

**INTERNATIONAL CONVENTIONS AND AGREEMENTS: PROGRESS REPORT FOR THE PERIOD 1ST APRIL
2000
TO 30TH SEPTEMBER 2000**

**Presented to the States on 2nd January 2001
by the Policy and Resources Committee**



STATES OF JERSEY

STATES GREFFE

150

2001

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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 April 2000 to 30th September 2000.

International Labour Organisation

I. 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 -

- (i) Convention 22 - Seamen's Articles of Agreement, 1926
- (ii) Convention 140 - Paid Educational Leave

II. The Island was asked if they wished for the ratification of two Conventions that the United Kingdom had ratified on 23rd March 2000.

- Convention 138 - The Minimum Age for Admission to Employment
- Convention 182 - The Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

Action

The Insular Authorities are currently seeking the Law Officers' advice in their consideration of the matter.

Part One - new matters referred to the insular authorities

1. United Nations Convention on the Suppression of Terrorist Financing

Purpose: To tackle the issue of global terrorism by targeting the financing of terrorist activity.

Action: The Insular Authorities have indicated that they would wish to be included in the United Kingdom's ratification of the Convention once the necessary amendments to the Prevention of Terrorism Law have been made which will give effect to the Convention.

2. Agreement Between the Government of the United Kingdom and the Government of Australia concerning the Investigation, Restraint and Confiscation of the Proceeds and Instruments of Crime

Purpose: To offer assistance to Australia in such matters of crime.

Action: The Island did not wish the Agreement to be extended to the Island. The Island has already designated Australia under the Proceeds of Crime (Designated Countries and Territories) (Jersey) Law 1999, and under the equivalent Drug Trafficking Regulations, with the consequence that Jersey is able to give the required assistance to the Australian Authorities in connection with investigation, restraint and confiscation.

3. Statute of the International Criminal Court (ICC)

Purpose: To establish a permanent independent forum to investigate and prosecute future crimes of the greatest concern to the International Community, including war crimes, genocide and crimes against humanity.

Action: The ICC can only begin its work when 60 countries have ratified the statute. The Insular Authorities decided that if and when the statute is ratified and the Island asks for it to be extended, it would do so with a view to introducing domestic legislation.

4. United Kingdom/Canada Film Co-Production Agreement

Purpose: The Agreement exists as a formal framework which qualifies films made under its criteria as national films in both the United Kingdom and Canada and enables them to apply for related films' funding there. It also enables co-producers to share resources and risk in making films, while the work of production benefits both countries' film industries.

Action: The Insular Authorities accepted an invitation to attend the Mixed Commission meeting of all representatives, and a pre-meeting of just United Kingdom and Crown dependency representatives in late November 2000. A representative for the Industries Committee will attend.

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

1. 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 Island does not have existing domestic legislation which would give effect to the Convention, and is considering how to give effect to legislation. As such, the Insular Authorities have asked whether Her Majesty's Government still proposes to give effect to the Convention by means of a new Carriage by Air Act, because if so, the Island may decide that the Convention should be given effect by extending the new Act by Order in Council as was done for the Warsaw Convention by the Carriage by Air (Jersey) Order 1967.

2. Agreement on the Conservation of Small Cetaceans of The Baltic and North Seas (ASCOBANS)

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

Action: The Insular Authorities were informed by the DETR that the Conservation of Wildlife (Jersey) Law is sufficient to allow the United Kingdom to ratify the ASCOBANS Agreement. The ratification process has thus commenced.

3. Agreement on the Conservation of Bats in Europe (EUROBATS) - linked to the Bonn Convention on the Migratory Species of Wild Animals

Purpose: To protect migratory species of wild animals.

Action: The Insular Authorities were informed by the DETR that the Conservation of Wildlife (Jersey) Law is sufficient to allow the United Kingdom to ratify the EUROBATS Agreement. The Ratification process has commenced.

4. 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 have requested a meeting with Commission Officials to ascertain what needs to be done legally, regarding controls in endangered species being equivalent to Regulation 338/97.

5. 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 Water Pollution (Jersey) Law 2000, which is the enabling Law for the extension of the Convention to the Island, was registered in the Royal Court on 26th May 2000.

6. 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: The Insular Authorities were asked to comment on a proposed version of the draft provision on territorial scope. The Insular Authorities accepted the draft wording but confirmed they would prefer to make it clear to other Member States that, in accordance with our constitutional relationship with the United Kingdom, the Convention would only be extended with the Island's consent.

7. Ramsar Convention on Wetlands of International Importance

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

Action: Having agreed to establish the south-east coast of the Island as a Ramsar area, on 9th November 1999, the Insular Authorities were asked for clarification of the site of the swimming pool at Havre des Pas, and the general progress towards final designation. The Insular Authorities reported that the appropriate registration documents were being prepared and updated in liaison with the relevant United Kingdom Authorities.

8. United Nations Convention on the Recovery Abroad of Maintenance 1956, and The Hague Convention on the Recognition and Enforcement of decisions Relating to Maintenance Orders 1973

Purpose: Both Conventions concern the enforcement of various child and other maintenance orders made by courts or tribunals. The UN Convention specifically provides a mechanism for dealing with claims for maintenance against absent defendants; and the Hague Convention deals with the enforcement of existing orders.

Action: On 23rd May 2000, the States Assembly adopted the proposition of the Legislation Committee for a draft Law entitled "Draft Maintenance Orders (Facilities for Enforcement) (Jersey) Law 200-". This Law enables the Island to comply with all the requirements of both Conventions, and as such, the Insular Authorities requested that the procedure for the extension of the United Kingdom's ratification of the Conventions to cover Jersey be started in due course. *

***Note:** The Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000 was registered in the Royal Court on 20th October 2000.

9. Bern Convention on Wild Fauna and Flora

Purpose: The conservation of wild fauna and flora.

Action: The Insular Authorities clarified specific points of the Wildlife (Jersey) Law intended to enable compliance with the Convention.

10. 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 Foreign and Commonwealth Office requested clarification (in the form of headings) on the Fourth Report Jersey had submitted to them in January 2000.

11. United Nations Convention on the Rights of the Child (UNCRC)

Purpose: To promote human rights by extending special safeguards on care and protection of children.

Action: The Solicitor General has requested further information from the Home Office. The matter for a request for an extension to the Convention will be put to relevant Committees on receipt of this information.

12. United Nations Convention on the Elimination of Racial Discrimination (ICERD)

Purpose: To prohibit and prevent all forms of racial discrimination.

Action: The Insular Authorities were asked for an update on the measures taken to outlaw and prevent racial discrimination in the Island, to be included as part of the United Kingdom's report. The United Kingdom report was examined in August 2000 in Geneva.

13. 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping Waste and Other Matter 1972

Purpose: To improve protection of the marine environment.

Action: The Insular Authorities declined an invitation to attend the Consultative Meeting in London but were content and appreciative to receive all papers and minutes of the meeting.

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

1. International Convention on Liability and Compensation for Damage in Connection with the Carriage by Sea of Hazardous and Noxious Substances 1996 Protocol (The HNS Convention)

Purpose: To provide for enhanced compensation and to establish a simplified procedure for updating the limitation of liability for Maritime Claims.

Action: As of May 2000, a consultation list was formulated to look at the draft Merchant Shipping (Jersey) Law which would give effect to the Protocol to amend the Convention. The time-table for progressing the new Law is that the consultation deadline is the end of September 2000, and following any re-drafting by the Law Draftsman and subject to Committee approval, the Law will be lodged for States debate in January 2001.

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 the matter of legislation which will enable the extension of the Convention remains a high priority. A first draft of the proposed Law is anticipated presently.

3. Council of Europe Convention relating to questions on Copyright Law and Neighbouring Rights in the Framework of

Transfrontier Broadcasting by Satellite

Purpose: To co-ordinate certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission.

Action: The insular authorities were asked about progress on local legislation to give effect to the Convention. Although much progress has been made with the preparation of legislation to enable the Island to comply with the requirements of the Convention, its enactment is still some way off. Preliminary drafts for the legislation have been prepared and it is intended to request the advice and assistance of the United Kingdom Patent Office on these drafts in the near future.

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

1. United Kingdom/South Korea Social Security Convention

Purpose: Exchange of diplomatic notes for this reciprocal agreement.

Action: An Order was made on 12th July 2000 and the Agreement is now in force.

2. Protection of the Archaeological Heritage (Revised) - "The Malta Convention"

Purpose: To protect the archaeological heritage as a source of the "European collective memory", and as an instrument for historical and scientific study.

Action: The Instrument of Ratification was deposited on 19th September 2000.

Part Five - confirmation of termination of matters referred to in earlier reports

International Rubber Agreement

Purpose: To achieve a balanced growth between the supply of and demand for natural rubber, and to deliver stable conditions in the natural rubber trade.

Action: A copy of Resolution 212 has been received, which notifies termination of the Agreement.