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# STATES OF JERSEY



## INTERNATIONAL CONVENTIONS AND AGREEMENTS: PROGRESS REPORT FOR PERIOD 1ST JANUARY 2010 TO 30TH JUNE 2011

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Presented to the States on 12th September 2011  
by the Chief Minister

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STATES GREFFE

**INTERNATIONAL CONVENTIONS AND AGREEMENTS:  
Progress report for period 1st January 2010 to 30th June 2011**

**Part One: Reports submitted on international treaties**

**Part Two: New Matters referred to the Government of Jersey**

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the Government of Jersey**

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**REPORT**

**INTERNATIONAL CONVENTIONS AND AGREEMENTS:**

**Progress report for period 1st January 2010 to 30th June 2011**

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 January 2010 to 30th June 2011.

## PART ONE:

### REPORTS SUBMITTED ON INTERNATIONAL TREATIES, CONVENTIONS AND AGREEMENTS

#### 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

##### ILO reports on social policy –

- **Minimum Age Sea Convention (No. 7)**
- **Unemployment Indemnity (Shipwreck) Convention (No. 8)**
- **Medical Examination of Young Persons (Sea) Convention 1921 (No. 16)**
- **Seaman’s Articles of Agreement Convention 1926 (No. 22)**
- **Sickness Insurance (Sea) Convention 1936 (No. 56)**
- **Certification of Ships’ Cooks Convention 1946 (No. 69)**
- **Certification of Able Seamen Convention 1946 (No. 74)**
- **Freedom of Association and Protection of the Right to Organise, 1948 (No. 87)**
- **Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**
- **Seafarers’ Identity Documents Convention 1958 (No. 108)**
- **Labour Statistics Convention, 1985 (No. 160).**

#### 1.2 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter

##### Purpose

The Convention is an agreement to control pollution of the sea by dumping and to encourage regional agreements supplementary to the Convention. It covers the deliberate disposal at sea of wastes or other matter from vessels, aircraft, and platforms.

**Action**

The Government of Jersey has submitted a report to the International Maritime Organisation concerning the disposal of 'bulky items' and 'fish waste'.

**1.3 Biennial Reports 2007–2008 on the implementation of Bern Convention****Purpose**

The [Bern Convention](#) is an agreement in the field of nature conservation, which covers most of the natural heritage of the European continent and extends to some states of Africa. Its aims are to conserve wild flora and fauna and their natural habitats and to promote European co-operation in that field.

The Convention places a particular importance on the need to protect endangered natural habitats and endangered vulnerable species, including migratory species.

**Action**

The Government of Jersey submitted a report to the Council of Europe, as required under Article 9, on the implementation of the Bern Convention in respect of exceptions made from the provisions of Articles 4, 5, 6, 7 and 8 in 2007–2008.

**1.4 Visit by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)****Purpose**

The CPT's mandate is to examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment.

**Action**

The CPT delegation had unlimited access to facilities and visited the Police Station, La Moye Prison, Greenfields Secure Unit for Children and Orchard House Mental Health Unit.

The delegation recorded the excellent co-operation received by the Jersey authorities throughout their visit. The CPT's report found that relationships between staff and individuals detained in these establishments were strong and that the standard of accommodation provided was high; however the report also made a number of recommendations for improvements which were welcomed. Specific actions have been followed up in response to the comments.

## **PART TWO:**

### **NEW MATTERS REFERRED TO THE GOVERNMENT OF JERSEY**

#### **2.1 International Convention on the Suppression of Nuclear Terrorism**

##### **Purpose**

The Convention imposes an obligation on State parties to establish the offences within the scope of the Convention as criminal offences under their national laws and to make these offences punishable by appropriate penalties, which take into account their grave nature. Further, the Convention imposes the obligation to establish jurisdiction, territorial as well as extra-territorial, as may be necessary, over the offences set forth in the Convention.

##### **Action**

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

#### **2.2 Extension of the International Labour Organisation (ILO) 'core' Conventions**

The ILO has launched a campaign aimed at universal ratification of the 8 ILO 'core' Conventions by 2015. The UK Government – which has ratified all of the core Conventions – has requested the Government of Jersey to consider extension of all the remaining core Conventions which have not yet been extended to the Island, i.e. –

- **Equal Remuneration Convention, 1951 (No. 100)**
- **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**
- **Minimum Age Convention, 1973 (No. 138)**
- **Worst Forms of Child Labour Convention, 1999 (No. 182).**

##### **Action**

The Government of Jersey has indicated that it is sympathetic to, and supportive of, the principles which underlie the remaining Conventions, and continues to develop legislation concerning equal remuneration, discrimination, minimum age and employment.

The Government is at present considering whether or not to have the Conventions extended.

#### **2.3 Economic Partnership Agreement (EPA) between the Cariforum States and the European Community and its Member States**

##### **Purpose**

The Cariforum EPA 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. This is a new kind of free-trade agreement as sustainable development is the presiding principle governing the whole agreement. Sustainable development is also covered in detail in 2 chapters dealing with environmental and social provisions.

#### **Action**

The Government of Jersey was consulted at very short notice by the UK Government on the proposed UK ratification of the EPA. Jersey was unable to comment on the proposal in the time available, except to note that parts of the agreement might relate to matters falling within the scope of Protocol 3. The Government of Jersey wished to reserve its position regarding extension of ratification with respect to further matters, should this be possible, and they consider it desirable in future.

### **2.4 Economic Partnership Agreements between the European Community and Cameroon and the Ivory Coast**

#### **Purpose**

Through its trade policy the EU aims to ensure that developing countries are able to benefit from access to its own markets and from the openness of the global economy. It sees progressive openness to trade as one part of a development strategy.

#### **Action**

The Government of Jersey was asked at short notice to comment on the proposed UK ratification of the Agreements. The proposal was noted by Jersey.

### **2.5 Framework Agreement on Comprehensive Partnership and Co-operation between the European Community and its Member States and the Republic of Indonesia**

#### **Purpose**

The EU-Indonesia Partnership and Co-operation Agreement (PCA) is part of a wider co-operation framework which provides opportunity to expand EU engagement in numerous fields. Four priorities for closer co-operation have already been agreed at the highest level: education, human rights/democracy; trade and investment and the environment.

#### **Action**

The Government of Jersey was asked at short notice to comment on the proposed UK ratification of the Agreement. Jersey agreed to the UK Government's ratification of the Agreement in respect of Jersey, but only to the extent that it falls within the scope of Protocol 3.

## **2.6 Draft Partnership and Co-operation Agreement between the European Union and its Member States, and the Republic of the Philippines**

### **Purpose**

A draft agreement was under negotiation between the EU and the Philippines to encompass a number of areas, including the environment, agriculture, information society, energy, transport, public administration and maritime labour clauses.

### **Action**

The Government of Jersey noted that the draft agreement was expressed, in its territorial application, to “apply to the territory in which the Treaty establishing the European Union is applied under the conditions laid down in the Treaty”. However, whilst it appears to be intended to apply to the Crown Dependencies to the extent that they are within the EU under Protocol 3, it remains unclear what the implications might be.

The Government of Jersey decided to make no further comment at this stage.

## **2.7 Partnership and Co-operation Agreement between the European Union and its Member States, and the Socialist Republic of Vietnam**

### **Purpose**

The Agreement is described as a stepping stone towards enhanced political and economic involvement of the EU in South-East Asia. It covers Human Rights, international climate change, Weapons of Mass Destruction, Small Arms and Light Weapons, and Counter-terrorism, and implements the EU policies on taxation as well as on migration.

The PCA will provide the basis for more effective engagement by the EU and its Member States with Vietnam in the development, trade, economic and justice domains, and encompasses areas such as health, environment, climate change, energy, education and culture, labour, employment and social affairs, science and technology, and transport. The Agreement further addresses legal co-operation, money laundering and terrorist financing, organised crime and corruption.

### **Action**

Jersey was asked to comment on the draft Agreement. Whilst it appears to be intended to apply to the Crown Dependencies to the extent that they are within the EU under Protocol 3, it remains unclear what the implications might be.

Jersey has made no further comments.



**2.8 Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933–1945, Including the Period of World War II**

**Purpose**

The document represents a consensus on legally non-binding but morally important guidelines and best practices for restitution and compensation of immovable (real) property confiscated or otherwise wrongfully seized by the Nazis, Fascists and their collaborators during the Holocaust (Shoah) era between 1933–1945, including World War II.

**Action**

The Government of Jersey was invited to comment on the proposed guidelines. They welcomed the opportunity to comment and, mindful of the circumstances experienced by many individuals during the Occupation, indicated that it supported the principles set out in the guidelines.

**2.9 Ratification of the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974**

**Purpose**

The 1974 Athens Convention establishes a regime of liability for damage suffered by passengers carried on a seagoing vessel. It declares a carrier liable for damage or loss suffered by a passenger if the incident causing the damage occurred in the course of the carriage and was due to the fault or neglect of the carrier.

In 2002 the International Maritime Organisation (IMO) adopted a Protocol to the 1974 Athens Convention. The 2002 Protocol will amend the 1974 Convention by introducing higher liability limits on carriers; requiring the carrier to provide evidence of insurance up to 250,000 SDR per capita; requiring the compulsory insurance to be verified by a certificate; introducing the right of direct action against the insurer; and changing the time bar provisions in the 1974 Convention.

**Action**

The Government of Jersey raised a number of questions about the assumptions and proposals outlined, and are seeking further information from the United Kingdom Government.

**PART THREE:****MATTERS REFERRED TO IN EARLIER REPORTS –  
LATEST DEVELOPMENTS****3.1 1996 European Agreement relating to persons participating in proceedings of the European Court of Human Rights****Purpose**

Jersey is currently included in the United Kingdom's ratification of the European Agreement relating to Persons Participating in Proceedings of the European Commission and Court of Human Rights, 1969. The 1969 Agreement made provision for the purposes of the European Convention on Human Rights that persons taking part in proceedings before the European Commission of Human Rights or the European Court of Human Rights should be accorded certain immunities and facilities.

The new 1996 Agreement entirely replaces and updates the 1969 Agreement to include further provisions.

**Action**

Jersey indicated some years ago that they would like the 1996 Agreement to be extended to the Island. It appears that it was not possible to take it forward as the necessary legislation was not in place to give effect to the provisions of the Agreement.

It will be necessary to introduce Regulations under the Privileges and Immunities (Diplomatic, Consular, etc.) (Jersey) Law 1998 to confer privileges and immunities equivalent to those conferred in the UK by the European Court of Human Rights (Immunities and Privileges) Order 2000. The 1998 Law was amended in 2004 specifically to enable such Regulations to be made but, for reasons that are unclear, the Regulations were not made.

Jersey has been asked whether it is yet in a position to have the 1996 Agreement extended. Drafting instructions have been prepared and further progress will be subject to allocation of law drafting time.

**3.2 UN Convention on the Rights of Persons with Disabilities****Purpose**

The Convention is intended as a human rights instrument with an explicit, social development dimension. It adopts a broad categorization of persons with disabilities and re-affirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms.

**Action**

The Government of Jersey is continuing to consider whether or not it wishes to have the UK ratification of this Convention extended to Jersey.

**PART FOUR:**

**MATTERS WHERE A DECISION REGARDING A CONVENTION HAS  
BEEN MADE BY THE GOVERNMENT OF JERSEY**

There are no matters to report during this period where a decision has been made by the Government of Jersey.

**PART FIVE:**

**CONFIRMATION OF RATIFICATION OF MATTERS REFERRED TO IN  
EARLIER REPORTS**

There are no confirmations of ratifications to report during this period.