

INTERNATIONAL TREATIES

CONVENTION ON THE RIGHTS OF THE CHILD

The United Nations Convention on the Rights of the Child is an international convention setting out the civil, political, economic, social and cultural rights of children. Nations that ratify this international convention are bound by it by international law. Compliance is monitored by the United Nations' Committee on the Rights of the Child which is composed of members from countries around the world.

Governments of countries that have ratified the Convention are required to report to, and appear before, the United Nations Committee on the Rights of the Child periodically to be examined on their progress with regards to the advancement of the implementation of the Convention and the status of child rights in their country.

All member nation states of the United Nations, except the United States and Somalia, have ratified it. The United Nations General Assembly agreed to adopt the Convention into international law as an advisory resolution on November 20, 1989; it came into force on September 2, 1990, after it was ratified by the required number of nations. The Convention generally defines a child as any person under the age of 18, unless an earlier age of majority is recognized by a country's law.

OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

The Optional protocol on the involvement of children in armed conflict is a protocol to the Convention on the Rights of the Child adopted by General Assembly of the United Nations on 25 May 2000 (resolution A/RES/54/263); it came into force on 12 February 2002.

The protocol requires of ratifying governments to ensure that children under 18 years are not recruited compulsorily into their armed forces. It also calls on ratifying governments to do everything feasible to ensure that members of their armed forces who are under 18 years of age do not take part in hostilities.

THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

The Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) was adopted by the United Nations General Assembly in December 1948 and came into effect in January 1951. It defines genocide in legal terms. All participating countries are advised to prevent and punish actions of genocide in war and in peacetime. The number of states that have ratified the convention is currently 137.

Article 2 of the Convention defines genocide as

...any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

– *Convention on the Prevention and Punishment of the Crime of Genocide, Article 2*

Article 3 defines the crimes that can be punished under the convention:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

– *Convention on the Prevention and Punishment of the Crime of Genocide, Article 3*

Those charged with any of the crimes stated in Article 3 of the CPPCG can be tried in the International Criminal Court if no reasonable legal action is taken at the national level.

NUCLEAR NON-PROLIFERATION TREATY

The Treaty on the Non-Proliferation of Nuclear Weapons, also Nuclear Non-Proliferation Treaty (NPT or NNPT) is an international treaty to limit the spread of nuclear weapons, opened for signature on July 1, 1968. There are currently 189 countries party to the treaty, five of which have nuclear weapons: the United States, the United Kingdom, France, Russia, and the People's Republic of China. Only four nations are not signatories: India, Israel, Pakistan and North Korea. A summary of the main articles of the treaty is provided below:

Article I: Each nuclear-weapons state (NWS) undertakes not to transfer, to any recipient, nuclear weapons, or other nuclear explosive devices, and not to assist any non-nuclear weapon state to manufacture or acquire such weapons or devices.

Article II: Each non-NWS party undertakes not to receive, from any source, nuclear weapons, or other nuclear explosive devices; not to manufacture or acquire such weapons or devices; and not to receive any assistance in their manufacture.

Article III: Each non-NWS party undertakes to conclude an agreement with the IAEA for the application of its safeguards to all nuclear material in all of the state's peaceful nuclear activities and to prevent diversion of such material to nuclear weapons or other nuclear explosive devices.

Article IV:

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

Article VI. The states undertake to pursue “negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament”, and towards a “Treaty on general and complete disarmament under strict and effective international control”.

Article X. Establishes the right to withdraw from the Treaty giving 3 months' notice. It also establishes the duration of the Treaty (25 years before 1995 Extension Initiative).

COMPREHENSIVE NUCLEAR-TEST BAN TREATY

The Comprehensive Nuclear-Test Ban Treaty (CTBT) bans all nuclear explosions in all environments, for military or civilian purposes. The treaty was opened for signature in 1996 and has since been signed by 177 states and ratified by 138. The two main clauses of the treaty are provided below:

1. Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.
2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

The CTBT provides for implementation and verification processes and provisions. Verification is largely carried out by the use of seismological monitoring.

OTTAWA TREATY (MINE BAN TREATY)

The Ottawa Treaty or the Mine Ban Treaty, formally the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction,

bans completely all anti-personnel landmines. The Treaty has been signed/accessioned by 158 countries. Thirty-seven states, including the People's Republic of China, India, Russia and the United States, are not party to the Convention.

Besides stopping the production and development of anti-personnel mines, a party to the treaty must destroy all the anti-personnel mines in its possession within four years. Just a small number of mines is allowed to remain for training (mine-clearance, -detection, etc.). Within ten years after signing the treaty, the country should have cleared all of its mined areas. Countries may request extensions and/or help with this task at annual meetings of the Convention.

Only anti-personnel mines are covered. Mixed mines, anti-tank mines, remote controlled claymore mines, anti-handling devices (booby-traps) and other “static” explosive devices against persons are not within the treaty.