



## THIRD ITEM ON THE AGENDA

**Effect to be given to resolutions adopted  
by the International Labour Conference at  
its 91st Session (2003)****(b) Adoption by the Conference of the  
Seafarers' Identity Documents Convention  
(Revised), 2003 (No. 185), and the related  
resolutions**

1. At its 91st Session in June 2003, the International Labour Conference adopted the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), which revises the Seafarers' Identity Documents Convention, 1958 (No. 108), and provides for States to issue a seafarers' identity document to their nationals (and, if they so wish, to their permanent residents) with greatly strengthened security features. This Convention and the related resolutions adopted by the Conference at the same session<sup>1</sup> entrust a number of important responsibilities to the Governing Body and the International Labour Office. Some of these responsibilities can only be implemented once the Convention enters into force. Others require action to begin as a matter of urgency.
2. The principal matter of urgency is for the new Convention to be ratified as soon as possible by all interested maritime nations. In its resolution concerning decent work for seafarers, the Conference noted that the facilitation of shore leave and the uninhibited transit of seafarers to and from their ships, which under the Convention (Article 6) are to be allowed to the holders of the new seafarers' identity document subject to specified conditions, "are essential components of a seafarer's professional life" and that "many seafarers are facing severe difficulties in obtaining these important entitlements". It has been widely reported that, in many countries, seafarers have met with difficulties when travelling and going ashore. In certain countries, shore leave has been altogether denied. In some instances, shipowners have been required to employ armed guards to prevent seafarers from going

<sup>1</sup> The four resolutions – resolution concerning decent work for seafarers, resolution concerning technical cooperation relating to seafarers' identity documents, resolution concerning the development of the global interoperable biometric, and resolution concerning the establishment of a list of member States complying with the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) – are reproduced at the end of *Provisional Record* No. 20 (Part II) of the 91st Session of the International Labour Conference, Geneva, 2003.

ashore. The Conference, in the resolution, requested the Director-General to take all possible measures to promote decent work for seafarers including access to shore leave and the facilitation of transit and called upon the Governing Body to remain seized of this matter.

3. While the Director-General has sought to convince various governmental authorities of the need to maintain flexible practices with respect to shore leave in particular, the strength of the Organization's message in this respect will be considerably increased once the Convention is widely implemented, since the system of security that it provides for is the strongest developed to date at the international normative level. This is because the Convention requires ratifying Members to put in place a whole security infrastructure, of which the physical seafarers' identity document is just one part: Article 4 requires each Member to maintain a national electronic database, to enable the authorities to carry out any necessary verification of identity without any significant delay to the seafarer concerned. Article 5, complemented by Annex III, requires the Member to maintain adequate procedures and practices designed to prevent the falsification, fraudulent obtaining or wrongful issue of a seafarers' identity document and provides detailed guidance as to how the required results should be achieved.
4. However, urgent action is required on two aspects which may influence the decision of governments relating to the early ratification of the Convention. One of them concerns an important technical feature of the new seafarers' identity document, the biometric template.<sup>2</sup> Adequate specifications or guidance are given by the Convention, particularly its Annex I, on all the other technical features of the seafarers' identity document. For the biometric template, the Convention sets out, in Article 3, paragraph 8, the basic preconditions (including respect for human rights, the general availability at low cost of the required equipment and technology and the convenience and effectiveness of the latter), and specifies in Annex I that the template is to be based on a fingerprint printed as numbers in a bar code "conforming to a standard to be developed". In its resolution concerning the development of the global interoperable biometric, the Conference called for urgent measures to be taken "for the development by the appropriate institutions of a global interoperable standard for the biometric template adopted in the framework of [the Convention], particularly in cooperation with the International Civil Aviation Organization".
5. Since the session of the Conference, the Office has taken action to identify the governments and institutions that might be able to provide particular assistance with respect to the development of this standard. At the end of September this year, it organized an informal two-day meeting including representatives of those governments and of the International Civil Aviation Organization (ICAO) and of the International Organization for Standardization (ISO) as well as representatives of the shipowners and seafarers. A report on this meeting is available. It was noted that ICAO's standard for travel documents is to be based on a contact-less chip containing the full digital image for a facial biometric and that ICAO had developed no standard that could be used for the seafarers' identity document, which was, under the Convention, to be based on a bar code containing a fingerprint template. Nevertheless, the representative of ICAO expressed her organization's willingness to continue to provide advice to the ILO in this exercise.
6. Basically, the functions that would have to be performed in accordance with a common standard are the following: the fingerprint would have to be taken and scanned, a template

<sup>2</sup> A biometric is a unique physical identifier and a template is a string of characters representing that biometric which will provide an automatic means of establishing that the holder of an identity document is indeed the seafarer to whom it was issued.

would have to be derived from its image and the bar code containing that template would have to be produced and printed for the seafarers' identity document to be issued or the template in the bar code on an issued document would have to be read by a device and compared with the template directly derived from the fingerprint of the holder of the document. The meeting was informed that components already existed that could be made to perform those functions and that the necessary standards for those components and technology had already been adopted, or were in the course of development, in the framework of ISO. The meeting was thus able to produce a "functional brief" indicating the devices, technology and standards that would best achieve the objectives of the Convention as set out, in particular, in Article 3, paragraph 8.

7. The normal procedure at this point would be to await the finalization in ISO of the required standards that were in the course of development and to request ISO to produce a standard for a globally interoperable biometric specifically for the seafarers' identity document. The aim of the interoperability would be to ensure in so far as possible both that the various components would work together and that a bar code containing a fingerprint template produced in one ratifying Member in accordance with the standard would be correctly read and the biometric successfully verified in the other ratifying Members. However, the normal ISO procedures – involving thorough reviews by committees – could take several months to complete. It was felt that even an accelerated procedure suggested by a representative of ISO could take too long and that the "fast track" approach, which had led to the adoption of the Convention itself in record time, should continue in view of the urgency. This urgency concerned not simply the seafarers' identity document but also the identification required by 1 June 2004 for persons having access to port areas.<sup>3</sup> It was that: (a) the necessary devices and technology had been in use for several years; (b) under the Convention reliance would in any event be placed upon national travel documents to be based on the sophisticated standards developed in the framework of ICAO and endorsed in the framework of ISO; and (c) the biometric would be only one of many security features, such as the photograph and, in particular, the procedures and practices referred to in paragraph 3 above. For these three reasons the meeting was satisfied that, in a matter of months, a standard for a globally interoperable biometric solution could be developed, tested and communicated to Members for use. It was considered that such a standard would be adequate for use over the first five or more years of the Convention's life. Such a period appeared reasonable in view of the constantly changing technology in this area.
8. The plan therefore is for the Office, thanks to the assistance of experts or resources that may be made available by interested governments, as well as to the advice that may be provided by ISO and ICAO, to prepare a technical report on the basis of the functional brief drawn up at the recent informal meeting. The necessary technical specifications and the standard could then be established and submitted to ISO for review. A certification laboratory would then be designated to ensure that the equipment and technology corresponding to the specifications and standard actually worked correctly in a global context. Once the Office, acting on the advice of ICAO and ISO, was satisfied that the standard was ready for adoption, it would submit the standard to the Governing Body. At the same time, the Office should be in a position to inform the Governing Body of the cost of the required equipment and technology and possibly to make suggestions as to ways of reducing the cost for individual Members, bearing in mind the resolution on technical cooperation referred to in the next paragraph.

<sup>3</sup> On 1 June 2004, the 2002 amendments to the IMO's Convention on Safety of Life at Sea (SOLAS), including the International Ship and Port Facility Code will enter into force for all parties to SOLAS.

- 9.** The availability of appropriate technical cooperation is the other aspect that may influence decisions concerning early ratification. In spite of the emphasis given in the Convention to keeping the costs low and of the choice of biometric, which should be cheaper than other solutions, it has always been recognized that some countries may have insufficient resources, in funding and know-how, to properly implement the Convention. As indicated in paragraph 3 above, such resources would be needed not only to produce the seafarers' identity document in the new format but also to properly maintain the required national electronic database as well as the procedures and practices used in each Member's national system for the issuance of seafarers' identity documents. In its resolution concerning technical cooperation relating to seafarers' identity documents, the Conference first of all urged Members to agree among themselves on measures of cooperation, which would: (a) enable them to share their technology, expertise and resources, where appropriate; and (b) provide for countries with advanced technology and processes to assist Members that are less advanced in those areas. The Conference also invited the Governing Body to request the Director-General to give due priority, in the use of resources allocated to the Organization's technical cooperation programme, to assisting countries with respect to the technology, expertise and processes.
- 10.** In this regard, attention is drawn to the Interregional Programme on the Improved Security of Seafarers' Identification to which the United Kingdom has already contributed an amount of US\$145,968. The fast-track adoption of Convention No. 185 was made possible, inter alia, through the preparatory meetings financed by the Programme. It is expected that the Programme will be one of the means through which the Office will pursue the development of the specifications relating to the biometrics as described above, the promotion of the Convention and the provision of technical cooperation as may be required.
- 11.** In the light of the above, the Director-General proposes to send a communication to the governments of Members of the Organization briefly describing the situation dealt with in this document and encouraging Members to begin their national processes for the ratification of the Convention as a matter of urgency. The communication will also call for contributions to the Interregional Programme on the Improved Security of Seafarers' Identification.
- 12.** In addition, the Office will ensure that governments, shipowners and seafarers are provided with any advice they may need and kept informed of developments through ILO offices, seminars and meetings, missions by appropriate Office staff, and possibly a web page accessible from the ILO's main home page.
- 13.** The Convention and the related resolutions require other kinds of follow-up action to be taken in due course. First, in connection with the national database referred to in paragraph 3 above, the Office is to maintain a list of country permanent focal points to be designated by ratifying Members to respond to inquiries from immigration or other competent authorities of Members of the Organization concerning the authenticity and validity of seafarers' identity documents. Such a list is to be communicated by the Office to all Members of the Organization (Article 4, paragraph 4).
- 14.** In addition, Article 5, paragraphs 4-8, of the Convention entrusts the Governing Body with an important function relating to the quality control and evaluation of Members' procedures and practices, referred to in paragraph 3 above, for the administration of their system for issuing seafarers' identity documents. The Office is to receive reports from each ratifying Member of independent evaluations to be done by it at least every five years and to make them available to other ratifying Members. The Governing Body, acting on the basis of all relevant information in accordance with arrangements made by it, is requested to approve a list of Members which fully meet the minimum requirements concerning the

processes and procedures (referred to in Annex III of the Convention) for the issue of seafarers' identity documents, including quality control. The Governing Body would establish the necessary procedures for this task, including provision for Members which have been excluded from the list, as well as interested governments of ratifying Members and representative organizations of shipowners and seafarers, to make their views known and to have any disagreements fairly and impartially settled. A more detailed request to the Governing Body, concerning the necessary arrangements, including a suggestion for the establishment of a tripartite maritime body to provide advice to the Governing Body, is made in the Conference's resolution concerning the establishment of a list of member States complying with the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185).

**15.** Although action in this respect will not be required until entry into force, important legal and constitutional issues are involved with respect to the arrangements that the Governing Body decides to adopt in this connection. The Office therefore intends to submit a paper on the subject to the Governing Body at a forthcoming session, through the Committee on Legal Issues and International Labour Standards.

**16. *The Governing Body may wish to:***

- (a) approve the plan for the preparation of a global interoperable standard for the biometric template, referred to in paragraph 8 above;*
- (b) request the Director-General to give due priority, in the use of resources allocated to the Organization's technical cooperation programme, to assisting countries with respect to the technology, expertise and processes required (see paragraph 9); and*
- (c) endorse the follow-up action proposed in paragraphs 11 and 12.*

Geneva, 15 October 2003.

*Point for decision:* Paragraph 16.