

# **STATES OF JERSEY**



## **INTERNATIONAL CONVENTIONS AND AGREEMENTS: PROGRESS REPORT FOR PERIOD 1ST APRIL TO 30TH SEPTEMBER 2006**

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**Presented to the States on 19th January 2007  
by the Chief Minister**

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**STATES GREFFE**

**INTERNATIONAL CONVENTIONS AND AGREEMENTS:  
PROGRESS REPORT FOR PERIOD 1ST APRIL TO 30TH SEPTEMBER 2006**

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

- 1.1 International Labour Organisation – Article 22 Reports
- 1.2 International Covenant on Civil and Political Rights
- 1.3 Human Rights Questionnaires

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

The Island Authorities did not have any new matters referred during this period.

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

- 3.1 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992 (“Supplementary Fund Protocol”)
- 3.2 Revised Social Security Agreement between the U.K. and the Netherlands
- 3.3 Chemical Weapons Convention

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

- 4.1 International Covenant on Civil and Political Rights
- 4.2 Albania Stabilisation and Association Agreement
- 4.3 Application of Proposed treaties to the Crown Dependencies
- 4.4 International Health Regulations

**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 2006**

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 2006 to 31st September 2006.

## PART ONE:

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

#### 1.1 International Labour Organisation – Article 22 Reports

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. This year the ILO has asked the Island authorities to provide reports on the following conventions.

##### Article 22 Reports

###### (A) Employment and Labour Conventions

1. Right of Association (Agriculture) Convention, 1921 (No. 11)
2. Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
3. Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
4. Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
5. Sickness Insurance (Industry) Convention, 1927 (No. 24)
6. Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
7. Workmen's Compensation (Occupational Diseases) Convention, 1934 (No. 42)
8. Freedom of Association and Protection of the Right to Organise, 1948 (No. 87)
9. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

#### 1.2 International Covenant on Civil and Political Rights

In accordance with principles proclaimed in the Charter of the United Nations and in accordance with the Universal Declaration of Human Rights, the Covenant seeks to ensure that all human beings enjoy civil and political freedoms. The Island is obliged to report periodically on various Human Rights instruments which have been extended to the Bailiwick and a draft report to the U.N. Committee, which is to constitute a part of the U.K. periodic report, has been prepared accordingly.

#### 1.3 Human Rights Questionnaires

The Island Authorities were asked to respond to matters raised at the Council of Europe Committee on the Development of Human Rights and in particular on legislation governing the wearing of religious symbols and of prohibiting hate speech. The Island Authorities have produced a report which contained a summary of Island initiatives intended to promote awareness and tolerance of religious and cultural diversity.

**PART TWO:**

**NEW MATTERS REFERRED TO THE ISLAND AUTHORITIES**

The Island Authorities did not have any new matters referred during this period.

## **PART THREE:**

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

#### **3.1 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992 (“Supplementary Fund Protocol”)**

**Purpose:** To establish a fund which increases the compensation available to victims of oil pollution damage under existing international compensation regimes. Under the Protocol the amount payable to victims of oil pollution damage increases to a maximum of approximately £614 million.

**Action:** The Department for Constitutional Affairs informed the Island Authorities that the Convention had been ratified and on behalf of the Department for Transport (DfT) asked if the Island Authorities would wish to begin preparations to extend accession to the Supplementary Fund Protocol. The Island Authorities have concluded that the practical requirements and domestic legislation necessary to meet all the obligations arising under the convention are not in place.

The Island Authorities have therefore informed the DCA that they are not in a position to request that the U.K.’s accession to the protocol is extended to Jersey at this time.

#### **3.2 Revised Social Security Agreement between the UK and the Netherlands**

**Purpose:** The Convention on Social Security between the United Kingdom and Netherlands was signed in December 2005, and will enable the Netherlands to continue to export pensions to Jersey.

**Action:** The States have agreed the text of the reciprocal Social Security Agreement between the U.K. and the Netherlands. Following ratification by all parties the implementation date will be the third month following completion of all legal procedures by all parties.

#### **3.3 Chemical Weapons Convention**

**Purpose:** The convention relates to the prohibition of development, production, stockpiling and use of chemical weapons and on their destruction.

**Action:** The Island Authorities have been informed that legislation relating to privileges and immunities regarding the Chemical Weapons Convention is no longer required.

The Island Authorities have confirmed that they already have in place measures to control the import of chemical weapons in the form of the Open General Import Licence.

The Island Authorities have notified the U.K. that domestic legislation equivalent to the U.K. Export Control Act 2002 is in the process of being drafted, completion of which should allow for the ratification of the Chemical Weapons Convention in respect of Jersey.

## **PART FOUR:**

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

#### **4.1 International Covenant on Civil and Political Rights**

**Purpose:** Article 11 of the International Covenant on Civil and Political Rights provides that no one shall be imprisoned merely on the grounds of inability to fulfil a contractual obligation. Jersey law allows for imprisonment for debt and as such the Island Authorities had requested a reservation to be made in respect of Article 11.

**Action:** The United Kingdom ratified the International Covenant on Civil and Political Rights (ICCPR) on Jersey's behalf on 20th May 1976 with the reservation on Article 1. Since then, as a result of the Court of Appeal decision in the case of *Benest -v- Le Maistre* 1998 JLR 213 the Royal Court can be expected to exercise its discretion in relation to an application for an *Acte à Peine de Prison*, having regard to the provisions of Article 11 of the ICCPR. Consequently, the derogation on behalf of Jersey in relation to Article 11 of the ICCPR is no longer required and the Island Authorities have requested the U.K. to withdraw its reservation in respect of Article 11.

#### **4.2 Albania Stabilisation and Association Agreement**

**Purpose:** The Stabilisation and Association Agreement is part of the larger Stabilisation and Association Process which represents a far-reaching contractual relationship between the E.U. and Albania, entailing mutual rights and obligations. It is based on the gradual implementation of a free trade area and reforms designed to achieve the adoption of E.U. standards with the aim of moving closer to the E.U.

**Action:** The Island Authorities have been asked to consider whether they wished to be included in the United Kingdom's ratification of the Albanian Stabilisation and Association Agreement. The Island Authorities responded that they wished the United Kingdom's instrument of ratification made on behalf of the island of Jersey to be only to the extent necessary for consistency with the United Kingdom's obligations on account of the island under protocol 3 to the Treaty of Accession.

#### **4.3 Application of Proposed treaties to the Crown Dependencies**

**Purpose:** The Home Office negotiates treaties on extradition and mutual legal assistance between the United Kingdom and certain other jurisdictions. Each of the treaties contains a clause on application to allow maximum flexibility to Crown Dependencies to decide whether to have an agreement extended. It would also leave the possibility open to have the agreement extended in an amended form from the original, if it was considered appropriate.

**Action:** The DCA requested the Island Authorities to put forward their views of the wording of the clause for treaties that are currently under negotiation. The Island Authorities have indicated that the Home Office proposal is acceptable.

#### **4.4 International Health Regulations**

##### **4.4a International Health Regulations 2005**

**Purpose:** The 1969 International Health Regulations are being replaced with the International Health Regulations 2005 (IHR 2005). The IHR 2005 enable and require all countries to work to prevent the international spread of disease in ways that are commensurate with public health risks and that avoid unnecessary interference with international traffic and trade.

**Action:** The Island Authorities have confirmed that they are content that the IHR 2005 should apply to Jersey. At that time, they did not wish a permissive extent clause to be included in the proposed new U.K. legislation. The Island Authorities have however requested a declaration to allow for the outstanding domestic measures to be completed within a further period of 12 months after the entry into force of the IHR 2005.

**4.4b Protocol for notification of Potential Public Health Emergencies Of International Concern (PHEIC) under International Health Regulations 2005**

**Action:** The Island Authorities have indicated their support in principle for the PHEIC protocol which came into effect on 1st August 2006 and are proceeding with the necessary procedures to enable the early voluntary introduction of the IHR 2005.



**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.