An Informal Special Sitting on Improved   Geneva
Security of Seafarers' Identity Documents   25 June 2002

1. Within the framework of the Tripartite Subgroup of the High-level Tripartite Working Group on Maritime Labour Standards, a special sitting was held in Geneva on 25 June 2002.

2. The Officers were:

Chairperson:	Mr. G. Smefjell (Government, Norway).
Vice-Chairperson and spokespersons:	Mr. J. Cox (Shipowners, United States); Mr. B. Orrell (Seafarers, United Kingdom); and Captain D. Bell (Government, Bahamas).

3. In her opening remarks, Ms. Doumbia-Henry, Secretary-General of the Meeting, recalled that the purpose of the Special Sitting on Improved Security of Seafarers' Identity Documents was to provide further guidance in order to obtain the maximum elements of information necessary in order to provide the best possible draft of an instrument for discussion at the 2003 International Labour Conference. She stressed the importance of interministerial consultation in preparing the reply to the questionnaire as the subject matter concerned several ministries. Replies from workers' and employers' organizations could be consolidated with the Government's reply or be sent separately and that a special form for the reply would be included with the questionnaire. She further noted that the questionnaire would also be sent to the ITF, the ISF and the relevant international organizations.

4. The Shipowners' group recalled that the idea was for an instrument that would be widely ratified, facilitate seafarers' movement and promote the efficient movement of trade. They

recalled the importance of facilitating the movement of seafarers through the use of visa waivers and the importance of granting shore leave, while reiterating that lack of the identity document should not be grounds for detaining ships. Recalling the debate at IMO on seafarers' identity documents, the Shipowners praised the ILO for rapidly implementing a well thought-out plan to come up with an improved identity document. They wanted to know more from the United States as to the rationale for requesting international organizations to begin this process and whether the United States will be granting the desired facilities.

5. The Seafarers' group recognized the importance of the security issue in general and as it affected seafarers, particularly in terms of human rights and privacy, and with regard to the need for seafarers to take shore leave. They noted that the improved security of seafarers' identity documents was being dealt with by a fast-track procedure, and considered that the draft questionnaire was a confused document which appeared to steer the process along a predetermined course and failed to take into account the points raised by the Seafarers' group at the consultation meeting in May. While considering that having a verifiable identity document was commendable, the Seafarers objected to using the fast-track process to include extraneous information such as qualifications, medical information and fitness, and possibly hidden information. They considered that the inclusion of such information could ultimately slow down the fast-track process.

6. The Government group considered that the Office had done an excellent job of producing a readily understood questionnaire. The issues raised in the paper issued by Japan regarding biometric templates were of concern to several delegations. The statement read by the Government representative of Japan is reproduced as Appendix I. In addition, if a single international identity system were implemented, this could raise anti-trust questions and that this might be addressed in the questionnaire.

7. The representative of the Government of the United States observed that its goals were the same as in the May meeting, noting that there were multiple legislative mandates in the United States and that the process is under development. New legislation, the Border Security Act, had just come into force in May, 2002.

8. The representative of the Government of Japan explained that following the May meeting it had contacted the Automatic Identification Manufacturers Association (AIM) of Japan, a public association of some 100 companies, for further information concerning the state-of-the-art in biometrics as a technology for seafarers' identity documents. The delegate also mentioned that intensive interministerial consultations had taken place and members were participating in ICAO's passport standards work, which was still at the data-collection stage, although it was expected to establish a globally inter-operable biometric standard by the end of 2003.

9. The representative of the Government of the United States replied that there were several biometrics consortia in the European Union, as well as ISO. In the United States, the National Institute of Standards and Technology (NIST) was moving towards adoption of global standards and there should be a choice from multiple systems next year. In reply to a request from the Seafarers' group for an explanation of the US legislation, the Government delegate explained that section 303 of the Border Security Act requires that no later than 26 October 2004, a visa must contain a biometric, and that by that date States participating in the visa waiver programme will have to issue machine-readable travel documents established according to ICAO standards for biometrics – standards which are currently being established.

10. The secretariat provided clarification in reply to concerns raised by the Seafarers. It noted that the illustration of the draft instrument included with the draft questionnaire was pursuant to a decision of the Governing Body when it placed this issue urgently on a fast-track, single discussion agenda. The inclusion of draft illustrations of provisions was for

purposes of clarification rather than to achieve any other purpose. It was explained by way of clarification that the Office, as requested by the IMO, had included a question on training; there were no elements relating to medical information in the draft questionnaire which – except for training – corresponds to the information in Convention No. 108.

11. Both the Shipowners' and Seafarers' groups agreed on the need for closer examination of the biometric issue. The Shipowners recalled that their concern was to be able to move their personnel and that it may be impossible to meet requirements for visas; thus the importance of the visa waiver.

12. The representative of the Government of the United States replied that the US expected to continue to have a visa process, but the question would be whether the identity document produced contained sufficiently robust identification and information to justify visa facilitation.

13. In reply to a question from the Seafarers' group, the secretariat confirmed that following this Meeting, an internal drafting committee meeting would be held on 1 July to finalize the questionnaire and draft instrument for dispatch on 15 July.

14. The representative of the Government of Greece requested clarification from the secretariat as the identity document was not only for use in ports but also when seafarers travel by air, and whether there was a distinction between air crew and ships' crew as regards ICAO requirements.

15. The secretariat confirmed that the seafarer travelling by air had the status of a passenger, as provided under the Facilitation Annex to the International Convention on Civil Aviation (Chicago Convention), which provided for clearance of both passengers and flight crew. The criterion for determining whether flight crew were crew or passengers was their active duty status. However, the ICAO system refers to the clearance of persons through airports by means of machine-readable travel documents which are part of a globally inter-operable

system where documents can be read at any point of entry. This would, of course, include seafarers travelling on their identity document.

16. The Seafarers wondered how governments could give informed answers to the parts of the questionnaire regarding biometrics when such a standard has yet to be identified. They also raised the possibility of constitutional problems in some States by singling out seafarers and requiring them to provide biometric data when this was not the case for citizens applying for passports. They questioned, for example, question A(3)(a)(i) of the questionnaire concerning the capture of the biometric without invasion of privacy or offence against the dignity of the person, and wanted to know what that actually meant, and whether the seafarer had a viable option to refuse biometric data and authenticate his identity by means of a passport.

17. The secretariat recalled that the question to which the Seafarers referred to was formulated as three conditions to be satisfied if a biometric were to be used. Other conditions could be added.

18. The representative of the Government of France indicated that it was difficult to answer such questions in abstract terms and that in France it would have to be referred to the Commission on Computer Data and Liberties for decision as to what constituted an invasion of privacy, and the representative of the Government of Norway stated that the question of whether biometrics is an invasion of privacy would be dealt with by the competent government agency. Regarding the questionnaire, the representative of the Government of France wanted to know if all staff in the transport sector would be cleared in the same channel or if there would be different clearance procedures for crew according to mode of transport.

19. The representative of the Government of Cyprus referred to its use of a unique reference number for each seafarer and indicated that the coding of this information, which is not confidential, could have practical benefits.

20. In reply to a question from Denmark, the secretariat confirmed that the ICAO system has extensive coding for every State and issuing authority of an identity document. The secretariat indicated that a further question could be included in the questionnaire to ask if a reference number should be based on a universal system.

21. The representative of the Government of Japan stated his Government's full support for the concept of an external monitoring system with objective criteria to carry out monitoring effectively and fairly.

22. The representative of the Government of the United Kingdom suggested including an item in the questionnaire concerning the availability of biometric technology in individual member States.

23. The Seafarers' group observed that there was an assumption that the opposition to biometrics was based on the availability of the technology and not issues of principle. The issue was identity – medical and certification issues could hinder the process. Question A3(c) pertaining to annotations was in the context of visas, while (apart from the United States) the Seafarers wanted a visa waiver. Moreover, question A3(g) with the possibility of including further details was too broad. There was a particular concern from the Seafarers that because this was on a fast-track process there would be limited or no chances to return to make corrections.

24. The representative of the Government of Norway raised the questions: of (i) flag-state duties and responsibilities when a seafarer fails an ID check; and (ii) what kind of documentation would be necessary to issue an identity document to a seafarer?

25. The representative of the Government of the Netherlands raised the question of documentation for spouses and children when they are included in the crew list.

26. The Seafarers' group requested consistency in the terminology of the questionnaire and wanted to replace the term "identity card" with "identity document". There was concern

that to protect privacy rights, magnetic strips should not be used because port States could then add information without the seafarer's knowledge.

27. The Shipowners and the representative of the Government of the United States also considered that the bearer of the document was entitled to have full knowledge of all information contained in the document, including additional or optional information, and that this should be stipulated in the Convention.

28. With regard to the reference to "latest technology" in question A2(d), the representative of the Government of the Bahamas cautioned that the latest technology is usually unreliable and reference should be made to the latest *proven* technology.

29. With regard to the establishment of focal points for inquiries from immigration and other competent authorities, the Seafarers commended the Office for the framing of question A(4)(d). As regards annotations in the document by the port State, question B(2)(b), as previously mentioned, the Seafarers felt this raised a number of questions as to fundamental principles and should not be facilitated. An example was given of one State concluding from the entry stamps in the document that the seafarer was a national security risk. In addition, it was felt that the text in B(4) would benefit from a reference to the FAL Convention standard concerning shore leave without a visa, and that in B(5) the term "good reason" should be changed to when "clear grounds" exist for doubting the *bona fide* of the seafarer.

30. At the request of the representative of the Government of the Bahamas, the secretariat clarified the term in B4(b) "undergoing visa or similar formalities" to mean visa facilitation – the prompt granting of a visa without charge, save in exceptional cases.

31. The representative of the Government of Germany recalled that in the May meeting there was discussion about whether the document would replace the passport and this was not reflected in the questionnaire. The secretariat confirmed that normally it would replace the

passport, except if the document did not contain the biometric, and that the question was dealt with in the law and practice report.

32. In her concluding remarks, the Secretary-General indicated that the improved security of seafarers' identity documents would be the only standard-setting item for adoption on the agenda of the International Labour Conference, which will be held from 3 to 19 June 2003. She recalled the 31 December 2002 deadline for replies to the questionnaire, which will be sent together with the law and practice report on 15 July 2002 to all ILO member States, and recalled that this instrument was of concern to all States – not only maritime States – because its subject matter was the international professional movement of seafarers. In closing the special sitting, she referred to the creation of a Maritime Security Trust Fund at the ILO, and indicated that tripartite financial support was most welcome.

Appendix I

Statement of the delegation of Japan on a new Convention/Protocol on seafarers' identification documents

In principle, Japan supports the United States initiatives to improve maritime security against terrorism, and it is the position of Japan to pay due respect to the United States proposal to introduce biometric technology into the immigration control process taking into account its effectiveness to upgrade identification mechanisms.

In order to have a better understanding of the United States proposal, we made reference to the biometric technology experts' views; the paper provided by the Automatic Identification Manufacturers Association, Japan (AIM), is attached. The result was that we were informed that the possibility is not likely that standards to enable biometric technology to be widely used internationally will be established in the next few years. The assessment was based on the consideration of the current status of various international initiatives undertaken for standardization of templates (i.e. digitalization of biometrics data), fault margin of identification, interoperability of algorithms (i.e. software for data reading and identification) and system scenario integrating the aforementioned elements, etc.

Based on this assessment, it is considered very risky to adopt a new seafarers' identification Convention/Protocol in June 2003 which requires the introduction of biometric technology. At that time, it is unlikely that biometric technology will have reached a mature level for practical use and be suitable as a compulsory requirement in any international legal instrument. In addition, there is concern that adopting a new seafarers' identification document requiring biometric technology as a compulsory part of the Consolidated Maritime Convention would hamper its ratification by many countries, including Japan, which foresees a problem to legally impose the provision of sensitive biometric data only for seafarers, before requiring nationals to provide the same sensitive biometric data, for example, in order to obtain passports.

Therefore, Japan proposes that a new seafarers' identification Convention/Protocol to be adopted in June 2003 should confine itself to the purpose of improving the security level of currently existing seafarers' identification documents without requiring the introduction of

biometric technology. In this viewpoint, the following issues need to be examined as major components of a new seafarers' identification Convention/Protocol:

(1)   rigid control of issuance procedure; and

(2)   anti-forgery measures, such as using laminate over photos, pages containing watermarks, etc.

Furthermore, in order to pay due attention to the United States proposal, it is proposed to adopt, at the time of adopting a new seafarers' identification Convention/Protocol in line with the abovementioned contents, a resolution which requires revising the new Convention/Protocol on the basis of introducing biometric technology on the condition that international standards are established for widely practical use of the technology and the technology is widely accepted as an element of passports of many countries.

Finally, the United States delegation is kindly invited to inform the other participants of the Border Security Act, which requires any person who wishes to enter the United States to acquire visas, including provision of biometric data, in particular, section 303 "Machine readable, tamper-resistant entry and exit documents", with regard to "applicable biometric and document identifying standards established by the ICAO" as stipulated in section 303(c). If ICAO standards are not well established by 26 October 2004, how will this section be applied?

**Issues of deployment of biometrics technologies
and related systems**

**Prepared by the
Automatic Identification Manufacturers Association,
Japan (AIM)**

1. *Which biometrics technology will be used?*

Biometrics verification methodology known as called biometrics algorithm, is an automated method whereby an individual's identity is confirmed by examining a unique template data sensing from human bodies such as fingerprint, hand geometry, iris, face, voice and so on.

The most important thing to select the biometrics technology is concerning the operating scenario, because biometrics verification algorithms are currently available under any kind of technologies, environment and acceptance level.

It is difficult to maintain the interoperability globally, because the international standardization has few standards for biometrics and local software systems exist in many countries.

Notes: 1. Template data is a digital data of human's physiological trait or behavioural characteristic.

2. Algorithm is verification software that decides if the features extracted the new template data from humans are a match or a non-match.

2. *Various biometrics technologies*

(a) Current status

In order to adopt the biometrics technologies such as fingerprint, hand geometry, iris, face, voice etc., we shall evaluate the some items, which are included with easy of use, error rate, cost and others. When we evaluate the score for each biometrics technologies, we can find the up and down score for each evaluation item. Therefore we have to recognize that there is no perfect biometrics technology.

For example if a biometrics system used fingerprint technology, we will determine several things as follows:

(a) What is error rate, as we use the False Acceptance Rate or False Rejection Rate that the system will be allowed?

False Acceptance Rate (FAR) is the probability that a biometrics verification device will fail to reject an impostor.

False Rejection Rate (FRR) is the probability that a biometrics verification device will fail to recognize the identity, or verify the claimed identity, of an enrolee.

(b) What is a security level to protect privacy and fraud that the system will be required?

(c) Which environmental conditions for sensing the fingerprint will be considered as dry or wet and dusty on the glass of a fingerprint scanner?

As the result we shall select the proper technology(ies) and then cost will be evaluated.

(b) Case study

1. When some person is sensed the template data of fingerprint at country where humidity is very high and set up 1 per cent error rate of the biometrics system, the person will have a high rejection probability that a biometrics verification device will fail to recognize the identity of him at the immigration port where humidity is very low.

2. Regarding the facial recognition, the biometrics system which is adjust the acceptance rate for the Anglo-Saxon's person has a high rejection probability when the system will be verified the Asian person. So, when the biometrics algorithm which is used in United States will be deployed in the Asian country, it will be supposed that this system will fail to verify the identity at the immigration.

3. *Resolutions*

(a) Interoperability shall be defined internationally

When some biometrics algorithm will select to maintain the constant error rate at any places, system will recognize the template data that is sensed by the different algorithm and replace to the proper algorithm to avoid the unnecessary rejection.

This issue is the one of the applicability for the operating system.

(b)   Which biometrics algorithms will be selected for our
        purpose such as the immigration?

        We will establish the operating scenario for enterprise system under the following conditions:

(i)   Which physiological trait or behavioural characteristics will be select for individual?

(ii)   How probability error rate will be set up?

(iii)   How large data size will be allowed?

(iv)   How security grade will be set up for protecting the privacy and/or fraud?

        When we will select some algorithm that is necessary the larger data size, we will spend the extra time for inspection, occur some confusion and spend the much money for system.

        On the other hand, when we will select the system that is cheaper and high speed inspection time, we will face the serious attack such as disguise, intrusion and fraud.

(c)   Operating scenario shall be determined internationally

(i)   Will uniform scenario be fixed or will some allowance be recognized for each country? For example, fingerprint is a sensitive characteristic for privacy.

(ii)   When we will allow some tolerance for each country or area, what will be dealt with the different error? Will we prepare the proper software for dealing with the different algorithm or the proper protocol for operating the different system?

4.   Current status of international standard

(a)   ICAO (International Civil Aviation Organization)

(i)   ICAO is developing a standard of biometrics data in machine readable travel document to identify the identity for travellers and crew.

(ii)   After the 11 September 2001 attacks in United States, their working is accelerate.

(iii)   ICAO decided that face, fingerprint and iris are good suitable algorithm for their purpose after evaluating some items in the technical advisory group on machine readable travel documents (TAG/MRTD). However, there is not yet sufficient test data results, consequently ICAO will establish a standard approach to biometric data capture and retrieval in travel documents at the earliest by the end of 2003.

(b)   ISO and IEC

ISO/IEC JTC1 Joint Technical Committee 1)/SC17 – Card and Personal Identification is serving the standardization for card application. And also new SC37(Subcommittee 37) – Generic Standardization for Biometrics has just established for developing API (Application Program Interface), Template, Logical Data Structure and Application Profile.

They may finish the initial program of work by the end of 2003.

There is no mention of several developing items in his Scope and Program of Work such as Common Criteria of Accuracy, Collaboration with PKI (Digital Authentication), Security for integrity and privacy and terminology.

5.   *The issues for deployment of biometrics technologies*

(a)   Common criteria for evaluation and approval of biometrics technologies and systems;

(b)   selection scenario for biometrics algorithm and methodology of ID number for biometrics algorithm and/or system;

(c)   data structure of template data;

(d)   enrolment methodology of biometrics data and selection methodology of stored media;

(e)   protocol for verification process between device and system which is operated on IC card or computer server;

(f)   application program interface;

(g)   management methodology of template database;

(h)   security level which is included with PKI;

(i)   selection methodology of operating device such as writer, reader and printer.

Appendix II

List of participants