

## Report of the discussion

1. Within the framework of the High-level Tripartite Working Group on Maritime Labour Standards, a special sitting was held in Geneva on 17 October 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. Opening remarks were made by Ms. Cleopatra Doumbia-Henry, Deputy Secretary-General of the Meeting. She referred to the report on "Improved security of seafarers' identification" prepared by the Office and the draft instrument revising the Seafarers' Identity Documents Convention to be adopted on a single discussion basis at the 91st Session of the International Labour Conference in June 2003. In particular, she recalled that the report was accompanied by a questionnaire to be completed and returned to the Office by 31 December 2002. As regards the seafarers' identity documents, she indicated that the Office had no further news to report at this time, but that this session was to enable members of the High-level Tripartite Working Group to exchange views, adding that the Office was interested in the progress with the questionnaire and in developing a new, secure seafarers' identity document. The Office was interested in information on the document itself: its machine-readable capabilities, the technology used and establishing standards for the introduction of biometric templates.

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4. The Chairperson framed the question for discussion in terms of what kind and what level of security features would be required in the document in order for States to grant facilities.
  5. The spokesperson for the Shipowners' group recalled that, following the submission by the United States at the Intersessional Working Group of the IMO Maritime Safety Committee in February 2002, the decision was taken to deal with the identity documents question at the ILO. They recalled that merchant shipping is a worldwide industry that must balance the facilitation of trade with the need for facilities required by seafarers (shore leave and movement to/from vessels). As regards the questionnaire, the Shipowners have sent this to the employers' groups in their countries.
  6. The representative of the Government of the United States recalled that it took a comprehensive package to the IMO in February covering four areas (ships, cargo, people, ports) and 14 concepts. The IMO took responsibility for ships, the World Customs Organization (WCO) for cargo and the ILO for people.
  7. The spokesperson for the Seafarers' group agreed with the need for facilitation and requested an update from the United States as a large number of developments had occurred, particularly concerning shore leave. The Seafarers referred to communications from the State Department concerning the elimination of the crew list visa and reports that the Immigration and Naturalization Service (INS) and the Coast Guard have a system for identifying crew members required to be detained on board. They understood that until a procedure was developed, the vessel would have to remain at the three-mile limit. Further points raised by the Seafarers concerned the use of biometric templates, the international standards for identity documents, and the link to the decent work programme of the ILO.
  8. The representative of the Government of the United States explained that they were dealing with the problem of people (not necessarily seafarers) jumping off ships and the US authorities did not know if these people were persecuted or had evil intentions.

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Although the INS was responsible for determining the legality of entry to the United States, it had asked the Coast Guard to assist with enforcement. Concerning the 96-hour notice of arrival requirement (including the name and nationality of persons on board), the information is then forwarded to the INS for database check to see if there is a risk factor, in which case the INS would require a “security plan”, including security guards provided at the shipowner’s expense. The United States was attempting to establish a consistent, standard operating procedure allowing the Coast Guard to stop the ship at the three-mile limit and board. The standard operating procedure, however, was not yet in place and an effective date had not yet been set.

9. As regards identity documents, the representative of the Government of the United States said it was mindful of ICAO efforts regarding audit procedures and interoperability of systems, and that the United States would hold a standard-setting meeting in December 2002, with audit procedures high on the list.
10. The spokesperson of the Government group asked if the biometric template was only machine-readable; would the equipment for reading the documents have to be available on every ship and would the captain be responsible for this?
11. The representative of the Government of India was concerned about the cost of the security features of identity documents and, while India did not oppose biometric templates, there was no domestic hardware producer for this. Could India look to the ILO to obtain this technology at an affordable cost? In addition to the cost, there was the problem of the time period. These issues were still under discussion in October 2002 and there was the question – in material terms – of how to issue so many documents to people all over the world by October 2004. There was further concern that the use of special security features in their identity documents would mean treating seafarers on a discriminatory basis as regards other citizens.

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- 12.** The representative of the Government of Namibia was concerned about the availability of technology to create and read cards. Namibia is a small country with a small number of seafarers and the Government wanted to know whether technical assistance would be available and would a card system really improve the security regime.
  - 13.** The representative of the Government of Malta raised the issue of linking seafarer identification with ship identification, and whether the additional cost could be justified, as paper documents already represented a considerable expense.
  - 14.** The representative of the Government of Canada questioned the United States concerning the implementation date of 26 October 2004.
  - 15.** The representative of the Government of the United States replied that it was sensitive to the need for biometrics that are interoperable and cost effective; a number of technologies were on the market and, with advances in technology, the cost decreases. With regard to 26 October 2004, this is the date set for inclusion of biometrics in travel documents issued by the United States.
  - 16.** With regard to who pays for the identity document, a Seafarer member referred to the provisions of the Chicago Convention on civil aviation requiring States parties to deliver the Crew Member Certificate without delay and without charge.
  - 17.** The representative of the Government of Cyprus indicated that most of its seafarers were foreigners and wanted to know what would be the benefit of such a document system – possibly a visa waiver?
  - 18.** The representative of the Government of Egypt considered that the cost of the technology would be a problem for developing countries and would form the basis of a decision to ratify the new instrument. The delegate asked whether the ILO could carry out a study on the cost and enquired about technical assistance from the ILO.

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19. The representative of the Government of the United States indicated that many developing countries have already begun processes for issuing national identity documents to all citizens. The cost per card was between \$6 and \$8; the cost of support processes was considerable and that the answer to cost was months away. The Government would try to provide some order of costs in its reply to the questionnaire.
  20. The representative of the Government of the Philippines indicated that cost was not the problem – it intended to charge this to the shipowners – but the problem was with implementation: with 250,000 filipino seafarers, how could this be done by 2004?
  21. The representative of the Government of France indicated that inter-ministerial consultations were ongoing regarding the inclusion of biometrics in all travel documents, not only for seafarers.
  22. The representative of the Government of Malta was not convinced that the cost for on-board equipment to read travel documents was so great, but nevertheless wanted some indication of the cost in order to put the problem in perspective.
  23. The spokesperson of the Shipowners' group noted that they already bore considerable costs for security guards and wanted further information on ship security plans and the status of a national transport workers' identification card for all transport workers in the United States.
  24. The representative of the Government of the United States advised that specific responsibilities would be a function of the system retained and that it was too early to commit. It was unable to advise on the status of the national transport identification card as this was presently before Congress. With regard to the question of discriminatory procedures for seafarers as opposed to tourists, all persons would be subject to a visa process that includes biometrics. With regard to the visa management process, which is presently under review, this was like "trying to address a moving target".

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25. A Seafarer member wanted to know what would be the advantage for seafarers of agreeing to the inclusion of biometric templates in the identity document.
  26. The representative of the Government of the Netherlands raised the problem of persons with more than one nationality and the possible issuance of more than one identity document to the same person.
  27. The representative of the International Christian Maritime Association (ICMA) felt there were three points to be addressed: an identification system to promote security; the cost; and the need to maximize shore leave. Referring to the expense of visas for seafarers and citing \$100 for the United States, the possibility of a visa waiver as a feature of the identity document was important.
  28. The representative from the European Union, in reply to a request for information from the Seafarers' group, stated that the EU fully supports the work of the IMO and, regarding the Schengen rules, there was a Council meeting on 21 October and that discussions were at a preliminary stage.
  29. The representative of the Government of Japan expressed concern over the technology of biometrics, citing problems of interoperability and a rather high error rate which varied in terms of identifying Asians, Europeans and Africans. Further policy developments on this issue were expected.
  30. In closing the Meeting, the Deputy Secretary-General referred to the problem of the cost involved, adding that it was not for the ILO to look into cost, but that constituents could provide information on this point, including in the replies to the questionnaire. Clearly, one of the preconditions for biometrics is the cost. As regards technical assistance, a large number of seafarers come from the developing world and they will look to the developed countries to help with implementation. The ILO will accompany the Convention with technical assistance and has already received seed money from the United Kingdom. While

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the initial reaction was to revise Convention No. 108 by a Protocol, the Office feels that it would be more appropriate for the International Labour Conference to adopt a new Convention – the decision on the form of the instrument to be taken by the Conference.