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# STATES OF JERSEY



## INTERNATIONAL CONVENTIONS AND AGREEMENTS: PROGRESS REPORT FOR PERIOD 1ST OCTOBER 2008 TO 31ST DECEMBER 2009

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Presented to the States on 12th July 2010  
by the Chief Minister

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STATES GREFFE

**INTERNATIONAL CONVENTIONS AND AGREEMENTS:  
PROGRESS REPORT FOR PERIOD 1ST OCTOBER 2008 TO  
31ST DECEMBER 2009**

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**REPORT****INTERNATIONAL CONVENTIONS AND AGREEMENTS:  
Progress report for period 1st October 2008 to 31st December 2009**

This Report contains a list of international treaties, conventions and agreements that have been referred formally to the Government of Jersey during the period of 1st October 2008 to 31st December 2009.

**PART ONE:****REPORTS SUBMITTED ON INTERNATIONAL TREATIES****1.1 International Labour Organisation – Article 22 Reports**

Jersey is included in the ratification of 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 Jersey.

During the last period, at the request of the ILO, the Government of Jersey has provided reports on the following conventions –

**Article 22 Reports**Employment and Labour Conventions

1. **Unemployment Convention, 1919 (No. 2)**
2. **Forced Labour Convention, 1930 (No. 29)**
3. **Labour Inspection Convention, 1947 (No. 81)**
4. **Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81)**
5. **Abolition of Forced Labour Inspection, 1947 (No. 105)**
6. **Radiation Protection Convention, 1960 (No. 115)**

**1.2 UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

The Government of Jersey provided its fourth periodic report on 31st October 2008, to be annexed to the United Kingdom's fifth periodic report to the UN Committee Against Torture.

**1.3 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction**

The Government of Jersey provided an annual declaration in accordance with Article VI of the Chemical Weapons Convention, regarding substances specified in the Convention.

**1.4 Convention on Biological Diversity**

The Government of Jersey provided a periodic report in January 2009 on its implementation of the UN Convention on Biological Diversity.

**1.5 International Covenant on Economic, Social and Cultural Rights**

The Government of Jersey provided further information in February 2009 on specific issues raised by the UN Committee on Economic, Social and Cultural Rights in connection with the United Kingdom's fifth periodic report.

**1.6 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter**

The Government of Jersey provided a report in February 2009 relating to the 1996 Protocol to the Convention.

**1.7 The United Kingdom Government reported on its compliance with the UNESCO International Convention against Doping in Sport in October 2009**

Although the compliance monitoring questionnaire and reporting framework only requires State Parties to report on measures taken by the metropolitan territory to comply with the Convention, in the interests of completeness Jersey provided an informal report together with the other Crown Dependencies and UK Overseas Territories.

**1.8 Convention on the Elimination of All Forms of Racial Discrimination**

The Government of Jersey provided a report on 6th October 2009 regarding progress since 2003 on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

**PART TWO:****NEW MATTERS REFERRED TO THE GOVERNMENT OF JERSEY****2.1 European Convention on the Adoption of Children 1967****Purpose**

The Convention 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. Thus, under the Convention's essential provisions, adoption must be granted by a judicial or administrative authority, the decision to authorise the adoption of a child must be freely accepted by the parents and the adoption must be in the interest of the child.

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.

**Action**

The Government of Jersey noted the continued reservation by the Former Yugoslav Republic of Macedonia had been modified and renewed with effect from 16th April 2008.

**2.2 Economic Partnership Agreement between the Cariforum States and the European Community and its Members States****Purpose**

The European Community signed an Economic Partnership Agreement (EPA) on 16th October 2008 with Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, the Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Suriname, and Trinidad and Tobago (the CARIFORUM countries).

The Agreement aims at achieving sustainable development by establishing a trade partnership which promotes regional integration and the gradual integration of CARIFORUM countries into the world economy. It includes capacity building measures and supports increased investment.

**Action**

The Government of Jersey was asked, at short notice, to give a considered view on the application of the Agreement to the Bailiwick. In the time available they could not agree to the UK ratification of the Agreement in respect of Jersey beyond those matters falling within Protocol 3. However, the Government wished to reserve its position regarding possible extension of ratification to further matters should this be possible and should they consider this to be desirable in due course.

## 2.3 Convention on Cybercrime

### Purpose

The Convention aims principally at (1) harmonising the domestic criminal substantive law elements of offences and connected provisions in the area of cyber-crime, (2) providing for domestic criminal procedural law powers necessary for the investigation and prosecution of such offences as well as other offences committed by means of a computer system or evidence in relation to which is in electronic form and (3) setting up a fast and effective regime of international co-operation.

The United Kingdom signed the Cybercrime Convention in 2001, and ratified it in 2009. Under Article 38, the parties to the Convention can specify the territories to which the convention shall apply, either at ratification or at a later date.

### Action

The Government of Jersey is considering whether or not to request extension of the United Kingdom's ratification to Jersey in future.

## 2.4 Vienna Convention for the Protection of the Ozone Layer – Montreal Protocol

### Purpose

The Montreal Protocol of 1987 controls both the production and consumption of the various ozone depleting substances.

The Protocol and the first 2 Amendments (London, 1990, and Copenhagen, 1992) have been extended to Jersey.

The Government of Jersey has been asked to consider 2 further Amendments –

- The Montreal Amendment (1997) created a system of licenses for imports and exports of ozone depleting substances, mainly in order to tackle the growing illegal trade in the substances.
- The Beijing Amendment (1999) added bromochloromethane (methyl bromide) to the phase-out schedules and extended the controls on hydrochlorofluorocarbons to production in addition to the revised controls on consumption.

### Action

The Government of Jersey is considering whether or not to seek extension of the Montreal and Beijing Amendments and the legal framework needed to enable enforcement of the obligations arising.

## **2.5 Convention on the Physical Protection of Nuclear Material**

### **Purpose**

The Convention is the only international legally binding undertaking in the area of physical protection of nuclear material. It establishes measures related to the prevention, detection and punishment of offences relating to nuclear material.

A Diplomatic Conference in July 2005 was convened to amend the Convention and strengthen its provisions. The amended Convention makes it legally binding for States Parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport. It also provides for expanded co-operation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage, and prevent and combat related offences.

The Government of Jersey has been asked whether they wish to be included in the United Kingdom ratification of the amendments.

### **Action**

The Government of Jersey is considering the legislative and practical requirements necessary for extension of the amendments.

## **2.6 Convention on the Suppression of Acts of Nuclear Terrorism**

### **Purpose**

The Convention concerns the unlawful possession or use of nuclear devices or materials by non-state actors.

The Nuclear Terrorism Convention calls for states to develop appropriate legal frameworks criminalizing nuclear terrorism-related offences, investigate alleged offences, and, as appropriate, arrest, prosecute, or extradite offenders. It also calls for international co-operation with nuclear terrorism investigations and prosecutions, through information-sharing, extradition and the transfer of detainees to assist with foreign investigations and prosecutions.

The Government of Jersey has been asked whether they wish to be included in the United Kingdom ratification of the Convention.

### **Action**

The Government of Jersey is considering the legislative and practical requirements necessary for extension of the amendments.

## **2.7 The (Third) Protocol Additional to the Geneva Conventions**

### **Purpose**

The Protocol introduces a new distinctive emblem, the red crystal, in addition to the existing red cross and red crescent, to be used in situations where the existing emblems might be wrongly perceived as having religious connotations. The Protocol puts the new emblem on the same legal footing as the existing emblems recognised by the Geneva Conventions.

It was proposed that extension of the Protocol to Jersey would send a strong and positive message, demonstrating that the Bailiwick stand alongside the UK and the rest of the international community in recognising the importance of the Protocol, as well as re-affirming their support for the institution of the International Red Cross.

### **Action**

The Government of Jersey is considering the legislative and practical requirements necessary for extension of the Protocol.

## **2.8 OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic**

### **Purpose**

The United Kingdom intended to ratify amendments to Annex II and Annex III to the OSPAR Convention for the Protection of the Marine Environment in the North-East Atlantic in relation to the storage of carbon dioxide streams in geological formations.

The Amendments could enable, if extended at some point in the future, storage of CO<sub>2</sub> in sub-seabed geological formations under Jersey territorial waters, and enable the introduction of a suitable regulatory framework compliant with the OSPAR Convention.

### **Action**

The Government of Jersey is considering the legislative and practical requirements necessary for extension of the Amendments.

**PART THREE:****MATTERS REFERRED TO IN EARLIER REPORTS –  
LATEST DEVELOPMENTS****3.1 Convention Concerning the Protection of the World Culture and Natural Heritage****Purpose**

The World Heritage Convention aims to promote co-operation among nations to protect heritage around the world that is of such outstanding universal value that its conservation is important for current and future generations.

**Developments**

The Government of Jersey provided a formal response in March 2009 to the Department for Culture, Media and Sport (DCMS) consultation on World Heritage policy and the future of the UK Tentative list.

**3.2 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions****Purpose**

The OECD Anti-Bribery Convention establishes legally binding standards to criminalise bribery of foreign public officials in international business transactions and provides for a number of related measures that make this effective

**Developments**

The United Kingdom Government wrote to Jersey on 1st October 2009 confirming that Jersey meets the requirements of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

It was hoped that extension of the Convention to Jersey would be completed soon.

**PART FOUR:****MATTERS WHERE A DECISION REGARDING A CONVENTION HAS  
BEEN MADE BY THE GOVERNMENT OF JERSEY****4.1 Memorandum of Understanding on the Conservation of Migratory Birds  
of Prey in Africa and Eurasia****Purpose**

The Convention on the Conservation of Migratory Species of Wild Animals, signed at Bonn on 23rd June 1979, calls for international co-operative action to conserve migratory species. Article IV.4 of that convention encourages Signatories to conclude agreements – including non-legally binding administrative agreements in respect of any populations of migratory species.

The Memorandum of Understanding is a non-statutory agreement indicating that signatories will undertake a wide range of measures to achieve and maintain the favourable conservation status of birds of prey throughout their range and to reverse their decline when and where appropriate. Signatories will also be required to report on their progress in this regard.

**Decision**

The Government of Jersey decided that the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia should be extended to Jersey.

**4.2 Agreement on the Conservation of Small Cetaceans of the Baltic and  
North Seas (ASCOBANS)****Purpose**

ASCOBANS is a regional agreement on the protection of numerous species of small cetaceans which live in the Baltic, Irish and North Seas and the North East Atlantic, including dolphins, whales and harbour porpoises.

In 2003 it was agreed to extend the original Agreement area (Baltic and North Seas) further west to cover parts of the North Atlantic and to incorporate waters adjacent to Ireland, Portugal and Spain. This extension also changed the name to “Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas”.

**Decision**

The government of Jersey confirmed in January 2009 that it wished to be included in the United Kingdom’s acceptance of the extended territorial scope of the Agreement.

**PART FIVE:****CONFIRMATION OF RATIFICATION OF MATTERS REFERRED TO IN  
EARLIER REPORTS****5.1 Convention on Limitation of Liability for Maritime Claims (LLMC),  
1976  
Protocol on the Convention of Limitation of Liability for Maritime  
Claims 1996****Purpose**

The 1976 Convention enables ship-owners or charterers to limit their liability for the payment of damages and, in exchange, requires that they establish limitation funds for the benefit of those to whom they are liable.

Under the Protocol the amount of compensation payable in the event of an incident is substantially increased and it also introduces a “tacit acceptance” procedure for updating these amounts.

**Developments**

The legislation to implement this Protocol is the Shipping (Jersey) Law 2002 as amended by the Shipping (Amendment No. 2) (Jersey) Law 2009. Following introduction of this legislation the Government of Jersey, on 7th July 2009, requested the United Kingdom to extend ratification of the 1996 Protocol to Jersey.

The Government also requested that certain reservations were entered on behalf of Jersey, consistent with those of the United Kingdom.

In addition, Jersey requested extension of the United Kingdom denunciation the original 1976 Convention.

The International Maritime Organisation confirmed to the Foreign and Commonwealth Office that these actions had taken effect on the date of notification, 14th December 2009.

**5.2 UN Convention against Corruption****Purpose**

The United Nations Convention against Corruption (UNCAC) is the first legally binding international anti-corruption instrument.

UNCAC obliges its States Parties to implement a wide and detailed range of [anti-corruption measures](#) affecting their laws, institutions and practices. These measures aim to promote the prevention, criminalization and law enforcement, international co-operation, [asset recovery](#), technical assistance and information exchange, and mechanisms for implementation.

**Developments**

Jersey was represented for the first time at the Third Session of the Conference of the States Parties to the UN Convention against Corruption, held on 9–13th November 2009, in Doha, Qatar.

In the closing session of this conference the UK delegation made an announcement confirming the extension of ratification of the Convention to Jersey and the other Crown Dependencies.