



The arms trade treaty and illicit trade under international humanitarian law

 [doi 10.56238/homeinternationalanais-056](https://doi.org/10.56238/homeinternationalanais-056)

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ABSTRACT

The Arms Trade Treaty was the first legally binding multilateral instrument restricting the transfer of conventional arms, with the aim of reducing violations of human rights and humanitarian principles and the commission of crimes - such as genocide, war crimes and crimes against humanity - caused by irresponsible or illegal arms transfers. Despite the inclusion of humanitarian norms as criteria for the authorization and monitoring of international arms transfers, the lack of signature and/or ratification of half of the ten largest arms exporters restricts the application of the Treaty, which already has its effectiveness compromised due to the lack of objectivity in the export criteria and by illegal arms transfers. Therefore, this work aims to reflect on the content, achievements, weaknesses and omissions of the text, as well as on ways to improve the norms of the Treaty, from the point of view of International Humanitarian Law. The research uses the deductive method, through the technique of bibliographic and documentary research. We conclude that, despite representing an advance in the international regulation of the trade in conventional weapons, it is still not sufficient to deal with the complexity imposed by reality, especially with regard to the detour and dissemination of armaments and the resulting abuses against International Humanitarian Law due to armed conflicts.

Keywords: Illegal arms trade, International Humanitarian Law, Arms trade treaty.

1 INTRODUCTION

Since the post-First World War League of Nations, there have been attempts to conclude a global treaty on the arms trade, but only after the devastating impact of armed violence in the post-Cold War period that the international community began to effectively seek the creation of regulatory standards due to the problem of arms proliferation and the risk of human rights violations (BREHM, 2008; LUSTGARTEN, 2015; WOOLCOTT, 2014). Illicit trafficking was imposed as one of the main problems, so much so that a 1999 study by the International Committee of the Red Cross (ICRC) showed that unregulated arms availability was one of the main factors contributing to civilian suffering during and after armed conflicts, as well as increasing the number of casualties (ICRC, 1999).

Early efforts at the institutional level, of a non-binding nature, were intended to provide more predictability and transparency to arms transfers, such as the United Nations Register of Conventional Arms (1991), the International Code of Conduct on Arms Trade (1997), the European Union Code of Conduct on Arms Exports (1998), and the *United Nations Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons, in All Its Aspects* (2001) (WOOLCOTT, 2014).



However, civil society, through Non-Governmental Organizations (NGOs),¹ played a major role in mobilizing and raising awareness about the need for regulation of the global arms trade, proposing guidelines and legal criteria for control in favor of the creation of an International Code of Conduct on Arms Transfers, which was even supported by Nobel Peace Prize winners, such as Oscar Arias, Desmond Tutu and Dalai Lama (WOOD; ABDUL-RAHIM, 2015).

Subsequently, United Nations General Assembly (UNGA) Resolution No. 61/89, the first on the subject, recognized that the absence of common international standards on the import, export and transfer of conventional arms was a contributing factor to conflict, displacement of people, crime and terrorism, and undermined peace, reconciliation, protection, security, stability and sustainable development (UN, 2006).

The *Arms Trade Treaty* (ATT), adopted by UNGA Resolution no. 67/234B of the UNGA in April 2013, effective from December 2014, was the first multilateral legally binding instrument restricting conventional arms transfers, i.e. exports, imports, transit, transshipment and brokering, with the aim of reducing violations of human rights and humanitarian principles and the commission of crimes such as genocide, war crimes and crimes against humanity caused by irresponsible or illegal arms transfers (JØRGENSEN, 2014; LUSTGARTEN, 2015; NYSTUEN; EGELAND, 2019).

This treaty was paradigmatic in including humanitarian standards as criteria for the authorization and monitoring of international arms transfers, establishing commonly accepted international criteria to be followed by national control systems that combine international security and human safety (WOOD; ABDUL-RAHIM, 2015). Although it was negotiated in a disarmament context, it does not contain any provisions in this regard, being an agreement that regulates the international arms trade, seeking to reconcile the interests of states before other political entities and institutions, such as the protection of sovereignty, economic and security interests, mainly due to the inherent right to self-defense (MUSA, 2017; NYSTUEN; EGELAND, 2019).

As determined by the UNGA, the ATT negotiations began in 2010 and were finalized in March 2013, although without result, due to procedural rules that required consensus among states, with Iran, North Korea, and Syria opposing the final draft (NYSTUEN; EGELAND, 2019; WOOLCOTT, 2014). The text was adopted within the UNGA by 154 votes in favor, with the same oppositions and 23 abstentions, among them that of China, India, Russia, Indonesia, and Egypt, which represent almost half of the world's population (LUSTGARTEN, 2015).

Even though it represents an advance, since, if applied strictly and effectively, in a non-discriminatory way, it can limit the illegal use of weapons and prevent the escalation of armed conflicts in the world by states and non-state actors (such as terrorists and criminal organizations), minimizing injuries

¹ Some of the organizations involved include Campaign Against the Arms Trade (CAAT), Saferworld, World Development Movement, Amnesty International, American Friends Service Committee and International Physicians for Prevention of Nuclear War, Oxfam, and International Action Network on Small Arms. In addition, a high-profile project was the Control Arms Campaign of October 2003, responsible for organizing events, publications, and popular mobilization (WOOD; ABDUL-RAHIM, 2015).



and deaths, it is still far from the ideal scenario (MUSA, 2017). Among the top ten arms exporters between 2016 and 2020, half are not part of the ATT, namely: United States, Russia, China, Israel and South Korea (THE ARMS TRADE TREATY, 2018). Together they account for about 67.9% of the total volume of arms transfers for that period (SIPRI, 2021).

The difficulty in implementing ATT standards, among others, lies in the fact that it is ultimately national governments that authorize licenses for arms sales to importers, so there must be an ongoing effort towards effective regulation of arms transfers, including at the domestic level of states (LUSTGARTEN, 2015; MUSA, 2017; WOOD; ABDUL-RAHIM, 2015). The causal link between strictly legal considerations under international law in the pre-export period and post-export levels of deaths and casualties, as well as the indirect socioeconomic impact of armed conflicts and international crimes ignited by poorly regulated arms transfers, should be recognized (LUSTGARTEN, 2015; MUSA, 2017).

Moreover, it is not clear how the detour of arms influences conflicts and, consequently, human suffering, which can shed empirical light on the impact of the rules and the magnitude of the political will to conduct the arms trade under the umbrella of international law, especially humanitarian norms. Therefore, through the lens of International Humanitarian Law, the aim is to reflect on the content, achievements, weaknesses and omissions, as well as on ways to improve the treaty's norms, so that their effective implementation and universalization is possible, in favor of promoting the defense of human rights.

Initially, a brief summary of the provisions of the treaty will be presented, followed by an analysis of the responsibility of states in arms transfers under international humanitarian law (IHL). Next, the detour and transfers of unregulated or illicit arms will be addressed, with attention to human rights violations and IHL. Finally, the positive and negative aspects of the ATT norms will be addressed in order to determine the challenges to the effective implementation of its objectives.

2 MAIN PROVISIONS OF THE TREATY

Currently, the ATT has 110 states parties, and 31 signatory countries that are not yet parties, i.e., have not completed the formal ratification process, which is binding on the state, as per the 1969 Vienna Convention on the Law of Treaties². The Treaty entered into force on December 24, 2014, after ratification by the minimum number of 50 countries (ATT, 2018). In Brazil, the text was approved by Legislative Decree No. 8 of February 15, 2018, with ratification on June 27, 2018³ (BRASIL, [ca 2017]; BRASIL, 2018).

The preamble defines the principles that underlie all the provisions. Among them are the right of individual or collective self-defense of all national states, the peaceful settlement of disputes in accordance

² States that sign a treaty but do not ratify it have an obligation not to act in such a way as to frustrate its objectives, due to the principle of good faith, as stated in art. 18 of the 1969 Vienna Convention on the Law of Treaties.

³ The text of the Treaty has not been internally promulgated by the President of the Republic, so it is not in effect in Brazil, that is, the text has not acquired the status of an internal law.



with Article 2 of the United Nations Charter, non-interference in national affairs, respect and guarantee of the norms of humanitarian law, and the responsibility of all states to effectively regulate the international arms trade.

Article 1 sets out the purposes and objectives of the treaty. The purposes are to establish the highest standards for the regulation of the international trade in conventional arms and to prevent and eradicate the illicit trade. The purposes to which the ATT lends itself are to contribute to peace, security and stability, to reduce human suffering, and to promote cooperation, transparency and accountability in state actions related to the international arms trade. The innovation of the ATT is the inclusion of respect for human rights as part of state responsibility for arms transfers.

Paragraph 1 of Article 2 defines the scope of the armaments contemplated by the Treaty. Paragraph 2 defines the international trade activities covered by the term "transfer", namely import, export, transit, transshipment and brokering; finally, paragraph 3 establishes that the ATT does not apply to intra-state trade in arms. Articles 3 and 4 define the state responsibility to establish and maintain a national export control system for ammunition, parts and pieces. Article 5 deals with the implementation of the treaty in general terms - it dictates the establishment and maintenance of a national arms control system, as well as the dissemination of the respective lists with the Secretariat, among other aspects.

Articles 6 and 7 are central to the Treaty. Both emphasize the procedures to be observed when exporting arms. In Article 6, there are hypotheses for the prohibition of arms transfers. Paragraph 3 is noteworthy, where transfers are expressly forbidden if the state knows that the arms are being used for the purposes of genocide, crimes against humanity, crimes under the Geneva Convention of 1949, attacks against civilians, and other crimes defined in treaties to which the state is a party. Article 7 addresses the evaluation criteria that the exporting country must observe before making the transfer. The exporting state should take into consideration the possibility of misuse of the arms, especially with regard to human rights violations and the commission of gender-based violence or violence directed at children and women, and ways to mitigate the possibilities listed. If the state does not find ways to mitigate the risks, in paragraph 3, it is stated that no authorization to export should be given.

In article 8, the obligations of the importing state are established, such as providing all the information requested for the evaluation of the export and taking measures to make the control of the military material viable for its jurisdiction. Articles 9 and 10 deal with transit, transshipment and brokering, establishing that States Parties must regulate such activities in their respective territories.

In Article 11, state obligations are listed in order to prevent the detour of war materials. Again, the national system of arms control is mentioned, as well as the need for cooperation among all countries involved in arms transfers to share information and, if detour is identified, the state is responsible for adopting measures to mitigate the consequences generated.

Article 12 deals with record-keeping in order to control arms stocks and transactions. In Article 13, Member States are responsible for sharing the information contained in their national arms control systems



with the Secretariat and are encouraged to share identified best practices. Article 14 establishes the need for States to take active steps to implement the instruments listed in the scope of the Treaty.

Articles 15 and 16 deal with international cooperation and assistance, respectively. Regarding cooperation, states are encouraged to share information of mutual interest, to join efforts to implement the treaty, and to provide assistance in investigations and judicial proceedings regarding violations of the provisions contained in the treaty text; regarding international assistance, each state may request legal, technical, material or financial assistance to comply with the provisions, and may request assistance through the United Nations.

Article 17 addresses the convening of the State Conference in order to establish a conducive environment for dialogue among States Parties. Article 18 establishes the structure of the Secretariat and its responsibilities to assist States in implementing the Treaty. Finally, Article 19 establishes the procedures for the settlement of disputes between States Parties to the Treaty.

3 STATE RESPONSIBILITY FOR ARMS TRANSFERS UNDER INTERNATIONAL HUMANITARIAN LAW

According to Article 1 common to the four Geneva Conventions, it is the duty of States Parties to guarantee respect for Humanitarian Law. Despite the debate about the scope of its application, this provision has been interpreted by the International Court of Justice (ICJ), the *International Law Commission* (ILC) and most doctrine as a state obligation *in* relation to the entire international community, including third-party states. Given the fundamental nature of humanitarian rules applicable in armed conflicts, they must be observed by all independent political units, even if the treaty that contains them has not been ratified. This norm has led to the inference that its compliance includes efforts to end and prevent violations of humanitarian law committed by others, that is, a positive obligation of conduct, as highlighted in the ICJ Genocide case (2007), under penalty of the state's international accountability (BREHM, 2008; HENDERSON, 2017).

Under the general rules of state responsibility, states bear responsibility for the conduct of their agencies, which may occur if they: (1) authorise a transfer explicitly prohibited by a rule of international law; (2) transfer arms to a recipient in violation of IHL; and (3) acquire arms from a supplier that commits serious violations of IHL. Furthermore, a State may incur liability for aiding or assisting in facilitating the commission of internationally wrongful acts committed with arms supplied by it, although mere negligence, ineffective export licensing system and/or lack of provision for re-export of the arms by the recipient are not sufficient to constitute liability, according to Article 16 of the ILC Articles on State Responsibility⁴, which reflects the rule of customary international law (BREHM, 2008; JORGENSEN, 2014;

⁴ Article 16. Aid or assistance in the commission of an internationally wrongful act: A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if: (a) That State does so with knowledge of the circumstances of the internationally wrongful act; and (b) The act would be internationally wrongful if committed by that State.



LUSTGARTEN, 2015). Nevertheless, Brehm (2008) argues that the obligation to ensure respect of IHL can be extensively constructed to increase state responsibility in arms transfers.

In this sense, Article 6 of the ATT foresees hypotheses in which all types of arms transfers covered by the Treaty are prohibited, namely when: (1) contrary to binding UNSC decisions; (2) directly violate a state obligation contained in a treaty, mainly related to illicit trafficking; and (3) when, at the time of authorization, it is known that they will be employed in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed at civilians or other war crimes provided for in international agreements to which it is a party. Thus, it is up to the state to conduct a risk assessment of the purpose of the arms, which consists of a two-stage decision-making process to approve the export, the first stage being the verification of the incidence of the prohibitions of art. 6 (HENDERSON, 2017; JORGENSEN, 2014; LUSTGARTEN, 2015; WOOD; ABDUL-RAHIM, 2015).

Article 7 applies only in the context of exports and involves cases where arms transfers are not prohibited by Article 6. The criteria are the possibility of a threat to international peace and security and/or its use in the facilitation or commission of serious violations of IHL or human rights. The verification must be objective and non-discriminatory, and include the possibility of applying risk mitigation measures or measures to increase confidence in the security of the transaction (such as stipulating that end users do not resell the arms without the exporter's authorization, improving the physical security system and administration of storage sites, etc.).

If a "clear risk" of any of the envisaged negative consequences is observed, the state should not authorize the transfer, which contributes to the prevention of violations of humanitarian law, given the causal relationship between the two. However, the ATT does not contain specific rules on State parties' accountability in case of non-compliance with its provisions, so a systemic application of general international standards on accountability, such as those commented above, is necessary (JORGENSEN, 2014; LUSTGARTEN, 2015; MUSA, 2017; WOOD; ABDUL-RAHIM, 2015).

It should be noted that, in addition to the specific provisions in articles 6 and 7 of the ATT, the general obligation to ensure respect for humanitarian law also presupposes a prohibition on transferring arms in cases where there is a possibility or high risk of their use in violation of IHL. However, the risk of misuse is difficult to verify and the limitation on transfers ends up being applied only in relation to states already involved in an armed conflict (BREHM, 2008).

Importantly, in addition to the ATT, other conventional and customary norms of international law contain provisions that explicitly limit the freedom of states to transfer conventional arms. First, the right of neutrality prohibits neutral states from supplying war materials directly to belligerents during a "state of war", which can be interpreted as situations of international armed conflict, through the combination of the Hague Conventions V and XIII (1907) and Article 2 of the Geneva Conventions (1949). Second, the norms of respect for geographical areas under permanent demilitarization, which, being rare in contemporary times, do not have a significant impact on the issue. And finally, temporary restrictions imposed by post-



conflict treaties or arms embargoes adopted by the UNSC, based on Article 41 of the UN Charter, or by other intergovernmental organizations (BREHM, 2008).

In addition, other humanitarian treaties simultaneously regulate the use and transfer of certain weapons, such as the *Protocol on Blinding Laser Weapons (Protocol IV)* and the *Revised Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects* (1980); and the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* (Ottawa Convention) (BREHM, 2008).

Nevertheless, appropriate regulation within national control systems is essential for the effective application of ATT, in order to materialize the provisions of IHL, which should play a central role in the decision-making process, because if strictly applied it can limit the illegal use of weapons and prevent the escalation of armed conflicts in the world by States and non-state actors, such as terrorists and criminal organizations, thus minimizing casualties and deaths. Ultimately, it is up to states and suppliers to effectively control arms transfers, since it is national governments that are empowered to authorize the sale to importers, and therefore are the most capable of preventing human rights abuses (MUSA, 2017).

4 DETOUR AND TRANSFERS OF UNREGULATED OR ILLICIT WEAPONS

As previously explained, the Treaty recognizes the shared responsibility of governments in preventing embezzlement among the objectives and purposes of Article 1. Specifically, the issue is addressed in article 11, which foresees in its paragraph 2 the obligation of States Parties to "[...] prevent detour through their national control systems, risk assessment of the transaction and considering mitigation measures, as well as assessing the parties involved in the transaction", as well as the duty of cooperation in favor of risk mitigation, through information sharing (paragraph 3). Although this norm is expressly applicable only to the items listed in Article 2, §1, States Parties are urged by Article 5, §3 to apply the Treaty's measures to the widest possible spectrum of conventional arms, including with respect to parts and components.

Although the term 'detour' is not defined by the Treaty, it usually refers to a failure in the chain of transfer control such that, before or after reaching the intended destination, exported weapons come under the control of unauthorized end users or are used in violation of commitments made by end users prior to export (MARSH, 2019; MCDONALD, 2008). *Conflict Armament Research (CAR)* defines detour as "Any loss of weapons or ammunition from state control and their resulting acquisition by unauthorized users, including insurgent and terrorist forces and other non-state armed groups, or supply to state and non-state parties prohibited under law" (CAR, 2019, p. 4). Detour stands as the main means of supplying arms and ammunition to non-state armed groups, paramilitary groups and transnational criminal organizations, contributing to the growth of insecurity and instability levels, as well as to the reduced level of sustainable



development in countries and regions affected by conflicts or with high crime levels (CONTROL ARMS, 2020).

According to Lustgarten (2015), the fight against detour helps ensure compliance with embargoes imposed by the United Nations and/or by States or other international organizations, and thus prevent the escape of weapons and ammunition sold to "front" buyers or that, due to inadequate storage or transportation, fall from the hands of legitimate buyers into those of terrorists or transnational organized crime. The sharing of information by States Parties of measures considered effective in dealing with detour accentuates the importance of cooperation and transparency as essential tools in combating detour, as highlighted in article 11, § 3, in favor of identifying routes, actors involved, and parameters on the risks involved at the different stages of the production chain (AMNESTY INTERNATIONAL, 2011; CONTROL ARMS, 2020; MARSH, 2019). Article 11, §5 itself exemplifies some relevant information, such as "[...] data on illicit activities, such as corruption, international trafficking routes, illegal intermediaries, source of illicit supply, concealment methods, common shipping points or destinations used by organized groups involved in detour."

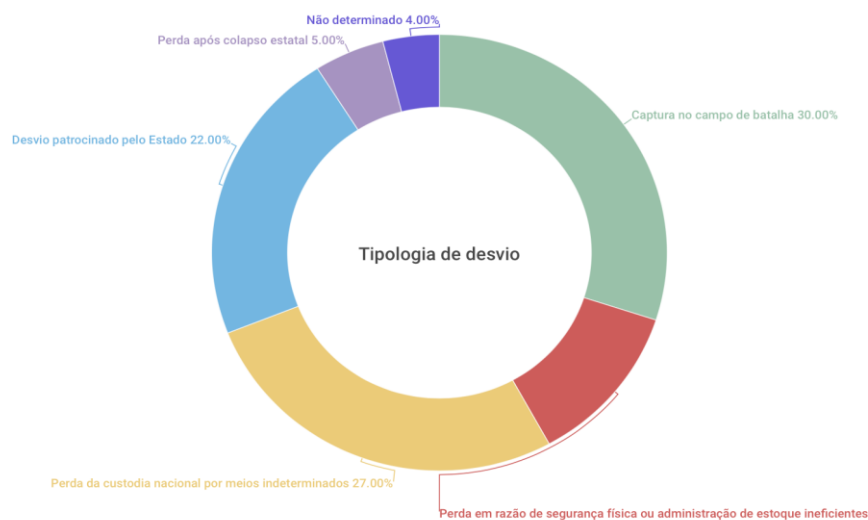
For CAR, the development of targeted control that effectively addresses the entire life cycle of arms and ammunition is needed (2018). In addition, end-user documentation, as a policy tool for export licensing authorities, can be used to enhance pre-export risk assessment if connected to end-user monitoring, as it is a primary means by which to verify and authenticate information provided by the parties to the transfer in the supply chain and thus contributes in enhancing the effectiveness of due process provided by the Treaty (CAR, 2019).

According to the *ATT Monitor Report 2020*, the lack of broad agreement on the processes and circumstances that facilitate detour and how the Treaty can contribute to its prevention and mitigation act as a significant impediment to international action. Considering the importance and complexity of the issue, States Parties, since the adoption of the Treaty in 2013, have made efforts to improve the instruments for effective prevention, including the creation of a working subgroup on Article 11 within the Working Group on the Effective Implementation of the Treaty (WGETI), as well as the election of the topic as a priority at the fourth and sixth Conferences of States Parties (CONTROL ARMS, 2020).

The *Small Arms Survey* developed a report with possible measures to address detour to assist states in implementing the treaty: strong national transfer control system and effective enforcement measures; government officials trained in detecting fraudulent behavior; sufficient resources to ensure effective control over conventional arms flows; information exchange mechanisms on authorized transfers or deliveries of conventional arms; effective legislation to investigate and punish theft, corruption, and other illicit offenses linked to detour; cooperation through regional and sub-regional groups as well as with the private sector; skillful cooperation to detect and intercept illicit arms flows; etc. (SMALL ARMS SURVEY, 2019).

By underlining the multifaceted nature of the problem in its Preamble, the text makes implicit the existence of three forms of detour: (1) detour from legal to illegal trade; (2) detour by unauthorized end-user; and (3) detour to unauthorized end-users. (CONTROL ARMS, 2020). According to CAR (2018), among the 11,093 cases of detour documented in 23 countries affected by conflict since 2011, only 1,072 had the precise identification of the point within the production chain of the item where the detour took place, which demonstrates the complexity of understanding the process of how, where, and when it occurs. Based on the data collected, CAR developed a typology of detour, as shown in the illustrative chart below (figure 1), the main ones being: capture on the battlefield; loss due to inefficient physical security or stockpile management; loss from national custody by undetermined means; state-sponsored detour; loss after state collapse; and not determined (CAR, 2018).

Figure 1 - Detour Typology

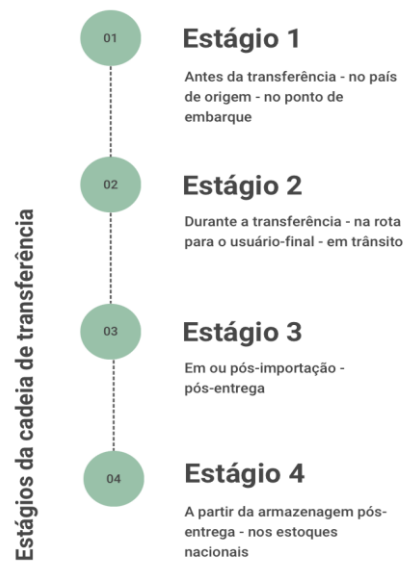


Source: CAR (2018, adapted by the author).

Detour can occur at any stage in the life of the arms and ammunition, but according to CAR data most items are usually diverted after the declared end-user arrives, primarily due to weaknesses associated with the physical security of the container and supply management or through battlefield capture (CAR, 2019; CONTROL ARMS, 2020). According to the list of possible measures to prevent and treat detour, developed by WGETI, there were four stages identified in the transfer chain, as illustrated in the image below (figure 2).



Figure 2 - Transfer Stages



Source: Control Arms (2020, adapted by the author).

In addition to detour, weapons proliferation can occur due to illicit transfers, i.e. those that violate legal commitments made by states at the national, regional or international level. There is consensus that the decision to export conventional weapons can be extremely difficult because of the various risks involved, especially given the recognition of the potential to contribute to or undermine international peace and security, according to Article 7, § 1 of the Treaty. In general terms, conventional arms and related items can be considered to threaten international peace and security if they have been used to perpetrate relevant violations of international law, such as those that undermine the set of principles listed in the Preamble of the Treaty and the international legal obligations reflected in Article 6. On the other hand, because of the inherent right of legitimate self-defense of the State, recognized by the Charter of the United Nations, i.e., that consistent with international standards of law enforcement to protect and safeguard the people and institutions under its jurisdiction, it can make conventional weapons acquired for this purpose contribute to peace and security. In addition, it is considered that the Treaty requires the demonstration of a high level of probability of a negative contribution to peace and security, which makes it necessary to consider numerous factors, such as whether the recipient state is currently involved in an international or non-international conflict; is acquiring the armaments for competent law enforcement agencies through the lawful use of state force; could provoke or prolong conflicts or aggravate existing tensions or conflicts between the recipient country and its neighbors; would be contributing to a destabilized and excessive accumulation of arms; etc. (AMNESTY INTERNATIONAL, 2015; CONTROL ARMS, 2020b; LUSTGARTEN, 2015; MALETA, 2021; NYSTUEN; EGELAND, 2019).

According to *An Agenda for Disarmament*, high levels of weapons and ammunition in circulation contribute to insecurity, harm civilians, facilitate human rights violations, and impede humanitarian access. Small arms are the main type of weapon implicated in acts of sexual and gender-based violence. The 2030



Agenda for Sustainable Development includes as Goal 16, in addition to significantly reducing all forms of violence and related mortality rates worldwide, the reduction of illicit financing and arms flows, strengthening the recovery and return of stolen resources, and combating all forms of organized crime. It recognizes the importance of combating the illicit trade in *small arms and light weapons* (SALW) to the achievement of several goals, linked to peace, justice, poverty reduction, economic growth, health, gender inequality, and safe cities and communities (NAVE, 2019; UN, 2018a).

According to the *Center for Systemic Peace* (MARSHALL; COLE, 2014), conflicts have increasingly hit civilians, who make up the largest percentage of casualties in the period from 1946 to 2011 (figure 3), which increased from 62% during the Cold War (1946-1991) to about 84% in the later period (1991-2011). Between 2015 and 2020, according to the UN, some 176,095 civilians were killed in the world's 12 deadliest armed conflicts in the period, but points out that the overall annual rates represent a 61% drop, which is due to the fact that some of these conflicts have become less lethal due to collective efforts to increase protection of civilians. In 2020, 5 civilians per 100,000 people were killed in armed conflicts, with 1 in 7 being women or children. Of the casualties, 27% were caused by SALW and 24% by heavy weapons and explosive ammunition (figure 4) (UN, 2021).

Figure 3 - conflict-related deaths per population of 100,000, by sex, age, and cause.

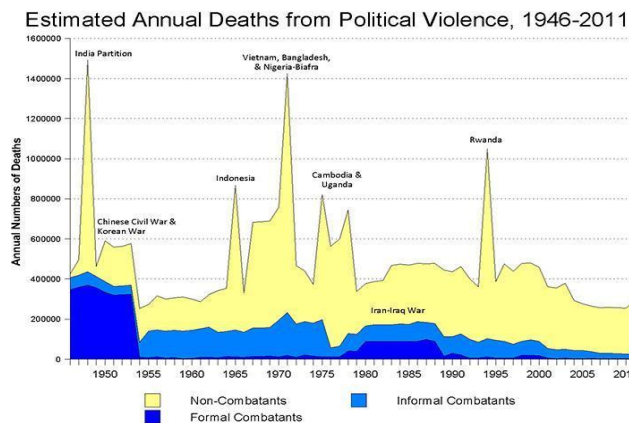
Indicator 16.1.2
Conflict-related deaths per 100,000 population, by sex, age and cause

Conflict-related deaths (civilians), by sex, age and cause						
	2015	2016	2017	2018	2019	2020
Civilian death rate (Per 100,000 population)	14.2	12.2	8.5	10.4	6.0	5.0
Total count (number)	42,687	37,412	26,720	33,277	19,506	16,493
By sex						
Male	33,298	28,905	21,922	28,740	16,383	13,990
Female	4,960	4,486	3,825	4,133	2,823	2,119
Unknown	4,429	4,021	973	404	300	384
By age						
Adult (18 and above)	31,029	25,824	18,954	25,999	14,886	13,649
Child (Below 18)	4,354	4,863	3,587	4,622	3,412	2,057
Unknown	7,304	6,725	4,179	2,656	1,208	787
By main cause of death						
Heavy weapons and explosive munitions	13,769	14,427	9,720	15,760	8,020	4,105
Planted explosives and unexploded ordnance (UXO)	10,450	9,260	6,142	4,112	2,804	2,025
Unknown	10,259	7,762	5,750	6,981	4,687	5,484
Small arms and light weapons	4,844	4,332	3,997	5,021	3,004	4,490
Others ¹	3,365	1,631	1,111	1,403	991	389

¹Includes Incendiary; Chemical, biological, radiological, nuclear (CBRN); Electromagnetic weapons; Less lethal weapons; Denial of access to destruction of objects indispensable to survival; Accidents related to conflict; Use of objects and other means; Multiple Weapons Used; Other.
Note: This figure includes only documented and verified civilian deaths caused directly by war operations for the armed conflicts in Afghanistan, Central African Republic, Democratic Republic of Congo, Iraq, Libya, Mali, State of Palestine and Israel, Somalia, South Sudan, Syria, Ukraine, and Yemen. This figure may vary from other UN civilian casualty figures due to the methodology used that build on UN casualty data by integrating new data sources.
Source: Office of the High Commissioner for Human Rights (OHCHR).

Source: UN (2021).

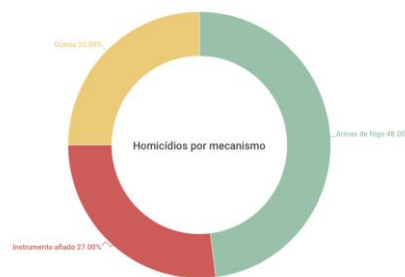
Figure 4 - estimated number of deaths from political violence, 1946-2011.



Source: Marshall and Cole (2014).

There is growing public and international body recognition, including UNSC and UNGA (UN, 2000; UN, 2018b), that the proliferation of weapons, especially small arms and light weapons (SALW)⁵, has profound impacts on the enjoyment of human rights by women and children, as exemplified by the conflicts in Yemen and Syria and the actions of Boko Haram in Africa and international criminal organizations in Latin America (CONTROL ARMS, 2020B; FERRO, 2019; MUSA, 2017). In this sense, Musa (2017) points out that: "*The lack of cohesion between the law and the practice is evident from arms transfers [from USA and UK] to Saudi Arabia, where violations of human rights and humanitarian law have meant the loss of countless innocent lives*" (p. 462). According to the World Health Organization (WHO), 38% of feminicides in 2013 worldwide were committed by male partners, although there is a lack of data on the perpetrator regarding 20% among female victims. In addition, about 48% of homicides in the same year were committed with a firearm (figure 5).

Figure 5 - proportion of all homicides, by mechanism, worldwide, 2013.



Source: WHO (2014).

The treaty explicitly prohibits the authorization of transfers of weapons that can be used to violate international humanitarian law and requires governments to implement strict protocols to regulate those that can be used to commit or facilitate serious human rights violations, especially those linked to gender-based violence and committed against women and children (CONTROL ARMS, 2020b; MALETA, 2021). For Musa (2017), appropriate regulation has the potential to prevent or reduce exponential increases in violations of human rights and IHL, as well as the commission of humanitarian atrocities such as genocide, war crimes, and crimes against humanity.

It is noteworthy that the ATT was the first binding international legal instrument to recognize the connection between arms transfers and gender-based violence, although many governments have admitted

⁵ According to the UNGA-adopted International Tracing Instrument for global cooperation on arms tracing, the term SALW is defined as: (a) 'Small arms' are, in general, weapons designed for individual use. They include, inter alia, revolvers and automatic pistols, rifles and carbines, submachine guns, assault rifles, and light machine guns; (b) 'Small arms' are, in general, weapons designed for use by two or three persons serving as a group, although some can be carried and used by a single person. They include, inter alia, heavy machine guns, hand-held grenade launchers and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable anti-tank missile launchers and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of less than 100 millimeter caliber (UN, 2005).



difficulties in understanding how to implement this provision. The term gender-based violence covers any act perpetrated against a person's will and that is based on socially ascribed gender differences, i.e. linked to gender identity as female, male, intersex, transsexual and transgender. It is recognized that this type of violence results from unequal power relations and discrimination in society based on sex or gender. Thus, it can include sexual, physical, verbal, psychological, and socioeconomic violence, although the nature and extent vary across cultures, countries, and regions. Examples may include rape, forced pregnancy, sexual exploitation, abuse, forced prostitution, and sexual slavery (ACHESON, 2020; CONTROL ARMS, 2019; CONTROL ARMS, 2020a).

The UN High Commissioner for Human Rights (HRC), in a report on the impact of arms transfers on human rights, acknowledges the fact that: "*Gender-based violence against women and girls facilitated by diversion of arms and unregulated or illicit arms transfers often results in rape and other forms of sexual violence, further affecting the physical and mental integrity of women and girls*" (2020). Statistics show that most victims of gender-based violence are women, although there are challenges in data collection due to lack of reporting by victims (ACHESON, 2015; ACHESON, 2020). Therefore, *Arms Control* developed the *Practical Guide for Risk Assessment* (2018) to assist states in incorporating gender-based violence considerations into export assessments, including citing sources and documents that provide for commitments and obligations to be met.

International human rights law (IHRL) is found in treaties and customary international law, many of which are considered *jus cogens*, i.e., those with a peremptory character that do not admit derogation, only modifiable by general international norms of equivalent authority, such as the prohibition against genocide, slavery or slave trade, murder or disappearance of individuals, torture or other forms of degrading treatment or punishment, prolonged arbitrary detention, systematic racial discrimination, among others (CRIDDLE; FOX-DECENT, 2016). Among the rights violations linked to the transfer of arms are: gender-based violence and violence against women and children; deprivation of food, water, and other essential supplies; attacks on hospitals and homes; forced migration; violation of the right to life; torture, etc. (MUSA, 2017).

According to experts, the term "serious human rights violations" has no objective definition, so it covers a range of violations and not just a specific set of human rights abuses. A number of factors are considered in assessing whether a violation is serious or grave, which tends to be determined by context and circumstances, but there is no specific set of criteria formally established by the specialized human rights bodies. For example, one can take into account: the character of the right; the magnitude of the violation; the type of victim (vulnerability); and the impact of the violation. Currently, most violations of international human rights law fall under the seriousness parameter. The seriousness of such abuses has already been used by the Inter-American Court of Human Rights as an aggravating factor of state responsibility (AMNESTY INTERNATIONAL, 2015; GENEVA ACADEMY OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS, 2014).



International Humanitarian Law provides specific obligations for states during armed conflict to protect civilians and those not taking part in hostilities (such as the wounded, sick and captured combatants) and to regulate the conduct of armed conflict. Serious violations of IHL include those identified by the Four Geneva Conventions and Additional Protocol I of 1949, which are applicable to international armed conflicts. IHL also applies during armed conflict, so both branches of law operate concurrently in a complementary manner (AMNESTY INTERNATIONAL, 2015; MALETA, 2021). *Amnesty International* recommends that states assess in the arms export decision-making process whether the recipient state respects IHRL (e.g. by ratification of human rights legal instruments, national legislation and justice system, the existence of independent national or international monitoring institutions for the promotion and protection of human rights, etc.), and specifically according to the nature of the equipment, the purpose and end-user attested, as well as the transport route, those involved in the transfer and the risks of detour (2015).

Recognition of the human cost of insufficient and poor conventional arms regulation highlights the importance of integrating human rights and IHL into arms export decision-making (MUSA, 2017). As the HRC emphasizes, ratification of and compliance with the Treaty is particularly impactful in that it represents the first binding international legal instrument to specifically regulate transfers of conventional arms, ammunition, parts, and components, and to incorporate human rights as the standard for restricting such transfers, with the express goal of reducing human suffering, including acts of gender-based violence and violence against women and children (2020). To achieve its purpose, the implementation of the Treaty depends heavily on the practice and domestic legislation of States, especially considering the economic interests involved due to the high value generated by international arms transfers (about 95 billion in 2017), requiring the formulation and revision of this and public policies on arms trade through the lens of human rights and gender (ARCHESON, 2020; HRC, 2020; LUSTGARTEN, 2015).

5 CHALLENGES TO THE EFFECTIVENESS OF THE ARMS TRADE TREATY

It is notable that the ATT is paradigmatic. Sensitive points concerning the trade in conventional arms are addressed. As mentioned above, the backbone of the Treaty is in Articles 6 and 7, which address the core criteria of risk assessment prior to the issuance of arms export authorization.

The definition of hypotheses in which there should be an immediate export ban is a significant advance. In case of (a) embargoes established by the United Nations Security Council, (b) relevant obligations assumed in other international agreements that are contrary to the precepts of the ATT, and (c) if the exporting state is aware of the possibility of using the arms for the violation of Humanitarian Law and Human Rights, the arms export license should be prohibited.

From the outset, there are already crossroads to the effectiveness of the Treaty. The delimitation of the scope, in article 2, can plaster the scope of application of the norms before the possibility of obsolescence of the listed weapons caused by technological advances, as is the case of autonomous weapons. The justification for the omission of technology *per se* and monitoring equipment, often used by



repressive regimes and which should require export authorization by national authorities, is due to their dual use, civil and military. On the other hand, in practice, these technologies are not usually the target of transfers, as a matter of national interest, except for surveillance equipment (LUSTGARTEN, 2015).

As for the existence of arms embargoes on countries, the justification for the export ban is well-established internationally (NYSTUEN; EGELAND, 2019). As for the existence of relevant obligations under other international agreements, the writing in the Treaty allows for different interpretations. First, the express binding of international agreements excludes the possibility of state accountability based on customary law. There is a need for treaty ratification in order for the state to be held responsible. International law is broadly supported by customary law and the restriction present in Article 6, paragraph 2 can be seen as a step backwards and not as a gain in legal security for state action as some may argue. A second relevant aspect is the vagueness of what are considered relevant obligations. There is no international definition of what are considered relevant state obligations, since, this way, a hierarchy of rules would be formally generated, that is, some treaties would be considered more essential, generating "more important" obligations than others. The wording of the treaty was accepted by most members of the United Nations General Assembly, such vagueness being able to be instrumentalized by numerous government structures around the globe (LUSTGARTEN, 2015).

Finally, as to the existence of knowledge of the possibility of the use of arms for purposes of violating Humanitarian Law and Human Rights, again there is a gap. Imagine a situation in which a national entity makes a formal complaint to the International Court of Justice accusing a certain State of having violated the rule contained in Article 6 paragraph 3 of the ATT. Immediately there is the need to prove that the state agents had sufficient information to identify that the exported armaments would be used for the violation of human rights and humanitarian law. As Lutsgarten (2015) argues, it would be preferable if the final wording contained the assumption that the state had sufficient reason to believe that such armaments would be used for such purposes. In this way, even with the need to consult the importing state about the possibility of misuse of the arms, the exporting state could rely on other information pointing to the effectiveness of the hypothesis contained in paragraph 3.

Before analyzing the provisions contained in Article 7 of the Treaty, it is interesting to note that Lustgarten (2015) lists seven points considered crucial to the arms trade. Among them is government corruption. The ATT does not provide for ways to overcome the possibility that arms trade agreements are used for laundering and/or embezzlement of public money and the consequences of this, for example in arms detour, addressed in Article 11 in the Treaty. Indeed, at no point is the challenge of government corruption mentioned.

In article 7, once the hypotheses of export prohibition have been overcome, aspects related to the risk assessment that must be followed are dealt with. The two main criteria that must be observed are (a) the possibility of use for purposes that endanger international peace and security and (b) the possibility of use for violations of humanitarian law, human rights, terrorism and transnational organized crime. As



already mentioned, the main innovation presented in the ATT is the linking of state responsibility to the international protection of rights concerning the human person, whether civilian or military. In paragraph 4, there is explicit mention of state responsibility to protect women and children, identified as the main victims of armed conflicts by international studies. Although several obligations and points to be observed in risk assessment are listed, the process remains lacking in objective parameters. Political, economic, and ethnic elements, among others, can be taken into consideration by decision makers, which allows for greater complexity and malleability in the decision-making process (MUSA, 2017; NYSTUEN; EGELAND, 2019).

Stavrianakis (2018) elucidates the case in which the UK government used the presentation of secret documents, therefore, through hearings closed to the press, to defend itself against the accusation of continued arms exports to Saudi Arabia even though it knew they were being used to target civilians in Yemen. The judges of the UK's *High Court of Justice* eventually argued that the evidence presented by the prosecution comprised only part of the reality, and that classified information presented was sufficient to justify the government's position. The issue is that there was no public explanation of the basis for such an interpretation and there was a lack of confidence about the content of the documents presented, since the classification of the information as classified is made by the government itself.

Article 8 deals with arms imports, but in a very superficial way. It outlines the obligations of importing states to provide information on the use of the arms being purchased and to maintain national systems for regulating imports. A criticism raised by mostly importing states is that the Treaty was written from the point of view of exporting states, thus leaving importers vulnerable to unilaterally established criteria for risk assessments. Lustgarten (2015), points out that on numerous occasions, nation-states take into consideration aspects of alliance and commercial partnerships to the detriment of the history of arms misuse.

6 CONCLUDING REMARKS

The main provisions contained in the ATT were presented, as well as the innovations brought to light. The linking of the state obligation to protect the human person with the need for international regulation of the trade in conventional weapons is the main innovation, which gives the treaty a humanitarian law core. On the other hand, one can see that, despite being negotiated in a disarmament context, it has no provisions in this regard, so it does not prevent, but only regulates arms transfers. This demonstrates the difficulty in making human rights prevail over the economic and security interests of states and private institutions.

It was also possible to perceive how the issue of arms detour is central to the question of armed violence and casualties in conflicts. This problem is very complex and requires attention and cooperation from States so that effective strategies can be devised against the illegal arms trade. In light of the above, it is possible to conclude that, even though the Arms Trade Treaty represents an advance in international



regulation, it is still not enough to deal with all the issues that involve the international arms trade, whether licit or illicit, and the abuses against International Humanitarian Law.



REFERENCES

ACHESON, Ray. **Gender-Based Violence and the Arms Trade Treaty**. Geneva: Reaching Critical Will, 2015. Disponível em: <https://controlarms.org/wp-content/uploads/2018/04/Gender-Based-Violence-and-the-Arms-Trade-Treaty.pdf>. Acesso em: 16 dez. 2021.

ACHESON, Ray. Gender-Based Violence and the Arms Trade Treaty. **Global Responsibility to Protect**, vol. 12, 2020, p. 139-155.

AMNESTY INTERNATIONAL. **Our Right to Know**: transparent reporting under an arms trade treaty. London: Amnesty International Publications, 2011. Disponível em: <https://controlarms.org/wp-content/uploads/2018/03/act301162011en.pdf>. Acesso em: 16 dez. 2021.

AMNESTY INTERNATIONAL. **Applying the Arms Trade Treaty to Ensure the Protection of Human Rights**. London: Amnesty International, 2015. Disponível em: <https://www.amnesty.org/en/wp-content/uploads/2021/05/ACT3000032015ENGLISH.pdf>. Acesso em: 16 dez. 2021.

BRASIL. Divisão de Atos Internacionais (DAI). Ministério das Relações Exteriores. **Concórdia**: acervo de atos internacionais do Brasil, [ca 2017]. Disponível em: <https://concordia.itamaraty.gov.br/detalhamento-acordo/11549?TituloAcordo=tratado%20sobre%20o%20comercio%20de%20armas&tipoPesquisa=1&TipoAcordo=BL,TL,ML>. Acesso em: 20 dez. 2021.

BRASIL. Decreto Legislativo nº 8, de 15 de fevereiro de 2018. Aprova o texto do Tratado sobre o Comércio de Armas, assinado pelo Brasil, no âmbito da Organização das Nações Unidas, em Nova York, em 3 de junho de 2013. **Tratado sobre o Comércio de Armas**. Brasília, DF: Diário Oficial da União, 16 fev. 2018, n. 32, Seção 1, p. 2. Disponível em: <https://www2.camara.leg.br/legin/fed/decleg/2018/decretolegislativo-8-15-fevereiro-2018-786167-tratado-154861-pl.html>. Acesso em: 20 dez. 2021.

BREHM, M. The Arms Trade and States' Duty to Ensure Respect for Humanitarian and Human Rights Law. **Journal of Conflict and Security Law**, v. 12, n. 3, 2008, p. 359–387.

CONFLICT ARMAMENT RESEARCH (CAR). **Diversion Digest 01: Typology of Diversion**. London: CAR, 2018. Disponível em: <https://www.conflictarm.com/digests/diversion-digest-issue-1/>. Acesso em: 16 dez. 2021.

CONFLICT ARMAMENT RESEARCH (CAR). **Diversion Digest 02: End-User Documentation**. London: CAR, 2019. Disponível em: <https://www.conflictarm.com/digests/diversion-digest-issue-2/>. Acesso em: 16 dez. 2021.

CONTROL ARMS. **How to use the Arms Trade Treaty to address Gender-Based Violence**, 2018. Disponível em: https://controlarms.org/wp-content/uploads/2018/08/GBV-practical-guide_ONLINE.pdf. Acesso em: 16 dez. 2021.

CONTROL ARMS. **ATT Monitor 2020**. New York, 2020. Disponível em: https://attmonitor.org/wp-content/uploads/2020/11/EN_ATT_Monitor-Report-2020_Online.pdf. Acesso em: 16 dez. 2021.

CONTROL ARMS. **Gender in the Arms Trade Treaty**. New York, 2020a. Disponível em: <https://controlarms.org/wp-content/uploads/2020/01/fact-sheet-on-gender-in-the-att-en-729.pdf>. Acesso em: 16 dez. 2021.

CONTROL ARMS. **Control Arms Coalition Submission to the Office of the United Nations High Commissioner for Human Rights on the Impact of Diversion of Arms and Unregulated or Illicit Arms Transfers on Human Rights**. New York, 2020b.



CONTROL ARMS. **Interpreting the Arms Trade Treaty**: International Human Rights Law and Gender-Based Violence in Article 7 Risk Assessments. Abr/2019. Disponível em: <https://controlarms.org/wp-content/uploads/2019/04/Interpreting-the-Arms-Trade-Treaty-ver-1.pdf>. Acesso em: 16 dez. 2021.

CRIDDLE, E., & FOX-DECENT, E. Human Rights and Jus Cogens. *In: Fiduciaries of Humanity: How International Law Constitutes Authority*. Oxford: Oxford University Press, 2016.

CORTE INTERNACIONAL DE JUSTIÇA (CIJ). Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro), Judgment. *In: ICJ Reports*, 2007.

FERRO, Luca. Western Gunrunners, (Middle-)Eastern Casualties: Unlawfully Trading Arms with States Engulfed in Yemeni Civil War? **Journal of Conflict & Security Law**, vol. 24, n. 3, 2019, p. 503-535.

GENEVA ACADEMY OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS. **Academy Briefing N. 6**: What amounts to ‘a serious violation of international human rights law’?: An analysis of practice and expert opinion for the purpose of the 2013 Arms Trade Treaty. Geneva: Geneva Academy, 2014. Disponível em: https://www.geneva-academy.ch/joomlatools-files/docman-files/Publications/Academy%20Briefings/Briefing%206%20What%20is%20a%20serious%20violation%20of%20human%20rights%20law_Academy%20Briefing%20No%206.pdf. Acesso em: 16 dez. 2021.

HENDERSON, Stacey. The Arms Trade Treaty: Responsibility to Protect in Action? **Global Responsibility to Protect**, vol. 9, 2017, p. 147-172.

INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC). **Arms Availability and the Situation of Civilians in Armed Conflict**. Geneva: International Committee of the Red Cross, Jun. 1999.

JØRGENSEN, N. H. B. State Responsibility for Aiding or Assisting International Crimes in the Context of the Arms Trade Treaty. **American Journal of International Law**, v. 108, n. 4, p. 722–749, 20 out. 2014.

LUSTGARTEN, L. The Arms Trade Treaty: Achievements, Failings, Future. **International and Comparative Law Quarterly**, v. 64, n. 3, p. 569–600, 21 jul. 2015.

MALETA, Giovanna. Seeking a Responsible Arms Trade to Reduce Human Suffering in Yemen. **The International Spectator**, vol. 56, n. 1, 2021, 73-91.

MARSH, Nicholas. Preventing Diversion: a Challenge for Arms Trade Treaty States Parties. **History of Global Arms Transfer**, vol. 8, 2019, p. 55-66.

MARSHALL, Monty G.; COLE, Benjamin R. **Global Report 2014**: Conflict, Governance, and State Fragility. Vienna: Center for Systemic Peace, 2014. Disponível em: <http://www.systemicpeace.org/vlibrary/GlobalReport2014.pdf>. Acesso em: 16 dez. 2021.

MCDONALD, Glenn. Who’s Buying? Enduser Certification. *In: SMALL ARMS SURVEY. Small Arms Survey 2008: Risk and Resilience*. Cambridge: Cambridge University Press, 2008, pp. 154–81.

MUSA, S. The Saudi-led Coalition in Yemen, Arms Exports and Human Rights: Prevention is Better than Cure. **Journal of Conflict and Security Law**, v. 22, n. 3, p. 433–462, 2017.



NAVE, Eva. The Importance of the Arms Trade Treaty for the Implementation of the Sustainable Development Goals. **Journal of Conflict & Security Law**, vol. 24, n. 2, 2019, p. 297–324.

NYSTUEN, G.; EGELAND, K. The potential of the Arms Trade Treaty to reduce violations of international humanitarian law and human rights law. **Research Handbook on International Law and Peace**, p. 267–283, 2019.

ORGANIZAÇÃO MUNDIAL DA SAÚDE. **Global status report on violence prevention 2014**. Luxemburgo: OMS, 2014. Disponível em: <https://www.who.int/publications/i/item/9789241564793>. Acesso em: 16 dez. 2021.

SIPRI. **SIPRI Yearbook 2021: Armaments, Disarmament and International Security**. Oxford: SIPRI, 2021.

SMALL ARMS SURVEY. **Possible Measures to Prevent and Address Diversion**: supporting effective implementation of the Arms Trade Treaty, ago.2019. Disponível em: <https://smallarmssurvey.org/sites/default/files/2021-09/Diversion%20infographic.pdf>. Acesso em: 16 dez. 2021.

STAVRIANAKIS, Anna. When ‘Anxious Scrutiny’ of Arms Exports Facilitates Humanitarian Disaster. **The Political Quarterly**, Vol. 89, N. 1, January-March 2018.

THE ARMS TRADE TREATY. **Treaty Status**, [ca 2018]. Disponível em: <https://thearmstradetreaty.org/treaty-status.html?templateId=209883#>. Acesso em: 8 set. 2021.

UNITED NATIONS. Security Council. **Security Council Resolution 1325** [on women and peace and security]. ONU: New York, 31.Out.2000. Disponível em: <https://www.refworld.org/docid/3b00f4672e.html>. Acesso em: 16 dez. 2021.

UNITED NATIONS (ONU). Secretary General. **International Tracing Instrument**. ONU: New York, 2005. Disponível em: <https://front.un-arm.org/wp-content/uploads/2021/03/International-Tracing-Instrument-six-official-languages.pdf>. Acesso em: 16 dez. 2021.

UNITED NATIONS. General Assembly. **Resolution 61/89**: Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms. A/RES/61/89. 18 dez. 2006. Disponível em: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/499/77/PDF/N0649977.pdf?OpenElement>. Acesso em: 20 dez. 2021.

UNITED NATIONS. Office for Disarmament Affairs. **Securing our Common Future: An Agenda for Disarmament**. New York: ONU, 2018a. Disponível em: www.un.org/disarmament/sg-agenda. Acesso em: 16 dez. 2021.

UNITED NATIONS. Secretary General, et. al. **Women, disarmament, non-proliferation and arms control**: Report of the Secretary-General, 2018b. Disponível em: <https://digitallibrary.un.org/record/1637560?ln=en>. Acesso em: 16 dez. 2021.

UNITED NATIONS. **The Sustainable Development Goals Report 2021 Statistical Annex**. New York: ONU, 2021. Disponível em: <https://unstats.un.org/sdgs/files/report/2021/secretary-general-sdg-report-2021--Statistical-Annex.pdf>. Acesso em: 16 dez. 2021.

UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (HRC). **Impact of arms transfers on human rights**. A/HRC/44/29. New York: ONU, 2020.



WOOD, B.; ABDUL-RAHIM, R. Nascimento e Coração do Tratado sobre o Comércio de Armas. **SUR**, v. 12, n. 22, p. 15–30, 2015.

WOOLCOTT, P. **The Arms Trade Treaty**. New York: United Nations Library, 2014.