

**Third and Fourth Informal Special Sittings  
on Improved Security of Seafarers' Identity  
Documents**Geneva  
4-5 February 2003

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1. Within the framework of the Tripartite Subgroup of the High-level Tripartite Working Group on Maritime Labour Standards, two special sittings were held in Geneva on 4 and 5 February 2003.

2. The Officers were:

Chairperson: Mr. Georg T. Smefjell (Government, Norway).

*Vice-Chairpersons  
and spokespersons:*

Mr. Joe Cox (Shipowners, United States);

Mr. Brian Orrell (Seafarers, United Kingdom);

Captain Douglas Bell (Government, Bahamas).

3. In her opening remarks, Ms. Cleopatra Doumbia-Henry, Secretary-General of the meeting, recalled that the Office had received replies to the questionnaire sent to Governments and was now preparing a report for the 91st Session of the International Labour Conference (June 2003), with a view to adopting a new instrument, to revise the Seafarers' Identity Documents Convention, 1958 (No. 108). She indicated that the replies received so far showed a wide measure of agreement, but that there were still a few points of serious disagreement. The purpose of the present consultation was to obtain guidance on the best way of achieving the widest possible acceptability, in order for the Office to be able to propose a draft of the new instrument for consideration by the Conference.

4. The Secretary-General referred to a significant minority view as to the nature of the seafarers' identity document, whose essential purpose is to confirm that the holder is a

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seafarer, and whether the document could only be used in conjunction with a passport. Another important point of disagreement concerned the issue of the seafarer's identity document. Some governments considered that the seafarers' identity document should only be issued to refugees or stateless persons if they had the status of permanent residents. Others were in favour of an optional grant to permanent residents. In the Secretary-General's view, the crucial question was whether member States would be prepared to recognize a document issued by another member in such exceptional cases. With regard to other points of disagreement, she stated that they could be overcome as long as attention was paid to the two essential objectives of the proposed instrument: improvement of the security of seafarers' identification and maintenance of the rights and facilities needed by seafarers.

5. The Secretary-General further mentioned differences of views on the form of the new seafarers' identity document (smart card or the machine-readable paper document), and on the inclusion of professional qualifications in the document. There was still disagreement on the fundamental aspect concerning the inclusion of biometrics. Those in favour of this feature clearly agreed that account should be taken of standards being developed by other organizations, particularly the International Civil Aviation Organization (ICAO). To this end, the Office had invited ICAO to provide the constituents with relevant information.
6. The Secretary-General also noted that access to the proposed database raised a number of problems, some of which needed to be considered in the context of technical cooperation. Total support was, however, expressed as to the necessity to adopt minimum requirements and recommended practices concerning procedures for the issue of seafarers' identity documents, including quality control procedures and procedures for positive and verifiable proof of identity. In this context, she asked the constituents whether or not a version of such minimum requirements and recommended practices should be proposed for adoption in June 2003.

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7. Differing opinions were further identified on the obligation for the seafarer to be in continuous possession of the document, as well as on the obligation to grant facilities allowing seafarers transit to join their ships or to change ships or for repatriation. With regard to the latter point, she raised the question whether or not such countries would grant facilities in return for the increased security benefits of the new instrument. The Office asked to be informed about the conditions and formalities considered essential to allow seafarers admission to countries for shore leave and transit. Several replies had indicated that the country concerned could not admit anyone without investigation, while it remained unclear whether such investigation could be limited to the check of the validity of the identity document. Finally, the Secretary-General reported that the Office undertook a mission to the United States to hold discussions with relevant departments of the Government on 23 and 24 January 2003, in order to seek clarification, inter alia, on the visa process, related issues linked to shore leave, and the status of the use of biometrics for entry.

8. The representative of ICAO made a presentation concerning machine-readable travel documents (MRTDs). International standards for travel documents were contained in the ICAO document 9303, which was adopted by many countries for passports and visas, with a view to facilitating border clearance, harmonizing documents and procedures worldwide and enhancing security. She stated that the ICAO specifications were endorsed by the ISO and thus became internationally accepted standards. MRTDs were composed of two parts, a visual inspection zone (VIZ) including portrait and data on the card and its holder, as well as a machine-readable zone (MRZ) recapitulating the aforesaid data. The latter zone was visible and readable by a machine using optical character recognition technology. Machine-readable lines were partly composed of check digits, so as to avoid tampering. She further specified that document 9303 contained specifications concerning machine-readable passports, visas and official travel documents. Data contained in MRTDs were entered into a system for the purpose of reporting entry/exit, and were checked against a

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database. ICAO was currently examining the issue of which biometric (facial recognition, fingerprint or iris) and data storage media (two-dimensional bar codes, magnetic strip, contact integrated circuits or optical memory) to be retained as the standard for MRTDs. The selection of the biometric was to be made according to several compatibility factors, e.g. enrolment or renewal of travel documents, inspection or identity verification, redundancy, global public perception and storage requirements. The established preliminary ranking indicated facial recognition as the most compatible biometric. The challenge in coding biometrics in MRTDs was the lack of international standards in the field of programming methodology, biometric template and machine-reading technologies. She declared that the technical work of the ICAO continued on the logical data structure and the proposed templates formats for international data interchange, as well as on narrowing the media choices. The ICAO Technical Advisory Group on MRTDs was expected to finalize recommendations in May 2003 and had offered its assistance to the maritime sector to implement a machine-readable seafarers' identity document.

9. The representative of the Government of the United States illustrated the latest legislative developments on the matter with reference to the Maritime Transportation Security Act of 2002. He quoted two main relevant provisions, one of which concerned an enhanced crew member identification, while the other envisaged the negotiation of international agreements or amendments thereto, with a view to providing a comprehensive and uniform system ensuring positive verifiable identification. Furthermore, he referred to the United States submission of 12 April 2002 (MSC 75/17/34) indicating several elements, which should be contained in the seafarers' identity document, or the system supporting it: digital photograph, holder's signature, issuing authority, proof of nationality, qualifications of the mariner, permission to enter other countries and biometric templates. He emphasized that the biometric template was the key element for positive verifiable identification. The new instrument on seafarers' identity document should further achieve the following objectives:
  - (i) positive and verifiable identification by means of a standard ensuring both the identity

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between document recipient and holder and the validation of authenticity by a source; (ii) uniformity by means of a universal standard; (iii) acceptability by means of a convenient, user-friendly, commerce-friendly and cost-effective standard; (iv) reliability by means of a practicable standard; (v) security by means of a standard ensuring that the system is resistant to compromise; and (vi) interoperability by means of a standard providing for the exchange of information among member States, in the form of a seafarer's identification system capable of immediate data access.

**10.** The Government expert of the United States provided information on the work of several working groups at the international level dealing with biometrics, interoperability of databases, etc. He declared that the cost of implementing a system could not be estimated with any accuracy as it depended so much on the requirements of the client. A number of recommendations given to the Government by technical standards experts were further enumerated: establishment of machine-readable tokens; adoption of interoperable standards; requirement of enterprise-wide implementation as standard-based credentials; and safeguard of privacy. He emphasized the importance of tamper-resistant documents and at least two factors of biometric authentication, and supported automated processing and auditing, as well as post-issuance updating ability. As to the choice of biometric, he indicated that the fingerprint was the leading biometric in law and practice of several countries, whereas the facial recognition was generally accepted in the travel industry. Finally, he declared that it would be difficult to already submit a version of the recommended practices to the Conference in June 2003.

**11.** The Secretary-General briefly summarized the questions on which the Office would like to have guidance, as follows:

- (1) Would any Member consider it an obstacle to ratification, if the new instrument required to accept the seafarers' identity documents issued by any other Member:
  - (i) to persons granted with the refugee status in that State, even if they are not

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permanent residents; (ii) to stateless persons who are not permanent residents; and (iii) to permanent residents?

- (2) Would constituents be in principle willing to accept the requirement of a biometric corresponding to any specifications approved by ICAO?
- (3) Would any Member consider it an obstacle to ratification, if the new instrument required to accord facilities allowing seafarers transit to join or change a ship or for repatriation?
- (4) What formalities would appear essential to governments before allowing admission to shore leave, transit, etc.?
- (5) Would these formalities appear reasonable to the Seafarers' and the Shipowners' group?

**12.** The Shipowners' group declared that, before addressing the questions raised by the Office, they needed to clarify some points partly related to the previous presentations. First they asked ICAO for information on airlines' personnel policy concerning travel documents. Then they inquired whether the ICAO travel document would provide the aircrew with facilitation for entry into the United States, only address security or perhaps serve commercial purposes. Second, they asked the representative of the United States whether there would be visa requirements for aircraft crew members, and whether this raised problems for airlines (e.g. delays, etc.). The Shipowners' group also requested the United States to supply information on the personal scope of application of the Transportation Worker Security Card under the new national legislation. They further inquired whether the visa requirements for entry into the United States, due to become effective in October 2004, applied to all foreigners including seafarers, and whether there was allowance for a transitional phase. Finally they requested the views of the signatories of the Schengen Agreement as to the effects of this agreement on seafarers in EU countries. From their

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experience, it was evident that sometimes seafarers were not permitted to come ashore in EU port States within the Schengen zone without a visa.

- 13.** The Seafarers' group requested clarification on various points. As from the Office paper, it appeared that the biometric solution would correspond to ICAO specifications, they asked whether this would imply the use of a photograph in 2D form and a strip. Furthermore, they inquired on the content of the recommendations of the Technical Advisory Group (TAG) expected in May 2003, and on the time frame before their endorsement. They would also appreciate information on the current ICAO crewmember certificate (CMC), as regulated in Annex 9 to the International Convention on Civil Aviation (Chicago Convention), because of its similarity with the seafarers' identity document. They noted that the Convention established the general principles that the CMC should be issued without delay or charge, and should be distinct from qualification certificates. Finally they asked the representative of the United States whether they would still require individual visa for shore leave and transit, should the biometric be included in the seafarers' identity document.
- 14.** The ICAO representative provided information on the aircrew identity document and explained that its concept was to replace passport and visa. She indicated that the relevant provisions of the Chicago Convention were not largely implemented because of problems in allowing entry on the basis of documents issued by the aviation authorities. Thus, there was a need to revise Annex 9 for the purpose of enhancing standardization and security, e.g. by including the additional requirement of the passport. As the visa requirements for crew members represented a logistical challenge for airlines, she expressed ICAO's interest in developments concerning the seafarers' identity document and the hope to establish a synergy with the ILO. As to biometrics, the status of the ICAO work would be made available in May 2003. She believed that a clear indication on the content of the recommendations could not be given because of the constant evolution of technology.

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- 15.** The expert of the Government of the United States said that the Transportation Workers Security Card would be applicable to all transportation workers. He indicated that, on 1 January 2003, the electronic transmission of entry and exit manifests for each commercial vessel or aircraft was to be provided to the Department of Homeland Security prior to arrival at or departure from the United States. On 26 January 2006 systems were to use the technology standards as established by the National Institute of Standards and Technology in confirming identity. As of 26 October 2004, the MRTDs would be issued with biometrics, biometric data readers would be deployed at all ports, airports, etc., and States participating in the visa waiver programme would have to issue MRTDs in line with ICAO specifications for biometrics.
  - 16.** The Government group considered that many delegates were unable to provide answers to most of the questions raised by the Office. Beyond this, several States with minority views were not present and, therefore, the major points of controversy could not be clarified.
  - 17.** The Chairperson asked for the Government views on the first question of the Office concerning the issuance of the seafarers' identity documents to refugees, stateless persons and permanent residents.
  - 18.** The Government group replied that there was no unified view on this matter.
  - 19.** The representative of the Government of France indicated that this issue did not represent a legal obstacle to ratification. However, he believed that the seafarers' identity documents should only be issued to refugees who have been granted asylum by the issuing State, and to stateless persons as defined in the UN Protocol of 31 July 1967.
  - 20.** The representative of the Government of Nigeria reiterated that many Governments did not feel competent to answer and asked whether this question could be left outside the instrument, as suggested by the social partners.



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- 21.** The representative of the Government of Norway found it difficult to indicate whether or not the issues raised by the Office could be an obstacle to ratification, because the reaction of parliament could not be predicted. Their priority was to ensure that the issuance procedure should be secure; otherwise the credibility of the seafarers' ID would be seriously compromised. In any case, documents should not be issued to refugees seeking asylum, but only to those granted with asylum. He further stressed that the document should not be issued to permanent residents, as this was the responsibility of the country of nationality.
- 22.** The representative of the Government of Denmark stated that there would be no problems in issuing the document to persons granted with refugee status according to the relevant UN Convention. The possibility to issue documents to permanent residents should be provided in the new instrument.
- 23.** The representative of the Government of India agreed with Denmark on the question of permanent residents. As to the issuance to refugees, she indicated that this matter required further consultation, but that India tended to disagree with this point, as stated in the reply to the ILO questionnaire.
- 24.** The representative of the Government of Portugal pointed out that, in his opinion, it could be problematic to issue the document to refugees and asylum seekers before they had acquired permanent residence. As to stateless persons, he noted that Portugal had not ratified the relevant UN Convention. However, he saw no problem arising from the issuance to permanent residents.
- 25.** The representative of the Government of Algeria expressed a firm opposition to the issuance of the document in the abovementioned cases. The adoption of the relevant provision of the preliminary draft would definitely prevent ratification.

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26. The representative of the Government of Cyprus declared that travel documents were issued to persons with the status of refugee. On the same basis they would be entitled to be issued with seafarers' ID which, under the national legislation, was issued by maritime and not by immigration authorities. Cyprus would also accept documents issued to refugees by other Members.
  27. The Chairperson asked for the constituents' views on the second question about the acceptability of the requirement of a biometric.
  28. The Government group simply noted that the majority seemed to be in favour of the ICAO standard.
  29. The Seafarers' group declared its opposition to biometrics, as the ICAO standard would imply a 2D photograph and a strip, and the United States did not give any answer to their previous question on the matter.
  30. The Shipowners' group observed that they had no objection to biometrics and would stick to the ICAO standard, subject to caveats like for instance cost, privacy and practicability.
  31. The representative of the Government of India requested information from ICAO on the content and time frame of the TAG recommendations.
  32. In reply to this question, the representative of ICAO specified that the technical report would hopefully be available in May 2003. This would not be a standard, but rather a working document allowing member States to develop the capability to issue interoperable MRTDs containing biometrics. As to the content of the recommendations, she reiterated that predictions were impossible.
  33. The representative of the Government of Cyprus declared that there were no problems as to biometrics, provided that the document was machine-readable, and that the seafarers had full knowledge of the data stored therein.

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- 34.** The representative of the Government of the United States affirmed that they were unable to pronounce themselves on the acceptability of ICAO standards, as they still had to be defined. They declared, however, that, in principle, they would agree.
- 35.** The representative of the Government of Greece recalled that they ratified Convention No. 108, and that the existing seafarers' ID included a photograph, and that the inclusion of fingerprints was envisaged. He further asked whether the nature of the document to be approved in May was mandatory or not.
- 36.** The representative of ICAO indicated that the specifications for MRTDs were not compulsory, but that they rather represent means to ensure interoperability.
- 37.** The representative of the Government of Liberia expressed his concern about the fact that the International Labour Conference would take place only one month after the ICAO meeting. There would be a risk that the new international standard could not yet be defined by June 2003.
- 38.** The representative of the Government of Japan shared the Liberian position. He had no specific suggestions, but referred to former discussions on interoperability, coordination, costs and user-friendliness within the ICAO context. ICAO was now accelerating its work and examining experimental data in order to establish global standards. He recommended that such developments regarding passports be followed with close attention, and that the ICAO time frame be kept in mind. He also stressed that the relevant technology would have to become generally accepted by the public, if biometrics were to be used in the field of travel documents. His delegation was definitely open to any solid development towards a reliable global standard.
- 39.** The Secretary-General recalled that the preliminary draft provision on biometrics (Article IV(3)) provided a solution to the problem raised by Liberia. The concept of biometrics could be adopted in June, while the decision on the type and specifications could be

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approved through the simplified amendment procedure provided under Article III at a subsequent ILO Conference.

- 40.** The representative of the Government of Liberia expressed his thanks for this very helpful answer and emphasized that MR-cards including a biometric were already commercially available, but quite surprisingly not yet internationally accepted for travel documents. He, however, recognized that it was difficult to agree upon a global standard.
- 41.** The representative of the Government of India expressed serious concerns about the approaching deadline (26 October 2004) for the entry into force of the new US visa requirements, and urged Members to keep in mind the necessity to safeguard seafarers' rights. The ICAO specifications should ensure that the document be cost-effective, easy to implement and to understand, as well as accessible all over the world. She requested that three features be standardized: web-based data, biometrics, and smart card, and asked for clarification on the role of member States within the ICAO decision-making process. In this context, she asked to be informed on dates and location of ICAO meetings in order for India to be able to send experts. Finally, she stressed that there should be no visa requirement, as the main objective of the present exercise was facilitation of seafarers' movements. Further information was requested on the issuance of technical assistance.
- 42.** The ICAO representative replied that all the features mentioned above were being standardized. She confirmed that ICAO wanted to keep the basic requirements of MRTDs as simple and cost-effective as possible. As to participation in the ICAO process, she indicated that the TAG meetings were open to all ICAO member States, and that the next meeting was scheduled for 5-9 May 2003 at the ICAO headquarters in Montreal.
- 43.** With respect to the need for technical assistance, the Secretary-General said that the Office had received a small financial contribution from the Government of the United Kingdom, which allowed the ILO to have the consultations on seafarers' identification and launch studies on issues such as quality control and audit system. Hopefully, it would be

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possible in the near future to raise more funds, which would enable the Office to provide technical assistance.

- 44.** The Chairperson requested the constituents' views on the third question concerning facilities to be granted to seafarers for the purposes of shore leave, transit, etc.
- 45.** The Government group stated once again that there were no common views on the matter.
- 46.** The representative of the Government of the United States stressed that its reply covered both the question on the obligation to allow shore leave or transit and the question on formalities considered essential to allow these facilities. He then illustrated the reorganization of the government departments under the new legislation. Both the Coast Guard, the leading agency of maritime security, and the INS, the agency responsible for allowing entry into the United States, were currently put within the area of competence of the Department of Homeland Security, while in the past they pertained to two different departments (transportation and justice). He affirmed that, under the current situation, the United States required a visa for all seafarers entering US territory. However, efforts were being made to turn the abovementioned reorganization into a major tool to obtain a satisfactory solution before June. The question had to be elevated to the highest possible level and, in this perspective, the Office mission to the United States had considerably contributed to achieving this objective.
- 47.** The representative of the Government of Cyprus recalled that they had examined the question under discussion as regards the compliance of their legislation with the Schengen Agreement. He indicated that their legislation allowed transit without visa, if certain conditions were met. In order to solve problems with illegal immigration, the present legislation required the vessel's agent to supply the list of crew members (including names and other personal data as well as the name of the ship) two days before arrival, and to pay a fine in case the seafarer deserted.

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- 48.** The Seafarers' group thanked the Office for the circulation of the text of the IMO FAL Convention and the United States for the useful information supplied. The ITF and its affiliated seafarer unions responded to the State Department's public consultation on the elimination of crew visas. The deadline of this consultation was 11 February 2003. The Seafarers' group therefore urged the Director-General of the ILO to communicate with the US State Department on the issue before that date to update the US Government on progress in the ILO on the seafarers' identity document issue and verify the compatibility of the seafarers' identity document with US legislation.
- 49.** The Secretary-General took note of this request and declared that the Office would make sure that the communication be transmitted to the US State Department before the abovementioned deadline.
- 50.** The Shipowners' group thanked the United States Maritime Authority for the efforts made. From the organizational point of view, the Government of the United States appeared to be able to come to the Conference in June with a delegation which would appropriately reflect the division of responsibilities between the different authorities. They again reiterated that it was important not to lose sight of the main objective of the seafarers' identity document: ensuring seafarers' free movements for commercial trade and shore leave purposes. The seafarers' movements seemed to meet obstacles under the Schengen Agreement. However, taking into account the law and practice of Cyprus on seafarers' facilities, they asked whether the EU countries having ratified the Schengen Agreement would be willing to reconsider their visa policies.
- 51.** The representative of the Government of Cyprus emphasized the existence of different practices applied by the port authorities within the same EU country, as well as in the relations between States party to the Schengen Agreement. He pointed out that the absence of a visa requirement in Cyprus was in accordance with this agreement.

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- 52.** In this context, the representative of the Government of Greece suggested to invite representatives of the European Commission with a specific competence on the implementation of the Schengen Agreement to attend the 91st Session of the International Labour Conference (June 2003).
- 53.** The Secretary-General replied that the Office usually sent standard letters of invitation to all the UN and EU agencies. She also drew the attention of the constituents to the Memorandum of the 91st Session of the ILO Conference, where indications were given on the composition of delegations with respect to the discussion of this specific item. They should include experts not only in the maritime sector, but also on labour and social affairs, immigration, etc. She assured that the Office would make special efforts to reach all the competent institutions and persons concerned.
- 54.** The Seafarers' group made reference to the positive results achieved at the recent IMO Diplomatic Conference on Maritime Security.
- 55.** The Chairperson drew the attention of the constituents to the fourth and fifth questions concerning on the one hand, the formalities considered essential by governments for allowing entry to seafarers and, on the other hand, the reasonability of such formalities for the social partners.
- 56.** The Government group repeated once again that many governments were not in a position to reply.
- 57.** As for the fifth question, the Shipowners' group observed that this was somehow unfair to ask governments to pronounce themselves on the issue. They expressed the hope of having a full and open discussion in June on all the points at stake, including security concerns and facilitation.
- 58.** The Seafarers' group recalled the Members' obligations under the IMO FAL Convention (Articles 3.44 and 3.45) and the facilities for seafarers referred to therein.

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- 59.** Following several queries relating to the ILO Conference meetings, the Secretary-General gave a fairly detailed description of the time frame of the meetings.
- 60.** The Seafarers' group further asked whether the Office had obtained guidance as to the necessity of submitting a version of minimum requirements and recommended practices in June or later on.
- 61.** The Secretary-General replied that one government had suggested that the content of the minimum requirements and recommended practices should be decided at a later stage, but noted that no substantive discussion was held on the matter. In this connection, she reminded the constituents that unanimous support for these requirements and the auditing process was expressed in the replies to the questionnaire.
- 62.** The Seafarers' group underlined the importance of the prompt implementation of the new instrument and questioned whether governments recognized this importance. The fact that the issue was not discussed during the present consultation could otherwise prevent the adoption of these requirements in June.
- 63.** The Shipowners' group agreed on the importance of the point and suggested that experts could be appointed in order to develop the content of the minimum requirements and recommended practices.
- 64.** The Seafarers' group opposed this proposal, because the experts' decision would not be mandatory and would not ensure universal application.
- 65.** The Secretary-General referred again to the preliminary draft and underlined that the minimum requirements and recommended practices were part of a mandatory provision (Article VI of the preliminary draft). This meant that, as soon as these requirements were developed, they would become compulsory. She therefore requested guidance for the Office as to the necessity to proceed to their adoption in June.



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- 66.** The Seafarers' group again requested clarification on whether these requirements would be adopted in June or later.
- 67.** The expert of the Government of the United States recalled in this connection that the precise content of these requirements and practices was still to be elaborated.
- 68.** According to the representative of the Government of France, one point was crucial: the quality of the seafarers' identity document would be determined by the quality of the issuance procedure.
- 69.** In her concluding remarks, the Secretary-General affirmed that the Office would in any case propose a version of minimum requirements and recommended practices for adoption in June.
- 70.** Finally, the Chairperson encouraged governments to consult their departments in order for their delegations to be prepared for the ILO Conference in June.