

# **STATES OF JERSEY**



## **INTERNATIONAL CONVENTIONS AND AGREEMENTS: PROGRESS REPORT FOR PERIOD 1ST APRIL TO 30TH SEPTEMBER 2005**

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**Presented to the States on 15th May 2006  
by the Chief Minister**

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**STATES GREFFE**



**INTERNATIONAL CONVENTIONS AND AGREEMENTS:  
PROGRESS REPORT FOR PERIOD 1ST APRIL TO 30TH SEPTEMBER 2005**

**Part One: International Labour Organisation**

1. International Labour Organisation – Article 22 Reports

**Part Two: New Matters referred to the Island Authorities**

1. Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict, 1954

**Part Three: Matters referred to in earlier reports**

1. World Health Organisation Convention on Tobacco Control (FCTC)
2. European Convention on the Adoption of Children, 1967
3. EEC Convention on Long Range Transboundary Air Pollution – Aarhus Protocol on Persistent Organic Pollutants (POPs)
4. United Nations Framework Convention on Climate Change – the Kyoto Protocol
5. OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions: Follow up to the U.K.'s Phase 2 Review

**Part Four: Matters where a decision has been made by the Island Authorities**

1. UNESCO International Anti-Doping Convention and Drug Free Sport
2. Chemical Weapons Convention

**Part Five: Confirmation of ratification of earlier matters referred to in earlier reports**

The Island Authorities did not receive any confirmation of ratifications during this period.

**INTERNATIONAL CONVENTIONS AND AGREEMENTS:  
PROGRESS REPORT FOR PERIOD 1ST APRIL TO 30TH SEPTEMBER 2005**

This report contains a list of international treaties, conventions and agreements that have been referred formally to the Island Authorities during the period of 1st April to 30th September 2005.

## PART ONE:

### INTERNATIONAL LABOUR ORGANISATION

1. The Island is party to a number of Conventions under the auspices of the International Labour Organisation (ILO). Each year, the United Kingdom is required under Article 22 of the ILO Constitution to submit reports on the application of various ratified Conventions, some of which have been extended to the Channel Islands. The Island Authorities are required to provide information on those reports which extend to the Island.

#### Article 22 Reports

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##### (A) Maritime Conventions

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|----|--|----------|
| 1. | Minimum Age (Sea) Convention, 1920                     | (No. 7)  |
| 2. | Unemployment Indemnity (Shipwreck) Convention, 1920    | (No. 8)  |
| 3. | Medical Examination of Young Persons' Convention, 1921 | (No. 16) |
| 4. | Seamen's Articles of Agreement Convention, 1926        | (No. 22) |
| 5. | Certification of Ships' Cooks Convention, 1946         | (No. 69) |
| 6. | Certification of Able Seamen Convention, 1946          | (No. 74) |

##### (B) Employment and Labour Conventions

- |    |   |           |
|----|---|-----------|
| 1. | Forced Labour Convention, 1930              | (No. 29)  |
| 2. | Sickness Insurance (Sea) Convention, 1936   | (No. 56)  |
| 3. | Labour Inspection Convention, 1947          | (No. 81)  |
| 4. | Abolition of Forced Labour Convention, 1957 | (No. 105) |
| 5. | Labour Statistics Convention, 1985          | (No. 160) |

## **PART TWO:**

### **NEW MATTERS REFERRED TO THE ISLAND AUTHORITIES**

#### **1. Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict, 1954**

**Purpose:** To suppress the trade in stolen and illegally removed cultural objects in the event of armed conflict.

**Action:** The Island Authorities have informed the DCA that whilst they are generally supportive of the provisions of the Convention, they would like more time to consider the outcome of current consultation before deciding whether or not to seek ratification of the Treaty on the Island's behalf. The Island Authorities have also requested a copy of the conclusions of the U.K. consultation.

## **PART THREE:**

### **MATTERS REFERRED TO IN EARLIER REPORTS – LATEST DEVELOPMENTS**

#### **1. World Health Organisation Convention on Tobacco Control (FCTC)**

**Objective:** The objective of this Convention and its protocols is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.

**Action:** The Island Authorities were informed by the Department for Constitutional Affairs (DCA) that the U.K. ratified the above Convention on 16th December 2004. The Island Authorities were also asked to inform the DCA when they would expect to reach a decision on the extension of the U.K.'s ratification to the Bailiwick on matters not falling within European Community competence.

#### **2. European Convention on the Adoption of Children, 1967**

**Objective:** The Convention ensures that national law on the protection of children applies not only to adoptions of children from the Parties but also to those of children from other States. It contains a core of essential provisions on adoption practice which each Party undertakes to incorporate in its legislation, and a list of supplementary provisions to which Parties are free to give effect.

**Action:** The U.K. Department for Education and Skills (DfES) undertook a review of the Convention with a view to the U.K. denouncing it in light of revisions to U.K. adoption legislation. The DfES have now advised that they have commenced work on the denunciation and would like to know if the Island Authorities still wish the Convention to be retained as it applies to Jersey.

The Island Authorities have confirmed that they do not wish the United Kingdom to denounce the Convention on the Island's behalf at this time.

#### **3. EEC Convention on Long Range Transboundary Air Pollution – Aarhus Protocol on Persistent Organic Pollutants (POPs)**

**Objective:** To control, reduce or eliminate discharges, emissions and losses of persistent organic pollutants.

**Action:** The Department for Environment, Food and Rural Affairs (Defra) have asked if the Island Authorities still wish to have the Protocol extended to the Island and, if so, whether the necessary legislation is in place to fulfil the requirements of the Protocol.

The Island Authorities have informed Defra that it is still their wish to have the Protocol extended to the Island but that the necessary measures to satisfy the obligations in the Protocol are not yet fully in place. The Island Authorities confirmed that they are continuing to take steps towards a position where they would be able to comply with the requirements.

#### **4. United Nations Framework Convention on Climate Change – the Kyoto Protocol**

**Objective:** The stabilisation of atmospheric concentrations of greenhouse gases at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved

within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

**Action:** The Department for Environment, Food and Rural Affairs (Defra) have written to advise that the U.K. was looking to ratify the Kyoto Protocol, and the U.K. in fact did so on 31st May 2005. As the Island Authorities had agreed, in principle, to the extension of the Protocol to Jersey, they have supplied to Defra relevant data on green house gas emissions, along with other information in order for them to be included in the U.K.'s emissions inventory.

The Island Authorities have informed Defra that, whilst they remain supportive of the Protocol, they do not wish to have it extended at present as they are awaiting consideration of three major policies that could impact significantly on the ability of the Island to comply with the Protocol obligations; namely the Waste Strategy, the Traffic and Transport Strategy and the Energy Policy. The Island Authorities will contact the DCA when the matter can be reconsidered.

## **5. OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions: Follow up to the U.K.'s Phase 2 Review**

**Objective:** This Convention deals with what, in the law of some countries, is called "active corruption" or "active bribery", meaning the offence committed by the person who promises or gives the bribe, as contrasted with "passive bribery", the offence committed by the official who receives the bribe.

This Convention seeks to assure a functional equivalence among the measures taken by the Parties to combat bribery of foreign public officials, without requiring uniformity or changes in fundamental principles of a Party's legal system.

**Action:** The OECD's Phase 2 Review of the U.K.'s implementation of the OECD Bribery Convention was published on 17th March 2005. The U.K.'s next task is to give an oral report on progress at the Working Group on Bribery. The U.K.'s report will be an opportunity to demonstrate what has been done to address the recommendations.

Among the Working Group's recommendations was that the United Kingdom, within the rules governing their relationship, invite the Island Authorities to enact a comprehensive anti-corruption statute at the earliest possible date in order to extend the Convention to the Island.

The Island Authorities have confirmed their wish to request ratification of the Convention on behalf of the Island after the Corruption (Jersey) Law 200- has been enacted.

## **PART FOUR:**

### **MATTERS WHERE A DECISION HAS BEEN MADE BY THE ISLAND AUTHORITIES**

#### **1. UNESCO International Anti-Doping Convention and Drug-Free Sport**

**Objective:** To develop an internationally legally-binding convention against doping in sport in order to provide a legal framework that will bind all countries, through international law, to develop anti-doping programmes in accordance with the World Anti-Doping Code of the World Anti-Doping Agency and which will set out the governments' responsibilities in the fight against doping in sport.

**Action:** The Department for Culture, Media and Sports (DCMS) advised that the U.K. intended to sign the Convention in October 2005 and to ratify it by 9th February 2006 in time for the next Winter Olympics. The DCMS also asked if the Island Authorities wish to have the Convention extended to them and, if so, to confirm that the necessary legislation is in place.

Further to helpful discussions with the Department for Culture, Media and Sport and with U.K. Sport regarding the implications of ratification, the Island Authorities confirmed that they were able to implement the necessary measures and that they wish for ratification of the Convention to be extended to Jersey.

#### **2. Chemical Weapons Convention**

**Objective:** The objective of the Chemical Weapons Convention (CWC) is to rid the world of chemical weapons by prohibiting their development, production, acquisition, stockpiling, retention, transfer, and use.

**Action:** The Chemical Weapons Act 1996, relating to the Crown Dependencies did not enter into force until after the U.K. ratification of the Chemical Weapons Convention. The U.K. ratification, therefore, could not be extended to the Crown Dependencies.

The DCA has informed the Island Authorities that the Department for Trade and Industry (DTI) is now in a position to revise the U.K. ratification of the Convention to cover the Crown Dependencies.

The Island Authorities will also need to provide the DTI with information, in connection with certain chemicals, in order for the U.K. to meet its obligations under the Convention.

The Island Authorities have, as requested, informed the DTI of Jersey's status with regard to the relevant chemicals and have confirmed that they wish for the U.K. ratification to be extended to Jersey.

**PART FIVE: CONFIRMATION OF RATIFICATION OF EARLIER MATTERS REFERRED TO IN  
EARLIER REPORTS**

The Island Authorities did not receive any confirmation of ratifications during this period.