

**INTERNATIONAL CONVENTIONS AND AGREEMENTS: PROGRESS REPORT FOR THE PERIOD 1ST
OCTOBER 1999 TO 31ST MARCH 2000**

**Presented to the States on 23rd May 2000
by the Policy and Resources Committee**



STATES OF JERSEY

STATES GREFFE

150

2000

R.C.20

Price code: B

REPORT

This report contains a list of international treaties, conventions and agreements that have been referred formally to the Insular Authorities during the six months from 1st October 1999 to 31st March 2000.

International Labour Organisation

The Island is party to a number of Conventions under the auspices of the International Labour Organisation. These Conventions require reports to be submitted on a regular basis.

The following reports were requested during the six month period -

- (1) Night Work (Women) Convention, 1919 (No. 4)
- (2) Night Work (Women) Convention (Revised), 1934 (No. 41)
- (3) Night Work (Women) Convention (Revised), 1948 (No. 89)
- (4) Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948

Part One - new matters referred to the Insular Authorities

1. Eurocontrol Revised Convention

Purpose: To reconfirm a commitment to attain, through the provisions of the Revised Convention and in close co-operation with all Parties concerned, a safe and efficient European air traffic management system as well as an efficient common route charges system.

Action: The Insular Authorities confirmed that the Island would wish to be included in the United Kingdom's ratification of the Convention.

2. Letter of Intent Treaty

Purpose: Concerning measures to facilitate the restructuring of the European Defense Industry.

Action: The Insular Authorities declined to have the United Kingdom's ratification of the Treaty extended to the Island, given that there was no particular benefit to the Island as the Treaty is concerned with matters of the defence industry, which does not exist in Jersey.

3. Kyoto Convention (Revised) - International Convention on the Simplification and Harmonisation of Customs Procedure

Purpose: To eliminate divergence between the customs procedures and practices of Contracting Parties that can hamper international trade and other international exchanges.

Action: The Insular Authorities concluded that if the United Kingdom and the European Community adopted the revised Convention, the Island would wish to be included in the United Kingdom's ratification, given that it would be applicable to Jersey under Protocol 3 as a customs measure.

4. International Telecommunications Union (ITU) Constitution and Convention

Purpose: To effect the registration of radio-frequency assignments and any associated orbital position in the geostationary satellite orbit. In short, to avoid harmful interference between radio stations in different countries.

Action: The Insular Authorities were asked to consider the 1998 Amendments to the ITU Constitution and Convention. After due consideration, the Insular Authorities asked to have the United Kingdom ratification of the 1998 instruments extended to the Island.

5. International Convention for the Unification of Certain Rules for International Carriage by Air (The Montreal Convention)

Purpose: To modify Article 22 of the Convention relating to the liability of the carrier for persons when involved in carriage of persons.

Action: The Insular Authorities asked that the United Kingdom's ratification be extended to Jersey subject to enactment of the necessary legislation to give effect to it.

6. Investment, Promotion and Protection Agreements (IPPAs)

Purpose: To create favourable conditions for greater investment of one Contracting Party in the area of the other.

Action: (i) IPPA between the United Kingdom and Pakistan.

The Insular Authorities confirmed that no further legislation was required in order to enable the extension on this Treaty to the Island.

(ii) IPPA between the United Kingdom and Bahrain.

The Insular Authorities confirmed that present provisions of Jersey Law were sufficient to give full effect to the Treaty, once it has been extended to the Island.

7. International Plant Protection Convention (IPPC) - Revised

Purpose: To bring the Convention up-to-date with modern phyto-sanitary practices and technologies; to bring it into line with the new concepts introduced by the World Trade Organisations (WTO) Agreement of Sanitary and Phyto-sanitary measures (the SPS Agreement) and to establish a mechanism - the Commission on Phyto-sanitary measures - for the formal setting of phyto-sanitary standards which would be recognised under the SPS Agreement, as well as establishing formally the IPPC Secretariat.

Action: Having received confirmation that the original Convention had been extended to Jersey, (June 1982) the Insular Authorities confirmed that the Island wished to be included in the United Kingdom's acceptance of the IPPC 1997 Revised text.

Part Two - those matters referred in earlier reports where there has been a new development since the previous report

1. Council of Europe (COE)/United Nations Educational, Scientific and Cultural Organisation (UNESCO) Convention on the Recognition of Qualifications Concerning Higher Education in the European Region

Purpose: To create wider recognition by different countries within the European Union to each others higher education entry and exit qualifications.

Action: The Insular Authorities confirmed that the Convention can be given effect in Jersey without the need for further legislation.

2. Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

Purpose: To achieve and maintain a high level of safety world wide in spent fuel and radioactive waste management; to ensure that during all stages of spent fuel and radioactive waste management there are effective defenses against potential hazards; and to prevent accidents with radiological consequences and to mitigate their consequences.

Action: The Insular Authorities confirmed their position of 18th February, 1998, that Jersey does wish to be included in the United Kingdom's ratification of the Convention. Furthermore, the Insular Authorities confirmed that no additional legislation will be required to give effect to the Convention. Although there is no legislation in place dealing with regulation of spent fuel management facilities or radioactive waste management facilities activities, no such facilities or activities exist in the Island, neither are any planned or likely to be established.

3. Convention in International Trade in Endangered Species of Fauna and Flora (CITES)

Purpose: To regulate the international trade in wild animals and plant species whose survival is endangered.

Action: The Insular Authorities were asked to comment on three separate matters pertaining to CITES during this reporting period -

- (i) The Insular Authorities provided the DETR with a list of the Jersey Officials authorised to sign the CITES permits and certificates together with three original examples of signatures.
- (ii) The Insular Authorities commented on working documents and proposals to amend the Convention appendices.
- (iii) A Jersey delegation met with members of the DETR and Constitutional Unit of the Home Office to discuss the European Commission's ruling on CITES, and a possible way forward to sort out difficulties with certification.

4. Convention on the Protection of the Marine Environment in the North East Atlantic (OSPAR)

Purpose: To merge the Convention for the prevention of marine oil pollution from land based sources (Paris) with the Convention on the prevention of marine pollution by dumping from ships and aircraft (Oslo) including such new concepts as the precautionary principle, best available technology, and best environment practice.

Action: The Insular Authorities has asked that the United Kingdom's ratification of Annex V of the Convention be extended to Jersey.

Also, the Insular Authorities were asked the status of the Draft Water Pollution (Jersey) Law 2000 which would enable Annexes 1-4 of the Convention to be extended. The States adopted the Law on 7th March 2000.

5. United Kingdom/South Korea Social Security Convention

Purpose: Exchange of diplomatic notes for this reciprocal agreement.

Action: The matter was considered and adopted by the States on 9th February 2000, which confirmed that the Island was content that the Convention be implemented.

6. Bonn Convention on the Conservation of Migratory Species of Wild Animals

Purpose: To protect particular species of wild animals which are under threat.

Action: The Insular Authorities commented on papers for the 6th Conference of the Parties. The papers were fully in line with the Island's expectation of the implementation of the Convention, and the Insular Authorities welcomed moving forward the many initiatives under discussion.

7. European Union Convention on Mutual Assistance in Criminal Matters

Purpose: To afford mutual assistance between contracting states in proceedings in respect of offences the punishment of which, at the time of request for assistance, falls within the jurisdiction of the judicial authorities of the requesting party.

Action: This European Union Convention deals with matters which do not fall within the terms of Protocol 3, and as such, the Insular Authorities would not wish the Convention to be extended at this stage without a full opportunity of considering the implications very carefully.

The Insular Authorities were instead content to request that there should be a provision in the Convention enabling the Convention to be extended to cover the Island in due course, and therefore agreed to a permissive territorial extent clause.

8. International Covenant on Economic, Social and Cultural Rights (ICESCR)

Purpose: In accordance with principles proclaimed in the Charter of the United Nations and the Universal Declaration of Human Rights, the Covenant seeks to guarantee that all human beings enjoy economic and cultural freedoms.

Action: The Insular Authorities completed their Fifth Report on the Covenant in accordance with the five-year reporting period. The report will be incorporated in the United Kingdom Fifth Periodic Report which is presented to the United Nations. After presentation it will be published.

9. Ramsar Convention on Wetlands of International Importance

Purpose: For the conservation and wise use of wetlands to achieve sustainable development throughout the world.

Action: The Insular Authorities agreed on 9th November 1999 to establish the Ramsar area on the South East Coast, in line with Jersey's Report and Proposition and the recommendations of the Planning and Environment Committee and Ramsar Steering Group.

10. Small Cetaceans of the Baltic and North Sea (ASCOBANS)

Purpose: The conservation of small cetaceans of the Baltic and North Sea.

Action: The Insular Authorities confirmed that the Planning and Environment Committee will be designated as the Co-ordinating Authority of the ASCOBANS Agreement.

11. Bern Convention on the Conservation of European Wildlife and National Habitats

Purpose: The conservation of wild fauna and flora.

Action: The Insular Authorities have stated that they are confident that the spirit and letter of the Bern Convention are met by the Conservation of Wildlife (Jersey) Law, the draft of which was based largely on the provisions of the United Kingdom Wildlife and Countryside Act 1981; where the Law is different, the Insular Authorities believe it still complies with the Convention.

12. Protocols to the 1979 Convention on Long-Range Transboundary Air Pollution: (i) Heavy Metals, and (ii) Persistent Organic Pollutants (POPS)

Purpose: To control emissions of heavy metals caused by anthropogenic activities that are subject to long range transboundary atmospheric transport and are likely to have significant adverse effects on health or the environment; to control, reduce or eliminate discharges, emissions and losses of POPS.

Action: The Insular Authorities remain committed to the Convention and in principle to the inclusion of Jersey in the United Kingdom's ratification of the Protocols. The resource implications, however, are significant, and costly, and as such, due consideration is being taken in progressing the matter.

13. International Covenant on Civil and Political Rights (ICCPR)

Purpose: In accordance with principles proclaimed in the Charter of the United Nations and in accordance with the Universal Declaration of Human Rights, the Covenant seeks to ensure that all human beings enjoy civil and political freedoms.

Action: The Crown Dependencies of Jersey, Guernsey and the Isle of Man presented their reports on the ICCPR at the 68th Session of the Human Rights Committee of the United Nations in New York.

A separate report detailing the procedure, outcome, and concluding observations is being presented to the States by the Policy and Resources Committee

Part Three - matters where a decision has been made by the insular authorities - awaiting legislation

1. OECD Convention on the Combating of Bribery of Foreign Public Officials

Purpose: To stop bribery of foreign public officials.

Action: The Insular Authorities are not yet in a position to say what the timetable is for the legislation that will need to be enacted to enable the United Kingdoms ratification of the Convention to be extended to Jersey. The Insular Authorities are currently reviewing what legislation will need to be enacted to embrace the OECD Convention, and in this respect wish to ensure that the legislation would be consistent with the equivalent legislation in the United Kingdom.

2. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes

Purpose: To limit and control the movement of hazardous and other wastes between countries and provide assistance to developing countries with the movements of such waste.

Action: The Insular Authorities confirmed that no further extension to the bilateral agreement (a memorandum of understanding) between Jersey and the United Kingdom will be sought beyond the end of 2001. Instead, the Insular Authorities concluded that the way forward is to enact specific Insular Legislation. Drafting instructions are now with the Law Draftsman and the first draft of the new Law is anticipated in the near future.

Note: The Insular Authorities were also asked to comment on the OECD Council Acts on Waste, which achieve greater harmonisation between the OECD and Basel Convention lists of waste.

3. Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)

Purpose: To provide a modern system for the protections of international property rights, at least matching the internationally accepted minimum levels laid down by the Agreement.

Action: Much work has been done towards the enactment of comprehensive new legislation on Intellectual Property

to enable the Island to ask for an extension of the Agreement.

A New Trade Marks (Jersey) Law was passed by the States in December 1999 and is awaiting sanction by Privy Council.

First drafts have been prepared for the Copyright (Jersey) Law, The Performers Protection (Jersey) Law and the Design Right (Jersey) Law. It is intended that all three Laws will soon be sent out for consultation and comment in the Island and to the United Kingdom Patent Office. No timetable for enacting the three Laws has been set, but it is reasonable to expect that they will be ready for presentation to the States before the end of this year.

Part Four - confirmation of ratification of matters referred to in earlier reports

1. Convention for the Marking of Plastic Explosives for the Purposes of Detection

Purpose: To prohibit and prevent the movement into or out of its territory of unmarked explosives.

Action: Confirmation that the Convention took effect in the Bailiwick of Jersey on 30th October 1999.

2. European Community Association Agreements with Jordan, Korea and Mexico

Purpose: Agreements established between the European Community and its Member States and a third country.

Action: The Instruments of approval were submitted on 21st October 1999, and all three Agreements were thereby ratified by the United Kingdom, confirming the Island's inclusion in the United Kingdom ratification.