it is an established and organized illegal activity led especially by the most important armed groups and the paramilitary groups, this illicit trafficking is characterized by its continuity and by its low volumes. Small shipments come in constantly across numerous land, sea, air, and river routes, and it is not frequent for large shipments of illegal weapons to enter Colombia. Moreover, the constant pressure exerted by the Military Forces on the armed groups results in significant losses of armament for these. Between 2004 and 2005, for example, the Army seized more than 5,000 assault rifles, over 4,000 pistols and revolvers, more than 22,000 hand grenades, and over 1,600,000 ammunition cartridges from these groups.

Since the incoming flow of illegal weapons is limited, arms are constantly recycled internally and used very efficiently. Logically, after decades of organization and development of armed activity, the illegal armed groups would have managed to acquire enough armament for their different structures, and an extreme decrease in the supply of firearms on the illegal market would not have a great effect on the military capacity. However, this is not the case; since an undersupply of ammunition would have a profound strategic effect on the operational capacity of these groups. Obviously, without ammunition, having a large arsenal of weapons would be useless. The efforts made over the years to acquire a supply of arms to equip the combatants of an organization could be minimized or even irrevocably undermined in the face of a strict blockade on the supply of ammunition.

Assuming this, the issue that acquires the greatest relevance is that of the illegal trafficking in ammunition as it has a direct relationship to the escalation of the armed conflict and to the increase of organized crime activities. As long as the armed conflict continues and the struggle for control of territory persists among criminal groups, the use of ammunition will be high.

As far as the handling and control of arms is concerned, the Colombian state has an institutional and legislative framework that has allowed it to remain up to date with regards to the issues of illicit trafficking and carrying of small arms and light weapons, as well as the adequate regulation of their use by both government security organizations and civilians. The regulatory framework provided by Decree 2535 and its provisions is sufficiently clear and specific as to cover all of the aspects related to the use, carrying, possession, and trading of firearms. It also establishes a clear scheme of fines and penalties for those who violate the regulations. Thus, taking the international context as a frame of reference, it can be said that the Colombian procedures for obtaining permits is rather strict. Although Colombian citizens have the constitutional right to carry arms, they must demonstrate and justify their need to do so, as well as their capacity to use them responsibly before the competent authorities. Moreover, the control exercised by the authorities once the permit is granted is relatively complete. The Police frequently check on the appropriate use of legal arms by their holders, as well as on the validity of the permits. Evidence as to the seriousness in which these kinds of controls are taken is provided by arms controls undertaken by the Police which resulted in the seizure of more than 180,000 weapons between 2003 and 2005. A significant percentage of these weapons had been legally obtained, but were seized either because; they were not being used properly, the permits had expired, or the restrictions on carrying had been violated. Furthermore, even though Decree 2535 covers most aspects, a draft bill proposed by the government is currently in the process of being approved in Congress. It is aimed at improving control over legal weapons by expanding and modifying some sections of said Decree.

The control exercised by the Colombian government over arms in the hands of the Armed Forces and of government security organizations is also very strict. The policy of the Armed Forces is to keep the number

of arms in reserve down to a minimum. Therefore, surplus arms are destroyed and melted down periodically (an average of 13,000 arms belonging to the state are deactivated annually.) as reflected in the arms/man ratio for the Armed Forces, being 1.58. This policy attempts to reduce to a minimum the cases of internal corruption such as diverting arms and illicit trafficking in weapons which belong to the state.

With respect to criminal and ballistics investigation, Colombia has efficient technical and human resources, but they are not sufficient to meet the country's requirements, given the situation of violence and armed conflict. Considering the lack of human resources at the regional level, only those cases with high political or social relevance are investigated, thus pushing ordinary cases into the background. One of the greatest problems in the field of criminal investigation is the duplication of functions, since there are four institutions with ballistic analysis laboratories and three institutions invested with Judicial Police powers. Many of these often cover the same crimes, in the same way and with similar resources, without a clear distribution of functions, jurisdiction, or types of crimes. With respect to the Integrated Ballistics Identification System -IBIS, in Colombia it has rarely been used for ballistic fingerprinting as such; rather, it is being used in criminal investigations to register projectiles and cartridge cases involved in crimes. The problem is that the data storage capacity is insufficient and that there are no IBIS stations in much of the national territory, a fact which makes the system's role in criminal investigation rather limited since only a small percentage of the crimes committed are entered into the system.

As far as the Military Industry is concerned, it not only complies with but surpasses international standards regarding controls and procedures for the different processes of manufacturing, importing, exporting, and selling armament and explosives. INDUMIL has received the ISO-9000 Certification at the national level, and it complies strictly with the international requirements for the marking and registration of arms, in spite of the fact that Colombia has not yet ratified the Protocol.

Within the international community, Colombia can definitely be regarded as a leader on small arms and light weapons issues, at both the global and regional level. The country has worked hard to have the problem of arms trafficking included in the



Photo: Antonino Leto, Bogotá, 2006

international political agenda, and it has contributed to the development of the principal technical instruments implemented until the present. Although Colombia is a leader in this field, it has not yet signed the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components, and Ammunition. Colombia objects to the article that leaves open the possibility of carrying out arms transfers not regulated by the Protocol: *“This Protocol shall not apply to state-to-state transactions or to state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.”*

Colombia’s objection is particularly relevant for nations with an ongoing armed conflict, since it leaves open the possibility of arms transfers from a state to rebel groups. At the regional level and especially in the Andean region, the implementation by some of the neighboring countries of some of the mechanisms recommended by the Organization of American States has been very slow. For example, the OAS convened the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials -CIFTA in 1997, and in that context a series of commitments were established, the first of which materialized only in 2003 with the adoption of the “Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects.” This delay with respect to advances at the Andean regional level is mainly because the agenda and the international commitments of these countries are centered principally on the issue of drug trafficking.

However, not all of the aspects related to the issue of small arms and light weapons in Colombia are as positive as the ones mentioned so far. Undoubtedly, there are weaknesses, especially with respect to the following: the institutional capacity to control illicit trafficking; international cooperation, especially on the part of neighboring countries, in the fight against illicit trafficking; the handling of disarmament processes; the control of arms in the hands of private security companies; the processing and analysis of information regarding arms and crime; and the penalization of the illicit carrying of arms.

The great weaknesses regarding the institutional capacity to combat illicit trafficking is that the agencies involved in the investigation and prohibition of said traffic lack the operational capacity and autonomy to carry out their duties. This is evident in the case of the Inter-institutional Antiterrorist Analysis Group - GIAT, which is the entity in charge of leading the battle against illicit trafficking in arms in Colombia. This is a completely centralized organization based in the capital, with no regional units or posts. As a result, it depends totally on military and police units around the country for its operations. Thus, when an investigation needs to be carried out or there has been a case of illicit arms trafficking, GIAT officers have to travel from Bogotá to the crime scene and establish contact with the military or police unit that has jurisdiction over the area. This means that as an institution, the GIAT has no operational capacity. Additionally, it lacks autonomy insofar as it cannot order the military or police units to carry out operations. This is the responsibility of the unit commanders and the respective chain of command, from which the GIAT is excluded. To this extent, the work of the GIAT is limited to intelligence on the basis of which it gives opinions and provides assessments on the problem of illicit arms trafficking. The problem is that this intelligence fails to achieve its objective in the sense that it does not translate into operations against that crime. In brief, there is a significant gap between intelligence and operations in Colombia.

Another institutional problem derives from the latter: the fact that the regular process according to which intelligence work determines and orients operations is completely inverted. This means that in Colombia the process begins with arms or ammunition seizure operations and continues with intelligence work particularly that carried out by the GIAT. In other words, intelligence services have no knowledge of illegal arms or ammunition shipments until they are actually seized by operative units. The conclusion that can be drawn from this is that with respect to illicit trafficking in arms, preventive intelligence is practically non-existent, since intelligence work does not normally lead to operations against said trafficking. As a result, in Colombia the approach to the issue of illicit arms trafficking is predominantly reactive, rather than proactive and thus preventative.

On the other hand, international cooperation in this matter is still in an incipient phase, and a much greater will is required from both international organizations and neighboring countries. Of the five countries that





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Colombia shares land borders with, there is a good border control scheme only with Brazil and Peru. Brazil has a highly technically sophisticated border system, and excellent measures have been established for joint border patrolling with Peru. Panama has neither the troops nor the technical resources to patrol its border. In the case of Ecuador, it has been impossible to establish clear policies with respect to border control, whilst relations with Venezuela are deadlocked.

With respect to disarmament policies and programs, both disarmament of armed rebel groups and voluntary disarmament campaigns, Colombia has a significant experience, albeit one with great weaknesses as well.

At the global level, the issue of disarmament in the context of putting an end to armed conflicts has become increasingly important, and it has raised two fundamental issues that need to be considered. Firstly, the number of arms surrendered by the demobilized groups, and, secondly, the question of what to do with the weapons turned in as well as with those that remain in circulation. With respect to the first point, and taking the recent process of demobilization of paramilitary groups into account, Colombia's arms/man ratio is above the international average; the international average is 0.47 and Colombia's is 0.56. Nevertheless, as mentioned in the preceding chapters, there is strong evidence provided by official sources that an important percentage of the arms surrendered are either obsolete or makeshift arms that do not correspond to those

actually used in combat. If this were the case, then the arms per man ratio would be well below the figure cited above. It is also important to bear in mind that the international average could also be inexact, given that it is a worldwide constant that in DDR processes, the groups involved do not always surrender the totality of their arsenals.

The question of what to do with the arms is a debate that has been constantly deferred to in the context of the demobilization process. As a result there are no guidelines regarding what should be done with the weapons turned in, in spite of the supervisory operations carried out by the OAS. While the arms are being safeguarded by the Office of the Prosecutor General of the Nation (since they are initially considered to be potential evidence in a criminal process) no adequate procedures are being followed with respect to these weapons, such as registering their ballistic fingerprint in the IBIS system. This would be of great help in future criminal investigations. Consequently, the opportunity of registering evidence that could be crucial in a criminal process is being lost.

As far as voluntary disarmament campaigns in the country's principal cities are concerned, it is important to point out that these programs have essentially focused on promoting a culture of non-violence, rather than on collecting the greatest possible number of arms - as has been the case in other countries. In fact, the weapons surrendered voluntarily are either very few or homemade, makeshift arms. As stated in the corresponding chapter, most of the weapons melted down in the symbolic acts carried out during these campaigns are arms that have been put out of service by the Armed Forces and other government security agencies, as well as a significant number of confiscated weapons.

With respect to the control of arms in the hands of private surveillance and security companies, the weaknesses reside in the fact that the Private Security and Surveillance Superintendency does not have the technical or the human resources to exercise adequate control. Indeed, there are a high number of illegal arms in the hands of private security companies, especially small companies, whose level and experience do not allow them to meet the requirements of the legal market. There is also a high level of internal arms recycling, for example in the case of legal companies that lose their licenses and then sell their weapons to pirate companies or on the black market. The fact that creating Security Departments was facilitated by the law in 1993, has prompted the creation of such departments at the service of illegal business. This is despite the fact that creation of the Department as such, as well as its armament, may be legal. The same is the case with Community Services, which, although they are legally constituted, seem to have close links to the paramilitary groups in the zones where they operate. In spite of all this, it is important to acknowledge that the government is making important efforts to combat the problem, and that during the past three years more than 300 licenses granted to security services have been cancelled for this reason.

Another sector that presents significant weaknesses is the processing and analysis of information on arms, as well as information concerning their relation to crimes. In general terms, information about arms in Colombia is dispersed among the small data bases of the institutions that are involved with the issue. For example, the entities in charge of the disarmament of paramilitary groups keep detailed records of the arms received; the entities invested with Judicial Police functions, such as the Army, the Police, and the DAS, keep records of arms seizures; and the Department for the Control of the Arms Trade keeps the National Arms Registry, with information about all of the licenses, fines, grounds for confiscation, etc. Although the latter has an Arms Information System, it does not really operate as a "system". It is rather a very simple data base that lacks adequate programs that make it possible to establish correlations and comparisons rapidly and effectively. This type of work is currently done manually, with the help of a computer and four officers distributed in two shifts. These officers are responsible for informing and responding to the requests of the judicial authorities and the Police with respect to the different arms involved in criminal activities. The system is used almost exclusively to respond to these requests, and there is no staff or enough time to carry out other types of analysis, such as the establishment of correlations between different data bases. Thus, it is not possible to know, in real time, which arms are involved in specific criminal acts such as homicides since this information is found at the Office of the Prosecutor General or at the National

Police's Criminal Investigations Center. The system does not include the records kept by other entities that have the capacity to seize weapons either.

Finally, Colombia's greatest weakness with respect to this issue and the one that concerns both national authorities and international organizations the most is the penalization of illicit arms carrying. In Colombia, the illegal carrying of arms is typified in the Penal Code as an offense that does not necessarily entail prison time, for which reason it remains practically unpunished, given that the Colombian judicial system lacks the resources to carry out effective follow-up processes and to impose penalties on the offenders. While this might seem a very specific and simple weakness, its consequences are extremely serious, given that on many occasions said offense is the only evidence that criminal investigation organizations have to prosecute or retain criminals involved in serious offenses such as drug trafficking, crimes against humanity, and illicit trafficking in arms.



Photo: General Command of the Military Forces

## Attachment I

### Supplementary Tables: Figures Concerning Violence with Firearms in Colombia

Table 1  
**Participation of firearms in homicides at the national level  
1999-2005**

Year	Homicides (national total)	Homicides with firearms	Participation Firearms/national total
1999	23,209	19,553	84.25%
2000	25,681	21,849	85.08%
2001	26,311	22,453	85.34%
2002	28,534	24,625	86.30%
2003	22,199	18,536	83.50%
2004	18,888	14,545	77.01%
2005	17,331	12,055	69.56%

Source: Reference and Expert Information Division - National Institute of Legal Medicine and Forensic Sciences

Table 2  
**Participation of firearms in personal injuries at the national level  
1999-2005**

Year	Homicides (national total)	Homicides with firearms	Participation Firearms/national total
1999	114,222	5,582	4.89%
2000	114,999	5,721	4.97%
2001	112,109	6,580	5.87%
2002	107,382	6,318	5.88%
2003	93,864	4,787	5.10%
2004	86,478	3,373	3.90%
2005	97,063	2,697	2.78%

Source: Reference and Expert Information Division - National Institute of Legal Medicine and Forensic Sciences

Table 3  
**Participation of firearms in some common offenses**  
**Year 2005**

Crime		Total	With firearms	Participation of firearms
<b>Thefts</b>	Residential	14,776	1,775	12,01%
	Commercial	13,524	2,880	21,30%
	Personal	41,213	10,516	25,52%
	Vehicles	18,959	7,539	39,76%
	Financial Institutions	91	82	90,11%
Land Piracy		715	686	95,94%
<b>Total</b>		<b>89,278</b>	<b>23,478</b>	<b>26,30%</b>

Source: Criminal Investigation Center - National Police

Table 4  
**Participation of firearms in suicides at the national level**  
**1999-2005**

Year	Suicides (national total)	Suicides with firearms	Participation Firearms/national total
1999	2,089	708	33.89%
2000	2,070	621	30.00%
2001	2,056	627	30.50%
2002	2,045	549	26.85%
2003	1,938	567	29.26%
2004	1,817	472	25.98%
2005	1,786	415	23.24%

Source: Reference and Expert Information Division - National Institute of Legal Medicine and Forensic Sciences

Table 5  
**Homicides and deaths directly related to the armed conflict**  
**1999-2005**

Year	Total homicides	Deaths related to the armed conflict*	Participation M. C. A / H
1999	23,209	1,740	7,50%
2000	25,681	1,865	7,26%
2001	26,311	2,212	8,41%
2002	28,534	3,291	11,53%
2003	22,199	3,878	17,47%
2004	18,888	3,334	17,65%
2005	17,331	3,321	19,16%
<b>Total</b>	<b>162,153</b>	<b>19,641</b>	<b>12,11%</b>

Source: Seguridad y Democracia Foundation Information System

Table 6  
**Number of legal arms in the cities with the highest homicide rates  
 Year 2005**

City	Homicide rate per 100,000 inhabitants	Total arms	Arms rate per 100,000 inhabitants
Buenaventura	106	8,091	2,900
Pereira	94	25,396	4,868
Cali	67	79,505	3,281
Barrancabermeja	65	1,787	857
Cúcuta	60	15,798	2,127
Manizales	50	18,956	4,960
Valledupar	44	11,161	2,930
Villavicencio	42	26,668	7,002
Popayán	42	25,850	10,812
Santa marta	39	14,154	3,160
Armenia	37	20,403	6,349
Medellín	36	88,083	4,207
Barranquilla	27	51,418	3,707
Ibagué	26	18,675	4,159
Pasto	25	18,569	4,307
Bogotá	24	173,723	2,418
Bucaramanga	22	53,399	9,249
Cartagena	22	24,942	2,421
Neiva	20	20,518	5,436
Montería	13	13,876	3,985

**Sources:** For No. of arms: Office for the Control of the Arms Trade - Military Forces, Joint Chiefs of Staff Office; for homicides: Criminal Investigation Center - National Police.

## Attachment II

### International instruments and agreements concerning to small arms and light weapons

INTERNATIONAL TREATIES		REGIONAL TREATIES	
Name of the Treaty	Year	Name of the Treaty	Year
United Nations Resolution 4375 I <i>International Arms Transfers</i>	1988	Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (CIFTA)	1987
Resolution 46/36 H Guidelines for the control of international arms transfers aimed at the eradication of illicit trafficking in arms	1991	(CICAD) Model Regulations to Control the Movement of Firearms, Ammunition, and Firearms Parts and Components	1997
United Nations Resolution 5070B <i>Small Arms</i>	1995	Interamerican Convention on Transparency in Conventional Weapons Acquisitions	1999
United Nations A/RES/54/54V <i>Small Arms</i>	1999	Resolution AG/RES/1642 (XXIX-0/99) Resolution concerning the proliferation and trafficking in small arms and light weapons	1999
United Nations A/RES/54/54V <i>Small Arms</i>	1999	Resolution AG/RES/1743 (XXIX-0/00)	2000
Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century	2000	Brasilia Declaration Preparation of the Latin American States for the Conference	2000
United Nations A/RES/55/33Q <i>Illicit Trafficking in Small Arms and Light Weapons</i>	2000	Resolution AG/RES/1797 (XXIX-0/01)	2001
United Nations A/RES/55/33F <i>Assistance to states for curbing the illicit traffic in small arms and collecting them</i>	2000	Resolution AG/RES/1796 (XXIX-0/01)	2001
Palermo Convention: High-level political signing conference for the UN convention on Transnational Organized Crime and its Protocols	2000	Regional seminar for Latin America and the Caribbean: Evaluation and follow-up to the United Nations Conference (Santiago de Chile)	2001
Report of Secretary General of the United Nations Security Council. Methods of destruction of small arms, light weapons, ammunition and explosives	2000	Decision 505 of the Andean Community "Andean Cooperation Plan against Illicit Drugs and Related Crimes"	2001
UN Firearms Protocol Protocol that complements the UN Convention on Transnational Organized Crime	2001	Resolution AG/RES/1840 (XXXII-0/02)	2002
United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and establishment of an Action Plan for compliance	2001	Lima Commitment: Conference of Ministers of Foreign Affairs and Defense. Andean Charter for Peace and Security	2002
Regional follow-up meeting to the Tokyo Conference	2002	Decision 552 of the Andean Community "Andean Plan to Prevent, Combat, and Eradicate Illicit Trafficking in Small Arms and Light Weapons in All Their Aspects"	2000
First Biennial Meeting of States to examine the execution of the 2001 Conference Programme of Action	2003	Conference of the States Party to the CIFTA (Bogotá Declaration)	2004
Resolution AC/RES 2108 (XXXV-0/05)	2005	Quito Declaration VI Conference of Ministers of Defense of the Americas	2004

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