

COLOMBIA



ARTICLE 4 DEADLINE: 1 MARCH 2026 (EXTENT OF CONTAMINATION UNCLEAR)

RECOMMENDATIONS FOR ACTION

- Colombia should assess the extent of cluster munition remnants (CMR) contamination as soon as possible, including through the conduct of survey.
- Colombia should ensure its national mine action database disaggregates data on unexploded submunitions and other explosive remnants of war (ERW).

CONTAMINATION

The extent to which Colombia is affected by CMR is unclear. Colombia ratified the Convention on Cluster Munitions (CCM) on 10 September 2015. It made a formal declaration upon depositing its instrument of ratification whereby “it is possible that there remain, in national territory, cluster munitions or cluster munition remnants of whose location the State has no knowledge or suspicion. ... Regarding article 4, and in connection with the particular circumstances of its internal armed conflict, the Republic of Colombia understands ‘cluster munition remnants’ to mean those whose location is known or suspected by the State.”¹ Its initial CCM Article 7 transparency report, which would help to clarify its status under Article 4 of the Convention, was due by 28 August 2016.

In May 2009, Colombia’s Minister of Defence, Juan Manuel Santos, acknowledged that the Colombian Armed Forces had used cluster munitions in the past “to destroy clandestine airstrips and camps held by illegal armed groups”, but noted the submunitions sometimes did not explode and “became a danger to the civilian population.”² In 2010, the Ministry of National Defence said that the Colombian Air Force last used cluster munitions on 10 October 2006 “to destroy clandestine airstrips belonging to organizations dedicated to drug

trafficking in remote areas of the country where the risk to civilians was minimal.”³

In November 2012, the Inter-American Court of Human Rights found that Colombia had violated the rights to life and to physical, mental, and moral integrity by using a United States World War II “cluster adapter” to disperse fragmentation bombs during an attack on the village of Santo Domingo in December 1998.⁴ A helicopter dropped an AN-M1A2 cluster munition containing six submunitions, killing 17 civilians, including 6 children and injuring a further 27 civilians, including 9 children. The action also resulted in the displacement of the village’s inhabitants. Colombia sought to attribute the deaths to a bomb placed by Revolutionary Armed Forces of Columbia (FARC) guerrillas.⁵

The impact of any residual CMR contamination is believed to be minimal. HALO Trust has not encountered or received any reports of unexploded submunitions,⁶ nor has Norwegian People’s Aid (NPA).⁷

Other ERW and Landmines

Colombia is also affected by other unexploded ordnance (UXO) and landmines.

PROGRAMME MANAGEMENT

Established on 30 July 2002 under Law No. 759/2002, the National Interministerial Commission on Anti-personnel Mine Action (Comisión Intersectorial Nacional para la Acción contra Minas Antipersonal, CINAMAP) is the National Mine Action Authority responsible for implementing the Anti-Personnel Mine Ban Convention, including development of a national plan and policy decisions, and coordination of international assistance.⁸ This body is expected to be also responsible for CCM implementation.

The Presidential Programme for Comprehensive Mine Action (Programa Presidencial para la Acción Integral contra Minas Antipersonal, PAICMA) previously served as the technical secretary for CINAMAP, responsible for coordinating implementation of the 2009–2019 Integrated Mine Action Plan.⁹ In September 2014, however, Decree 1649 modified the structure of the Presidency's Administrative Department, creating the Directorate for Comprehensive Mine Action (Dirección para la Acción Integral contra minas Antipersonal, DAICMA) to replace PAICMA. DAICMA has retained the same mandate and functions as PAICMA; the only change being that DAICMA is now supporting the Minister-Advisor for Post-Conflict, Human Rights, and Security and the Minister-Advisor's office in the strategic management of the national mine action programme.

LAND RELEASE

As at the end of May 2016, Colombia had not reported conducting any survey or clearance of any CMR-contaminated areas. As noted above, its initial Article 7 transparency report was due by 28 August 2016.

ARTICLE 4 COMPLIANCE

Under Article 4 of the CCM, Colombia is required to destroy all CMR in areas under its jurisdiction or control as soon as possible, but not later than 1 March 2026. Colombia may be able to declare full completion of its Article 4 obligations once the requisite assessment and survey has been taken.

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- 1 Declaration of Colombia, at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-6&chapter=26&lang=en#EndDec.
 - 2 C. Osorio, "Colombia destruye sus últimas bombas de tipo racimo" ("Colombia destroys its last cluster bombs"), *Agence France-Presse*, 7 May 2009.
 - 3 Ministry of National Defense presentation on cluster munitions, Bogotá, December 2010.
 - 4 Inter-American Court on Human Rights (IACtHR), *Caso Masacre de Santo Domingo v. Colombia*, Official Summary in Spanish, 30 November 2012; and Inter-American Commission on Human Rights, *Masacre de Santo Domingo*, Colombia, Case No. 12.416, 22 April 2011.
 - 5 IACtHR, *Caso Masacre de Santo Domingo v. Colombia*, Judgment, 30 November 2012, §§210–30 (in Spanish); see <http://www.weaponslaw.org/case-law/iacthr-santodomingo-massacre>.
 - 6 Email from Dan Haddow, Colombia Programme Support Officer, HALO Trust, 28 May 2016.
 - 7 Email from Fredrik Holmegaard, Project Manager, Humanitarian Disarmament – Colombia, NPA, 13 June 2016.
 - 8 Acta CINAMAP 02/2013, 18 December 2013, pp. 3–4.
 - 9 Presidency of Colombia, Decree 2150 of 2007.