
INTERNATIONAL LABOUR ORGANIZATION

**Seafarers' Identity Documents
Convention (Revised), 2003 (No. 185)**

**Arrangements concerning the list of Members which fully
meet the minimum requirements concerning processes and
procedures for the issue of seafarers' identity documents**

Geneva, 2005



INTERNATIONAL LABOUR OFFICE GENEVA

Arrangements concerning the list of Members which fully meet the minimum requirements concerning processes and procedures for the issue of seafarers' identity documents

I. Purpose of these Arrangements

1. These Arrangements have been adopted by the Governing Body in accordance with paragraphs 6 to 8 of Article 5 of the Seafarers' Identity Documents Convention (Revised), 2003 (referred to below as "the Convention").
2. Under paragraph 6 of that Article, the Governing Body is to approve a list of Members (referred to below as "the List"), which have ratified the Convention and fully meet the minimum requirements concerning processes and procedures for the issue of seafarers' identity documents, including quality-control procedures (referred to below as the "Minimum Requirements"). These Arrangements (in section III below) set out the procedures to be followed for the initial inclusion and periodic maintenance of Members on the List.
3. These Arrangements also (in section IV below) indicate how a Member may, as envisaged in paragraph 8 of Article 5, make an ad hoc request either to have its name included on the List or restored to the List or to have the name of another Member removed from the List.
4. In these Arrangements, references to Members that have ratified the Convention also cover Members that have made a notification of provisional application in accordance with Article 9 of the Convention.
5. All decisions required under these Arrangements are to be taken by the Governing Body after duly considering the recommendation of the appropriate tripartite review body referred to below as to whether or not the Member concerned fully meets the Minimum Requirements. This recommendation shall itself be made upon the basis of the expert opinion provided to the review body and in full respect for the principles of due process.

II. Tripartite review bodies

6. A tripartite Review Group and a tripartite Special Review Board shall be established to make the necessary recommendations to the Governing Body and to provide the International Labour Office with such advice as it may request with respect to action to be taken in connection with the List, including the action, envisaged in paragraph 7 of Article 5, in the case where inclusion on the list is contested on solid grounds.

The Review Group

7. The Review Group shall consist of four persons appointed (or reappointed) by the Governing Body for the period decided by it. Two members of the Review Group shall be Government representatives of countries that have ratified the Convention; one member shall be nominated by the international organization of shipowners and one by the international organization of seafarers. Each of the members of the Review Group shall be familiar with the requirements of the Convention and have some knowledge of quality-control procedures. They shall act in an individual capacity and impartially. They shall not participate in any case in which they have an interest or might be considered to have an

interest. They should have a good working knowledge of the English language and preferably a good working knowledge of French or Spanish.

8. The Governing Body shall also appoint two representatives of ratifying governments and one Shipowner and one Seafarer representative, nominated in the manner set out above, to act as substitutes in any case where the corresponding Member is unable to act.
9. The members shall elect one of the Government representatives to act as chairperson. The chairperson shall be responsible for coordinating the action of the Review Group, requesting information or material from interested parties or the Office on behalf of the Group and communicating its recommendations to the Governing Body and advice to the Office. Any necessary decisions of a procedural nature shall be taken by the chairperson, after consulting the other members of the Group.
10. The Review Group shall act solely through electronic correspondence and may only take decisions on the basis of consensus. Before any decision is taken to recommend that a ratifying Member does not fully meet the Minimum Requirements, the chairperson shall give the government concerned an opportunity to submit (electronically) a statement of its position to the members of the Group.
11. Where, in the opinion of the chairperson, consensus cannot be reached on any recommendation to be made to the Governing Body, the case shall be referred to the Special Review Board described below.

The Special Review Board

12. The Special Review Board shall consist of four persons appointed (or reappointed) by the Governing Body for the period decided by it. Two members of the Special Review Board shall be Government representatives of countries that have ratified the Convention; one member shall be nominated by the international organization of shipowners and one by the international organization of seafarers. The members shall be chosen on account of their specialized technical or operational knowledge of the processes and procedures referred to in Article 5 of the Convention and Annex III, including quality-control procedures. They shall act in an individual, quasi-judicial capacity. They shall not participate in any case in which they have an interest or might be considered to have an interest.
13. The Governing Body shall also appoint two representatives of ratifying governments and one Shipowner and one Seafarer representative, nominated in the manner set out above, to act as substitutes in any case where the corresponding member is unable to act.
14. The members shall elect one of the Government representatives to act as chairperson. The chairperson shall be responsible for directing the discussions of the Special Review Board, requesting information or material from interested parties or the Office on behalf of the Board and communicating its recommendations to the Governing Body and advice to the Office. Any necessary decisions of a procedural nature shall be taken by the chairperson after consulting the other members of the Board.
15. The Special Review Board shall deal with cases referred to it in accordance with paragraph 11 above and with any other case specified in these Arrangements (see, in particular, Section IV below).
16. The members of the Board shall meet to consider the cases referred to it. All interested parties shall be given an opportunity to submit a statement of their position to the Board, and, if they so request, to be heard by the Board. They shall also have the right to receive or hear the statements made by other interested parties. The term “interested party” refers

to the government whose inclusion on the List or removal from it is under consideration and any other government or organization, which has, in accordance with the procedures set out below, submitted comments to the Office on such inclusion or removal or requested the Member's removal from the List. The Board may request the Office to make arrangements for the submission of other evidence including the hearing of experts or other persons.

17. Before making any recommendation that the Member concerned does not fully meet the Minimum Requirements, the Special Review Board may, if invited to do so by the government whose case is under consideration, request the Office to make arrangements for further inquiries to clarify the situation in the country concerned, possibly accompanied by measures of assistance. Such arrangements and measures shall be at no cost to the Organization (unless funds have been allocated for that purpose under the Organization's technical cooperation programme).
18. Decisions of the Special Review Board shall, wherever possible, be taken by consensus. Where, in the opinion of the chairperson, consensus cannot be reached, the decision may be taken by a simple majority. In the event of an equally split vote, the Chairperson shall have an additional casting vote.
19. The Special Review Board may, if it considers necessary, draw up standing orders governing its procedures that are consistent with the preceding paragraphs as well as with the principles of due process.

Language

20. The Review Group and the Special Review Board may request the author of statements or other submissions made to them to provide them with a translation into a specified language, which may be English, French or Spanish.

III. Regular procedure for initial inclusion and maintenance on the List

A. Inclusion on the List

Documentation required for inclusion

21. In order to be included on the List, the Members that have ratified the Convention (see paragraph 4 above) shall provide the International Labour Office with the following three items (in English, French or Spanish or accompanied by any necessary translation into one of those languages):
 - (a) a statement in electronic form outlining the processes and procedures that are in place to achieve the mandatory results referred to in Part A of Annex III of the Convention;
 - (b) a copy, also in electronic form, of the report on the first independent evaluation carried out by the Member in accordance with paragraph 4 of Article 5 of the Convention; and
 - (c) a specimen of the seafarers' identity document issued by the Member.

Examination by the Office

- 22.** The documentation provided by Members shall be examined by the International Labour Office, which shall have recourse to the necessary technical and operational knowledge and expertise, with respect to the requirements of Annex III to the Convention, especially quality controls.

Invitation for comments

- 23.** The Office shall also promptly invite the shipowners' and seafarers' organizations referred to in Article 5, paragraph 4, of the Convention and the other ratifying Members, receiving the reports in accordance with paragraph 5 of that Article, to provide comments to the Office on the evaluation report concerned. Such comments shall be submitted in an electronic form, in the language of the report or, where this is not English, French or Spanish, in the language of the translation accompanying the report, and within a reasonable deadline set by the Office. Any such comments shall be transmitted by the Office to the government of the Member concerned, which shall be given a reasonable opportunity to provide the Office with a statement of its position (in electronic form) on the comments in the language in which the comments were made.

Tripartite review

- 24.** The Office shall then electronically forward to the members of the Review Group, with a copy to the ILO Member concerned:
- (a) the documentation received by it in accordance with paragraph 21 above;
 - (b) a copy of the expert opinion and other relevant material received in the context of paragraph 22;
 - (c) any comments and statements received in accordance with paragraph 23; and
 - (d) the Office's assessment of the adequacy of the independent evaluation report as well as the Office's conclusions as to whether or not the Member concerned fully meets the Minimum Requirements.
- 25.** The Review Group (or the Special Review Board, if the case is referred to it) shall first verify that the documentation provided is sufficient for its deliberations and, in particular, that the evaluation report meets an appropriate standard of independence and reliability. If it finds that this is not the case, it shall so inform the Member concerned, with a clear statement of its reasons, and specify what must be done by the Member to rectify the matter. If the necessary rectification is not made within a reasonable deadline, the recommendation to the Governing Body shall be based on the presumption that the Member concerned does not fully meet the Minimum Requirements.
- 26.** If the Review Group is unable to reach consensus as to whether or not the Member concerned fully meets the Minimum Requirements, its chairperson shall, in accordance with paragraph 11 above, forward the documentation received to the chairperson of the Special Review Board, informing the Office accordingly.
- 27.** The Review Group or the Special Review Board, as the case may be, shall, as soon as possible, electronically transmit to the Office its recommendation as to whether or not the Member concerned fully meets the Minimum Requirements. The recommendation shall be accompanied by copies of all relevant statements and other submissions made to the Review Group or to the Special Review Board. Dissenting opinions of members of the

Board shall also be provided, especially where it was not possible to agree upon a recommendation.

Technical cooperation

28. Where the Review Group or the Special Review Board concludes that a Member does not fully meet the Minimum Requirements, it may request the Office to inform the Governing Body of appropriate measures of technical cooperation that might be available to redress the defects in the Member's processes and procedures.

Consideration by the Governing Body

29. Upon receipt of the recommendation of the appropriate review body, the Office shall prepare a report for submission to the Governing Body at its next session, where feasible. In addition to transmitting the recommendation, the report shall indicate any significant differences between the recommendation and the expert opinion or the Office's assessment and conclusions referred to under (b) or (d) of paragraph 24 above. The report shall also clearly state the reasons for any recommendation that the Member concerned does not fully meet the Minimum Requirements. A copy of all relevant documentation, including a copy of the independent evaluation and expert opinions as well as of submissions made during the tripartite review of the evaluation reports or in the context of the ad hoc procedures referred to below shall be made available to the Governing Body at its request.
30. Governments that are not already represented on the Governing Body shall be invited to take part in any discussion in which they are interested parties within the meaning of paragraph 16 above. They shall have the same rights as governments represented in accordance with article 5bis of the Standing Orders of the Governing Body. The chairperson(s) concerned may be invited to assist the Governing Body. Representatives of governments or organizations that had opposed a Member's inclusion on the list shall be given an opportunity to submit further observations, orally or in writing.

Approved list

31. Having duly considered the recommendation, the Governing Body shall decide whether or not the Member, which is the subject of the recommendation, fully meets the Minimum Requirements. Members fully meeting the Minimum Requirements shall thereupon be included on the List and Members that no longer fully meet them shall be removed from the List with immediate effect.

B. Maintenance on the List

32. In order to have their names maintained on the List, Members shall, after each subsequent independent evaluation to be carried out at intervals of not more than five years in accordance with paragraph 4 of Article 5 of the Convention, provide the International Labour Office with the following three items (in English, French or Spanish or accompanied by any necessary translation into one of those languages):
- (a) a statement in electronic form updating the outline of the processes and procedures that was previously submitted;
 - (b) a copy, also in electronic form, of a report on the new independent evaluation supplementing the report submitted on the previous independent evaluation; and
 - (c) a specimen of the seafarers' identity document issued by the Member or a statement that the specimen submitted previously has not changed.

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33. Upon receipt of the above documentation, the procedures set out in paragraphs 22 to 31 above shall apply.
34. If the above documentation is not received from any Member included on the List within five years from the submission of its report on the last independent evaluation, the Office shall refer the matter to the Governing Body. If a Member fails to heed a reminder by the Governing Body to provide the documentation, the Governing Body shall decide to remove the Member's name from the List, unless it considers that such action would not be appropriate.

IV. Ad hoc procedures

A. Requests to be included on the List

Preliminary requirements

35. Any Member whose name has not be included on the List or has been removed from the List may request the inclusion or restoration of its name on the ground that the reasons for non-inclusion do not apply or no longer apply. The request in electronic form shall be transmitted to the Office, in the English language. It shall clearly state the reasons justifying inclusion or restoration and be accompanied by clear evidence in support.
36. The Office shall promptly forward the request, together with the accompanying documentation as well as the Office's comments on the request, to the members of the Review Group, with a copy to the ILO Member making the request.
37. The Review Group shall verify that the information and material provided is sufficient to enable a decision to be taken on the substance of the request. Where this is not the case, the Review Group may (subject to the necessary consensus) require the Member concerned to provide further information or material (such as an independent evaluation report) before the request can be proceeded with.

Examination by the Office

38. Once the request has, where applicable, been completed with the information or material required by the Review Group, the Member concerned may transmit it to the Office. The documentation provided shall be examined by the Office, which shall have recourse to the necessary technical and operational knowledge and expertise, with respect to the requirements of Annex III to the Convention, especially quality controls.

Invitation for comments

39. The Office shall also promptly invite the shipowners' and seafarers' organizations of the Member concerned, as well as the other ratifying Members to provide comments to the Office on the request. Such comments shall be submitted, in an electronic form, in English, French or Spanish, and within a reasonable deadline set by the Office. Any such comments shall be transmitted by the Office to the government of the Member making the request, which shall be given a reasonable opportunity to provide the Office with a statement of its position (in electronic form) on the comments.

Tripartite review

40. The Office shall electronically forward to the Special Review Board, with a copy to the Member making the request:

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- (a) the request and accompanying documentation;
 - (b) a copy of the expert opinion and other relevant material received in the context of paragraph 38;
 - (c) any comments and statements received in accordance with paragraph 39, and the Office's conclusions as to whether or not the Member concerned fully meets the Minimum Requirements.

Further processing

- 41. The request shall then be dealt with in accordance with the procedures set out in paragraphs 27 to 31 above.

B. *Requests to remove a Member from the List*

Preliminary requirements

- 42. Any ratifying Member, (see paragraph 4 above) and any organization referred to in Article 5, paragraph 4, of the Convention may request that the name of a Member be removed from the List on the ground that the Member does not fully meet the Minimum Requirements. The request in electronic form shall be transmitted to the Office, in the English language. It shall clearly state the reasons justifying the removal of the Member's name from the List and be accompanied by clear evidence in support.
- 43. After giving the Member whose removal from the List is requested a reasonable opportunity to state its position (electronically, in English), the Office shall promptly forward the request, together with the accompanying documentation as well as any statement made by the Member concerned and the Office's comments, to the members of the Review Group. Copies of this material shall be sent to the ILO Member or organization making the request and to the ILO Member whose removal is requested.
- 44. The Review Group shall ascertain whether or not the request shows a prima facie case justifying removal from the List. If it decides that such a case has not been made out or is unable to agree on its decision, it shall so inform the Office, the Member or organization making the request and the Member whose removal is requested. The Office shall then transmit a copy of the request to the Governing Body for information.

Examination by the Office

- 45. If the Review Group decides that the request shows a prima facie case justifying removal from the List, it shall inform the Office accordingly. The documentation provided shall be examined by the Office, which shall have recourse to the necessary technical and operational knowledge and expertise, with respect to the requirements of Annex III to the Convention, especially quality controls.

Invitation for comments

- 46. The Office shall also promptly invite the shipowners' and seafarers' organizations of the Member concerned, as well as the other ratifying Members to provide comments to the Office on the request in the light of any statement received from the Member concerned (see paragraph 43 above). Such comments shall be submitted in an electronic form, in English, French or Spanish, and within a reasonable deadline set by the Office. Any such comments shall be transmitted by the Office to the government of the Member concerned,

which shall be given a reasonable opportunity to provide the Office with a further statement of its position (in electronic form, in English, French or Spanish).

Tripartite review

47. The Office shall electronically forward to the Special Review Board, with a copy to the Member or organization making the request and to the Member whose removal is requested:
- (a) the request and accompanying documentation;
 - (b) a copy of the expert opinion and other relevant material received in the context of paragraph 45;
 - (c) any comments and statements received in accordance with paragraph 46, and the Office's conclusions as to whether or not the Member concerned fully meets the Minimum Requirements.

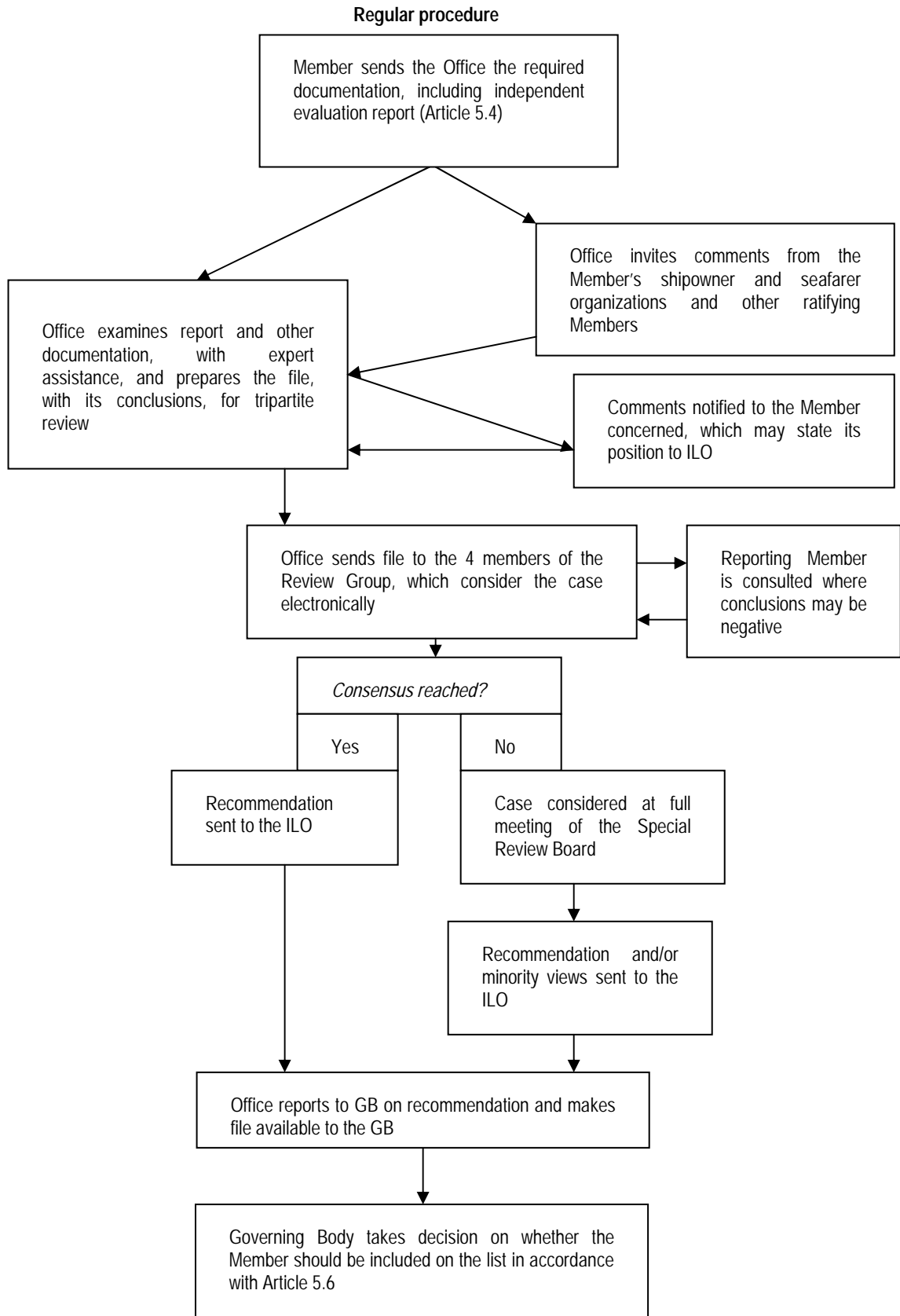
Further processing

48. The request shall then be dealt with in accordance with the procedures set out in paragraphs 27 to 31 above.

V. Review of these Arrangements

49. The present Arrangements shall be reviewed by the Governing Body after an interval of not more than five years from the date of their adoption.

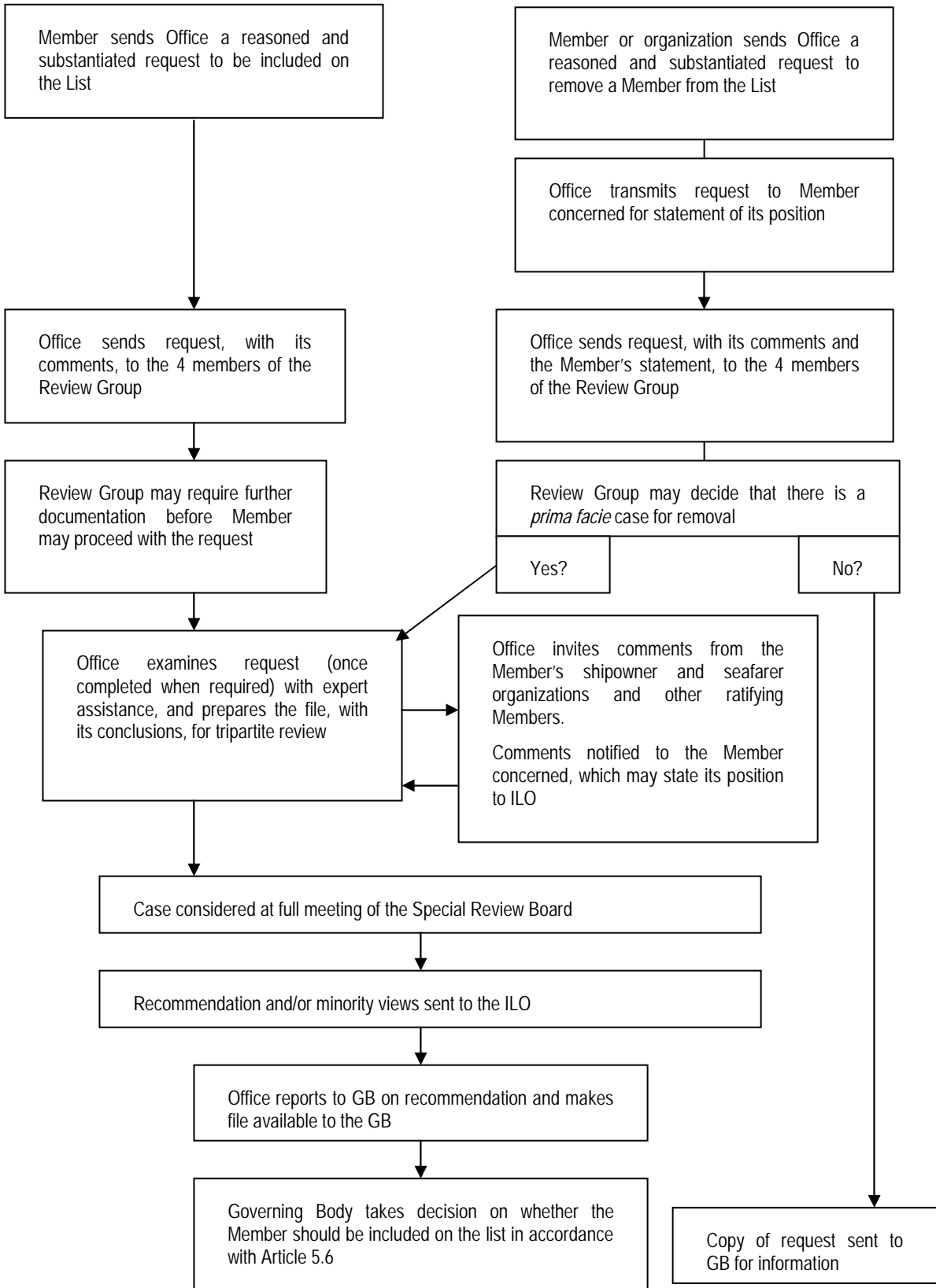
Proposed procedure for establishing the list referred to in Article 5.6 of Convention No. 185



Ad hoc procedures

Request for inclusion on List

Request for removal from List



Checklist concerning the required processes and procedures for the issue of seafarers' identity documents, including quality-control procedures

1. *Production and delivery of blank SIDs*

Processes and procedures are in place to ensure the necessary security for the production and delivery of blank SIDs, including the following:

- (a) all blank SIDs are of uniform quality and meet the specifications in content and form as contained in Annex I of the Convention
- (b) the materials used for production are protected and controlled
- (c) blank SIDs are protected, controlled, identified and tracked during the production and delivery processes
- (d) producers have the means of properly meeting their obligations in relation to the production and delivery of blank SIDs
- (e) the transport of the blank SIDs from the producer to the issuing authority is secure

2. *Custody, handling and accountability for blank and completed SIDs*

Processes and procedures are in place to ensure the necessary security for the custody, handling and accountability for blank and completed SIDs, including the following:

- (a) the custody and handling of blank and completed SIDs is controlled by the issuing authority
- (b) blank, completed and voided SIDs, including those used as specimens, are protected, controlled, identified and tracked
- (c) personnel involved with the process meet standards of reliability, trustworthiness and loyalty required by their positions and have appropriate training
- (d) the division of responsibilities among authorized officials is designed to prevent the issuance of unauthorized SIDs

3. *Processing of applications; suspension or withdrawal of SIDs; appeal procedures*

Processes and procedures are in place to ensure the necessary security for the processing of applications, the completion of the blank SIDs into personalized SIDs by the authority and unit responsible for issuing them, and the delivery of the SIDs, including:

- (a) processes for verification and approval ensuring that SIDs, when first applied for and when renewed, are issued only on the basis of:

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- (i) applications completed with all information required by Annex I of the Convention
 - (ii) proof of identity of the applicant in accordance with the law and practice of the issuing State
 - (iii) proof of nationality or permanent residence
 - (iv) proof that the applicant is a seafarer within the meaning of Article 1 of the Convention
 - (v) assurance that applicants, especially those with more than one nationality or having the status of permanent residents, are not issued with more than one SID
 - (vi) verification that the applicant does not constitute a risk to security, with proper respect for the fundamental rights and freedoms set out in international instruments
 - (b) The processes ensure that:
 - (i) the particulars of each item contained in Annex II of the Convention are entered in the database simultaneously with issuance of the SID
 - (ii) the data, photograph, signature and biometric gathered from the applicant correspond to the applicant
 - (iii) the data, photograph, signature and biometric gathered from the applicant are linked to the application throughout the processing, issuance and delivery of the SID
 - (c) prompt action is taken to update the database when an issued SID is suspended or withdrawn
 - (d) an extension and/or renewal system has been established to provide for circumstances where a seafarer is in need of extension or renewal of his or her SID and in circumstances where the SID is lost
 - (e) the circumstances in which SIDs may be suspended or withdrawn are established in consultation with shipowners' and seafarers' organizations
 - (f) Effective and transparent appeal procedures are in place

4. *Operation, security and maintenance of the database*

Processes and procedures are in place to ensure the necessary security for the operation and maintenance of the database, including the following:

- (a) The database is secure from tampering and from unauthorized access
- (b) data are current, protected against loss of information and available for query at all times through the focal point
- (c) databases are not appended, copied, linked or written to other databases; information from the database is not used for purposes other than

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- authenticating the seafarers' identity
- (d) the individual's rights are respected, including:
- (i) the right to privacy in the collection, storage, handling and communication of personal data
 - (ii) the right of access to data concerning him or her and to have any inaccuracies corrected in a timely manner

5. *Quality control of procedures and periodic evaluations*

- (a) Processes and procedures are in place to ensure the necessary security through the quality control of procedures and periodic evaluations, including the monitoring of processes, to ensure that required performance standards are met, for:
- (i) production and delivery of blank SIDs
 - (ii) custody, handling and accountability for blank, voided and personalized SIDs
 - (iii) processing of applications, completion of blank SIDs into personalized SIDs by the authority and unit responsible for issuance and delivery
 - (iv) operation, security and maintenance of the database
- (b) Periodic reviews will be carried out to ensure the reliability of the issuance system and of the procedures and their conformity with the requirements of the Convention
- (c) Procedures are in place to protect the confidentiality of information contained in reports on periodic evaluations provided by other ratifying Members