

**INTERNATIONAL CONVENTIONS AND AGREEMENTS: PROGRESS REPORT FOR THE PERIOD 1ST
APRIL 2001
TO 31ST MARCH 2002**

**Presented to the States on 24th September 2002
by the Policy and Resources Committee**



STATES OF JERSEY

STATES GREFFE

120

2002

R.C.35

Price code: C

REPORT

This report contains a list of international treaties, conventions and agreements that have been referred formally to the Insular Authorities during the twelve months from 1st April 2001 to 31st March 2002.

International Labour Organisation

The Island is party to a number of Conventions under the auspices of the International Labour Organisation. During this reporting period, the Island was required to submit Convention reports on the following:

Minimum Age (Agriculture) Convention 1921.....	(No. 10)
Medical Examination of Young Persons (SEA) Convention 1921.....	(No. 16)
Equality of Treatment (Accident Compensation) Convention 1925.....	(No. 19)
Seamen's Articles of Agreement Convention 1926.....	(No. 22)
Sickness Insurance (Industry) Convention 1927.....	(No. 24)
Sickness Insurance (Agriculture) Convention 1927.....	(No. 25)
Forced Labour Convention 1930.....	(No. 29)
Protection Against Accidents (Dockers) Convention (Revised) 1932.....	(No. 32)
Sickness Insurance (SEA) Convention 1936.....	(No. 56)
Certification of Ship's Cooks Convention 1949.....	(No. 69)
Certification of Able Seamen Convention 1956.....	(No. 74)
Labour Inspection Convention 1949.....	(No. 81)
Freedom of Association and the Right to Organise Convention 1949.....	(No. 87)
Migration and Employment Convention 1956.....	(No. 97)
Right to Organise and Collective Bargaining Convention 1950.....	(No. 98)
Abolition of Forced Labour 1957.....	(No. 105)
Radiation Protection Convention 1964.....	(No. 115)
Paid Education Leave Convention 1977.....	(No. 140)

Part One - new matters referred to the insular authorities

1. Mixed Competence Agreements

Purpose: A number of Mixed Competence Agreements have been arranged between the Member States of the European Union and third countries. The crux of these agreements deal with co-operation, stabilisation and peace matters. For example, areas such as improving co-operation on the prevention and combating of illegal cross-border migration, and facilitating expulsion of persons whose entry or residence in their territories is illegal. The Insular Authorities have, on occasion, been asked whether they wish these Agreements to be extended to the Island.

Action: The Insular Authorities have accepted that the areas of community competence within the framework of Protocol 3 will perforce apply to the Island. Given, however, that these Agreements fall, in the main, outside the scope of Protocol 3, the Island did not accept extension of these agreements with the following countries:

- Arab Republic of Egypt
- African, Caribbean and Pacific States
- Macedonia
- Croatia

An Agreement on trade, development and co-operation between the European Community and its Member States and the Republic of South Africa, is still being considered. The Insular Authorities have asked for more information on this Agreement.

2. European Charter for Regional or Minority Languages

Purpose: The protection and promotion of regional or minority languages.

Action: The United Kingdom ratified the Charter on the 27th March 2001, and the Insular Authorities were asked whether they wanted the Charter extended to the Island.

After consideration by the Education and Policy and Resources Committees, and the Law Officers, the Insular Authorities confirmed they did not wish the United Kingdom's ratification to be extended to the Island at this time.

3. Agreement between the Government of the United States of America and the Government of Great Britain and Northern Ireland Regarding the Sharing of Forfeited or Confiscated Assets or their Equivalent Funds

Purpose: To improve the effectiveness of law enforcement in both countries in the investigation, prosecution, and suppression of crime and in the tracing, freezing, seizure and forfeiture or confiscation of assets related to crime.

Action: The Insular Authorities were asked whether they wished the Agreement to be extended to the Island.

The Insular Authorities are in principle interested in reaching a satisfactory agreement on the question of asset sharing, and are giving active consideration as to how this may best be taken forward.

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

1. 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 following developments occurred during the year:

The Insular Authorities commented on a draft joint programme of work between this Convention and the Convention on Biological Diversity, stating that they would be pleased to contribute to the implementation of this working plan when it would be appropriate or possible to do so.

The Insular Authorities asked to be included in the United Kingdom's ratification of the "Agreement on the

Conservation of Albatrosses and Petrels”.

The Insular Authorities contributed to the United Kingdom’s submission to the (COP7) - Seventh Conference of Parties of the Convention and African-Eurasian Waterbird Agreement, fully updating the Island’s position in this regard.

2. Council of Europe Convention on CyberCrime

Purpose: To enable international mutual assistance to be provided in the investigation and prosecution of crimes committed with the help of or entirely by computer (e.g. computer related forgery and fraud, offences related to child pornography).

Action: The Insular Authorities were sent a copy of the final draft of the Convention, together with the Explanatory Report and draft schedule of the legislation that is required before the United Kingdom may ratify the Convention.

The Convention was signed in Budapest on the 23rd November 2001. The Insular Authorities have been asked whether the Island wishes the Convention to be extended when the United Kingdom ratify. The matter is being considered by the Law Officers, and relevant departments have been consulted.

3. United Nations Framework Convention on Climatic Change and the Kyoto Protocol

Purpose: The Convention seeks to monitor the emissions of greenhouse gases, with the Protocol setting out targets for Europe to reduce its emission of the six main gases that cause climate change.

Action: The Insular Authorities had previously confirmed that they wished to have the Protocol extended to the Island, and did so again in December 2001.

The United Kingdom then requested assurance that all the necessary steps had been taken to meet the Protocol’s obligations, in particular, an indication of the general trend in future greenhouse gas emissions. The Environmental Adviser is considering the matter, and Policy and Resources is reviewing the overall situation.

4. 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 Seas.

Action: The Insular Authorities wrote to the Lord Chancellor’s Department (LCD) about the Island’s concern with the increasing number of dead dolphins being found on the Island’s beaches, as a result of fishing activities.

Through the LCD, the Department of Environment, Food and Rural Affairs (DEFRA) replied that it too was concerned about small cetacean casualties caused by fishing, and at the European level action is being taken which hopefully will assist DEFRA. DEFRA and the European Fisheries Commissioner in particular are committed. DEFRA further noted that it had funded the Sea Mammal Research Unit (SMRU) to undertake monitoring projects in this area.

In addition, at the third meeting of ASCOBANS in July 2000, the United Kingdom’s “Harbour Porpoise Conservation Strategy” was launched, which sets out how the species is to be protected from pollution, seismic and other disturbances, as well as incidental mortality as a result of fishing activity. DEFRA is proposing to produce a strategy for the protection of all cetacean species.

5. Ramsar Convention on Wetlands of International Importance.

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

Action: Numerous developments have arisen over the year:

In May 2001 the Insular Authorities commented on the United Kingdom Ramsar Committee Meeting and various documents following that meeting. The Insular Authorities noted with interest the documents and commented that it would be of value to have a more direct link with the United Kingdom Ramsar Committee, perhaps attending its meetings in observer status.

The Insular Authorities, at the end of May 2001, were sent a copy of the Third Draft of the Ramsar Strategic Plan 2003-2008 and although found it of interest had no specific comments to make.

In response to a Home Office letter in June 2001, inviting the Insular Authorities to have observer status at the United Kingdom Ramsar Committee Meetings, the Insular Authorities replied they would be pleased to do so and asked for the Terms of Reference.

The Insular Authorities were asked on 25th June 2001 to complete a questionnaire/report on the implementation of the Convention outlining the progress in the Island. The Environmental Adviser considered the content of the questionnaire and supplied answers to those items relevant to the Island.

The Insular Authorities were sent the Consultation Draft of the United Kingdom National Ramsar Report which was to be presented at the eighth meeting of the Contracting Parties to the Convention in Valencia in November 2002. The Insular Authorities had no further comments to make, but requested the full and final report when it is published.

The Insular Authorities received an invitation to attend the United Kingdom Ramsar Committee Meeting in November 2001. Mr Andrew Syvret, Coastal Officer, Environmental Services, Planning and Environment, represented the Island.

The Insular Authorities declined the next invitation to the April 2002 United Kingdom Ramsar Committee Meeting in Edinburgh but requested copies of all information from that meeting.

The Insular Authorities received a final draft of the Report to Ramsar COP8 and appendices, but had no comment to make on the documents.

The Insular Authorities received a copy of the proposal for New Guidelines for management planning for Ramsar sites and other wetlands, along with numerous other documents, for information.

6. United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Purpose: In accordance with the principles proclaimed in the Charter of the United Nations, the Convention recognises the inherent dignity of the human person and makes more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world.

Action: In accordance with reporting requirements, the Insular Authorities were asked to prepare their third periodic report. The basis of the report concerned deaths in prison or prison custody, and the issue of torture or degrading treatment. The Island was asked to specifically address any new relevant legislation or measures. The Island's report was submitted to the United Kingdom in January 2002 and will be included as part of the United Kingdom's report. The final report to be submitted to the UN will then be published. The report included comments from the Law Officers' Department, States of Jersey Police, H.M. Prison La Moye and Policy and Resources Department.

7. Convention on Biological Diversity

Purpose: To ensure the maintenance of the variety of life forms for present and future generations.

Action: The Island was included in the United Kingdom's ratification in September 1994. The Insular Authorities were asked to comment on a draft joint programme of work between this Convention and the Convention of Migratory Species of Wild Animals.

The Insular Authorities replied that they would be pleased to contribute to the implementation of the working plan where it would be appropriate or possible to do so.

8. Montreal Protocol and Beijing Protocol Amendments to the Vienna Convention on Substances that Deplete the Ozone Layer

Purpose: These Protocols comprise additional measures for the protection of the Ozone layer, with amendments dealing in respect of trade, licensing, production, new substances and data reporting.

Action: The Insular Authorities had previously (January 1999) requested to be included in the United Kingdom's

ratification of the Montreal Protocol (as amended) but were asked again to confirm extension to it and the Beijing Protocol.

The Insular Authorities replied that, whilst they were supportive in principle of the Protocols, they needed more information on the United Kingdom's timing of ratification and whether the Island needed all the necessary legislation in place in order to have ratification extended to the Island.

9. European Convention on Mutual Assistance in Criminal Matters 1959

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 whether the Island would wish the extension of the Convention to the Island, now that the Criminal Justice (International Co-operation) (Jersey) Law 2001 has come into force. The matter is with the Law Officers for consideration.

The Second Additional Protocol to the Convention was sent to the Insular Authorities for information.

10. European Convention on Extradition

Purpose: To develop uniform rules with regard to extradition and to assist common action in legal matters.

Action: The Insular Authorities were asked whether they wished for the Second Additional Protocol, dealing with extradition for fiscal offences of the Convention, to be extended to the Island at the same time as the other Crown Dependencies. After careful consideration and meetings with United Kingdom Representatives, the Island confirmed the extension of the United Kingdom's ratification of the Protocol, given it recognised the commitment of the Insular Authorities to the fight against international fiscal crime.

11. Convention on International Trade in Endangered Species (CITES)

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

Action: The Insular Authorities have been asked to progress domestic legislation equivalent to the EU Regulation 338/97 which would thereby comply with the obligations of the Convention. Whilst the Insular Authorities are still of the opinion that this is a trade in goods matter, the Law Officers, in consultation with Policy and Resources, Agriculture and Fisheries and Planning and Environment officials, are progressing the matter and have asked for a meeting with DEFRA officials. In addition, the practical issue of CITES certificates is being considered.

On behalf of the Durrell Wildlife Conservation Trust, the Insular Authorities asked the United Kingdom to assist them with reclassifying the Madagascar flat-tailed tortoise - *Pyxis planicauda*. The United Kingdom was unable to progress this, as it is up to the Madagascan government to put the case forward, which it is now doing.

12. 1996 Protocol to the Convention of Marine Pollution by Dumping Waste and Other Matter, 1972

Purpose: To improve protection of the marine environment.

Action: The Insular Authorities were asked to comment on numerous documents regarding *inter alia*, the Twenty-third Meeting of Contracting Parties to the Convention, and the Twenty-fourth Meeting of the Scientific Group. The Insular Authorities were also asked whether they wished to send a representative to the Twenty-third Consultative Meeting to join the United Kingdom delegation.

The Insular Authorities declined the invitation and had no comments on the documents, but welcomed receiving the report of the actual meeting, which the United Kingdom duly sent.

13. United Nations Convention against Transnational Organised Crime

Purpose: Aims to eliminate inconsistencies among States that are frequently exploited by multinational criminal groups. Specific issues include combating money laundering, mafia activity and the growth in sexual slavery, illegal smuggling of migrants and trafficking of women and children.

Action: The Insular Authorities were asked whether they wished for the Convention to be ratified on the Island's behalf, although it has not yet been ratified by the United Kingdom. The Insular Authorities are conducting a review of its insular legislation to ascertain what difficulties would need attention, given the Island will need new domestic legislation in a number of different areas. The Insular Authorities are naturally sympathetic towards the objects of the Convention.

14. International Plant Protection Convention (IPPC)

Purpose: To secure common and effective action to prevent the spread and introduction of pests and plant products and to promote measures for their control.

Action: The Insular Authorities were informed by the Department for the Environment, Food and Rural Affairs (DEFRA) that approximately 35 countries have accepted the changes in the revised text, which the Insular Authorities had previously agreed. Thirty-five is less than half the number required for formal adoption, however most countries using IPPC are acting as if the changes have been accepted, with the inclusion of an interim Commission.

15. United Nations Convention on the Elimination of Racial Discrimination

Purpose: To prohibit and prevent all forms of racial discrimination (ICERD)

Action: The Insular Authorities were asked for an update on the Island's work with regards to the Convention, so it could be included in the United Kingdom's 16th Periodic Report. Specifically, the Island was asked to comment directly on the initiatives undertaken by working groups (The "Forum") looking at the matter in the Island, the status of proposed legislation, and to contribute any data on the ethnic composition of the population.

Accordingly, with reference to the 2001 Census, a breakdown of the population by ethnic and cultural background was provided; and updates on the progress of draft legislation was noted, as well as the work of nine working groups which had led to the concept of a "Jersey Community Relations Trust". "The Trust" had been agreed in principle by the Policy and Resources Committee, but the issue of funding was still outstanding, preventing its establishment.

16. Council of Europe Convention on the Protection of Animals for Slaughter

Purpose: The protection of animals at the time of slaughter or killing.

Action: The United Kingdom informed the Insular Authorities that it was ready to proceed with the ratification of the Convention, and asked whether the Island still wished for the extension of ratification, (as it had done so in 1998) and if so, to confirm Jersey had the necessary legislation in place.

Given that the necessary legislation to enable implementation of the Convention in the Island is not yet in place, the Insular Authorities declined the extension of the United Kingdom's ratification at this time.

17. 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: The Foreign and Commonwealth Office (FCO) informed the Insular Authorities that it was reviewing all existing and future IPPAs, given a recent dispute with an IPPA with Russia.

The Insular Authorities noted the FCO position, and requested further information on the dispute.

18. International Coffee Agreement, 2001

Purpose: The International Coffee Agreement, 2001 was formally approved by the Council of the International Coffee Organisation in September 2001, replacing the International Coffee Agreement, 1994. The primary objective of the Agreement is to promote international co-operation on coffee matters.

Action: The Insular Authorities confirmed they did wish to be a party with the United Kingdom to the new

International Coffee Agreement.

19. United Kingdom/Australia Social Security Convention

Purpose: A Convention on social security reciprocity between the two countries.

Action: The original agreement between the United Kingdom and Australia which had been extended to the Island was revoked. After discussions between the other Crown Dependencies, and views from the Foreign and Commonwealth Office, the Insular Authorities confirmed they would be prepared to be party to a single Convention to which Guernsey, Jersey and Australia are parties.

20. International Covenant on Economic, Social and Cultural Rights

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, social and cultural freedoms.

Action: The Crown Dependencies of Jersey, Guernsey and the Isle of Man were included as part of the United Kingdom delegation of the Twenty-eighth Session of the Human Rights Committee on Economic, Social and Cultural Rights examining the United Kingdom's fourth periodic report. This examination was held in Geneva on 6th - 7th May 2002.

A separate report detailing the procedure, outcome, and concluding observations of this oral examination 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. 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 were asked for information on the measures being taken to provide new facilities within the Island for the environmentally sound disposal of wastes generated and as to the time scales related thereto. The Insular Authorities provided a detailed response including their work on a long-term strategy. They further confirmed that the preparation on new domestic legislation was well advanced to enable the Convention be extended to the Island, but requested an extension of the Memorandum of Understanding between the United Kingdom and the Public Services Department which covers the agreed arrangements for the movements of hazardous wastes to be extended for this period.

2. United Nations Convention on the Suppression of Terrorist Financing

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

Action: The United Kingdom ratified the Convention on 7th March 2001, and the Insular Authorities confirmed that they wished the United Kingdom's ratification to be extended to the Island. The Insular Authorities then also confirmed that they intended to draft a new Terrorism Law which would give effect to the Convention.

3. Bay of Granville Fishing Agreement

Purpose: To define the maritime boundary between Jersey and France; provide for tighter conservation and management controls in the Fisheries; extend the areas of exclusive access for Jersey fishermen to Jersey waters; and define and secure Rights of Access by Jersey fishermen.

Action: A draft Order in Council, the effect which will be to fix, as a matter of law, the maritime boundary between Jersey and France, as agreed in the Agreement on the Establishment of a Maritime Boundary Between Jersey and France signed on the 4th July 2000, was prepared by the Foreign and Commonwealth Office legal advisers in consultation with the Law Officers' Department. The Insular Authorities requested the draft Order be put before the Privy Council at its meeting in February.

The Order, the Territorial Sea Act 1987 (Jersey) (Amendment) Order 2002 was made on the 12th February

2002. The Order will come into effect at the same time as the Granville Bay Agreement (i.e. 30 days after the later of the ratifications of the Agreement by the United Kingdom and French Government).

4. 1999 Montreal Convention for the Unification of Certain Rules for International Carriage By Air

Purpose: A consolidation of a 70-year-old system of international instruments of private international law into one legal instrument that provides an adequate level of compensation for those involved in international air accidents.

Action: The Insular Authorities were asked for confirmation that Jersey legislation is adequate to allow the Convention to be extended.

The Law Officers are providing drafting instructions for the necessary Order in Council which will enable the extension, and have received copies of the United Kingdom's draft statutory instruments.

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

1. 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 French Minister for Foreign Affairs formally confirmed that the United Kingdom's ratification of the Convention was extended to Jersey on 31st January 2002. This did not include Annex V of the Convention, and this matter is now being considered.

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

Purpose: To protect Migratory Species of Wild Animals.

Action: The Foreign and Commonwealth Office confirmed the extension of the Agreement (with Amendment) occurred on 29th October 2001.