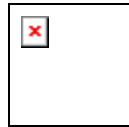


**INTERNATIONAL CONVENTIONS AND AGREEMENTS: PROGRESS REPORT FOR THE PERIOD 1ST
OCTOBER 2000 TO 31ST MARCH 2001**

**Presented to the States on 15th May 2001
by the Policy and Resources Committee**



STATES OF JERSEY

STATES GREFFE

150

2001

R.C.18

Price code: B

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 October 2000 to 31st March 2001.

International Labour Organisation

1. The Island is party to a number of Conventions under the auspices of the International Labour Organisation. During this reporting period, the Island was not required to submit any Convention reports.
2. The Insular Authorities were asked whether they wished for ratification of ILO Convention 111: Discrimination in Respect of Employment and Occupation, to be extended to the Island.

After much consideration, the Insular Authorities declined extension. Whilst the Insular Authorities are sympathetic to, and supportive of the principles which underlie Convention 111, the Island did not feel it was in a position to request that the Convention be extended at the present time. The Island continues to develop legislation concerning discrimination and employment issues, but until such legislation is in place, the Insular Authorities did not wish to have the Convention extended to it.

Part One - new matters referred to the Insular Authorities

1. Council of Europe Convention on CyberCrime

The Convention is still in draft form, but the United Kingdom intends to sign up to the Convention once it has the necessary legislation in place.

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: As the Convention is still in draft form, the Insular Authorities have not been asked whether the Island would like it extended, but have taken note of it. Article 35 of the draft provides scope for the Convention to be extended in the future if the Island so chooses.

The Insular Authorities warmly supports the initiatives of the Convention and have asked to be kept abreast of Convention developments as well as the proposed UK legislation.

2. 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 United Kingdom is in the process of signing and ratifying the Convention, but must first determine whether it has the necessary legislation to enable ratification. Having done so, it will ask the Insular Authorities whether they would like the Convention extended to the Island.

3. European Vehicle and Driving License Information System Treaty (EUCARIS)

Purpose: To ensure the accuracy of the respective central vehicle and driving license registrars and to prevent vehicle related crime by the electronic exchange of information.

Action: The Insular Authorities have been sent a copy of the Convention for consideration and are in discussion with the Home Office as to the territorial scope.

4. United Kingdom/Romanian Draft Agreement

Purpose: To improve co-operation between the United Kingdom and Romania with regard to the prevention and combating of illegal cross border migration, and to facilitate the expulsion of persons whose entry or residence in their territories is illegal.

Action: The Insular Authorities asked that the proposed Agreement with Romania which is currently under consideration be capable of extension to the Island.

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

1. Convention on Independent Guarantees and Standby Letters of Credit (UNCITRAL)

Purpose: To provide effective mechanisms for dealing with cases of cross-border insolvency in order to promote greater legal certainty for trade and investment: to bring about fair and efficient administration of such insolvencies; to protect the interests of all creditors and other interested parties; to protect and maximise the value of the debtor's assets; to facilitate the rescue of financially troubled businesses; and to bring about co-operation between courts and other competent authorities involved in insolvencies which have an international dimension.

Action: In June 1997 the Insular Authorities had stated that there was no reason why the Island should not in due course give consideration to the enactment of domestic legislation which would go towards achieving the goals which had been set out in the draft UNCITRAL Model Legislative Provisions.

In October 2000 the United Kingdom updated the Insular Authorities, declaring that it had not yet signed the Convention but would be sending a consultation and cost compliance document to the Island as soon as it was made available.

2. Agreement on the Conservation of Bats in Europe (EUROBATS) Amendment to the Agreement

Purpose: To protect migratory species of wild animals.

Action: The Insular Authorities were asked whether the proposed amended EUROBATS Agreement should be extended to the Island. The Insular Authorities asked for the extension, and also requested that the United Kingdom enter a reservation on the Island's behalf, so that any additional annexes or amendments will come into force for the Island only after a proper consultative period.

3. Convention on Customs Treatment of Pool Containers

Purpose: To provide potential opportunities for improved efficiency in the use of containers in all forms of international transport. As such, the Convention defines and updates the conditions under which containers are utilised and circulated around the world trading system.

Action: The Insular Authorities were first asked if they wished the Convention to be extended in 1997, and had at that time replied in the affirmative. Since the Convention is expected to come into force next summer, once the European Community has ratified it, the Insular Authorities were asked to confirm that they wished to be included in the United Kingdom's ratification.

The Insular Authorities confirmed that the Island would wish to be included in the ratification of the Convention.

4. 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: At the request of the Insular Authorities, the Home Office is pursuing with the Department of the Environment, Transport and the Regions (DETR), the question of extending the United Kingdom's ratification of the OSPAR Convention (including Annex 5) to the Island, now that the Water Pollution (Jersey) Law 2000 is in force and is the enabling law.

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: The Insular Authorities formally submitted a request to the United Kingdom Authorities for the designation of the foreshore of the south-east coast of Jersey as a designated wetland site as agreed by the States last year. The Planning and Environment Committee was named as the lead agency for the implementation of Ramsar, and Senator Nigel Querée as the relevant "Minister".

The Insular Authorities received formal confirmation that the site was designated as a Ramsar wetland of international importance on 10th November 2000.

6. International Plant Protection Convention (IPPC) 1997 revised text

Purpose: To secure common and effective action to prevent the spread and introduction of pests of plants and plant products, and to promote appropriate means for their control. The Convention was revised in 1997 to reflect responsibilities arising under the World Trade Organisation's Sanitary and Phytosanitary Agreement (SPS).

Action: The Island was included in the United Kingdom's ratification of the Convention in 1953, and the revised Convention of 1997 was accepted on behalf of the Island in 1982.

The United Kingdom still needs to accept the 1997 revisions, and the Island confirmed that it wished to be included in the United Kingdom's acceptance of the IPPC 1997 revised text, when it does so. The United Kingdom has informed the Island that entry into force is unlikely to happen in the near future but that the Island will be included when it does.

7. European Convention on Mutual Legal Assistance and Cooperation between Customs Administrators (Naples II)

Purpose: It provides for enhanced administrative co-operation in relation to customs offences and also for special forms of cross-border co-operation.

Action: The Insular Authorities are considering the Island's extension of the United Kingdom's ratification.

8. 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 therefore, to comment on the 2000 United Kingdom Report to the Convention on Biological Diversity (CBD). At the request of the Insular Authorities, a meeting with the Department of the Environment, Transport and the Regions (DETR) to discuss matters concerning the Convention, will be held presently. The Insular Authorities had no additional comments to make on the United Kingdom Report.

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 what progress had been made with the preparation of new legislation for the purpose of enabling the extension of the Convention to the Island. The Insular Authorities reported that the law drafting was advancing. Two sessions with the consultant had been held since August 2000, and the final draft of the Law is being prepared. It is intended that this final draft will be discussed presently and that a pre-audit review by the Home Office will then be requested. Accordingly, the Insular Authorities envisage having legislation in place by the end of 2001.

2. OPRC Convention (Oil Pollution Preparedness, Response and Co-operation Convention)

Purpose: Requires Parties to prepare for, respond to and co-operate regarding oil pollution.

Action: The Insular Authorities were asked about developments of the Merchant Shipping (Jersey) Law 2000 which will implement the Convention. The Law has been drafted and is intended to be brought to the States in due course.

3. Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement

Purpose: An Agreement unifying various matters of intellectual property (e.g. copyright, design right, performers' protection).

Action: The Insular Authorities were asked if steps had been taken to enact appropriate legislation on intellectual property so that the TRIPS Agreement may be extended to the Island.

The Industries Committee has established a working group which is responsible for handling consultation on the draft legislation, both within and outside the Island. This included consultations with the United Kingdom Patent Office on the draft Copyright (Jersey) Law. A number of changes to the draft Law were thought necessary as a result and these and other minor changes are to be incorporated in a final draft. This draft will be submitted to the Industries Committee for approval, prior to lodging "au Greffe", and the other draft Laws (Performers' Protection (Jersey) Law, and the Design Right (Jersey) Law) should follow shortly afterwards.

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

1. 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 confirmed that the terms of the Convention allow for the United Kingdom's ratification to be extended to the Island.

2. United Kingdom/Japan Double Contributions Convention

Purpose: Exchange of diplomatic notes for reciprocal Contributions Convention.

Action: Diplomatic Notes were exchanged between the United Kingdom and Japan, and the Agreement came into force on 1st February 2001. This followed the States Act entitled the Social Security (Reciprocal Agreement with Japan) (Jersey) Act 2000 being made on 26th September 2000, which enabled implementation of the Convention.

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

1. Social Security Agreement with Australia

Purpose: A bilateral Social Security Agreement between Australia and the United Kingdom, which included Jersey.

Action: The Insular Authorities were notified that the Australian Government gave the United Kingdom notice that it intended to terminate the Social Security Agreement on 1st March 2001.

When the Insular Authorities receive confirmation from the Home Office that the Order in Council has been made, the Employment and Social Security Committee will present to the States Assembly for approval, a draft Act rescinding the Family Allowances and Social Security (Reciprocal Agreement with Australia) (Jersey) Act 1992.