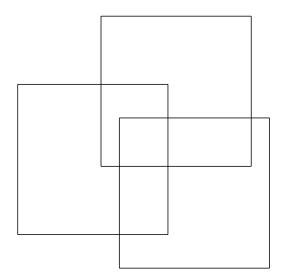


Final report

Ad Hoc Tripartite Maritime Committee established for the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) (Geneva, 10–12 February 2016)



TMCASI/C.185/2016/5 INTERNATIONAL LABOUR ORGANIZATION **Final report** Ad Hoc Tripartite Maritime Committee established for the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) (Geneva, 10–12 February 2016) Geneva, 2016 INTERNATIONAL LABOUR OFFICE, GENEVA

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Introduction

- 1. In February 2015, a Tripartite Meeting of Experts concerning the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), was convened to consider difficulties that had arisen with respect to the implementation of that Convention particularly in connection with the biometric (based on fingerprint technology) that the Convention requires to be placed on the seafarers' identity document (SID). ¹ That meeting concluded that the most feasible way forward was for the International Labour Conference to amend Annex I to the Convention and, as necessary, the other Annexes to it, in order to align the biometric under Convention No. 185 with the standards of the International Civil Aviation Organization (ICAO), which were now universally followed for travel and similar documents.
- **2.** The meeting accordingly requested the Governing Body of the International Labour Office to convene a meeting in 2016 of the "duly constituted tripartite maritime body" referred to in Article 8(1) of the Convention, to advise the International Labour Conference on the adoption of amendments to the Annexes to the Convention. ²
- **3.** At its 323rd Session (March 2015), the Governing Body took note of the general conclusion and the recommendations of the Tripartite Meeting of Experts. Accordingly, it decided to convene the Ad Hoc Tripartite Maritime Committee to make proposals, based on the recommendations of the Meeting of Experts, for consideration by the International Labour Conference at its 105th Session (2016), under an agenda item entitled "Amendment of the Annexes to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)". ³ It further decided that the Committee should be composed of 32 Government representatives, 16 Shipowner representatives and 16 Seafarer representatives. This report has been prepared by the International Labour Office.

I. Composition of the meeting

4. The meeting was attended by 43 Government delegations, 15 experts representing shipowners and 36 experts representing seafarers. It was also attended by representatives of governments of other member States that had ratified the Convention or which were seriously considering ratification, along with representatives of the Shipowners' and Seafarers' groups, including the International Chamber of Shipping (ICS) and the International Transport Workers' Federation (ITF), as well as their advisers. Finally, representatives from the International Maritime Organization (IMO), the ICAO and other official international organizations, as well as observers from international non-

¹ Information about the meeting, including background papers and the report on the discussions, is available on the ILO's Maritime Labour Convention, 2006, web page at: http://www.ilo.org/global/standards/maritime-labour-convention/events/WCMS_301223/lang--en/index.htm.

² ILO: Outcome of the Meeting of Experts concerning the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) (Geneva, 4–6 February 2015), Governing Body, 323rd Session, Geneva, Mar. 2015, GB.323/LILS/4. The general conclusion and recommendations of the Meeting of Experts are contained in the appendix to that document.

³ ILO: Minutes of the 323rd Session of the Governing Body of the International Labour Office, Governing Body, 323rd Session, Geneva, Mar. 2015, GB.323/PV, paragraph 360.

governmental organizations, also participated. The list of participants can be found at the end of this report.

5. The Officers of the meeting were as follows:

Chairperson: Mr Thomas Heinan (Government representative,

Marshall Islands)

Vice-Chairpersons: Mr Joseph Cox (Shipowner representative, United States)

Mr David Heindel (Seafarer representative, United States)

6. The Government group elected Mr John Cousley (Government member, UK) as its Chairperson.

7. The Committee appointed a Drafting Committee for the meeting composed of the following members:

Shipowners: Mr Stewart Inglis (International Chamber of Shipping (ICS))

Ms Virginie Costel (Armateurs de France)

Seafarers: Mr Jonathan Warring (International Transport Workers'

Federation (ITF))

Mr Thierry Le Guevel (Fédération générale des transports et de

l'équipement (FGTE/CFDT))

Mr Jesus Palmario Sale (Associated Marine Officers' and

Seamen's Union of the Philippines (AMOSUP))

Government: Mr John Cousley (United Kingdom)

Mr Yann Becouarn (France) Mr Diego Cano Soler (Spain)

II. Opening statements

- 8. In her introductory remarks, the Secretary-General welcomed the participants and expressed her wish that the present meeting would demonstrate the traditional maritime collegiality and spirit of tripartism. She recalled that the purpose behind the adoption of Convention No. 185 in 2003 had been to address the modern challenges of enabling seafarers to benefit from shore leave and transit at a time of heightened security concerns. The technical options adopted at that time now needed to be updated. She further recalled the conclusion of the Tripartite Meeting of Experts, held in February 2015, that the most feasible way forward was to amend the Annexes to Convention No. 185, adopting for that purpose the expedited amendment procedure set out in Article 8 of the Convention. The present meeting was called upon to make proposals to that effect which would then be submitted by the Governing Body to the Conference for adoption at its 105th Session in May–June 2016. The task before the Committee was therefore very challenging and involved highly technical issues, which would require a creative and flexible approach in order to identify the necessary solutions.
- **9.** The Shipowner Vice-Chairperson emphasized the underlining purpose of the Convention, which was to facilitate the access of seafarers to shore leave and transit to and from their jobs and countries of residence. This facilitation was vital to ensure decent working and living conditions for seafarers. In that respect, it had been necessary to produce a document which would assist seafarers and shipowners. Although Convention No. 185 had not been

widely ratified, he expressed his appreciation for those States which had invested time and money in ratifying and implementing the instrument in an attempt to improve the lives of seafarers. The Tripartite Meeting of Experts had been held in 2015 because the Annexes to the Convention were no longer technically adequate. If the Convention were to serve its original purpose and be applicable to all countries, the Annexes had to be amended. Although certain government representatives had referred to the costs involved in updating the technology for issuing SIDs, he noted that those costs seemed reasonable and could decrease as the number of participants increased. He congratulated those member States which had taken steps to implement the necessary technology to issue SIDs in compliance with the Convention and looked forward to the debate and the adoption of a positive approach to the issues concerned.

- 10. The Seafarer Vice-Chairperson emphasized that the present meeting and the efforts that were being made to update the Convention offered important opportunities for promoting decent work for seafarers. SIDs were fundamental for the well-being and way of life of seafarers. The Tripartite Meeting of Experts had been convened in 2015 because rapid technological changes had rendered the SIDs required by the Convention obsolete. He supported the recommendations made by the meeting in 2015 and the proposed amendments to the Annexes to the Convention prepared by the Office. The proposed options carried financial implications for governments and the Seafarers' group would listen closely to those governments' interventions. Although the technical issues might appear intimidating, technological solutions were available.
- 11. The Chairperson of the Government group hoped that the meeting would succeed in facilitating the fundamental rights of seafarers. He appreciated the options proposed and emphasized that it was necessary to ensure that the new proposals were not left behind by technology.
- 12. An observer representing the International Christian Maritime Association (ICMA) emphasized the importance of Convention No. 185 in protecting seafarers and enhancing their opportunities for shore leave. Referring to a study undertaken by one of the ICMA's member organizations, he indicated that out of the 17 per cent of seafarers that had been denied shore leave in the United States, the great majority of cases had been denied because they did not possess crew member visas. The vast majority of those seafarers served on vessels for which the Maritime Labour Convention, 2006 (MLC, 2006), was in force. The MLC, 2006, did not therefore appear to be meeting one of its objectives, which was to promote seafarers' shore leave. That meant that wider ratification of Convention No. 185 took on greater importance in promoting shore leave for seafarers in those countries which continued to require visas for that purpose.

III. Technical discussion

13. A technical expert assisting the Office presented the proposed amendments to the Annexes to Convention No. 185 set out in the background paper, which were intended to ensure that the SIDs issued under the Convention were compatible with ICAO standards for ePassports and would be readable by the equipment designed to read ePassports. He recalled that the SIDs issued in conformity with the Seafarers' Identity Documents Convention, 1958 (No. 108), did not have to conform to a specific standard format or style. In view of the drive to increase security in ports after 2001, the ILO and its constituents had developed Convention No. 185, which offered three main improvements in relation to the earlier instrument; a common format, biometric data and detailed rules on the issuance process to increase security. However, at the same time, the ICAO had been reviewing the recommended specifications for passports. As a result, soon after the adoption of Convention No. 185, it was no longer synchronized with the new ICAO specifications. In 2015, the Tripartite Meeting of Experts had agreed on the need to ensure compatibility between

Convention No. 185 and the new version of Doc 9303, which would make it easier to validate the authenticity of SIDs. The goal of the proposed amendments to the Annexes of the Convention set out in the background document was therefore the full integration of SIDs with Doc 9303.

- 14. An observer representing the ICAO provided explanations of the ICAO Public Key Directory (PKD) system, which greatly improved the security of machine-readable travel documents. The PKD system offered a central secure storage location where States and other entities could input and retrieve security information to validate the electronic data contained in ePassports in accordance with the technical standards set out in ICAO Document 9303 (Doc 9303). The system facilitated the validation process and allowed border control authorities to confirm that ePassports had been issued by the appropriate authority, had not been altered and were not a copy or a cloned document. She noted that the ICAO recommended its member States to no longer issue non-machine readable passports as from November 2016 but that it was not mandatory to issue ePassports. The number of participants in the PKD system was now 47 and discussions were being held with further countries with a view to their participation. The PKD system was operated on a cost recovery basis, and the fees were falling as the number of participants rose.
- 15. The Chairperson of the Government group, noting the rapid pace at which technological standards were developing, said that certain countries, including in particular the Russian Federation, had invested heavily in producing SIDs that were in compliance with the Convention. Those countries were now faced by the need to renew their technology. Other countries, such as Norway, which had few seafarers, had not ratified the Convention, but recognized the SID issued under the Convention. He observed that SIDs were intended to identify seafarers by their occupation, but were not identity documents. Passports were required to verify the personal identity of seafarers. Another concern was the transitional period that would be required for the adoption of a new system and he requested the representative of the ICAO to explain how long documents produced in accordance with specific ICAO standards would remain valid.
- **16.** The observer representing the ICAO indicated that a group of technical experts was currently working on a new logical data structure (LDS). She was not able to specify when the new edition of Doc 9303 would be issued. The ICAO updated it on a regular basis, but that did not have an impact on the issuance of travel documents. She agreed that States might not recognize SIDs as travel documents, and might also require a passport.
- **17.** A representative of the Government of the Islamic Republic of Iran, while welcoming security measures, wondered whether it was really necessary to have such a complex security system for SIDs, which were basically used by seafarers to facilitate shore leave, transfer and transit. It was necessary to assess whether such a system was really necessary to give effect to Article 6 of the Convention.
- **18.** A representative of the Government of Canada shared the concerns raised by the previous speaker. It was clear that a passport was required for transit and transfer, which meant that the real purpose of SIDs was to facilitate access to the ship and shore leave for seafarers, and it was not clear that such an elaborate security system was required for that purpose.
- 19. A representative of the Government of the Russian Federation noted that master keys were stored in the form of certificates in the PKD for the purpose of issuing and authenticating passports. As SIDs were different documents from passports, which had more security features than SIDs, he questioned whether it would be possible to store different master keys for the same country in the PKD for the issue of these different documents.

- **20.** A representative of the Government of Georgia said that her Government had made substantial investments in issuing SIDs in compliance with the Convention. The Convention considered that the SID was not a passport, and therefore international travellers should have both documents. Border authorities that did not have the technology necessary to read a SID could read the passport. She did not agree with the adoption of further measures to introduce biometric technologies for SIDs or to amend Convention No. 185.
- 21. The observer representing the ICAO stated that there was only one signature for each State. If SIDs were to be linked to the PKD, they should be issued with the same signature of that State. In the interests of maintaining the maximum level of security, there should be only one issuing authority and one signature for each State.
- 22. A representative of the Government of Spain fully supported the amendments to Convention No. 185, as the improved features of SIDs would offer great benefits to seafarers by enabling them to prove their occupation as seafarers. It was important to continue developing the Convention and he urged more countries to ratify it. In view of the clear advantages of issuing SIDs, including expedited transfers and improved access to shore leave, it was important not to be put off by the financial and technical problems involved.
- **23.** The Seafarer Vice-Chairperson raised a question concerning whether a member State already involved in the ICAO PKD system would incur additional costs to issue another type of document, such as a SID.
- **24.** The observer representing the ICAO indicated that if a member State already had the technological capacity to read passports through ePassport readers, it would need to ensure that its readers could also read SIDs, which might involve some changes to the software.
- **25.** The Seafarer Vice-Chairperson added that the current Annexes to the Convention were technically out of date and that the technology that they specified was no longer usable.
- **26.** The technical expert assisting the Office recalled that the technical option selected for SIDs by Convention No. 185 was based on a fingerprint template. The Office had undertaken interoperability tests in 2004, 2006 and, most recently, in 2008 to identify equipment that was compatible with the requirements of the Convention. The test undertaken in 2008 had produced a list of 12 approved products, but only one approved fingerprint system was still on the market. It would therefore be extremely difficult to continue with the older technologies currently specified in the Annexes to the Convention.
- 27. A representative of the Government of India indicated that his country had nearly 150,000 seafarers. By late 2014, his Government had been almost ready to implement its system to issue SIDs. However, following the Tripartite Meeting of Experts held in 2015, the Government had started the process of adopting facial recognition technology at very high cost. He was not sure that India would be able to participate in the PKD system in the near future. Passports were issued by another ministry, and India had not yet started issuing ePassports. He shared the doubts expressed by the representatives of the Governments of Canada and the Islamic Republic of Iran on whether such a complex system was necessary for SIDs.

- 28. The representative of the Government of Canada added that his Government had also been close to introducing its system for issuing SIDs that would be compatible with the current requirements of Convention No. 185, but had decided to halt implementation in view of the technical uncertainty. Noting that the proposed amendment to Annex III contained in the background paper referred to the seventh edition of Doc 9303 "and as it may subsequently be amended", he requested clarifications on the cost implications and time frame of possible future amendments to the document.
- **29.** The technical expert assisting the Office explained that the version of Doc 9303 referred to in the current Annexes to Convention No. 185 was no longer available. It was therefore necessary to move on to the new version of Doc 9303. He added that, when updating its specifications, the ICAO took great care to ensure that they would remain valid for a reasonable length of time. For example, the ICAO was seeking to ensure with the International Organization for Standardization (ISO) that the facial image recognition specifications that were currently in use would remain valid until 2033.
- **30.** The observer representing the ICAO added that States were given a reasonable period of time to implement technological changes. She recalled that the introduction of machine-readable travel documents had been endorsed in 2005, but had only become mandatory in 2015. She added that it was important for countries to apply the specifications set out in Doc 9303, otherwise travellers might start encountering problems with border control.
- 31. A representative of the Government of the United States, recalling that her Government had not ratified the Convention, noted that it nevertheless issued identity documents for seafarers that complied with the requirements of Convention No. 185. It had also developed passport-style documents for use by seafarers. As different entities issued SIDs and passports, if the PKD system were to be adopted for SIDs, it was therefore her understanding that a single signature should be used and that agreement would need to be reached between the authorities concerned. She also sought clarification concerning the continued validity of the three document formats (TD1-, TD2- and TD3-sized SIDs) and the reasons why the proposed amendment to the Annexes expressed a preference for the smaller format.
- **32.** The representative of the ICAO confirmed that it was preferred for countries to have only one signature for SIDs and passports. The same issue arose in some countries concerning diplomatic passports, which were not always issued by the authority responsible for passports. She added that there were currently no plans to change the formats that were available.
- 33. The technical expert assisting the Office recalled that, in accordance with Article 3(7) of the Convention, only a certain amount of information regarding seafarers was to be included on SIDs. For example, SIDs should not contain information on the employment history or qualifications of seafarers. There was a risk with TD3-sized SIDs (passport-size documents) that more information might be included that was not in compliance with the Convention. The TD1-sized SIDs (credit-card size) also offered advantages in terms of durability, as they could be kept in the seafarer's wallet, where there would also be less risk of their loss.
- **34.** Responding to a question from the representative of the Government of Brazil, the observer representing the ICAO indicated that the number and title of Doc 9303 would remain the same.
- **35.** A representative of the Government of the Islamic Republic of Iran noted that the current version of Annex I to the Convention listed the personal identity number (PIN) of the seafarer as an option for inclusion in the SID, but there was no reference to the PIN in the proposed amended version of the Annex. He also asked what measures were proposed for countries wishing to use two languages on SIDs, especially in view of the limited space available on credit-card size documents.

- **36.** The technical expert assisting the Office recalled that the inclusion of a country-specific PIN was optional under the current Annex I. As that option did not appear to have been used very much, it had been omitted from the proposed amended version of the Annex. With regard to the use of a second language, some countries seemed to prefer to use English only, while others also used another language. The Canadian SID contained the information in both English and French on a card the size of a credit card.
- **37.** A representative of the Government of Liberia recalled the specification in Article 3(4) that the SID "shall be no larger than a normal passport". By opting for a credit card-sized document in the proposed amendments to the Annexes, it was as if an indirect attempt were being made to amend the Convention on an issue that had not been discussed by the Tripartite Meeting of Experts in 2015. It was necessary to abide by the terms of the Convention. The Annexes should only serve for purposes of clarification.
- **38.** A representative of the Government of the Russian Federation referred to the paragraphs of the background document concerning the size of the proposed SID. The proposal was for only a TD1-sized SID to be permitted. The document indicated that, although the TD3-sized SID allowed more space for information, it would be less convenient for seafarers as it did not fit easily into a wallet or credit card holder, adding that a TD3-sized SID could be bent more easily, which could reduce the lifetime of the chip. However, he noted that all three sizes were allowed by Doc 9303 and that a passport-sized SID would offer sufficient room for the necessary information to be recorded in two languages.

IV. Modalities of the system for issuing seafarers' identity documents under the Annexes amended as proposed

- **39.** The meeting then discussed the modalities for issuing SIDs under the Annexes with the proposed amendments, on the basis of the background document.
- **40.** Referring to the options set out in Part III of the background document concerning the system for issuing SIDs, the technical expert assisting the Office explained that, under option A, the issuing authority, such as the Ministry of Transport or the maritime authority, would produce SIDs itself and would store and digitally sign data on the chip contained in the SID. This appeared to be the simplest approach. However, the issuing authority would have to participate in the PKD system, and as the ICAO did not permit multiple participants in the PKD from the same country, the option was not viable. Option B involved the SID issuing authority working with the ePassport issuing authority in the same country, which would then produce the SID. The advantage would be that no additional keys would be needed in the PKD system. However, the disadvantages were that countries that did not yet issue ePassports would not be able to adopt this option, nor countries where the two agencies were unable to work together. Option B might therefore work for some, but not all countries. Option C would involve the creation of a central processing office (CPO) for all participating countries at the global level, which would handle the production of SIDs on behalf of the issuing authorities. The CPO would be contracted through the ILO and would validate and digitally sign the SIDs, secure authorization, load the chips with the information and send them back to the recipient country. Although the ICAO could accept this option, and had proposed that the digital signature of the United Nations laissez-passer might be used for that purpose, the office responsible for issuing laissez-passers had recently informed the ILO that the United Nations would not permit the use of the digital signature for that purpose. Although option C remained viable, it would be necessary to find the appropriate digital signature for use by the CPO.

- **41.** The Shipowner and Seafarer Vice-Chairpersons expressed their preferences to first listen to the views of governments concerning the measures needed to ensure that the Convention could be implemented effectively to facilitate the shore leave and transit of seafarers.
- **42.** The Seafarer Vice-Chairperson also expressed the frustration of his group, which had encouraged governments to ratify the Convention, only to witness those countries incurring costs and spending time to satisfy the technical challenges posed by the Convention, which had ultimately produced SIDs that were not effective. He drew attention to the efforts of the Russian Federation, which had taken all of the necessary steps and had been placed on the ILO White List. Despite good intentions, the Convention, up to the present, might have caused more problems than it had solved. Seafarers had been cast aside, yet they were the engine of a very large global industry. Trade was vital, but the individuals driving that trade were being treated as second class. He reiterated the hope that the meeting would find a solution to these problems.
- **43.** The Chairperson of the Government group mentioned that countries were in various stages vis-à-vis the Convention: some countries, such as the Russian Federation, had satisfied all of the requirements of the Convention; some countries were progressing towards that goal; and other countries needed to know the direction that would be taken in order to make progress. He recognized that the existing Annexes to the Convention were based on an older version of Doc 9303 which no longer existed, and the proposed amendments were intended to ensure that SIDs kept pace with the changes in that document.
- **44.** A representative of the Government of the Russian Federation indicated that he had the impression that some decisions had been taken before the start of the meeting. He echoed the disappointment expressed by the Seafarers' group and explained that the Russian Federation had been fully compliant with the requirements relating to SIDs since June 2015, and was the first and only Member to date to be included in the White List. He stated that, as he had already clearly indicated in February 2015, the Russian Federation did not support the amendments: efforts should be made to fulfil the current requirements before modifying them, and the ILO should remain consistent with the decisions taken previously. The Russian Federation had already issued more than 200,000 SIDs. The proposed amendments were unfair to those member States which had fulfilled – or were in the process of fulfilling – the requirements of the current Annexes. Consequently, he stated that the Russian Federation reserved the right not to support the proposed amendments or to oppose the entry into force for his country of the amended version of the Convention. Considering the expenses incurred, he was of the opinion that there should be a transitional period of at least ten years for member States that had implemented the Convention or were in the process of doing so. He expressed concern at the issues that had arisen in relation to the implementation of the Convention, indicating that the Russian Federation and Russian seafarers had not yet been able to receive all the benefits of complying with the Convention.
- **45.** A representative of the Government of Spain, recalling that his country had ratified most ILO Conventions, including Convention No. 185, indicated that his Government had issued more than 22,000 SIDs so far. He understood how other delegations felt with respect to the Convention. He added, however, that some aspects of the Convention needed to be improved to remove barriers and help more member States ratify the instrument. Referring to the mandate of the Ad Hoc Meeting of Experts, he was of the view that the goal was to update the Annexes of the Convention. He agreed with setting a reasonable transition period to allow for the implementation of the Convention. Seafarers and shipowners alike were expecting positive developments from the meeting.
- **46.** A representative of the Government of Norway said that his country had worked actively to improve Convention No. 108 and to strengthen security. The newly issued SIDs should have a clearer status vis-à-vis other identity documents, such as passports. When Convention No. 185 had been adopted, Norway had made a serious effort to implement it, but had found

it too expensive in view of the limited number of Norwegian seafarers (15,000 to 20,000). Moreover, not all Norwegian seafarers would require SIDs. The cost of an individual SID would therefore be prohibitively high. The Government had tried to obtain the agreement of the social partners to ratify the Convention, but without success. Referring to the background paper for the meeting, he indicated that he supported option B, that is, the production of SIDs by the ePassport-issuing authority, adding, however, that it would take a few years to implement. Ratification of Convention No. 185 would not be possible unless the Annexes were revised to take into account the new ICAO standards. Moreover, referring to the implementation of the Convention by the Russian Federation, he indicated that Norway recognized SIDs issued under Convention No. 185, even though it had not ratified the Convention. Seafarers were therefore entitled to shore leave in Norway. He concluded that the ILO should not engage in technical work in this area, which should be left to the ICAO.

- **47.** A representative of the Government of Denmark fully supported the views of the representative of the Government of Norway. Her Government also recognized SIDs issued under Convention No. 185. She asked what the consequences were for member States that had already ratified the Convention with respect to the proposed transitional period and technological changes when compared to member States that would soon ratify the Convention.
- **48.** A technical expert assisting the Office clarified that there were no technological requirements contained in the Convention with respect to reading SIDs. It was up to each individual State to implement its own security system. A member State that ratified the Convention could choose how to read and issue SIDs.
- **49.** A representative of the Government of Bangladesh recalled that, although his country had ratified the Convention and issued around 3,000 biometric SIDs, shore leave was being denied to Bangladeshi seafarers in some ports based on the fact that Bangladesh was not included on the list of States that had ratified Convention No. 108. Modernizing SIDs would cost seafarers and governments more money, without the Convention's guarantee of access to shore leave. Collaboration between the passport and maritime authorities would lead to further delays in the implementation of the Convention, and he expressed some reservations concerning the proposed amendments.
- **50.** A representative of the Government of the Marshall Islands recalled that her country had ratified Convention No. 185 in April 2011. National authorities in the Marshall Islands did not use a contactless chip, but the technology met the Convention's requirements. She concurred with the views of the representative of the Government of the Russian Federation, but was reserving her position until hearing from other participants.
- **51.** A representative of the Government of India fully supported the concerns raised by the representative of the Russian Federation. India was in the final stages of issuing SIDs. He expressed concern at the proposed amendment, as the PKD was under the responsibility of another ministry, and he was not sure how feasible it would be to link SIDs with the PKD system. He considered that time should be allowed for the application of the current technology before making further technological changes.
- **52.** The observer representing the ICAO said that the meeting was discussing two different steps. The first was related to issuing SIDs that were in compliance with the standards of Doc 9303 for machine-readable travel documents. The second concerned participation in the PKD system, which could be done at a later date. The two steps were not linked.
- **53.** A representative of the Government of Madagascar echoed the concerns of other governments that, despite his country's ratification of Convention No. 185, national seafarers had been denied shore leave. His country had taken steps to implement the Convention, including issuing calls for tender based on the current technical requirements.

His Government had requested ILO technical assistance, which had not been delivered. Between 2012 and 2013, his Government had informed the Office on numerous occasions of the problems that had been encountered because SIDs were not recognized by other countries. Once it was known that the Convention's technical requirements would be amended, his administration had halted the measures taken for the production of SIDs until the new technical specifications were determined.

- **54.** A representative of the Government of Brazil noted that his country, like many others, had ratified the Convention and had made major investments in implementing the present technical requirements. As the Government representatives of Spain and Norway had mentioned, the updated model SID was intended to benefit all seafarers around the world.
- **55.** A representative of the Government of the Islamic Republic of Iran expressed his opposition to the PKD because the technical cost would be too high. He suggested that further work was needed on that issue, which should be postponed.
- **56.** A representative of the Government of Malaysia recalled that, in 2006, it had begun producing SIDs containing biometric chips. However, to comply with the Convention, it had removed the chips in 2012. That effort and monetary investment in the current system should be considered.
- **57.** The Seafarer Vice-Chairperson understood and shared the frustration of the representative of the Government of the Russian Federation, which was the only State to have issued valid SIDs. The reality was that the Convention did not work and its current standards were obsolete. For the current standards to be useful for seafarers, they must have technology that was acceptable and in place. Furthermore, key port States that would be receiving seafarers had to accept the SIDs and offer transit and shore leave. The standards also had to ensure fully functional security requirements and ICAO standards, along with PKD technology. While he did not want this to become a political debate, he noted that certain States were issuing SIDs to people other than their nationals. He quoted Article 2(1) of the Convention, according to which: "Each Member for which this Convention is in force shall issue to each of its nationals who is a seafarer and makes an application to that effect a seafarers' identity document conforming to the provisions of Article 3 of this Convention." In addition, he noted that, under paragraph 3 of the same Article, Members could issue a SID "to seafarers who have been granted the status of permanent resident in its territory." He expressed his frustration that seafarers who were nationals or permanent residents of one country were still required to purchase a SID from another country in some instances.
- **58.** Following up to the comment from the representative of the ICAO, the Secretary-General questioned whether governments would consider having a SID that was compliant with Doc 9303, as provided for in the proposed amendments, without necessarily addressing the requirement to put in place the system linked to the PKD.
- **59.** A representative of the Government of Spain agreed that governments should express their opposition, if they had any, because many other governments had already expressed their support.
- **60.** The Chairperson observed that no governments expressed their opposition.
- **61.** A representative of the Government of Norway responded that his Government was a member of the PKD and, consequently, was not opposed to tying the solution to the PKD.
- **62.** The technical expert assisting the Office agreed that the Tripartite Meeting of Experts in February 2015 had already taken the decision to amend the Annexes of the Convention to bring them closer to the standard in Doc 9303. Nevertheless, as the observer representing the ICAO had explained, it was possible to be in full compliance with Doc 9303 without

becoming a member of the PKD. The earlier decision was not therefore being reversed, and the only change would be the modalities considered. Referring to the meeting background document, he noted that all of those options proposed assumed that States would want to become PKD members in order to easily verify the SIDs at their borders. However, it was possible to be in conformance with Doc 9303 and not use the PKD. In those cases, the chip could be read, and the seafarers' physical features verified, but the border control would not be able to verify the authenticity of the chip through the PKD system.

- **63.** A representative of the Government of Norway said that it would be wise not to tie the solution adopted to the PKD system, because not all States were currently participants in that system. He reminded the assembly that ICAO standards were recommended practices and that the changes to the Annexes of Convention No. 185, as currently proposed, would create a requirement for participation in the PKD system, which was only optional for passports. He therefore suggested the removal of the PKD requirement from the proposed amendments.
- **64.** The observer representing the ICAO confirmed that the representative of the Government of Norway was correct, as participation in the PKD system was a suggestion contained in Annex 9 of Doc 9303. Moreover, although ICAO standards were mandatory, States had the right to file a communication with the Organization specifying the reasons why they were not in the position to implement those standards.
- **65.** A representative of the Government of Ireland noted that it would not be possible to express an opinion on that option until discussions had been held with the national technical experts.
- **66.** A representative of the Government of Spain explained that his Government participated in the PKD and would therefore prefer this system for the SID. Option B of the background paper balanced the cost and efficiency of the system. However, he expressed the hope that the participants would have an open discussion on the various options. If the PKD became an obstacle for other participants, it should be left to the choice of the State.
- **67.** A representative of the Government of the Russian Federation informed the meeting that it also participated in the PKD system. However, he supported the statements made by the representatives of the Governments of Spain and Norway that it should not be a requirement to join the PKD for countries ratifying the Convention. The PKD issue could be resolved later.
- **68.** A representative of the Government of the United Kingdom supported the previous statements. Similarly, even though his country was a member of the PKD, the United Kingdom border control could process passports issued by countries that were not part of the PKD system. That should not be an obstacle for SIDs, either.
- **69.** The Seafarer Vice-Chairperson recalled that the PKD system facilitated the verification of obtaining visas and access to shore leave. He stressed that governments should remain mindful that the PKD option would assist facilitation.
- **70.** A representative of the Government of the United States recalled the February 2015 meeting and the concerns that had been raised over changing technologies. She stated that facilitating identification could facilitate the visa process. She reminded the assembly that the United States would continue to require visas under its Naturalization Act. The United States issued SIDs, which had been discussed with the ILO, which complied with the requirements of both Conventions Nos 108 and 185.
- **71.** The Shipowner Vice-Chairperson recalled that time and resources had been invested by governments to comply with the current requirements of the Convention. However, those resources had not been wasted, because the governments concerned had ratified an

international instrument and had taken steps for its implementation. He also recalled that Article 3(1) of the Convention provided for amendments to take into account changing technologies. He noted that the ICAO was composed of governments, most of which were the same as those represented at this meeting, which therefore had an opportunity to influence the changes introduced by that organization. Turning to the concerns raised by governments regarding timing, he said that the transition period envisaged under Article 3 of the Convention would provide ample time for the implementation of the changes to the Annexes. This concern should not inhibit the adoption of the necessary amendments to move into the e-world.

- 72. A spokesperson for the Seafarers' group clarified that the requirements for a seafarer to have a visa to enter a territory were not the same as an ePassport. The meeting should concentrate on the issuance of SIDs and passports, not visas. To enter without a visa, the system required verification from the State, which was the reason for such rigid quality-control evaluation. He drew attention to Article 5(9) of the Convention, according to which: "recognition of seafarers' identity documents issued by a Member is subject to its compliance with the minimum requirements referred to in paragraph 1 above." He recalled that a resolution concerning the establishment of a list of member States complying with the Seafarers' Identity Documents Convention (Revised), 2003 (No.185), had been adopted for such verification to be carried out by an ILO group with a view to the inclusion of compliant States on a White List. The Russian Federation was the only country to have been included on the White List thus far. The problem at hand was the effective implementation of the Convention and the facilitation of seafarers' transit through borders. The key in that respect was to determine the necessary verification process.
- **73.** By a showing of hands, the Committee decided that it was not necessary to link the SID issuance system to the PKD at that time.

V. Proposals for amendments to Annexes I, II and III of Convention No. 185

- **74.** The discussion below relates to the proposals for amendments to the Annexes of Convention No. 185, which were prepared by the Office following the recommendations of the Meeting of Experts in February 2015, and which take into account comments submitted by the ICAO. The preliminary draft for amendments is contained in Part I of the background paper.
- 75. The Chairperson noted that eight amendments, numbered D1 to D8, had been submitted to the proposals for the amendment of Annexes I, II and III of the Convention contained in the background paper. He recalled that compliance with Doc 9303 was not dependent on participation in the PKD system, which was a decision to be taken by member States.
- **76.** A representative of the Government of the Russian Federation regretted that the Committee did not seem to be discussing the main problem in relation to the Convention. A large number of countries had listened to and shared the viewpoint of the Russian Federation in expressing concern at the situation regarding the ratification and implementation of the Convention. It was necessary to develop a solution rapidly so that Convention No. 185 could finally begin to function effectively for the benefit of the maritime transport industry as a whole, which was vital to the well-being and survival of a large part of the global population. The ILO was not specialized in the technical issues raised by the Convention, but needed to assess why it was not working and identify the steps that should be taken to move forward.

Proposed amendments to Annex I

Paragraph 1

- 77. A representative of the Government of the United States introduced amendment D3, which was supported by the representative of the Government of Liberia, and which sought to delete the words "TD1-size" in the first paragraph of Annex I. She recalled that, in accordance with Article 3(4) of the Convention, the SID was to be "no larger than a normal passport". According to Doc 9303, identity documents could be three sizes, TD1, TD2 and TD3. In order to permit the issuance of SIDs, the requirements should not be restricted to a small document.
- **78.** The Shipowner Vice-Chairperson supported the amendment.
- **79.** The Seafarer Vice-Chairperson also supported the amendment and recalled that, in accordance with Article 3(2) of the Convention, the SID shall be "made of durable material".
- **80.** Amendment D3 was adopted. As a result, amendment D6, which had been submitted by the Russian Federation and which called for inserting after the words "a TD1-size" the words "or a TD2-size", fell.

Paragraph 2

- **81.** A representative of the Government of the United States introduced amendment D4, which was supported by the representative of the Government of Liberia and sought to delete the words "Section 2 of Part 3 of" in the second paragraph of Annex I.
- **82.** The Shipowner and the Seafarer Vice-Chairpersons supported the amendment.
- **83.** Amendment D4 was adopted. As a result, amendment D7, which had been submitted by the Russian Federation and called for inserting, after "TD1-size" the words "TD2-size", fell.
- **84.** A representative of the Government of the United States introduced amendment D5, which was supported by the representative of the Government of Liberia, which sought to delete the last sentence of the second paragraph of Annex I: "The size of the identity document shall be as specified in Section 2 of Part 5 of Document 9303, 'Specifications for TDI Size Machine Readable Official Travel Documents' and the layout of all the data elements shall be as specified in Section 3 of Part 5."
- **85.** The Shipowner and Seafarer Vice-Chairpersons supported the amendment.
- **86.** Amendment D5 was adopted. As a result, amendment D8, which was submitted by the Russian Federation and which called for inserting, after the words "as specified in Section 3 of Part 5" the words ", or in Section 2 of Part 6 of Document 9303, "Specifications for TD2 Size Machine Readable Travel Documents" and the layout of all the data elements shall be as specified in Section 3 of Part 6", fell.
- **87.** A representative of the Government of the United States indicated that as a consequence of the adoption of amendments D3, D4 and D5 a number of issues relating to TD3-sized documents would need to be addressed in Annex I. She suggested that they could be left to the Drafting Committee.

- **88.** The technical expert assisting the Office explained that, although there had not been time to fully determine the changes that would be needed as a consequence of the adoption of the three amendments, the problem lay in the fact that the specifications contained in the various parts of Doc 9303 which related to the three identity document sizes TD1, TD2 and TD3 differed to a certain extent, and that would have to be reflected in Annex I, and particularly in the subparagraphs in its final paragraph. For example, three new subparagraphs would be needed to cover the specifications for TD3-sized identity documents. Further time would be necessary to identify all the necessary consequential changes, and the text would then need to be submitted to the ICAO for verification.
- **89.** A representative of the Government of Brazil questioned whether there would need to be any consequential changes in relation to the various zones of identity documents referred to in the final paragraph of Annex I.
- **90.** The technical expert assisting the Office indicated that further work would be required to ascertain the consequential modifications that might be necessary, particularly with regard to TD2-sized identity documents, which were very uncommon in practice.
- **91.** The Shipowner Vice-Chairperson said that his group would support those changes on condition that any consequential modifications were based on Doc 9303.
- **92.** The Seafarer Vice-Chairperson agreed that such consequential technical modifications could be left with the Office, in liaison with the ICAO, and in consultation with the Officers of the Committee, so that they could be finalized well in time for submission to the Conference.

Paragraph 3

- **93.** The Government representative of the Russian Federation drew attention to paragraph 3(iii), and wondered whether the reference that it contained to the ICAO Public Key Infrastructure was still valid as participation in the ICAO PKD which was not a requirement under Doc 9303 and remained optional for countries issuing SIDs.
- **94.** The technical expert assisting the Office noted that Part 12 of Doc 9303 included a requirement for a digitally signed chip using the ICAO Public Key Infrastructure for the distribution of the keys, but that there was no obligation to participate in the ICAO PKD, which was distinct from the Public Key Infrastructure.
- **95.** The representative of the ICAO further explained that it was possible to operate a bilateral exchange of digital signatures through diplomatic channels making use of the ICAO Public Key Infrastructure, which was designed to accommodate bilateral arrangements. The advantage of the PKD in that regard was that it offered a single channel for the exchange of digital signatures.

Paragraph 5

Subparagraph (i)

96. A representative of the Government of Spain introduced amendment D1, which was seconded by a representative of the Government of Portugal. This amendment was identical to amendment D2, which had been submitted by the representative of the Government of the Islamic Republic of Iran. The two amendments were thus treated as one, and sought to delete subparagraph (i) in the sixth paragraph of Annex I. The representative of the Government of Spain explained that it was inappropriate to require seafarers to indicate special physical characteristics which might, for example, include a disability. Many physical characteristics were already recorded in the photograph on the SID. One of the most useful physical

characteristics for the identification of the holder of the SID would be height. If that was what was intended, the present wording should be changed to a specific indication that the holder's height should be indicated. As Article 7 of the Convention indicated that the list of particulars about the holder was to be restricted to the specified list, it would appear that it was possible to remove certain of those requirements.

- **97.** A representative of the Government of the Islamic Republic of Iran noted that Persian and Arabic writing was read from right to left, and expressed his concern that the information contained on the SID would be too small to read, especially if SIDs were credit card size. Therefore, the elimination of any item of information would be helpful. Moreover, a person who did not have any specific identification mark when a SID was issued might acquire one over time, which could result in the need for the card to be reissued.
- **98.** The Shipowner Vice-Chairperson expressed sympathy with the proposed amendment and agreed that there were some special physical characteristics to which the holder of the SID might not wish attention to be drawn. However, he questioned whether the wording of the Convention allowed the omission of this particular item.
- **99.** The Legal Adviser noted that it would be necessary to look carefully at the preparatory work that led to the adoption of Convention No. 185 in order to have legal certainty on the issue and to ensure that the current decisions were consistent with that preparatory work. While the current wording of the chapeau of Article 3(7) of the Convention which read "Particulars about the holder included in the seafarer's identity document shall be restricted to the following" seemed to imply that the SID could not contain more particulars than those indicated but could arguably contain fewer, he cautioned that a decision on the amendment should not be taken until a proper analysis of all relevant sources had been carried out.
- **100.** A representative of the Government of Norway indicated that the passport authorities in his country had indicated that it would be unlawful to include reference in a document issued by Norway to any other physical characteristic other than height, which was in any case the best physical characteristic for identification purposes.
- **101.** The Seafarer Vice-Chairperson expressed his support for the amendment based on the clarifications received.
- **102.** A representative of the Government of the United States expressed concern that the requirement was set out in the Convention and proposed including a footnote indicating that an administration could elect not to include it.
- 103. A representative of the Government of Brazil wondered whether, as the Convention allowed the inclusion of any special physical characteristics in the SID, this particular could be excluded from the Annex. He was sympathetic to the reasoning put forward by the representatives of the Governments of Spain and Norway, and believed that such a mention would not be legal in his own country. Moreover, he had been unable to find such a particular in ISO documents.
- **104.** The Chairperson announced that the proposal would be left in square brackets pending any additional information to be provided by the Office and that the amendment would go to the Drafting Committee.
- **105.** Following those discussions, and after having carefully reviewed the preparatory work of both Conventions Nos 185 and 108, the Legal Adviser provided the following explanations: Article 3(7) of Convention No. 185 was based on Article 4(3) of Convention No. 108 and reproduced most of the particulars listed in that Article, including the full name, date and place of birth, nationality, photograph and signature. In preparing the text of Convention

No. 185, the Office report had asked and respondents had confirmed that it was useful to introduce additional elements to the list of "required" particulars. With reference to the discussions that took place during the 41st Session of the International Labour Conference in 1958, the Legal Adviser noted that Article 4 of Convention No. 108 was intended to set out a list of mandatory elements which was nevertheless non-exhaustive. The initial Office text of what finally became Article 4 made reference to "minimum particulars concerning the bearer" (41st ILC, 1958, *Report VII*, page 7) while during the Conference discussions, particulars, such as the period of validity, that were optional in some countries were left out of the list as (41st ILC, 1958, *Record of Proceedings*, paragraph 12, page 247).

- **106.** Reverting to the discussions that took place during the 91st Session of the International Labour Conference in 2003, the Legal Adviser noted that the drafters of Convention No. 185 intended to set out an exhaustive, "closed" list of particulars, while retaining the list's mandatory character. The expression "shall include" contained in Convention No. 108 was therefore deemed no longer suitable as it implied that the named particulars were only examples of particulars that could be contained in the SID. Consequently, the expression "shall include" was changed to "shall be restricted to" to make it clear that "the SID contained a precise and finite set of information common to all SIDs issued by any member State" (91st ILC, 2003, *Record of Proceedings*, paragraph 359, page 20/46) and also that "the list of particulars to be included in the SID [were] a non-optional, definitive list of real particulars, such as the name and sex of the seafarer" (ibid., paragraph 382, page 20/49).
- 107. The Legal Adviser noted that the complicating factor rested in Annex I of Convention No. 185, which specified that the list of particulars "to be entered on the data pages of the SID", thus mandatory, was much longer. The ensuing discussion had focused on how to reconcile the elements listed in Article 3 with those in Annex I. The solution was to specify in Article 3 that those were "particulars of the holder of the SID", as compared to the elements listed in the Annex which pertained not only to the person of the seafarer but also to the document itself (for instance, the telephone number, email and website of the issuing authority, the place and date of issue, or the type of designation of document). In light of these considerations, the Office was of the view that the seven particulars of the SID holder listed in paragraph 7 of Article 3 of Convention No. 185 were not optional but had to appear in the SID. Consequently, if the subparagraph (i) were to be deleted as amendments D1 and D2 proposed, the revised Annex I would contain no technical guidance (for instance, about the placement within the various zones described in Part 5 of Doc 9303) for one of the data elements required under Article 3 of the Convention, thus rendering the implementation of the Convention potentially problematic. The Legal Adviser indicated that, should the Committee share that view, it might wish to reconsider the adoption of amendments D1 and D2.
- **108.** A representative of the Government of Spain accepted the explanations given by the Legal Adviser, adding that, if the Committee considered that the amendment should be amended or withdrawn, the Government of Spain would agree with the majority of Committee members. With respect to legal certainty, he stated that one should be careful to give an interpretation of Conventions. He then gave an example as to the name and sex of the seafarer which should be included on the SID.
- **109.** The representative of the Government of the Islamic Republic of Iran noted that, according to the explanation of the Legal Adviser, the clause "shall be restricted to these items" did not imply that it could include fewer items. He remained unconvinced that the particulars listed were not optional.
- **110.** The Legal Adviser explained that the SID details included in the revised Annex under consideration were not optional, as they pertained to ICAO mandatory requirements and lists. One could only exclude items that were not included on the list.

- **111.** The Chairperson noted that the meeting had agreed to retain subparagraph (i).
- **112.** Amendment D1 was withdrawn and, as a consequence, amendment D2, which was identical in substance, fell.
- 113. Paragraph 5, subparagraph (i) was adopted.

Subparagraph (r)

- **114.** The Chairperson of the Government group asked whether the second letter of code in the machine-readable zone had to be "S", or whether the letters "PS" could be replaced by "PK".
- **115.** A technical expert assisting the Office recalled that the ICAO required that the first letter for a SID to be "P" in TD3-sized documents, but "I" in TD1- and TD2-sized documents. Therefore, participants could select any second letter, or numeral.
- **116.** A representative of the Government of the Russian Federation proposed a subamendment to replace the letters "PS" by "PK" with a view to avoiding confusion. Both the Russian Federation and the Islamic Republic of Iran were already issuing official documents and passports with machine-readable zone letters "PS".
- **117.** Paragraph 5, subparagraph (r), was adopted as subamended.
- **118.** Paragraph 5 was adopted as subamended.

Paragraph 6

- 119. With reference to the proposed amendments which had been submitted to the ICAO for review, the technical expert assisting the Office explained that the ICAO had proposed a minor addition in subparagraph (f) in the sixth paragraph, after "country code", of the words "in accordance with Section 5 of Part 3 of Document 9303."
- **120.** The Chairperson noted that there were no objections to that change. Paragraph 6 was adopted as subamended.

Paragraph 7

- **121.** Paragraph 7 was adopted.
- 122. The Secretary-General indicated that consequential amendments would need to be made throughout the text of Annex I. She explained that the proposals for amendments had been reviewed by the Drafting Committee, and then by colleagues at the ICAO, whom she thanked for reviewing the proposed text at such short notice. The ICAO had suggested one change throughout the text to harmonize it with ICAO terminology, namely that references to "Document 9303" be written "Doc 9303". Moreover, on the fourth line of paragraph 1 of document D.11, she proposed to delete the word "official" before "travel document".
- **123.** The meeting adopted the proposed amendments to Annex I as subamended.

Proposed amendments to amend Annex II

124. The representative of the Government of India requested a clarification for the record, which was confirmed by the Chairperson, that fingerprint biometrics would no longer be allowed

once the amendments to the Annexes came into force, and that the biometrics would be facial.

125. The meeting adopted the proposed amendments to Annex II.

Proposed amendments to amend Annex III

- **126.** The meeting adopted the proposed amendments to Annex III.
- **127.** A representative of the Government of Georgia thanked the Drafting Committee for the draft proposals for amendments and expressed deep appreciation to the secretariat for its work during the meeting.
- **128.** The meeting adopted as a whole the proposed amendments to Annexes I, II and III of Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), as subamended. The proposed amendments are included in Appendix I.
- VI. Consideration of the draft resolution on the implementation of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), and entry into force of the proposed amendments to its Annexes, including transitional measures
 - **129.** The Secretary-General introduced the draft resolution, which had been prepared by the Office in keeping with discussions by the Officers.
 - **130.** A technical expert assisting the Office emphasized the importance of approaching passport authorities, border authorities and manufacturers of passport readers to ensure improved recognition and acceptance of SIDs. A first important step would involve the Office explaining and making information available to manufacturers of passport readers to create awareness of the existence of SIDs and their importance to the industry.

Paragraphs 1-5

131. Paragraphs 1–5 were adopted.

Paragraph 6

- **132.** A representative of the Government of the Islamic Republic of Iran proposed to include the words "taking into account their national laws and regulations" at the end of the paragraph.
- **133.** Paragraph 6 was adopted as amended.

Paragraphs 7 and 8

134. Introductory paragraphs 7 and 8 were adopted.

Subparagraph (a)

135. Subparagraph (a) was adopted.

Subparagraphs (b) and (e)

- **136.** The discussions concerning subparagraphs (b) and (e) were linked and are accordingly reported together. Subparagraph (b), as drafted, read as follows:
 - (b) the Members whose ratification of the Convention was registered prior to the date of entry into force referred to in paragraph (a) above may, in accordance with paragraph 2 of Article 8 of the Convention, give written notice to the Director-General within six months of the date of the adoption of the amendments that the amendments shall not enter into force for that Member, or shall only enter into force at a later date upon subsequent written notification, which shall not exceed three years from the entry into force of the amendments, allowing the Member to continue to issue seafarers' identity documents in accordance with the Convention prior to the amendment of its Annexes during that period;
- **137.** A representative of the Government of the United Kingdom asked whether the participants could discuss a longer transition period than the three-year period that had been previously discussed during the Tripartite Meeting of Experts.
- **138.** A representative of the Government of the Russian Federation recalled his preference for a transitional period ranging between five and ten years, with ten years as a preferred option.
- 139. A representative of the Government of Brazil recalled that this document would become a resolution of the International Labour Conference, with which the final decision on this issue would rest. The resolution of their meeting would be transformed to a resolution at the Conference level. In that context, the matter of timing could be considered, although the recommendations of the meeting could be taken into account. He also drew attention to paragraph 2 of Article 8 of the Convention, under which Members could inform the Director-General that the amendments would not enter into force for that Member, or would enter into force at a later stage.
- **140.** A representative of the Government of Bangladesh concurred that the transition period could be five years.
- **141.** A representative of the Government of Spain supported the statement by the representative of the Government of the Russian Federation, who was showing enormous flexibility, as he had initially proposed ten years, and was now demonstrating a willingness to accept five years.
- **142.** The Shipowner Vice-Chairperson expressed a preference for the transitional period not to be too long. While ten years seemed like a long time, representatives of the Governments of the Russian Federation and Spain had also mentioned five years, which was more reasonable.
- 143. The Seafarer Vice-Chairperson respected the views of the Government of the Russian Federation, which was the only Government to have actually implemented the Convention. Nevertheless, he expressed concerns at waiting ten years. Seafarers had already waited 13 years for the Convention to become operational. The amendments to the Convention would enter into force six months after their adoption, and ratifying countries would have a further three years to prepare. The SIDs issued would be valid for five years, meaning that countries would already have eight years before the new provisions needed to be implemented. If this transition period were to be increased to ten years, it could take 15 years before the new SIDs were operational. He emphasized that the objective of the present meeting was to make the Convention operational. Seafarers needed a document that they could use.

- 144. A representative of the Government of the United Kingdom, responding to a question raised by the Shipowners' group, recalled that seafarers should not be denied shore leave or transit for the sole reason that their SID could not be authenticated, assuming it had been issued in accordance with the Convention. Just as border authorities could verify passports that were not issued under the PKD system, they should not block seafarers from entering a country if their identity documents were not authenticated by the PKD system. He indicated that the Government group could accept the five-year period.
- **145.** The Chairperson of the Government group indicated that his group could accept the five-year period.
- **146.** The Seafarer Vice-Chairperson expressed appreciation of the comments made by the representative of the Government of the United Kingdom. If wording could be included in the resolution to that effect, his group would feel happier accepting the five-year transitional period.
- **147.** A Drafting Group proposed to add a new subparagraph (e) that read: "Non-authentication by secure key or barcode of a SID should not be used as the sole reason to refuse a seafarer entry or access to shore leave, and".
- **148.** The Shipowner Vice-Chairperson suggested the addition of the words "or transit to or from the ship."
- **149.** The Seafarer Vice-Chairperson agreed with the proposed subamendment.
- **150.** A representative of the Government of the United Kingdom proposed to replace "SIDs" by the words "seafarer's identity documents" to align it with the language used elsewhere in the resolution.
- **151.** A technical expert assisting the Office noted that the text "non-authentication by secure key or barcode" was not usual ICAO terminology, and proposed to replace it with "non-authentication of contactless chip or barcode".
- **152.** A representative of the Government of the Russian Federation noted the concerns of the Seafarers' group over the proposed ten-year transition period, and indicated that the five-year alternative was acceptable.
- **153.** The Seafarer Vice-Chairperson reiterated that his group could accept the five-year transition period, subject to the inclusion of the new subparagraph (e).
- **154.** The Shipowner Vice-Chairperson supported the five-year period.
- **155.** A representative of the Government of the Russian Federation expressed concern with the current wording, which could be interpreted to mean that seafarers should be granted entry even where there was no chip and no information on the seafarer. The text should be adjusted to make it clear that the chip must be readable, but that authentication was not necessary.
- **156.** The Chairperson clarified that the situation referred to was when the document contained a microchip and it was readable.
- **157.** The Shipowner Vice-Chairperson clarified that the discussion addressed the situation of seafarers who had documents, but which for some reason could not be read by a machine. The failure of machinery to read those documents should not be used as a reason to prohibit entry, and border authorities should accept other physical proof of identification.

- **158.** The Seafarer Vice-Chairperson concurred.
- **159.** A representative of the Government of the Russian Federation suggested adding the words "as a result of not having the necessary equipment".
- **160.** The Seafarer Vice-Chairperson said that his group believed the text was correct as it stood.
- **161.** A technical expert assisting the Office indicated that "non-authentication" meant that the border authority had been unable to read the information in the chip or barcode. He said that the authority might not be able to authenticate the document if it did not have the equipment. He added that if a seafarer did not have a SID in accordance with Convention No. 185, that might be a reason for another country that had ratified the Convention to deny the seafarer shore leave. If authentication were to fail, most authorities would deny access if that was indicative of a fraudulent document. It was therefore necessary to use the correct terminology.
- **162.** The Seafarer Vice-Chairperson recalled that the discussion related to SIDs that were in compliance with the current requirements, and which did not therefore contain contactless chips. A reference to the barcode would therefore be sufficient.
- 163. A representative of the Government of India said that the addition of the new subparagraph (e) stemmed from the discussion of subparagraph (b) and that they had discussed the transition from the old document to the new document. Subparagraph (e) was needed for the transition period. He therefore suggested that the two subparagraphs be brought together by subamending subparagraph (b) to read, after the original text ending "during that period": "during this period, non-identification of the barcode of a seafarer's identity document which has been issued under the Convention should not be used as the sole reason to refuse a seafarer entry or access to shore leave or transit to or from the ship".
- **164.** The Shipowner Vice-Chairperson said that if the competent border control authorities were not able to read identity documents for some reason, other processes needed to be made available.
- **165.** The Seafarer Vice-Chairperson agreed on the proposed wording. There were a number of valid reasons, in accordance with the Convention, why countries might be able to refuse access to a seafarer, but entry should not be denied merely for technical reasons.
- **166.** The representative of the Government of the Russian Federation observed that, depending on the technology used, the data on the SID might be read, but for technological reasons it might not be possible to authenticate it. He added that it would make sense to keep a reference to microchips to encourage countries to introduce them.
- **167.** The Chairperson of the Government group indicated that if the Shipowners' and Seafarers' groups accepted the proposal, as amended, then governments could accept it.
- **168.** The representative of the Government of the Islamic Republic of Iran said that the wording of subparagraph (b) was too restrictive, as it only took into account cases in which it was not possible to authenticate the barcode. It should also refer to more general situations in which the administrative authorities were unable to authenticate SIDs due to system failure.
- **169.** The Seafarer Vice-Chairperson noted that subparagraphs (b) and (e), as subamended, had already been adopted and should stand.

- **170.** A representative of the Government of Brazil indicated that, even if revised subparagraph (e) of the draft resolution had been approved, the full resolution had not yet been adopted and was therefore still open for discussion. Moreover, the comment by the technical adviser, which clarified the meaning of "not authenticated", raised new considerations. The resolution was related to Article 6 of the Convention, and it was important to ensure coherence between the language of the resolution and that of the Article.
- 171. Subparagraphs (b) and (e) were adopted as subamended by the Drafting Group.

Subparagraphs (c), (d) and (f)

- 172. Subparagraph (c) was adopted.
- **173.** A representative of the Government of the United Kingdom suggested replacing the word "shall" by the word "should" in subparagraphs (d) and (f).
- 174. Subparagraph (d) was adopted as amended.
- **175.** Subparagraph (f) was adopted as amended.
- **176.** The resolution as adopted is found in Appendix II.

VII. Consideration of the draft resolution on the facilitation of access to shore leave and transit of seafarers

- 177. The Shipowner Vice-Chairperson introduced the draft resolution and recalled the importance for seafarers of having access to shore leave and transit to and from their vessels. The resolution was proposed jointly by the Seafarers' and Shipowners' groups, and the words "and members" had been left in square brackets because they wished to extend the resolution to include all members of the Committee, as well as observers.
- **178.** The Seafarer Vice-Chairperson emphasized the importance of facilitating shore leave and transit for seafarers and invited governments to join the resolution.
- **179.** The Chairperson of the Government group supported the draft resolution.
- **180.** The Chairperson indicated that the first paragraph of the draft resolution should start with the words the "Ad-Hoc Committee".
- **181.** The Secretary-General clarified that this wording also included observers.
- **182.** The Shipowner Vice-Chairperson proposed to add the words "and adopted" after "considered" in paragraph 3.
- **183.** The resolution was adopted as amended. The text of the resolution is contained in Appendix III.

VIII. Closure of the meeting

184. In their closing comments, the Shipowner and Seafarer Vice-Chairpersons, as well as the Chairperson of the Government group and other observers, expressed their appreciation for the cooperation and participation of the groups. They thanked the technical expert assisting the Office and the observer representing the ICAO for clarifying the technical elements. It was understood that technical changes took time, and they expressed their hope that the amended Annexes would result in a robust SID that would assist in facilitating seafarer shore leave and transit.

Appendix I

Proposals for amendments to Annexes I, II and III of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)

Replace the current Annex I with the following:

Annex I

Model for seafarers' identity document

- 1. Subject to the overriding requirements of Article 3 of this Convention, the seafarers' identity document (SID), whose form and content are set out below, shall with respect to the materials used for it and the presentation and storage of the data that it contains conform to the mandatory requirements for an electronic machine-readable travel document contained in International Civil Aviation Organization (ICAO) Doc 9303 on machine-readable travel documents, with full consideration being given to any relevant recommendations or advice in that document.
- 2. The term "Doc 9303" shall be understood as referring to the Seventh Edition, 2015, as published by ICAO and as it may subsequently be amended in accordance with the related procedures of ICAO. References in this Annex to particular provisions of Doc 9303 refer to the Seventh Edition, but shall be understood as also referring to the corresponding provisions of any subsequent edition. The Director-General of the International Labour Office may from time to time, as requested by the Governing Body, prepare guidance for Members as to the specific provisions of Doc 9303 to be taken into account.
- 3. The SID shall be an electronic machine-readable identity document with physical characteristics as described in Section 2 of Part 3 of Doc 9303, "Specifications Common to all Machine Readable Travel Documents". The printing and typefaces used in both the visual-inspection zone and the machine-readable zone shall be as described in Sections 3 and 4 respectively of Part 3 of Doc 9303.
- 4. The SID shall include a contactless integrated circuit, with a data storage capacity of at least 32 kilobytes, encoded and digitally signed in accordance with Parts 9, 10, 11 and 12 of Doc 9303. The contactless integrated circuit shall meet all the requirements for the Logical Data Structure (LDS) set out in Part 10 of Doc 9303 but shall contain only the mandatory data elements required in that Part. The privacy of seafarers' data stored in the contactless integrated circuit shall be protected by a Chip Access Control mechanism as described in Part 11 of Doc 9303. Data stored in the LDS shall be limited to the metadata and files required for the operation of the chip and its security features, as well as the following data elements, which are already visible, in the sense of eye-readable, in the visual-inspection and machine-readable zones of the SID:
 - (a) in data group 1 of the LDS: a duplication of the machine-readable zone data, referred to below:
 - (b) in data group 2 of the LDS: the biometric representation required by Article 3, paragraph 8, of this Convention, which shall comply with Part 9 of Doc 9303 for the "Primary Biometric: Facial Image". This facial image of the seafarer shall be a copy of the photograph referred to in (o) below, but compressed to a size in the range of 15–20 kilobytes; and
 - (c) the Document Security Object that is needed to validate the integrity of data stored in the LDS using the ICAO Public Key Infrastructure defined in Part 12 of Doc 9303.

- 5. The SID shall be protected from tampering, photograph substitution or other fraudulent activity by adherence to the requirements of Part 2 of Doc 9303, "Specifications for the Security of the Design, Manufacture and Issuance of MRTDs". It shall be protected by at least three physical security features from the list contained in Appendix A to Part 2 of Doc 9303. Examples of such security features are:
 - optically variable features ¹ in the substrate or laminate of the identity document;
 - tactile features ² in the substrate of the identity document;
 - laser-perforated features ³ in the substrate;
 - two-colour guilloche design ⁴ in the background of the identity document;
 - microprinted text ⁵ in the background;
 - ultraviolet fluorescent ink;
 - ink with optically variable properties;
 - steganographic image ⁶ incorporated in the identity document.
- 6. The data elements to be contained in the identity document and their placement within the various zones described in Doc 9303 are given below and no other information shall be contained in the SID:
 - (a) issuing State: name in full, in Zone I, with no field caption;
 - (b) document type: "SID", in Zone I, with no field caption;
 - (c) "chip inside" symbol described in Section 2.3 of Part 9 of Doc 9303: in Zone I, with no field caption;
 - (d) full name of seafarer as a single field consisting of the primary identifier followed by a comma, then a space and then the secondary identifier, as defined in Doc 9303: in Zone II, with a field caption;
 - (e) sex of seafarer as a single letter, "F" for female, "M" for male or "X" for unspecified: in Zone II, with a field caption;
 - (f) nationality of seafarer, as a three-letter International Organization for Standardization country code in accordance with Section 5 of Part 3 of Doc 9303: in Zone II, with a field caption;
 - (g) date of seafarer's birth, in the format DDbMMbYYYY, where "b" is a single blank space (for example, 23 03 1982): in Zone II, with a field caption;

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¹ An optically variable feature is an image or feature whose appearance in colour or design changes depending on the angle of viewing or illumination.

² A tactile feature is a surface feature giving a distinctive "feel" to the document.

³ Laser perforation is a process whereby numbers, letters or images are created by perforating the substrate with a laser.

⁴ A guilloche design is a pattern of continuous fine lines, usually computer generated, forming a unique image that can only be accurately re-originated by access to the equipment, software and parameters used in creating the original design.

⁵ Microprint is printed text or symbols smaller than 0.25 mm/0.7 pica points.

⁶ Steganography is the use of an image or information that is encoded or concealed within a primary visual image.

- (h) place of seafarer's birth: in Zone II, with a field caption;
- (i) any special physical characteristics that may assist in the identification of the seafarer: in Zone II, with a field caption. If the issuing authority chooses not to record any identifying characteristics, or if the seafarer has no particular identifying characteristics, then this field shall be filled with either the word "None", or "Aucun", or "Ninguna";
- (j) unique document number assigned to the SID by the issuing authority of no more than nine characters: in Zone I for TD3-size documents, with a field caption; or, in Zone III for TD1- and TD2-size documents, with a field caption;
- (k) date of issue of the SID, in the format DDbMMbYYYY, where "b" is a single blank space (for example, 31 05 2014): in Zone III, with a field caption;
- (l) date of expiry of the SID, in the format DDbMMbYYYY, where "b" is a single blank space (for example, 31 05 2019): in Zone III, with a field caption;
- (m) place of issue of the SID: in Zone III, with a field caption;
- (n) signature or usual mark of the seafarer: in Zone IV, without a field caption;
- (o) photograph of the seafarer, conforming to the specifications for photographs set out in Part 3 of Doc 9303: in Zone V, without a field caption;
- (p) the following statement in English, French or Spanish, in Zone VI, without a field caption:
 - "This document is a seafarers' identity document for the purpose of the Seafarers' Identity Documents Convention (Revised), 2003, of the International Labour Organization. This document is a stand-alone document and not a passport.";
- (q) name of the issuing authority, and contact details (telephone number including country code or URL of website or both) of the focal point under Article 4, paragraph 4, of this Convention: in Zone VI, with the following field caption in English, French or Spanish: "Issuing authority contact details"; and
- (r) machine-readable zone printed in Zone VII as specified in Section 4 of Part 3 of Doc 9303, containing all the mandatory data elements specified in Section 4.2 of Part 4 (for TD3 size) or Part 5 (for TD1 size) or Part 6 (for TD2 size). The first two characters of the machine-readable zone shall be "IS" for TD1 or TD2 size, or "PM" for TD3 size.
- 7. The following additional data elements shall be contained only in TD3-size documents:
 - (a) document code: the letters "PM" in Zone I, with a field caption;
 - (b) issuing State, as a three-letter International Organization for Standardization country code in accordance with Section 5 of Part 3 of Doc 9303: in Zone I, with a field caption; and
 - (c) name of the issuing authority: in Zone III, with a field caption.

Replace the current Annex II with the following:

Annex II

Electronic database

The details to be provided for each record in the electronic database to be maintained by each Member in accordance with Article 4, paragraphs 1, 2, 6 and 7 of this Convention shall be restricted to:

Section 1

- 1. Issuing State as written in the visual-inspection zone of the seafarers' identity document (SID).
- 2. Full name of seafarer as written in the visual-inspection zone of the SID.
- 3. Unique nine-character document number assigned to the SID.
- 4. Date of expiry, or suspension, or withdrawal of the SID, written in the format DDbMMbYYYY, where "b" is a single blank space (for example, 31 05 2019).

Section 2

- 1. Compressed facial image of the seafarer as stored in the contactless integrated circuit of the SID.
- 2. Photograph of the seafarer as printed in the visual-inspection zone of the SID.
- 3. Details of all inquiries made concerning the SID.

Replace the first three paragraphs of the current Annex III with the following:

This Annex sets out minimum requirements relating to procedures to be adopted by each Member in accordance with Article 5 of this Convention, with respect to the issuance of seafarers' identity documents (SIDs), including quality-control procedures.

Part A lists the mandatory results that must be achieved, as a minimum, by each Member, in implementing a system of issuance of SIDs.

Part B recommends procedures and practices for achieving those results. Part B is to be given full consideration by Members, but is not mandatory.

Notwithstanding the above, each Member shall observe all relevant mandatory requirements in International Civil Aviation Organization (ICAO) Doc 9303. The term "Doc 9303" shall be understood as referring to the Seventh Edition, 2015, as published by ICAO and as it may subsequently be amended in accordance with the related procedures of ICAO. Members shall also give full consideration to the relevant recommendations or advice contained in Doc 9303, especially in Part 2 of that document and its appendices.

Appendix II

Resolution on the implementation of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), and entry into force of the proposed amendments to its Annexes, including transitional measures

The Ad Hoc Tripartite Maritime Committee established by the ILO Governing Body pursuant to paragraph 1 of Article 8 of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185),

Having met in Geneva from 10 to 12 February 2016,

Having considered and adopted proposed amendments to Annex I, Annex II and Annex III of the Convention,

Noting that these proposed amendments are to be submitted to the International Labour Conference for adoption in accordance with paragraph 1 of Article 8 of the Convention,

Noting that the proposed amendments establish that, subject to the overriding requirements of Article 3 of the Convention, the seafarers' identity document shall conform to the mandatory requirements for electronic machine-readable travel document contained in International Civil Aviation Organization (ICAO) Doc 9303 on machine-readable travel documents, Seventh Edition, and as subsequently amended.

Noting also the need to give Members sufficient time to make any necessary revisions of their national seafarers' identity documents and procedures to implement the proposed amendments taking into account their national laws and regulations,

Stressing that the proposed amendments are not intended to affect the validity of any seafarers' identity documents issued under the current provisions of the Convention,

Recommends that, when adopting the proposed amendments to the Annexes of the Convention, the International Labour Conference specify that:

- (a) the amendments will enter into force one year after their adoption by the International Labour Conference in accordance with paragraph 1 of Article 3 and paragraph 1 of Article 8 of the Convention;
- (b) the Members whose ratification of the Convention was registered prior to the date of entry into force referred to in paragraph (a) above may, in accordance with paragraph 2 of Article 8 of the Convention, give written notice to the Director-General within six months of the date of the adoption of the amendments that the amendments shall not enter into force for that Member, or shall only enter into force at a later date upon subsequent written notification, which should not exceed five years from the entry into force of the amendments, allowing the Member to continue to issue seafarers' identity documents in accordance with the Convention prior to the amendment of its Annexes during that period;
- (c) the entry into force of the amendments or the expiry of the previous transitional period does not affect the validity of any seafarers' identity documents issued under the prior provisions. Accordingly, Members should consider that such seafarers' identity documents will continue in force until their expiry date or until the date for the

- seafarers' identity documents renewal in accordance with Article 3, paragraph 6, of the Convention, if that date is earlier;
- (d) in giving effect to the provisions of the Convention, Members should make appropriate arrangements to promote effective cooperation between all relevant national authorities, including ePassport-issuing and seafarers' identity documents issuing authorities;
- (e) inability to read the seafarers' identity document which has been issued under the Convention, should not be used as the sole reason to refuse a seafarer entry or access to shore leave or transit to or from the ship; and
- (f) in order to facilitate the implementation of the Convention, the International Labour Office should draw the attention of all relevant actors to the need to eliminate any existing barriers to the effective use of the seafarers' identity documents.

Appendix III

Resolution on the facilitation of access to shore leave and transit of seafarers

The Ad Hoc Tripartite Maritime Committee established by the ILO Governing Body pursuant to paragraph 1 of Article 8 of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185),

Having met in Geneva from 10 to 12 February 2016,

Having considered and adopted the proposed amendments to Annexes I, II and III of the Convention,

Recalls that the 91st and 94th (Maritime) Sessions of the International Labour Conference adopted resolutions concerning decent work for seafarers, which noted, inter alia, that access to shore facilities, shore leave and facilitation of transit are vital elements of seafarers' general well-being and, therefore, to the realization of decent work for seafarers,

Recalls also that the core mandate of the Organization is to promote decent working and living conditions,

Appreciates the efforts of a number of countries to facilitate access to shore leave and the transit of seafarers across their sovereign borders,

Acknowledges that countries seek to secure their air, land, and sea borders,

Expresses concern at the difficulties that seafarers continue to experience in being able to enjoy shore leave and to transit to and from ships;

Calls for the harmonization of formalities and other procedures facilitating access to shore leave and welfare facilities in ports and the transit of seafarers to and from ships;

Calls upon countries to implement measures to facilitate the transit of seafarers to and from their ships and shore leave; and

Further calls upon the Governing Body of the International Labour Office to request the Director-General to remain seized of this issue, including through engagement with other UN specialized agencies.

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Mr G. POLITAKIS