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## Improved security of seafarers' identification

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## CONTENTS

	Page
LIST OF RECURRING ABBREVIATIONS .....	V
INTRODUCTION .....	1
REPLIES RECEIVED AND COMMENTARIES .....	5



## LIST OF RECURRING ABBREVIATIONS

### International organizations

ICAO	International Civil Aviation Organization
IMO	International Maritime Organization
ISO	International Organization for Standardization

### International instruments

FAL	IMO Convention on Facilitation of International Maritime Traffic, 1965
ISPS Code	IMO International Ship and Port Facility Security Code
SOLAS Convention	International Convention for the Safety of Life at Sea, 1974
STCW Convention	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995
STCW Code	IMO Seafarers, Training, Certification and Watchkeeping Code, 1995

### International employers' and workers' organizations

ISF	International Shipping Federation
ITF	International Transport Workers' Federation

### National employers' and workers' organizations

Australia	ASA	Australian Shipowners' Association
Brazil	CONTTMAF	National Confederation of Workers in Water and Air Transport, Fisheries and Ports
	Syndarma	National Union of Maritime Shipping Companies
Canada	CLC	Canadian Labour Congress
Chile	ANA	National Shipowners' Association
	CPC	Confederation of Production and Trade

*Improved security of seafarers' identification*

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Costa Rica	CTRN	Rerum Novarum Confederation of Workers
Estonia	ESA	Estonian Shipowners' Association
France	FNSM	National Federation of Maritime Trade Unions (affiliated to the General Confederation of Labour)
	FOMM	Federation of Officers of the Merchant Marine (affiliated to the Confederation of Managerial and Professional Staff (UGICT-CGT))
	SNCNMM	National Union of Merchant Marine Executive Staff (affiliated to the French Confederation of Executive Staffs (CFE-CGC))
	SNPOMM	National Union of Merchant Marine Officers
Germany	VDR	Association of German Shipowners
Indonesia	APINDO	Indonesian Employers' Association
	INSA	Indonesian National Shipowners' Association
	SPNI	Indonesian National Workers' Union
Italy	CONFITARMA	Italian Confederation of Shipowners
	FILT-CGIL	Italian Federation of Transport Workers (affiliated to the Italian General Confederation of Labour (CGIL))
	Lega Pesca	National League of Cooperatives and Mutual Aid Associations (fisheries' league)
Mauritania	CGTM	General Confederation of Workers of Mauritania
Namibia	NEF	Namibian Employers' Federation
	NUNW	National Union of Namibian Workers
Netherlands	FWZ	Dutch Seafarers' Federation
	KVNR	Royal Association of Netherlands' Shipowners
Panama	APOM	Panamanian Association of Ships' Officers
	CMP	Panamanian Chamber of Fishing
Romania	BNS	National Trade Union Bloc
United States	USCIB	United States Council for International Business

**Technical terms**

CMC	Crew member certificate
COC	Certificate of competence
MRTDs	Machine-readable travel documents
MRZ	Machine-readable zone
OCR	Optical character recognition
SIRB	Seafarers' identification and record book of Philippines
VIZ	Visual inspection zone



## INTRODUCTION

At its 283rd Session (March 2002) the Governing Body of the International Labour Office decided to place an urgent item on the agenda of the 91st Session (June 2003) of the International Labour Conference, concerning improved security of seafarers' identification with a view to the adoption of a Protocol to the Seafarers' Identity Documents Convention, 1958 (No. 108). The Governing Body also decided that this issue would be governed by the single-discussion procedure under article 38 of the Standing Orders of the Conference and approved a reduced timetable for the preparatory stages of that procedure.

The Office has already produced a preliminary report<sup>1</sup> intended to serve as the basis for the discussion of this question. This report gives an overview of the background, analyses the relevant law and practice in various countries and contains a questionnaire including a preliminary draft of possible provisions. The report and questionnaire were communicated to the governments of the member States of the ILO, which were invited to send their replies so as to reach the Office in Geneva by 31 December 2002 at the latest.

In order to assist with the preparation of the new instrument, a Consultation Meeting on Improved Security of Seafarers' Identification was held from 9 to 10 May 2002.<sup>2</sup> Informal sittings were held in conjunction with other ILO maritime meetings on 25 June 2002, 17 October 2002 and 4-5 February 2003.<sup>3</sup> The reports of these meetings and other informal sittings are published on the ILO web site in English, French and Spanish (<http://ilo.org/public/english/dialogue/sector/sectors/mariti.htm>).

The ILO was represented by a tripartite delegation at the IMO Diplomatic Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS) (9-13 December 2002). This Conference adopted two resolutions (Nos. 8 and 11) relevant to the question of identity documents. The first (No. 8) concerning "the enhancement of security in cooperation with the International Labour Organization" invites, inter alia, the ILO to continue the development of a seafarers' identity document as a matter of urgency, which should cover, among other things, a document for professional purposes, a verifiable security document, and a certification information document. Conference resolution No. 11 concerning the "human element related aspects and shore leave for seafarers" urged governments to take the human element, the need to afford special protection to seafarers and the critical importance of shore leave into account when implementing relevant provisions of the

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<sup>1</sup> ILO: *Improved security of seafarers' identification*, Report VII(1), International Labour Conference, Geneva, 91st Session, 2003.

<sup>2</sup> *ibid.*, Annex III.

<sup>3</sup> ILO: Reports on informal sittings on improved seafarers' identity documents, SSID/2002/1, SSID/2002/2 and SSID/2003/1.

IMO Safety of Life at Sea Convention (SOLAS) and the International Ship and Port Facility Security (ISPS) Code. It also encouraged the reporting to the IMO of any instances where the human element had been adversely impacted by the implementation of the same provisions.

This report consists of a summarized compilation of the replies to the abovementioned questionnaire received by the Office. The proposed text of the Seafarers' Identity Documents Convention (Revised) has been published in a separate volume, Report VII(2B). It contains brief office commentaries on the proposed instrument.

At the time of drawing up this report, the Office had received replies from the governments of the following 61 member States:<sup>4</sup> Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

In accordance with article 38, paragraph 1, of the Standing Orders of the International Labour Conference, governments were requested to consult the most representative organizations of employers and workers before finalizing their replies to the questionnaire, to give reasons for their replies and to indicate which organization had been so consulted. Governments were also reminded of the importance of ensuring that all relevant departments were involved in the consultation process, including the departments responsible for labour and social affairs and maritime transport and the immigration authorities.

The governments of 50 member States pointed out that their replies had been drawn up after consultation with employers' or workers' organizations: Albania, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Egypt, Eritrea, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, India, Indonesia, Italy, Japan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Philippines, Poland, Qatar, Romania, Saudi Arabia, Spain, Syrian Arab Republic, Ukraine, United Kingdom and United States.

The governments of the following member States sent separately the replies from employers' or workers' organizations; and in some cases, replies were received directly at the Office: Argentina, Australia, Brazil, Canada, Chile, Costa Rica, Denmark, France, Germany, Italy, Mauritania, Namibia, Netherlands, Romania, Russian Federation, Suriname and United States.

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<sup>4</sup> To be able to send this report to member States in April 2003, only those replies registered at the ILO before 21 January 2003 have been taken into account. Replies (Belgium, Benin, Ghana, Guinea Bissau, Iceland, Iraq, Israel, Jamaica, Luxembourg, Madagascar, Mexico, Morocco, Saint Vincent and the Grenadines, Singapore, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey and Venezuela) that arrived too late to be included in the report may be consulted by delegates at the Conference.

A reply was also received from the International Shipping Federation (ISF). The Australian Shipowners' Association identified itself with the ISF reply.

This volume, Report VII(2A), which has been drawn up on the basis of the replies from governments and from employers' and workers' organizations, contains the essential points of their observations.<sup>5</sup>

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<sup>5</sup> In view of the restrictions on the length of the report, priority has been given to reproducing the replies received – although these have had to be considerably shortened.



## REPLIES RECEIVED AND COMMENTARIES

This section contains the substance of the replies to the questionnaire in the first report (Report VII(I)). It begins with some general observations submitted by the governments and employers' and workers' organizations, preceded by a brief summary of these observations. Each question is subsequently reproduced and followed by lists indicating the governments, as well as the employers' and workers' organizations, that replied to it, grouped in accordance with the nature of the replies (affirmative, negative or other). Where replies are accompanied by qualifying remarks or explanations, the substance of each observation is given, in alphabetical order of countries, after the abovementioned list. Observations that are the equivalent of a simple affirmative or negative reply are not reproduced. Where a reply deals with several questions together, the substance of the reply is given under only one of these questions.

Some governments gave information on their national law and practice in their replies. While this is most useful for the work of the Office, this information has not been reproduced unless it is essential to an understanding of the reply.

Each section is followed by a summary of replies.

### General observations

Only a few member States and organizations made general observations. Most of these express minority views on issues which are nevertheless at the heart of the new instrument. One of these views is that passports should be the most reliable travel document, and that the seafarers' identity document would duplicate this document. However, this is contrary to the position expressed by the overwhelming majority of the respondents. Australia, Canada and New Zealand, in their general observations, would like the passport to be the only document to provide proof of identity, while the seafarers' identity document would state the seafarer's occupation. The seafarers' identity document would thus be a second proof of identity providing the advantage of facilitated entry into countries which have ratified the instrument. The second important issue raised is the nature of the new instrument to be adopted. Whereas the Governing Body had decided that a Protocol to Convention No. 108 should be considered, a number of countries, including Liberia, as well as certain organizations, have indicated their preference for a completely independent, stand-alone Convention. Moreover, many other replies seem to infer – through reference to a new instrument – that this would be the best way forward.

*Australia.* The two requirements for security of seafarers' identification, i.e. proof of identity and proof of engagement as a seafarer on a ship, are not met by the seafarers' identity document as envisaged by the ILO questionnaire. The proof of identity requirement could be met if the seafarers' identity document was upgraded to include passport-like features – in which case seafarers could use their passports to confirm identity. It would be unnecessarily duplicative and expensive to require a country to issue a seafarers' identity document, rather

than a passport, for identity purposes. Proof of identity should remain with passports. However, the seafarers' identity document could establish a useful link between a seafarer's passport and his/her employment record. States with security concerns are unlikely to grant visa-free access to seafarers, unless definite evidence is provided that they are actually engaged for employment on a particular ship. This need can be satisfied by crew lists, articles of agreement or letters from a manning agent or ships' agent attesting to the person's status as a crew member of a specific ship. The seafarers' identity document should be issued by the employer (the ship-owner, the ship operator or a manning agent) as a proof of *employment*, with right of access to a particular ship. The document should take the form of a standard ILO-IMO approved pass. Employment data could be delivered via a machine-readable chip and be combined with features providing access control to the ship and related port facilities, as required by the IMO International Ship and Port Facility Security Code (ISPS). International Civil Aviation Organization (ICAO) standards should also be taken into account. The seafarers' identity document, together with the passport and the aforesaid supplementary documentation, would provide a basis upon which border authorities could assess the seafarer's bona fides. For security purposes, the seafarers' identity document alone cannot be accepted as a basis for visa facilitation, unless it has a machine-readable chip, which indicates that the seafarer is currently or prospectively engaged in employment as a seafarer. Any instrument revising Convention No. 108 should clearly include recognition that some States, such as Australia, do not issue seafarers' identity documents, and set out an obligation for ratifying member States to recognize a validly issued passport with additional proof of engagement as a seafarer (e.g. letters of appointment) as an acceptable alternative. From 1 November 2003 all seafarers will be required to hold both a national passport and a seafarers' identity document to be admitted to Australia. Any new form of seafarers' identity document will, to Australian immigration authorities, be viewed as a secondary form of identity providing assurance that the person is a seafarer. A national passport will be the primary document required to establish identity for entry purposes. The Australian Government's replies to the questionnaire have to be viewed in the light of these general observations.

*Canada.* The proposed ILO instrument would set high criteria, which would incorporate some of the security and other features of a passport in seafarers' identity documents. However, even with new measures to upgrade the security features of documents, it is essential that the issuance process itself be secure, reliable and produce a document of consistent quality. It would be counterproductive (i.e. promote false confidence) to have high-quality features in a document that had been issued in an unreliable way. A passport remains the most reliable travel document for the purpose of establishing the identity and nationality of the holder. Canada supports the use of passports to verify the identity and nationality of the bearer, plus the use of some reliable internationally recognized document, which indicates status or credentials as a seafarer. The Canadian Government's replies have to be read in the light of these considerations.

*Denmark.* Danish Shipowners' Association: The employers' organization has integrally endorsed the general observations made by the International Shipping Federation (ISF).

*Germany.* The Government still has misgivings about Convention No. 108 – as well as about the new instrument. Especially in the light of the international war against terrorism, it does not seem advisable to facilitate entry or provide admission to a country without a visa. Moreover, the decision to waive the existing visa requirements is taken at EU level. In order to prevent the fraud of identity documents, the EU Council has adopted the resolution of 17 October 2000 regarding minimum security standards for travel documents of EU Member States. The standards established in this resolution have become an integral part of the ICAO Document 9303. According to the Government, the seafarers' booklet rather represents a proof of qualification and experience than of identity, as it cannot attain the security level of identity documents. The Government would nevertheless welcome a greater international uniformity of

seafarers' booklets; but this aim could also be achieved without an ILO instrument. Furthermore, the inclusion of biometric data should not be perceived as an isolated solution for one single issue, but rather as an inter-operable procedure, which could be used in several documents. However, this system has not been adequately developed and standardized at the international level and it would be premature to adopt already the biometric procedure for the seafarers' booklet. Most notably, according to the agreed international standards, the materials and technologies used for the production of security documents should not be generally accessible on the market. Besides, the questions on the physical characteristics of the document (lamination, material, other technologies) cannot be answered separately, as only certain combinations of security elements are necessary, feasible and forgery-proof.

*Liberia.* The Government is in favour of a new ILO instrument, but new international demands for security suggest that a Protocol to the existing ILO Convention No. 108 would not be the most expeditious approach. A new Convention would be the most appropriate means to achieve the objective of improved seafarers' identification. The Government reserves, however, its position on the fundamental issue of which State should issue the new document, recalling that the flag State is the single authority involving the ship and its multinational crew. Further, ensuring the reliability of a smaller number of major flag States would be more practical than ensuring that of a large number of crew-providing States, which might not be able or willing to implement the quality control system. Finally, it should be borne in mind: (i) that the new instrument should be capable of being widely ratified; and (ii) that the principle that seafarers need not apply for visas under the normal procedure should be stated in the new instrument.

*Netherlands.* The added value of the proposed seafarers' identity document is questionable. First, the document could only provide proof of identity if it included passport-like features – in which case why not use a passport for this purpose? Second, neither the proposed document nor a passport could provide proof of employment as a crew member on a particular ship, and issuing countries would not be in a position to confirm such arrangements. Border control authorities will always require appropriate additional documentation as evidence of a crew member's proof of employment. This documentation could be best provided by a ship's agent, manning agency or crew list, according to the current practice.

*Dutch Seafarers' Federation (FWZ):* The seafarers' identity document should be a global visa for joining and leaving ship, and especially for shore leave and welfare purposes. The document should be used for positive identification and verification. The use of biometrics would not be appropriate for seafarers' documents, if it is not common practice with other individuals, as seafarers would feel treated as potential criminals. Attention is drawn to standard 3.24 of Annex 9 of the ICAO Convention on International Civil Aviation (Chicago Convention), International Standards and Recommended Practices on Facilitation, according to which a crew member certificate (CMC) should be issued without delay and without charge. There is no reason to apply a different regime to seafarers. FWZ proposes to add to Article 2 of the preliminary draft a provision according to which the document should be issued free of charge to the seafarer.

*New Zealand.* Under New Zealand law, policy and practice with regard to seafarers' identity documents, a person from another country entering or leaving New Zealand must provide a passport or certificate of identity to an immigration officer. A certificate of identity is accepted if no passport is available, and the seafarers' identity document is accepted as a certificate of identity. However, a passport is the preferred form of identification because: (i) passports are the only form of identification which establish and link biodata and nationality; (ii) alterations can easily be made to seafarers' identity documents and, due to the different standards applied internationally, they are not considered to be as secure or durable as a passport. Crew of sea-going craft are exempted from visa requirements if the crafts are in New Zealand for less than 28 days from their first arrival in port. However, anyone who has been sentenced to a term of

imprisonment of 12 months or more in the last five years, or at any time to a term of five years or more, is not entitled to any permit or exemption to enter New Zealand. New Zealand has not ratified Convention No. 108, largely because its immigration policies emphasize the protection of the interests of the country. If the proposed seafarers' identity document were to be adopted as a strengthened identity document for entry into a country, a full revision of existing security and issuing procedures would be necessary. In New Zealand the passport is the primary preferred form of identification, and the adoption of a new document would result in a duplication of current procedures and infrastructures. Given the universal recognition and acceptability of a passport, New Zealand would not support the adoption of a new identity document as a substitute passport. It would be preferable that all seafarers present a passport as identification for the purpose of arriving in or leaving the country. New Zealand does however support the supplementary use of seafarers' identity documents for the purpose of ensuring entitlement to the 28-day visa exemption provided under its legislation. New Zealand also supports the adoption of an agreed international model to reduce the ability to alter the documents. Its response to the ILO questionnaire is based on the above indications.

**Business New Zealand:** The employers' organization agrees with the Government's position as reflected in its response to the ILO questionnaire.

**Poland.** Seafarers' identity documents are, in fact, their passports, which confirm their identity, define their relations with the country of issue and allow them to cross national borders. Under the current national legislation, seafarers' books do not fulfil the basic requirements concerning documents' protection against forgery.

**International Shipping Federation (ISF).** ISF supports a new ILO instrument to update the provisions of Convention No. 108 that would address concerns about maritime security and facilitate the movement of legitimate international trade. However, it is important not to lose sight of the principal purpose of seafarers' identity documents as embodied in Article 6 of Convention No. 108. They must provide a means by which seafarers can avoid the need to apply through conventional channels for visas when entering the territory of a State party for whatever purpose (shore leave, transit to join a ship or for repatriation). Any new instrument should retain this important principle and continue to acknowledge the special nature of seafarers' employment. The current preliminary draft does not sufficiently emphasize this issue. Special attention is therefore drawn to the ISF response to questions B4(a), (b) and (c). It is also important for ILO member States to acknowledge that any new instrument seeking to address the issue of identity documents in the context of maritime security will be unlikely to achieve its objective, unless it is ratified by all of the major maritime nations, *including those that have not ratified Convention No. 108*. The text of the new instrument should therefore be as simple as possible, and the inclusion of unnecessary details, which would prevent widespread ratification, should be avoided.

## **A. Improving the security features relating to the seafarers' identity document**

### *A1. Issue of the identity document to the seafarer*

**Qu. A1(a)** *The seafarers' identity document provided for in the new instrument should (save in prescribed exceptional cases) only be issued by the State of the seafarers' nationality (which is in the best position to verify the information contained in the document). (See preliminary draft, Article 2.1.)*

*Affirmative:* 57. Albania, Algeria, Argentina, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Lithuania, Namibia, Malta, Mauritius, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, Uruguay.

*Employers' organizations:* National Union of Maritime Shipping Companies (Syndarma) (Brazil); National Shipowners' Association (ANA) (Chile); Confederation of Production and Trade (CPC) (Chile); Danish Shipowners' Association (Denmark); French Shipowners' Association (Armateurs de France) (France); Association of German Shipowners (VDR) (Germany); Indonesian Employers' Association (APINDO) (Indonesia); Indonesian Shipowners' Association (INSA) (Indonesia); Italian Confederation of Shipowners (CONFITARMA) (Italy); Namibian Employers' Association (NEF) (Namibia); Panamanian Chamber of Fishing (CMP) (Panama); Association of Shipowners of Romania (Romania); United States Council for International Business (USCIB) (United States).

*Workers' organizations:* National Confederation of Workers in Water and Air Transport, Fisheries and Ports (CONTTMAF) (Brazil); Canadian Labour Congress (CLC) (Canada); Rerum Novarum Confederation of Workers (CTRN) (Costa Rica); Seafarers' Union of Croatia (Croatia); National Union of Merchant Marine Officers (SNPOMM), Federation of Officers of the Merchant Marine (FOMM), National Union of Merchant Marine Executive Staff (SNCNMM), National Federation of Maritime Trade Unions (FNSM) (France); Indonesian National Workers' Union (SPNI) (Indonesia); Italian Federation of Transport Workers (FILT-CGIL) (Italy); General Confederation of Workers of Mauritania (CGTM) (Mauritania); National Union of Namibian Workers (NUNW) (Namibia); National Trade Union Bloc (BNS) (Romania); Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 3. Hungary, Liberia, United States.

*Workers' organizations:* Panamanian Association of Ships' Officers (APOM) (Panama).

*Other:* 1. Australia.

### Comments

*Algeria.* The document should only be issued to nationals by the national competent authority.

*Australia.* If the option of a seafarers' identity document based on identity was to be chosen, a centralized issuing authority in each country that issues this document only to nationals would be an ideal situation. However, the national passport already fulfils this function, and the

seafarers' identity document should not be a document based on identity. The purpose of the document should rather be to establish a person's employment as a seafarer. Given the international nature of the shipping industry, it would seem acceptable for States to issue identity documents to nationals of other countries working or living within their borders, on the understanding that the documents included links to the seafarer's passport. Alternatively, the document could be issued by the company employing the seafarer for the duration of the term of employment, with identity to be established by the country of nationality through issue of an official passport.

*Azerbaijan.* The Government indicates that the Trade Unions Confederation disagrees.

*Brazil.* CONTTMAF: The issuing process would be more secure.

*Syndarma:* The relevant national authority has the best means of verifying the person's identity and nationality.

*Bulgaria.* The national authorities in the country of nationality are clearly in the best position to establish and verify the holder's identity and nationality. This solution would also be in conformity with Bulgarian national legislation.

*China.* Only the State of the seafarer's nationality can effectively confirm and verify a seafarer's identity and his/her personal records.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* The provisions of the instrument should regulate all the aspects of the documents.

*Eritrea.* This would make it possible to control forged documents.

*Estonia.* Estonian Shipowners' Association (ESA): If the country of residence is different from that of nationality, it may be unreasonable to set such a criterion.

*France.* The wording of Article 2, paragraph 2, of the preliminary draft ("Notwithstanding ..."), referring to the relevant provisions of Convention No. 108, seems to be incoherent with respect to the proposal to restrict the issuance of the identity document only to nationals. It is advisable not to weaken the scope of the new instrument.

*Germany.* VDR: The authorities in the State of the seafarer's nationality are in the best position to establish and verify the identity and nationality of the document holder. Furthermore, the State of nationality should already have the necessary procedures and infrastructure in place for this purpose.

*Honduras.* Exceptional cases should only be permitted if and when there is sufficient documentation.

*Hungary.* According to new national legislation, the identity document will contain information on nationality, etc.; however, it will be issued by the Hungarian authorities to all persons who work on board a Hungarian ship regardless of nationality.

*India.* Only national authorities can clearly establish the identity of the seafarer.

*Indonesia.* APINDO: The flag State should, whenever possible, process the identification, as most of the seafarers on board have different nationalities.

*INSA:* The status of seafarers can be established through a signing onboard procedure.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.

*National League of Cooperatives and Mutual Aid Associations (Lega Pesca):* The organization agrees.

*Japan.* In Japan such a document has also been customarily issued to citizens of foreign countries joining a Japanese ship, in order to guarantee conditions of employment, etc., for each seafarer and to certify identity. The scope of the exceptional cases indicated in the preliminary draft is, therefore, too narrow. The Government's consent to this proposal is conditional on the expansion of the scope of the exceptional cases indicated under question A1(b).

*Liberia.* The flag State is in a better position to issue identity documents. First, the flag State is the common link between the seafarer, the vessel, the vessel owner, the vessel's safety manager and, in the case of Liberia, the vessel's crewing manager. Second, under the IMO STCW Convention, the flag State is responsible for certification of the qualifications of the seafarer. Therefore, the flag State is already equipped to provide standardized identification and already has modern infrastructure in place to ensure uniform biometric standards. Furthermore, the proposed solution could unduly delay vessels. Most cruise vessels have from 20 to 100 different nationalities serving on board and the verification of the identity of a multinational crew would take many hours or even days, if immigration authorities of the port State needed to check multiple web sites and contact numerous crewing States. A single inquiry to the flag State could be sufficient to verify the seafarers' identities. Moreover, some crewing States have already indicated that they are unable to assume the responsibility of issuing seafarers' identity documents without international assistance. The Government believes that the passport should serve as the ultimate identity document, thereby leaving the issue of seafarers' identity to the flag State. The master of the ship could easily recognize possible discrepancies in flag state documents – which are the same for every crew member – but would not be familiar with national documents from several crewing States.

*Panama.* Panamanian Association of Ships' Officers (APOM): The open register of Panama would be affected unless validations are permitted.

*Romania.* The State of the seafarer's nationality is in the best position to verify the information.

*United Kingdom.* The State of the seafarer's nationality/citizenship is the most competent authority for issue of documentation.

*United States.* Noting current practices, this would preclude the United States from continuing to issue documents to persons who are nationals of other countries, but are admitted to the United States for permanent residence. As a consequence, this would negatively impact efforts to combine the merchant mariner document (MMD) with the Seafarers' Identity Documents Convention, 1958 (No. 108). The text should therefore include "or from the State where the seafarer is a permanent resident or has been granted asylum". Moreover, the system should demonstrate that documents are only issued based on valid passports fulfilling the requirements of this instrument.

USCIB: Alien seafarers legally residing in a country should be afforded an opportunity to be issued a document on the same basis as nationals except in exceptional circumstances.

*ISF.* The ISF agrees to the proposal. The issuing authority must be the relevant national authority in the seafarer's country of residence, which is normally the same country that issues the seafarer's passport. The authority should already have procedures to establish and verify the holder's identity and nationality. If a number of different agencies from the seafarer's country of residence are involved, the competent authority in the labour supply State is clearly in the best position to coordinate this process.

**Qu. A1(b)** *The exceptional cases are those of refugees and stateless persons (or persons apparently bearing the nationality of countries that no longer have records). (See preliminary draft, Article 2.2.)*

*Affirmative: 41.* Albania, Argentina, Belarus, Chile, China, Costa Rica, Cuba, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Guatemala, Germany, Indonesia, Japan, Kazakhstan, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Nicaragua, Nigeria, Norway, Panama, Peru, Poland, Portugal, Qatar, Romania, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, United Kingdom, Uruguay.

*Employers' organizations:* CPC (Chile); APINDO, INSA (Indonesia); NEF (Namibia); Association of Shipowners of Romania (Romania).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); Dutch Seafarers' Federation (FWZ) (Netherlands); APOM (Panama); BNS (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative: 17.* Algeria, Azerbaijan, Bulgaria, Canada, Czech Republic, Greece, Honduras, India, Italy, Kuwait, Lebanon, Netherlands, New Zealand, Philippines, Russian Federation, Ukraine, United States.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); ESA (Estonia); Armateurs de France (France); VDR (Germany); CONFITARMA (Italy); CMP (Panama); USCIB (United States).

*Workers' organizations:* FOMM, SNCNMM, SNPOMM (France); Romanian Seafarers' Free Union (Romania).

*Other: 2.* Hungary, Australia.

### *Other exceptional cases*

*Denmark.* The Government suggests inserting the case of a non-national seafarer with permanent residence in the flag State who has no connection to the country of origin which may not be a party to the Convention or be a country without a maritime industry.

*Estonia.* Estonian Shipowners' Association (ESA): The case of residents fulfilling tax obligations in the country concerned should be added.

*Japan.* The case of a seafarer with foreign nationality who joins a ship that is under the legal jurisdiction of the State concerned (i.e. the flag State) should be added.

*Lebanon.* The only exceptional case should be that of citizens of the same country who are also nationals of other countries, when the information regarding the seafarer can be verified.

*Nigeria.* The Government suggests the cases of naturalization and dual nationality.

*Philippines.* An identity document should be granted, exclusively for shipboard apprenticeship and not for employment purposes, to foreign students who are not nationals from “rogue States” and are strictly pursuing maritime studies.

#### Comments

*Algeria.* No exceptional cases should be admitted. Only nationals who are seafarers according to the definition contained in Article 1 of Convention No. 108 should be entitled to have the identity document issued.

*Australia.* Refugees and stateless persons are normally able to obtain a verifiable document of identity from the country in which they are residing. Provided this identity document is trustworthy, there appears to be no reason that such persons need to be treated differently as to the issuance of the seafarers’ identity document.

*Brazil.* CONTTMAF: The workers’ organization refers to its reply to question A1(a).

Syndarma: The adoption of the Protocol would only be useful if it finds the widest possible acceptance. The complex issue of refugees might make that difficult. This question should be dealt with in other specific international instruments or in an ILO Conference resolution.

*Bulgaria.* Bulgarian national legislation does not provide for the issuance of any kind of seaman’s passports in these cases.

*Canada.* The exceptional cases should be more restricted and only include persons, whether refugees or stateless persons, who have been granted permanent residence.

*Chile.* CPC: The employers’ organization requests that they have a residence permit.

*Cuba.* See reply to question A1(d).

*Czech Republic.* The national legislation only allows the issuance of a seamen’s book to a non-national if the applicant is a permanent resident.

*Denmark.* It should be considered whether in the exceptional cases listed, the flag State could issue a seafarers’ identity document.

Danish Shipowners’ Association: The employers’ organization endorses the ISF comments.

*Estonia.* ESA: These exceptional cases are not broad enough, considering seafarers’ right to work.

*France.* The case included within brackets in question A1(b) cannot be envisaged, as it would concern persons whose identity and nationality could not actually be verified, which would not be acceptable in terms of security. The terms “refugee” and “stateless person” have to be read according to the definitions given in the relevant international instruments.

Armateurs de France: This could create substantial difficulties as concerns the ratification of the new instrument.

*Germany.* VDR: In principle the Association has no objection to the proposed solution; it endorses the ISF comments.

*Greece.* According to national legislation, the seafarers’ identity document is only issued to Greek nationals.

*Honduras.* The seafarers’ document should only be issued to refugees and stateless persons as defined in the relevant international Conventions.

*Hungary.* The Government considers it unnecessary to mention exceptional cases.

*India.* The inclusion of such exceptional cases might compromise security.

*Indonesia.* APINDO: The employers' organization evokes the problematic case of a seafarer who might not be able to get a document from his own country.

INSA: The employers' organization recalls that refugees and stateless persons have neither a passport nor a seafarers' identity document.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.

*Japan.* A member State should not be deprived of the right to issue the identity document to foreign seafarers who join a ship under its legal jurisdiction.

*Liberia.* The Government agrees, provided that the identity of the stateless person can be verified and that the flag State issues the document.

*Myanmar.* This corresponds to the national policy.

*Namibia.* Some national laws may not allow issuance in such cases.

NUNW: This must be in accordance with the national laws of the country.

*Netherlands.* FWZ: No State other than the State of residence would be able to issue the document.

*New Zealand.* Exceptional cases would concern those who have been determined as having the status of refugees according to the relevant United Nations Convention. For those who are seeking refugee status or who are stateless, an exception should not be made. It would undermine the purpose of the document, which lends credibility to the identity of the holder, when there was no means of establishing it initially.

*Nigeria.* The Government agrees for the purpose of proper identification and recording.

*Norway.* Such exceptions should be made only when the identity of the person concerned has been established.

*Panama.* The identity documents should only be issued to refugees, if the documents in their possession are valid and have been issued by an administration on the IMO White List.

CMP: The document should only be issued to refugees who have been granted asylum.

*Philippines.* The country of the foreign students should formally agree with the host State that their temporary stay is for educational purposes only, and that they will be repatriated upon completion of their maritime studies.

*Romania.* Romanian Seafarers' Free Union: Identity documents should only be issued to seafarers who have obtained or at least clarified their nationality.

*Russian Federation.* Federation of Trade Workers' Organizations of Maritime Transport Workers: Non-citizens should be employed as seafarers in accordance with the residence and employment permit issued by the State of residence.

*United Kingdom.* Yes, but there might be other third country nationals resident in the contracting State who are unable to obtain documentation from their national authorities. Furthermore, consistent definitions of these categories should be agreed upon, and contracting States should have the right to reject documentation, where such standards do not apply or are in doubt.

*United States.* The only non-citizens presently receiving Merchant Mariner Documents (MMDs) are those admitted to the United States as permanent residents. Providing for this exemption would thus require a statutory change.

USCIB: The exceptional circumstances in this question are too narrow, as it also includes those of legal aliens. The instrument should be very specific on the exceptional circumstances.

*ISF.* The ISF disagrees with the proposal. In principle, ISF has no objection to the concept that a State can issue identity documents to refugees or stateless persons. The critical issue, however, is whether port member States should be required to accept identity documents issued by other member States to non-nationals for the purpose of facilitating shore leave or transit. ISF's main concern is that the new instrument will be unlikely to achieve its objective unless it is ratified by all the major maritime States. In ISF's view, the inclusion of the proposed provision would introduce a further level of complication that could substantially reduce the possibility of the new instrument being widely ratified. This might especially be the case when governments consider the implications of Article 2, paragraph 2, in the context of Article 6 of Convention No. 108 and their obligations with regard to facilitating the entry of refugee seafarers for the purpose of shore leave or transit notwithstanding the ultimate right of States parties to refuse entry to individuals under Article 6, paragraph 4, of the Convention. ISF believes it more appropriate to address the question of issuing identity documents to refugees in other more encompassing international treaties. If it is nevertheless decided to address this issue in the new instrument, this should be done through the adoption of a separate resolution of the International Labour Conference.

*In these exceptional cases:*

**Qu. A1(c)**

(i) *The seafarers' identity document may only be issued by the State in which the refugee has sought or been granted asylum or by the State which has granted the stateless person a residence permit including permission to return to that State. (See preliminary draft, Article 2.2.)*

*Affirmative: 46.* Albania, Belarus, Chile, Costa Rica, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Guatemala, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* APINDO (Indonesia); INSA (Indonesia); NEF (Namibia); Association of Shipowners of Romania (Romania).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); FWZ (Netherlands); APOM (Panama); BNS (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative: 10.* Algeria, Argentina, Azerbaijan, Bulgaria, Canada, China, Greece, Honduras, India, Philippines.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Ship-owners' Association (Denmark); ESA (Estonia); Armateurs de France (France); VDR (Germany); CONFITARMA (Italy); USCIB (United States).

*Workers' organizations:* FOMM, SNCNMM, SNPOMM (France).

*Other:* 5. Australia, Croatia, Germany, Hungary, Lebanon.

### Comments

*Argentina.* Not only the State of residence, but also the seafarer's State of nationality should have the competence to issue the identity document to the seafarer.

*Australia.* The Government makes reference to its answers to questions A1(a) and (b).

*Brazil.* CONTTMAF: A State which admits a refugee will certainly do so on the basis of minimum guarantees of his/her identity.

Syndarma: This matter should be left to the States because of the difficulty of ratification.

*Bulgaria.* The circumstances in which a non-national might be issued with a seafarers' identity document should be a matter for individual States to decide.

*Canada.* The State should not issue seafarers' identity documents to persons to whom it has not granted permanent residence, but only to individuals who have acquired legal status and are bona fide seafarers of the State. In Canada, permanent residence does include the ability to return, so long as the person has not lost that status.

*Chile.* The Government agrees only with reference to the State from which the person concerned has obtained the nationality card. In Chile, the current legislation provides that Chilean nationality is necessary in order to obtain qualifications as a seafarer.

*China.* The Chinese seafarers' identity document may only be issued to Chinese nationals.

*Czech Republic.* The Government agrees – with reference to its comment under question A1(b).

*Denmark.* The identity document should not be issued to a person who has not yet obtained asylum. Furthermore, the document should only be issued to persons who are in a position to obtain a passport according to the national regulations for refugees, stateless persons, etc.

Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*France.* In this case, the State concerned cannot be other than the State in which the refugee has been granted the status of refugee. Likewise, only a person who has been granted the status of stateless person under the relevant international rules can be considered to be a stateless person. In principle, statutory refugees and stateless persons are long-term residents and have to be readmitted into the territory of the State which has granted them such a status.

Armateurs de France: The employers' organization disagrees and refers to its comments under question A1(b).

*Germany.* The seafarers' identity document can only be issued to refugees who have been granted asylum.

VDR: The employers' organization endorses the ISF comments.

*Greece.* The Government refers to its comment under question A1(b).

*Honduras.* The possibility for the State of nationality or legal residence of seafarers to issue the document should be included.

*India.* The issue may be left to the discretion of individual member States for security reasons.

*Indonesia.* APINDO: Seafarers very rarely act as terrorists because ships are easy to control.

INSA: The State that grants asylum should issue a passport and a seafarers' identity document to the refugee.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.  
Lega Pesca: The organization agrees.

*Lebanon.* The Government agrees only as regards the exceptional case referred to in its reply to question A1(b).

*Liberia.* The Government agrees under the condition of flag State issuance.

*Lithuania.* The seafarers' identity document should only be issued by the State which has granted a residence permit to the person concerned.

*Namibia.* Only the State that granted asylum should issue the seafarers' identity document, which in this case should expire when the refugee returns home.

*New Zealand.* In keeping with the Government's reply to question A1(a), the document should only be issued to those who have been granted asylum.

*Norway.* The Government maintains that the identity document should only be issued in cases where asylum has already been granted.

*Panama.* The Government refers to its comment under question A1(b).

CMP: The employers' organization disagrees with the issuance of this document to stateless persons.

*Poland.* The Government considers that the proposed solution is compatible with the Convention relating to the Status of Refugees, 1954, ratified by Poland. At the same time it does not seem advisable to insert in seafarers' identity documents information confirming the fact of granting a refugee status to the seafarer.

*Portugal.* Portugal has not ratified the Convention relating to the Status of Stateless Persons.

*Romania.* The Government agrees, but only in respect of the States granting the refugee asylum or the stateless person a residence permit, as the identity verification is secure.

Romanian Seafarers' Free Union: The workers' organization only agrees with the issuance of identity documents by the State which has granted the stateless person a residence permit.

*United States.* The Government agrees and refers to the other exceptions noted in its comments under question A1(a). It mentions that the World Shipping Council requests proper placement of this provision.

USCIB: This issue is subject to national laws that apply to all citizens.

*ISF.* The organization disagrees. The circumstances in which a non-national might be issued with a seafarers' identity document should be a matter for individual member States. Prospect of widespread ratification could be reduced, should the proposed Article 2, paragraph 2, be included.

(ii) *The State concerned would (as at present under Convention No. 108) not be obliged to issue a seafarers' identity document in such cases. (See preliminary draft, Article 2.2.)*

*Affirmative:* 52. Albania, Algeria, Argentina, Australia, Bulgaria, Canada, China, Costa Rica, Cuba, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Guatemala, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO (Indonesia); CONFITARMA (Italy); NEF (Namibia); USCIB (United States).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); BNS (Romania); Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 7. Azerbaijan, Belarus, Chile, Ecuador, Eritrea, Honduras, Spain.

*Employers' organizations:* CPC (Chile); INSA (Indonesia); CMP (Panama).

*Workers' organizations:* FNSM (France).

*Other:* 2. Croatia, Hungary.

### *Comments*

*Algeria.* The exceptions provided for in Article 2.2(i) and (ii) of the preliminary draft should be deleted. The absence of any certificate stating the nationality and of any information on the past civil and criminal record of the person would prevent any real identification.

*Australia.* A State should not be obliged to issue identity documents to a stateless person. If the employer or the employer State issued the seafarers' identity document, this matter would not be a concern.

*Azerbaijan.* The Government indicates that the Azerbaijan State Caspian Shipping agrees.

*Brazil.* CONTTMAF: The workers' organization refers to its reply to question A1(a).

*Syndarma:* It would be better to keep any specific reference to this issue out of the instrument.

*Bulgaria.* This conforms to Bulgarian legislation.

*Chile.* The State will be obliged to confer the document when all the legal requirements for this purpose are fulfilled.

*Costa Rica.* The General Directorate for Immigration and Status of Foreigners disagrees because if the member State was not obliged to issue in these cases, no other State would probably issue the document to these persons.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* A legal status has to be granted to the worker in this case, even on a provisional basis.

*Estonia.* ESA: The employers' organization refers to a risk of discrimination. Accepting such persons should also imply recognition of their right to work.

*France.* In so far as the refugee or the stateless person would constitute a threat to security the State concerned may retain the right not to issue the identity document.

Armateurs de France: The employers' organization refers to ISF comments concerning the difficulties that this point might raise.

SNPOMM, FOMM, SNCNMM: The duration of the period of residency should be more than 15 years.

*Germany.* VDR: This solution would minimize obstacles to wide ratification. For the same purpose, ratifying member States should not be obliged to accept seafarers' identity documents issued to refugees by another Member for facilitating shore leave or transit.

*Honduras.* The Government disagrees and refers to its comment under question A1(c)(i).

*Hungary.* With reference to its comment under question A1(a), the Government remains neutral.

*India.* Decisions concerning such cases may be taken at the discretion of individual member States.

*Indonesia.* INSA: The State that grants asylum should be obliged to issue travel documents such as passports and seafarers' identity documents.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.

Lega Pesca: The organization disagrees. The State must issue the identity document in any case.

*Liberia.* The Government refers to its comment under question A1(c)(i).

*Malta.* The Government indicates that workers' representatives disagreed with this point.

*Namibia.* The issuance in such cases should be optional, however, given the tightening of immigration regulations in many countries or regions, this might create a problem for seafarers.

*Nicaragua.* In the event of doubts about the exceptional nature of a case, it should be at the discretion of the State to decide whether or not to issue the seafarers' identity document.

*Nigeria.* It should not be obligatory to issue the identity document to non-citizens provided that the national security requirements are met.

*Panama.* CMP: Refugee seafarers should have the right to exercise their occupation under the flag of the State which has granted them asylum.

*Philippines.* The issuance of the seafarers' identity document is not a birthright but a privilege and a state prerogative.

*Spain.* It should be ensured that the seafarer has the documents.

*Uruguay.* The Government notes that a criterion has to be chosen in this regard.

*ISF.* ISF agrees to this solution, as it would minimize obstacles to wide ratification. For the same reason, ratifying member States should not be obliged to accept seafarers' identity documents issued to refugees by another Member for facilitating shore leave or transit. However, the proposed Article 2, paragraph 2, seems to provide the opposite solution in contradiction with Article 6, paragraph 4, of Convention No. 108 (concerning the ultimate right to deny entry). As nothing in the new instrument prevents member States from issuing seafarers' identity documents to refugees, it would be better not to include a specific reference to this issue.

**Qu. A1(d)** *Should it be possible for the seafarers' identity document to be issued by the State in which the seafarer is a permanent resident (in addition to the cases referred to in the preceding question)? (See preliminary draft, Article 2.2.)*

*Affirmative:* 42. Albania, Argentina, Australia, Belarus, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Germany, Guatemala, Honduras, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Liberia, Lithuania, Malta, Myanmar, Namibia, Nicaragua, Nigeria, Panama, Peru, Poland, Portugal, Romania, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO (Indonesia); Royal Association of Netherlands Shipowners (KVNR (Netherlands)); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); BNS, Romanian Seafarers' Free Organization (Romania); Progressive Trade Workers' Organization (Suriname).

*Negative:* 17. Algeria, Azerbaijan, China, Egypt, Finland, France, Greece, India, Lebanon, Netherlands, New Zealand, Norway, Philippines, Qatar, Russian Federation, Saudi Arabia, Spain.

*Employers' organizations:* Syndarma (Brazil); INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia).

*Workers' organizations:* Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Other:* 2. Hungary, Mauritius.

#### *Comments*

*Australia.* The Government maintains that if the employer or the employer State issues the seafarers' identity document, this matter should not be a concern. In this connection, it refers to its answer to question A1(a).

*Brazil.* CONTTMAF: The State of permanent residence is fully able to verify the documents required for the issue of the document.

Syndarma: The document should be issued by the seafarer's State of nationality and only exceptionally by the country of permanent residence to non-nationals. It is preferable not to include such a provision.

*Canada.* The Government agrees, but only as regards the cases provided for under the exceptional circumstances mentioned in its comment under question A1(c).

*Chile.* ANA: This proposal should be incorporated in a resolution and not in the new instrument.

CPC: The State can exercise control over its residents.

*Costa Rica.* The General Directorate for Immigration and the Status of Foreigners disagrees because of the difficulty involved in properly controlling the use of these documents by foreigners.

*Cuba.* The possibility of issuing the document to permanent residents could help to solve the current problem of many seafarers – including Cuban seafarers – who do not reside in their country of origin.

*Denmark.* The Government refers to its comments under question A1(b).

Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Egypt.* The seafarers' identity document should only be issued to nationals.

*Estonia.* Being a resident and being submitted to tax obligations in the country concerned should be sufficient to acquire the right to be issued with the document.

*Finland.* In this case the document can and should be issued abroad by the national authorities of their country of origin.

*France.* The Government reserves its position with reference to the EC legislation currently being elaborated as concerns long-term residents.

Armateurs de France: The employers' organization refers to detailed conditions indicated in the ISF comments.

*Germany.* The Government considers that the issuance in these cases might be coordinated with the State of origin.

VDR: In occasional circumstances, such as when the seafarer's country of nationality may no longer exist, it would be in the interest of the employers to allow non-nationals to be issued with identity documents by the country in which they enjoy permanent residence. However, this matter should rather be addressed in a resolution of the International Labour Conference.

*Greece.* The aforementioned regulation should not be mandatory.

*Honduras.* The Government agrees, if and when the seafarer proves his/her qualification, and the immigration authority authorizes the issuance.

*India.* The seafarers' identity documents should only be issued by the State which has issued the passport.

*Indonesia.* INSA: The document should only be issued by the State of nationality.

*Italy.* CONFITARMA: The employers' organization refers to the ISF comments.

Lega Pesca: The organization agrees.

*Japan.* It should also be made possible for a seafarer who is a foreign citizen and joins a ship under the jurisdiction of a flag State to be issued with an identity document. For other exceptional cases such as refugees, the decision should be left to the discretion of each Member.

*Lebanon.* The Government disagrees because of the difficulty of ascertaining the identity in this case.

*Liberia.* The Government provisionally agrees to this proposal. However, it points out that some States of nationality would not issue valid competency and identity documents as a means of controlling pension entitlements; for example, a seafarer eligible in his home country to receive pension benefits would have to surrender all nautical certifications in order to receive them. The question raised is how a seafarer, under such a system, would be able to meet the requirements of the new instrument, unless the flag State issued the document.

*Malta.* The Government agrees – provided that the holder would not possess a similar document issued by another State by virtue of another relationship criterion.

*Namibia.* The Government agrees to this proposal, if the relevant provision is to be optional.

*Nigeria.* In most States, the requirement for issuing the identity document is the permanent residence permit.

*Norway.* The seafarer's country of nationality should be responsible for issuing travel documents, which may be obtained abroad through national consulates.

*Poland.* The Government considers the term "permanent residence" very general. Under its legislation, a foreigner may stay in its territory on the basis of a residence visa, a permit for fixed-term residence and a permit for settlement. Therefore, it seems advisable to define a category of "permanent residence" that would give to stateless persons the right to be issued with the seafarers' identity document. Such a right should be exercised only by persons who are in Poland on the basis of a permit for settlement and fixed-term residence.

*Portugal.* The seafarer should be a legal resident and meet further legal requirements; in particular he/she should intend working on a ship flying the flag of the issuing State and have a contract with a shipowner of the issuing State. The authenticity of travel documents of the seafarer who is a national of a third State will always have to be certified.

*Romania.* A seafarer with a residence permit should have the right to work.

*Saudi Arabia.* The document is only issued to Saudi nationals.

*United Republic of Tanzania.* The Government agrees, provided that the seafarer has undergone professional training and has received a competency certificate.

*United Kingdom.* In limited circumstances it might be appropriate for the country of residence to issue documents to non-nationals who are unable to obtain such documents from their country of nationality.

*United States.* The Government agrees provided that the issuing authority verifies information and validity of "breeder" documents used as a basis for issuance. This also presumes that documents are issued pursuant to audited programmes developed in accordance with this instrument.

*ISF.* The organization agrees to the proposal, but under certain conditions. In occasional circumstances, such as when the seafarer's country of nationality may no longer exist, it would be in the interest of the employers to allow non-nationals to be issued with identity documents by the country in which they enjoy permanent residence. In order to limit barriers to ratification there seems to be no need to include a specific reference to this issue in the instrument. Again the critical issue is whether States would be able to apply the same checks on non-nationals as nationals to establish identity. Given that the port State has the right but not the obligation to permit entry, when the documents do not comply with Convention No. 108 or the new instrument, little clarity will be added by including specific reference to this issue which, if necessary, should be addressed through a resolution of the International Labour Conference.

What documents do the competent authorities of your country require in order to issue a seafarers' identity document? (See preliminary draft, Article 2.) **Qu. A1(e)**

### Replies

*Algeria.* Certificate of nationality; criminal record; medical certificate on physical ability to work; qualification certificate.

*Argentina.* The same documents required for the issuance of the passport and certificates of competency.

*Australia.* Australia does not issue seafarers' identity document to Australian seafarers. They carry their own passports, plus documentation from their employers to demonstrate their bona fides as seafarers.

*Azerbaijan.* Passport; two photographs; and the employer's declaration.

*Belarus.* Passport; diploma of ship's officer or crewmember certificate; request from the shipowner or employer; application form for the document; excerpt from employment record for past ten years; military service card.

*Brazil.* CONTTMAF: Birth or marriage certificate; an introduction from the Department of Ports and Coasts (DPC); admission and registration book; and a photograph.

*Syndarma:* idem.

*Bulgaria.* Application form containing personal data; photographs; a letter from the shipowner certifying employment on a vessel; certificate of competency.

*Canada.* Birth certificate; citizenship card or passport.

*Chile.* Civil and record certificate; a medical certificate stating physical ability to work; high school diploma; a certificate of qualification.

*ANA, CPC:* The employers' organizations also indicate an identity card and a recent photograph.

*China.* The applicant should have Chinese nationality and be a seafarer by occupation. Furthermore, there should be nothing, which, under national law, prevents him/her from leaving the country.

*Costa Rica.* Identity card and a document issued by the employer, stating occupation and function.

*Croatia.* Certificate for basic safety familiarization (IMO STCW Convention VI/1) and certificate for medical fitness.

*Cuba.* Every State regulates this aspect through documents proving identity and profession.

*Czech Republic.* National identity card or passport; old seamen's book or a certificate of employment issued by the shipowner or the crewing company; blood group certificate; and competency certificate.

*Denmark.* Passport or driving licence and birth certificate – original form.

*Ecuador.* There is no access to this information.

*Egypt.* Birth certificate; copy of the identity card; police record sheet; military service report; copies of basic education qualifications; and medical fitness report.

*Eritrea.* Seafarers have to be Eritrean nationals and have an academic background or experience as seafarers. Their personality and health conditions are examined.

*Estonia.* Application form; identity document; two photographs; confirmation by the employer or the employment office; receipt of state fee payment.

*Finland.* Application form; photographs; and a certificate stating that the person is a seafarer.

*France.* A firm offer of employment by a shipowner, finalized, once the identification procedure has been completed, by articles of agreement; a certificate stating the physical ability to work by the seafarers' health service; a photocopy of professional qualifications; criminal record; two identity photographs; birth certificate or any other document stating the child status; a document stating the naturalization for seafarers naturalized as French nationals.

*Germany.* Passport or residence permit, and the proof of employment onboard a merchant ship flying the German flag.

*Greece.* Proof of Greek citizenship; medical certificate; certification of completion of military service; certification of non-commitment of certain criminal offences (e.g. smuggling); and certification of identity card information (photograph).

*Honduras.* Proof of attended courses and personal documentation.

*Hungary.* Certificate concerning fitness and health data; certificate regarding prior voyages, if any; certificate of required skills; document on the personal data of the applicant; prior employment records, if any; and competency certificate.

*India.* Passport; certificate of competency or training prescribed for each category of seafarers; medical fitness certificate; familiarization course certificate prescribed in accordance with the STCW Code; photograph.

*Indonesia.* Passport and other documents.

APINDO: A conduct and behaviour statement produced by the police department is compulsory.

INSA: Seamen's book and letter of employment from the shipowner.

*Italy.* Birth certificate; nationality certificate; certificate of ability to work by the port practitioner; certificate stating vaccination against smallpox; certificate of ability to swim and to row by the maritime authority; for seafarers under the age of 18, a written authorization by the parents or the tutor; certificate attesting the domicile in an Italian city; other minor professional documents and a photograph.

Lega Pesca: The organization also indicates three photographs (one of which with authentication), and vaccination against tetanus.

*Japan.* Application form; certificate of employment; copy of a family register or documents providing proof of the name, domicile and date of birth of the seafarer; a full face portrait photograph.

*Kazakhstan.* Passport; the seafarer's certificate of competency; record of employment; certificate of employment by the shipowner. The Government notes, however, that in Kazakhstan an identity document is not yet issued to seafarers.

*Kuwait.* Passport; proof of employment at sea from a nationally registered company; application form.

*Liberia.* Valid passport; valid medical physical examination; commitment letter from legitimate employer engaged in the operation of a Liberian vessel; application with affidavit; and recent photograph.

*Lithuania.* National passport and competency certificate.

*Malta.* Identity card or passport; a certificate stating the qualifications and sea time experience; a medical certificate; and conduct certificate from the Commissioner of Police.

*Mauritania.* CGTM: Diploma by a maritime school; citizenship certificate; birth certificate; medical examination certificate; identity photographs; forgery-proof paper book (containing watermarks).

*Mauritius.* Continuous seamen's discharge book.

*Myanmar.* National identity document.

*Namibia.* National identity documents (identity card and passport).

NEF: Identity card; seaman's book; and documents stating qualifications.

NUNW: Seafarers' book.

*Netherlands.* Dutch seafarers are not issued with a seafarers' "identity document" but only with a Master book (Monsterboekje). This is a professional book of sea service and other records, not an identity document.

*New Zealand.* New Zealand has not ratified Convention No. 108 and therefore does not issue a seafarers' identity document.

*Nicaragua.* In the case of nationals – an identity card, passport and birth certificate; in the case of foreigners – a residence permit and passport.

*Nigeria.* Visa; birth certificate; surname and other names; residence address of applicant; and data of employers.

*Norway.* Passport.

*Panama.* APOM: Passport; medical certificate; academic diploma; and competency certificate.

*Peru.* Competency certificate issued by the National Merchant Marine School (*Almirante Grau*), and medical certificate.

*Philippines.* Birth certificate on security paper (SECPA) authenticated by the National Statistics Office (government agency); clearance from the National Bureau of Investigation (NBI); proof of highest educational attainment (completion of at least secondary level for ratings/non-ship officers); licence to practise marine profession for deck and engine officers from Professional Regulation Commission (PRC); basic safety course and other training course certificates pursuant to the IMO STCW Convention as amended; proof of seagoing experience for ratings/non-ship officers.

*Poland.* Identity card or passport; decision of a body responsible for civic issues that the applicant may cross the border; and, in the case of foreigners, certificate of permanent residence.

*Portugal.* Two recent colour photographs; photocopy of the identity card; authorization of the father, mother or tutor with signature recognized as authentic by a notary, (in case of seafarers over 16 years of age and under 18 years of age); a document or documents stating qualifications; certificate of physical and psychic ability to work, photocopy of the personal health card stating vaccination against tetanus and other vaccinations required under the current legislation; a certificate stating training or knowledge concerning safety and survival at sea.

*Qatar.* Seafarers' competency certificates and the employers' references.

*Romania.* Identity card; certificate of qualifications; medical certificate; and a basic training certificate of proficiency according to the IMO STCW Convention.

Romanian Seafarers' Free Union: Birth certificate and the employment request document issued by the shipowner or shipping company.

*Russian Federation.* Federation of Trade Workers' Organizations of Maritime Transport Workers: Curriculum vitae; application form; and a certificate from the military commissariat or a military service book proving that the seafarer is not on military service.

*Saudi Arabia.* Saudi nationality; technical qualification with experience in the field of work on board; maritime working contract (if any); and a minimum age of 18.

*Syrian Arab Republic.* Criminal record of the criminal police; military service clearance; health certificate; certificate of completion of primary seafarers' course; two identity pictures.

*United Republic of Tanzania.* Birth certificate or affidavit of birth declaration and relevant maritime competency certificates issued by a nautical institute.

*Ukraine.* The competent authorities require documents confirming the seafarer's skills and the assignment from the shipowner/employer.

*United Kingdom.* (i) British citizen status; or other British passport holders who have permanent residence status in the United Kingdom; or Commonwealth citizens who have permanent residence status in the United Kingdom; or Irish citizen status; (ii) a qualifying letter from a bona fide shipping company.

*United States.* Proof of United States citizenship (e.g. birth certificate, United States passport, certificate of naturalization); or for non-citizens "documentary evidence from the United States Immigration and Naturalization Service (INS) that the mariner is lawfully admitted to the United States for permanent residence", whereby a properly endorsed INS-issued alien registration receipt card or a naturalization court-issued declaration of intention to become a citizen is considered acceptable evidence.

*Uruguay.* Identity card; health card; embarkation notebook; blood group certificate.

## **Office summary**

The replies agreed almost unanimously with the proposal that the seafarers' identity document should only be issued by the State of the seafarers' nationality, which is in the best position to verify the information contained in the document. One negative reply strongly supported issue by the flag State.

Support for the issue of the seafarers' identity document, in exceptional cases, to refugees and stateless persons was more qualified, with only about half of the replies being affirmative. However, certain replies suggested that other categories of seafarers might be issued an identity document in exceptional circumstances provided that the seafarer's identity could be verified.

In the case of refugees, the majority of replies agreed that the document should only be issued by the State in which the refugee had been granted asylum – but they felt that countries should not be obliged to do so.

More than half of the replies agreed that States should be able to issue the document to foreign nationals who were permanent residents.

Most countries require more than one document giving evidence of identity including: passport, certificate of identity, birth certificate, citizenship certificate and also evidence of training and certification in some cases.

## A2. *The physical characteristics of the identity document*

*The new instrument should set out clear criteria concerning the physical characteristics of the identity document.* **Qu. A2(a)**

*Affirmative:* 58. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 2. Finland, Uruguay.

*Employers' organizations:* CPC (Chile).

*Other:* 1. Germany.

## *Comments*

*Algeria.* This is necessary in order to establish an agreed international model.

*Australia.* The instrument should take account of the principles established by ICAO and the identity document should be in a standard format readily recognizable by immigration authorities. The instrument should only outline the basic requirements, whereas technological requirements should be included in the model seafarers' identity document in the appendix.

*Brazil.* CONTTMAF: Standardization would facilitate international recognition.

*Syndarma*: The document should meet fixed criteria to be immediately recognized by immigration personnel – and to allow easy identification.

*Bulgaria*. The identity document should meet standard criteria, to be instantly recognized by immigration officials. It should contain sufficient information – which can be readily checked using affordable standard equipment.

*Chile*. ANA: This would facilitate the global acceptance of the document.

CPC: Each country is sovereign regarding this matter.

*Costa Rica*. This would prevent falsification of the document.

*Denmark*. Danish Shipowners' Association: The organization endorses the ISF comments.

*Egypt*. The Government agrees provided that due regard is had to human rights and data protection legislation and that practical complications are avoided.

*Ecuador*. The Government emphasizes that in this way the document can be checked with more accuracy.

*Finland*. The Government believes that the precise form and content of the seafarers' identity document should be decided by each ratifying member State as provided for under Convention No. 108. The requirements should continue to be specified in general terms and there should not be a uniform standard.

*France*. These criteria should be in conformity with ICAO specifications for travel documents. The document should include an integrated photograph as well as a machine-readable zone as defined by ICAO. The other characteristics of the document, the printing background or materials used should not be defined too precisely.

SNPOMM, FOMM, SNCNMM: The document should be waterproof, forgery-proof and not subject to rot.

*Germany*. VDR: The organization endorses the comments of the ISF.

*India*. A uniform format will enhance recognition of the identity document.

*Italy*. CONFITARMA: The employers' organization endorses the ISF comments.

Lega Pesca: The organization agrees.

*Lebanon*. The Government suggests increasing coded terms.

*Liberia*. The Government suggests that the new instrument should set out the minimum criteria in this respect, while the issuing authority should be allowed to incorporate additional features.

*Namibia*. This will prohibit tampering of the documents.

*Netherlands*. Uniformity is an important element.

*Nigeria*. This will make identification of the document easy for immigration officers.

*Panama*. The Government agrees, provided that the latest technology is taken into account (e.g. the new passports in Panama).

*Portugal*. This should be done in accordance with the criteria set out in ICAO Document 9303 – “Security Standards for Machine Readable Travel Documents” and in the EU Council resolution regarding minimum security standards for travel documents of Member States of the European Union.

*United States*. The Government agrees but requests that the document be consistent with appropriate internationally agreed upon standards – see also comment under question A2(d) –

and the previous United States submission of 12 April 2002 (MSC 75/17/34). This paper contained a set of proposals on seafarer identification reaffirming the Government's desire to see tighter requirements for the seafarers' identity document, in order to improve maritime security. It was suggested that the new instrument on the seafarers' identity document should achieve the following objectives: (i) positive and verifiable identification by means of a standard ensuring both the identity between document recipient and holder and the validation of authenticity by a source; (ii) uniformity by means of a universal standard; (iii) acceptability by means of a convenient, user-friendly, cost-effective and not commerce-hindering standard; (iv) reliability by means of a practicable standard; (v) security by means of a standard ensuring that the system is resistant to compromise; and (vi) inter-operability by means of a standard providing for the exchange of information among member States, in the form of a seafarer's identification system capable of immediate data access. The Government further believed that, in order to accomplish these goals, the seafarers' identity document, or the system supporting it, should contain the following elements: digital photograph, holder's signature, issuing authority, proof of nationality, qualifications of the mariner, permission to enter other countries and biometric templates (developed under the ISO).

*Uruguay.* The physical characteristics are those typical of the document itself.

*ISF.* An internationally recognized document, which followed a uniform format, would clearly assist recognition and acceptance of seafarers' identity documents by the relevant national authorities. It would also be of benefit to employers who commonly employ seafarers of different nationalities. The key issue is to ensure that the identity document meets standard criteria, which will render it instantly recognizable by immigration officials worldwide. It should contain sufficient information – in a format that can be readily checked using affordable equipment designed to global standards – to allow identity to be confirmed by port States.

*The instrument should go further than Convention No. 108 by requiring Qu. A2(b) each identity document issued to be based on an agreed international model, conforming to the criteria set by the instrument.*

*Affirmative:* 54. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Egypt, Eritrea, Estonia, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Romania, Russian Federation, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); ESA (Estonia); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM

(Panama); BNS, Romanian Seafarers' Free Workers' Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 4. Ecuador, Finland, Japan, Saudi Arabia.

*Employers' organizations:* CPC (Chile).

*Workers' organizations:* FNSM (France).

*Other:* 3. Germany, Myanmar, Poland.

### Comments

*Australia.* The Government refers to its answer to question A2(a) above.

*Brazil.* CONTTMAF: The organization refers to its reply to question A2(a).

*Syndarma:* The organization agrees, provided that it is accepted by the great majority of the governments, so as not to prejudice the adoption of the Protocol.

*Bulgaria.* The Government indicates that the current Bulgarian identity documents are worked out in conformity with ICAO Document 9303 and that the format of the passport (including seamen's passport) is ID-3.

*Canada.* The instrument should indicate only minimum criteria. The international standard should be the specifications established by ICAO for travel documents.

*China.* An agreed international model would enable easy identification by the customs officers of various countries.

*Croatia.* The international model should serve as guidance.

*Denmark.* With reference to Regulation I/2 of the IMO STCW Convention and to section A-I/2 of the IMO STCW Code, an annex describing the form of the seafarers' identity document could be included in the new instrument with the possibility for parties to use a different format, provided that the required information is included.

*Danish Shipowners' Association:* The employers' organization endorses the ISF comments.

*Ecuador.* The Government does not favour an international model, unless the Members choose a model with an understandable and clear form so that it can be easily handled and comprehensible.

*Egypt.* The Government agrees provided that the seafarers' identity document is issued by the competent authority and according to national legislation.

*Finland.* The Government refers to its comments under question A2(a).

*France.* The Government refers to its reply to question A2(a).

*Germany.* VDR: The employers' organization agrees provided that this would be acceptable to the majority of governments and would not discourage widespread ratification.

*Honduras.* The Government favours a uniform format for all countries with identical information.

*India.* The Government agrees provided that the new feature is practical in its implementation and affordable by all countries.

*Indonesia.* APINDO: The employers' organization agrees provided that employment difficulties are not created for the seafarers.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.  
Lega Pesca: The organization agrees.

*Japan.* This proposal seems to go too far beyond the original purpose to establish a clear standard.

*Liberia.* The Government agrees with reference to the distinction mentioned under question A2(a). The model chosen should be acceptable on an international basis and produced along the lines of the ubiquitous bank card.

*Namibia.* The standard should continue to be specified in general terms.

*Netherlands.* This would prevent the use of a wide range of models as in the current situation.

*Nicaragua.* The Government agrees provided that the model conforms with international standards for travel documents.

*Nigeria.* The Government agrees for uniformity.

*Philippines.* The Government agrees for uniformity.

*Qatar.* If the documents issued by the different States were not retained, the instrument would be without purpose.

*Romania.* This will render it much more difficult to forge seafarers' identity documents.

*Saudi Arabia.* The new instrument should abide by Convention No. 108 and not go further.

*United Kingdom.* The Government agrees. It would seem sensible to use the internationally recognized standards for travel and identity documents set out by the ICAO Document 9303.

*United States.* The Government agrees provided that machine readability and privacy issues are properly addressed.

*ISF.* In principle, it would be helpful to employers if all identity documents were as similar in appearance and format as possible. An agreed international model would therefore be helpful, but only on the basis that this would be acceptable to the majority of governments and would not discourage widespread ratification of the new instrument.

*The international model should be:*

**Qu. A2(c)**

(i) *adopted by the International Labour Conference and reproduced in an appendix to the new instrument (see preliminary draft, Article 3);*

*Affirmative: 54.* Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Romania, Russian Federation, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 3. Japan, Saudi Arabia, Spain.

*Employers' organizations:* CPC (Chile); ESA (Estonia).

*Other:* 3. Germany, Myanmar, Poland.

(ii) *and regularly updated by the Conference in accordance with a simplified amendment procedure (see preliminary draft, Article 3);*

*Affirmative:* 49. Albania, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Hungary, India, Indonesia, Italy, Kuwait, Lebanon, Liberia, Malta, Mauritius, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Romania, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); Romanian Seafarers' Free Union (Romania); Progressive Trade Workers' Organization (Suriname).

*Negative:* 8. Algeria, China, Honduras, Japan, Kazakhstan, Lithuania, Russian Federation, Saudi Arabia.

*Employers' organizations:* CPC (Chile); ESA (Estonia); Association of Shipowners of Romania (Romania).

*Workers' organizations:* Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Other:* 4. Cuba, Germany, Myanmar, Poland.

(iii) *under this procedure, amendments would require a two-thirds majority in favour and they would have to conform to the standards or criteria set out in the provisions of the new instrument (see preliminary draft, Article 3).*

*Affirmative:* 50. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Hungary, India, Indonesia, Italy, Kuwait, Lebanon, Lithuania, Malta, Mauritius, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 8. China, Honduras, Japan, Kazakhstan, Liberia, Romania, Russian Federation, Saudi Arabia.

*Employers' organizations:* ESA (Estonia); Association of Shipowners of Romania (Romania).

*Other:* 3. Germany, Myanmar, Poland.

#### *Comments*

*Australia.* The model in the appendix to the new instrument should be described with reference to the date of its adoption (e.g. the "2003 Appendix") to ensure that updates are clearly identifiable. The simplified amendment procedure should apply only to those provisions which are likely to become obsolete as a result of technological change, and to the model in the appendix. Consideration should be given to the possibility of allowing the Governing Body to approve such amendments, according to a mechanism similar to that approved by the Interna-

tional Labour Conference in June 2002 in relation to the list of occupational diseases provided for under the List of Occupational Diseases Recommendation, 2002 (No. 194). Any amendment proposals not related to technological change should be subject to the normal revision procedure.

*Azerbaijan.* The Government agrees to all and indicates that the Trade Unions Confederation disagrees with the amendment procedure.

*Brazil.* CONTTMAF: The reproduction of the model in the appendix will facilitate standardization, and the amendment mechanism provides for greater flexibility and security of the document.

*Syndarma:* An international model would allow for updating in the light of future technological developments, but such amendments should be restricted to those absolutely essential, in order to allow the document to fulfil its purpose. The adoption of amendments by a two-thirds majority is reasonable, as long as the principal maritime nations are included in the two-thirds.

*Bulgaria.* The Government agrees provided that such amendments are occasional and only made when absolutely necessary. A regularly updated model would lead to confusion and administrative problems.

*Canada.* Seafarers' identity documents must be and remain in accordance with ICAO specifications.

*Chile.* This should be done in coordination with IMO, which established standards concerning aspects relating to seafarers' certificates of competence in the STCW Convention. Furthermore, provisions relating to the seafarers' identity document are being considered in the SOLAS Convention.

*China.* The Government disagrees with the possibility of amendment, considering it advisable that the model of the identity document should remain unchanged. Regular changes would impose a heavy burden on those governments having to issue large numbers of such documents. It further indicates that the seafarers' organizations feel that the cost for the renewal of the documents should not be borne by the seafarers themselves.

*Croatia.* Seafarers and the administration should not be burdened with over-frequent amendments of the document.

*Denmark.* Appropriate transitional provisions should ensure that seafarers' identity documents issued before the adoption of possible amendments to the instrument do not lose their validity before the expiry of the document.

Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Egypt.* Member States should be granted sufficient transition time to introduce any changes to seafarers' identity documents, as well as national legislation and practice.

*Estonia.* ESA: This proposal would raise the cost of issue and could cause delays, which is not in the shipowners' interest.

*Germany.* VDR: The organization agrees on condition that this would be acceptable to the majority of governments and would not discourage widespread ratification of the instrument. However, any subsequent amendments should not be made too often in order to avoid administrative problems in practice. Any detailed work on a revised model could be undertaken by another tripartite body, e.g. a mechanism similar to the joint IMO/ILO working group, which developed the detailed model format for recording work hours required by the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180). If amendments are to be decided by the Conference, some form of two-thirds majority could be supported.

*Greece.* The Government agrees on condition that there is a different distribution of votes in this case; the sum of votes of employers' and workers' representatives should be less than two-thirds of the total votes.

*Guatemala.* The majority necessary to change the model seems very high.

*Honduras.* The Government disagrees with the amendment procedure because of the high costs for the seafarer. It suggests maintaining important information in the document format and thoroughly verifying the content.

*Indonesia.* APINDO: The organization agrees subject to costs being low.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comment.  
Lega Pesca: The organization agrees.

*Kazakhstan.* No amendments should be necessary for the routine replacement of identity documents, since this procedure would be costly and lengthy.

*Liberia.* The Government believes that the responsibility to update the identity document should not be given to the Conference, but rather to the tripartite maritime body being considered within the consolidation of ILO maritime instruments. A Conference resolution in this respect is suggested.

*New Zealand.* ICAO standards for passports should be adopted for the seafarers' identity document.

*Romania.* Amendments should require a two-thirds majority of the votes cast by the Members who have ratified this instrument.

*Spain.* The Government disagrees with the proposal under question A2(c)(i) and states that immigration authorities feel that the approval should be given by other bodies.

*Ukraine.* States should be represented at the Conference.

*United Kingdom.* A common international format would make the new document readily identifiable and further avoid a great variation in style that would make machine readability impossible. For instance, the IMO STCW Convention specifies in general terms the format of the certificate of competency but each country has developed its own model – thus making machine readability impossible. The Government also agrees with the updating procedure, but believes that the international model should not be updated “regularly”, but rather “as necessary”.

*United States.* The Government agrees while expressing concern regarding the concept of commercially available products. Products used should have the purpose of assuring security measures and presumes appropriate safeguards and security processes for their storage and maintenance in a manner that will assure the integrity of the issuance process.

*ISF.* Reproduction of the international model in an appendix to the new instrument would be helpful – but only on condition that this would be acceptable to the majority of governments and would not discourage widespread ratification of the instrument. In view of the need to take account of future technological developments, it would seem sensible to allow any agreed international model to be amended by the Conference in accordance with a simplified amendment procedure. However, any subsequent amendments should only be made on a very occasional basis and only when absolutely necessary. A regularly updated model would lead to confusion and administrative problems. As concerns the competence of the International Labour Conference to adopt amendments, the ISF has no strong views about whether this would be the best solution. It might be useful if the instrument could provide for the possibility for any detailed work on a revised model to be undertaken by another body, e.g. a mechanism similar to the joint

IMO/ILO working group which developed the detailed model format for recording work hours required by Convention No. 180. If amendments are to be decided by the Conference, some form of two-thirds majority could be supported in principle, but only if this would not discourage widespread ratification of the new instrument.

**Qu.A2(d)** *In addition to the criteria set out in Article 4, paragraph 1, of Convention No. 108, the following general specifications are suggested:*

- (i) *The identity document should incorporate the latest proven technology to prevent tampering or falsification and to enable easy detection of alterations. See preliminary draft, Article 4.1(i).*

*Affirmative:* 55. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); ESA (Estonia); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); KVNR (Netherlands); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 3. China, Eritrea, Syrian Arab Republic.

*Other:* 3. Cuba, Germany, Poland.

#### *Comments*

*Algeria.* The reliability of seafarers' identity documents would be strengthened.

*Brazil.* CONTTMAF: Any mechanism aiming at greater security of the document is welcome.

*Syndarma:* The employers' organization agrees to this logical premise, but care should be taken that the technology adopted is accessible to the majority of States and is practical.

*Bulgaria.* The technology should be sufficiently advanced to address security concerns, while being sufficiently practical and affordable.

*Canada.* CLC: The identity document must be cost-effective and not place an unreasonable burden on seafarers. As this will be a requirement for North/South trade, the Government should strongly consider fully funding initial issuance.

*China.* The cost brought about by using “the latest proven technology” should be taken into consideration. Besides, this is an ambiguous term, which is not advisable to define.

*Costa Rica.* This will guarantee the legitimacy of the document.

CTRN: The organization notes that technologies should be effective and they should not impose unreasonable charges on seafarers.

*Cuba.* The new instrument should clearly establish the criteria relating to the physical characteristics of the identity document and an agreed international model. The Government agrees to the necessity to take international measures in order to avoid frauds, but disagrees with those that have been proposed, as this could imply high costs which the country is not able to assimilate.

*Denmark.* The seafarers’ identity document should (as regards EU Member States) comply with the minimum standards set out in the EU Council resolution of 17 October 2000 regarding minimum security standards for travel documents of Member States of the European Union.

Danish Shipowners’ Association: The organization endorses the ISF comment.

*Egypt.* The Government agrees – but only in accordance with nationally available technology and provided that a distinction is made between seafarers working on ships on the high seas or in territorial waters.

*Eritrea.* Some countries might not acquire the technology, which would create problems in implementation.

*Estonia.* ESA: The employers’ organization notes that some expressions used in the text such as “most recent”, “the latest”, “as far as possible” should be softened, since they are not reasonable.

*Finland.* If specific requirements for the identity document were adopted, the Government would agree.

*France.* As far as the identity document will take the form of a book, it should include, inter alia, an integrated photograph, a background carefully printed and difficult to be imitated, a machine-readable zone, an identity page separated from the cover.

*Germany.* VDR: The organization endorses the comment of the ISF.

*Honduras.* The Government agrees – provided that the costs are reasonable.

*India.* Such technology should be affordable and available in the majority of countries.

*Indonesia.* APINDO: The employers’ organization agrees subject to low cost.

*Italy.* CONFITARMA: The employers’ organization endorses the ISF comment.

FILT-CGIL: The identity document must be cost-effective and not place an unreasonable burden on seafarers.

Lega Pesca: The organization agrees.

*Japan.* Since the cost has to be taken into consideration, the decision as to whether to adopt such technology should be left to the discretion of the country concerned.

*Kazakhstan.* The cost of the identity document must not exceed US\$30.

*Kuwait.* The technology must be available to all member States, together with a guarantee of financial and administrative costs.

*Liberia.* The Government recommends changing the terminology from “the latest proven technology” to “proven technology”.

*Malta.* Since the latest technology is usually the most expensive, States could not be bound by this requirement. Moreover, since technological advance is ongoing, it would have to be determined: (i) how often specifications for the document need to be reviewed in order to include the latest features; and (ii) which entity would decide which latest technology should be incorporated in the document.

*Netherlands.* KVNRR: The employers' organization agrees to (i) and (ii) and endorses the ISF comment.

*New Zealand.* The Government notes that there may be difficulties for small countries, such as island States, who may not have the technology.

*Nigeria.* The Government agrees because it takes years before the identity document is renewed and because this measure will discourage falsification.

*Romania.* BNS: The workers' organization requests that the price be realistic and not unbearable for the seafarer.

Romanian Seafarers' Free Union: The workers' organization agrees. There should be a unique serial number (similar to the IMO number) for each seafarer in the world, and all Members should have access to the system for the purpose of quick verification.

*Saudi Arabia.* This will facilitate the detection of falsification.

*Suriname.* Progressive Trade Workers' Organization: The workers' organization agrees provided that the identity documents are cost-effective and do not place an unreasonable burden on seafarers.

*Syrian Arab Republic.* The Government disagrees because of the inability of most countries to use the latest and most sophisticated equipment. If it was required, it should be provided through the ILO at the lowest cost.

*United States.* The Government agrees and suggests the caveat “for which there are recognized and agreed-to standards adopted by the ILO for inclusion in this document.”

USCIB: The employers' organization agrees – provided that the interpretation of the phrase “proven technology” is not limited.

*ISF.* The employers' organization agrees in principle, but only to the extent that this is compatible with widespread ratification of the new instrument. The incorporated technology must be sufficiently advanced to address the security concerns for major port States while being sufficiently practical and affordable to be used by as many Members as possible.

(ii) *The material and techniques used should be easily accessible to all governments at the lowest cost consistent with reliably achieving the purpose under (i) above. See preliminary draft, Article 4.1(ii).*

*Affirmative:* 58. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras,

Hungary, India, Indonesia, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); KVNR (Netherlands); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, SNPOMM, FOMM, SNCNMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Progressive Trade Workers' Organization (Suriname).

*Negative:* 2. Italy, Netherlands.

*Employers' organizations:* CPC (Chile).

*Workers' organizations:* Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Other:* 1. Germany.

### *Comments*

*Australia.* This question presupposes that the State will issue the seafarers' identity documents. The Government suggests as an alternative that employers could issue such documents and refers to its answer to question A1(a) above.

*Canada.* Member States should be expected to use the same materials and techniques as for national passports. This specification would clarify Article 4, paragraph 1(ii), of the preliminary draft.

*Chile.* CPC: The employers' organization disagrees because security obliges and produces costs.

*China.* The Government reiterates that control should be achieved at the lowest possible cost.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comment.

*Egypt.* Tools and equipment should be provided to developing countries as grants.

*Finland.* The Government agrees with reservations. Satisfactory security and quality requirements would be difficult to meet.

*Germany.* VDR: The organization agrees and refers to its comment under question A2(d)(i).

*Guatemala.* The Government finds the evaluation of cost rather subjective and asks how low the cost would be.

*Honduras.* The Government agrees for the purpose of cost reduction.

*India.* The Government refers to its comments under question A2(d)(i) above.

*Indonesia.* APINDO: The employers' organization states that more employment difficulties should not be created for seafarers.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comment.

Lega Pesca: The organization agrees.

*Japan.* The Government points out that an information disclosure system allowing foreign countries, except immigration control authorities, to directly acquire information on seafarers' qualifications, raises a problem in view of the need to protect the privacy of individuals.

*Kazakhstan.* The material used should be agreed upon by the member States concerned.

*Netherlands.* Safety and protection of privacy are essential. It is very important that the materials and equipment used to check identity documents against falsification cannot be easily bought by "anybody".

*Nigeria.* The Government agrees for the purpose of conformity.

*Russian Federation.* Federation of Trade Workers' Organizations of Maritime Transport Workers: The workers' organization disagrees in order to preclude the issue of seafarers' identity documents by offshore States.

*Saudi Arabia.* Developing countries could use these materials and techniques.

*United Kingdom.* The Government agrees, provided that the document contains sufficient measures to deter tampering and forgery and to make such attempts detectable. Whilst consideration must be given to the practical issues of accessibility of materials, cost, production, security of issuance and associated databases, these should not detract from the overall intended purpose. Similarly, the requirements should not be so complex as to deter administrations from compliance; there can be sufficient flexibility to enable administrations to adopt specific measures to their own needs (e.g. despite different technologies used in passports, each conforms to the international model and can be machine read worldwide).

*United States.* The Government cautions that the term "reasonable cost" should be used in lieu of "lowest cost". With reference to its comment under question A2(c), it reiterates its concerns regarding materials and techniques that are too easily available in the commercial marketplace. Furthermore, an agreed upon infrastructure should not unduly burden member States and yet provide adequate security measures to make the instrument effective.

*ISF.* ISF agrees and refers to its comments under question A2(d)(i).

(iii) *The identity document should be no larger than a normal passport. See preliminary draft, Article 4.2.*

*Affirmative: 56.* Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Italy, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta,

Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arabic Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 4. Indonesia, Japan, Qatar, Romania.

*Other:* 1. Germany.

### Comments

*Brazil.* CONTTMAF: The workers' organization agrees as this would facilitate use.

Syndarma: The employers' organization feels it is better to avoid developing a document that is highly sophisticated and difficult to adopt.

*Chile.* The document should be as similar as possible to the passport. There should be a record book of sea service and qualifications, as well as a card of the type of an identity or credit card.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* This solution is needed to allow easy handling.

*Egypt.* The identity document should contain several pages and be easy to carry.

*Finland.* Existing international standards such as ICAO Document 9303 should be followed.

*France.* The seafarers' identity document should have the same standardized dimensions as national passports, in order to permit an easier border control.

*Germany.* VDR: The employers' organization agrees with reference to its comment under question A2(d)(i).

*Greece.* The Government agrees to the decisions made on the content of the new document.

*Honduras.* This would ensure greater comfort and easier handling.

*India.* Seafarers' identity documents similar to passports would gain wider acceptability.

*Indonesia.* APINDO: The employers' organization agrees and suggests the card format.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comment.  
*Lega Pesca:* The organization agrees.

*Japan.* Since information other than for identification purposes may be included in the identity document, this matter should be left to the discretion of the country concerned.

*Kazakhstan.* The identity document should be pocket-sized.

*Liberia.* The Government recommends the bankcard size, thereby matching many existing portable card readers. The selection of card or passport format should be made by the issuing State.

*Netherlands.* The cover should have a uniform colour different from that in use for passports.

*Nigeria.* The Government agrees for the purpose of detail identification.

*Poland.* The Government believes that it would be advisable, in Article 4 of the new instrument and in the Annex A-I, instead of referring to "normal passport", to refer directly to ICAO standards concerning travel documents (dimension, minimum data and their placement, materials and guards applied).

*Qatar.* Seafarers travel a great deal; the travel document must, therefore, contain a sufficient number of pages to include all authorizations for the duration of its validity.

*Romania.* The size of the document should be at the discretion of each Member.

*Romanian Seafarers' Free Union:* The workers' organization refers to its submitted proposal to change the new identity documents for seafarers.

*Russian Federation.* Federation of Trade Workers' Organizations of Maritime Transport Workers: The workers' organization agrees for the convenience of the seafarer.

*Saudi Arabia.* The Government agrees because it can be carried easily.

*United Kingdom.* The Government requests that the identity document conform to the ICAO Document 9303.

*United States.* The Government recommends the card format.

*ISF.* For practical purposes, the ISF agrees, but only to the extent that this is compatible with widespread ratification of the instrument.

(iv) *Other specifications concerning the physical characteristics of the identity document.*

*Comments*

*Australia.* The physical characteristics of the document will be determined by what it incorporates, e.g. if certificates of competency and a record of employment are included, it is more likely that it will be a book or a machine-readable card. Therefore, the decision should not be finalized until it is clear what the view of the Conference is on this matter.

*Brazil.* CONTTMAF: The workers' organization states that the document should be resistant to wear and humidity.

*Syndarma*: The information contained in the document should be the minimum essential to achieve its purpose.

*Bulgaria*. If it is strictly necessary to address the security concerns for major port States, other specifications should be incorporated – provided that they are sufficiently practical and affordable.

*Canada*. The Government again refers to the ICAO specifications.

*Chile*. There should be an embarkation book and a separate card of professional identification. The first should be used for the identification registry and state sea service, vocational training courses, physical ability, and validity in accordance with the IMO STCW Convention; the second should be used for the seafarer's personal identification.

*Croatia*. The document should contain a photo covered by protection (lamination) or seal.

*Denmark*. The Government refers to its answer to question A2(d)(i).

Danish Shipowners' Association: The organization endorses the ISF comments.

*Ecuador*. The document must be bilingual: the original language and English.

*Egypt*. The identity document should have a distinctive colour, bear the coat of arms and the flag of the issuing State and be kept in a folder for protection.

*Estonia*. ICAO standards should be used.

*Finland*. The Government refers again to ICAO Document 9303.

*France*. The Government refers to its comments under questions A2(a) and (d).

Armateurs de France: The employers' organization notes that the document should contain the minimum information needed for secure identification.

*Germany*. VDR: The organization endorses the ISF comment.

*India*. Specifications should be kept to the bare minimum to ensure the positive and verifiable identification of seafarers.

*Indonesia*. APINDO: The employers' organization considers that before joining the vessel, seafarers should undergo a medical examination and an interview.

INSA: The employers' organization suggests that the identity document should be made of a special paper in order to prevent forgery.

*Italy*. CONFITARMA: The employers' organization stresses the need to keep specifications to an absolute minimum.

Lega Pesca: The document must be waterproof.

*Liberia*. Further specifications should be strictly limited to details, ensuring a positive and verifiable identification.

*Malta*. As an alternative size for the document, the Government suggests that of a plastic card.

*Namibia*. A minimum description of the identity document could be given, but member States should be allowed to go beyond the specifications.

*Netherlands*. The identity document should include: (1) a photograph and biometric data according to ICAO specifications; (2) a biographic data page according to ICAO specifications; (3) a machine-readable zone, personal and documentary data.

KVNR: The employers' organization endorses the ISF comment.

*New Zealand.* If a seafarers' identity document was adopted, a card would be preferable. However, due to the lack of universal technology and the problems caused by issuing non-paper visas, a paper document is more practical.

*Nigeria.* These specifications make the document authentic and easily identifiable.

*Panama.* The main page with the general information on the seafarer and his photograph should be water-resistant.

*Syrian Arab Republic.* As for biometric data, specifications should be limited to index print and blood group.

*United Republic of Tanzania.* The document should be made of a special material which is not reactive to salt water.

*Ukraine.* Other specifications should be left to the discretion of the administration concerned.

*United Kingdom.* The new document should conform to international identity document standards – ICAO Document 9303, whether in passport or identity card style.

*United States.* The Government would prefer greater durability than a passport. The document should be easily distinguishable from a passport and small enough to be carried in a wallet. It should also be perforated or laser engraved at the time of issuance at a minimum. It should further conform to ISO 7810 (ISO 7816 in the case of a card with integrated circuits) and be tested in accordance with ISO 10373. NIST IS 2.0 should be considered for inter-operability.

*USCIB:* The employers' organization suggests that, in the light of the working conditions of seafarers, the document should be similar to a credit card taking full advantage of the technology.

*Uruguay.* The Government notes that the characteristics should be in accordance with Article 4.4 of the preliminary draft.

*ISF.* Specifications concerning the physical characteristics of the document should be kept to an absolute minimum. Preferably, none would be added; however, if strictly necessary, other specifications should be sufficient to address the security concerns for major port States, while being sufficiently practical and affordable to be used by as many Members as possible.

**Qu. A2(e)** *Specific technologies to be used, conforming with the above criteria and specifications:*

(i) *Lamination over photographs and data?*

*Affirmative:* 55. Albania, Algeria, Argentina, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Ship-owners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO (Indonesia); CONFITARMA (Italy); NEF (Namibia); Association of Ship-owners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 2. Panama, United Kingdom.

*Employers' organizations:* INSA (Indonesia).

*Other:* 4. Australia, Cuba, Germany, Netherlands.

### Comments

*Brazil.* CONTTMAF: This makes the document resistant to humidity.

Syndarma: The employers' organization agrees, provided that this technology is practical and acceptable to the majority of the maritime community.

*Denmark.* The part of the document containing personal data should be laminated. As regards further security features related to lamination (i.e. OVD, etc.), attention is drawn to sections 3 and 4 of the EU Council resolution of 17 October 2000 regarding minimum security standards for travel documents of EU Member States.

Danish Shipowners' Association: The organization endorses the ISF comment.

*Ecuador.* Security must be enhanced so that no data can be altered.

*France.* It is important to envisage the integration of the photograph, in order to be in line with the EU Council resolution of 17 October 2000 and the ICAO Document 9303. The insertion of elements for enhancing security of films is also necessary so as to allow, in case of attempted falsification, the partial or total alteration of the document.

*Honduras.* The Government agrees for the purpose of greater security provided that this measure does not imply access restrictions to the purchase of the seafarers' identity document.

*Hungary.* The Government considers that in this case it would be worthwhile to use integrated photographs.

*India.* This feature could make the document tamper-proof.

*Indonesia.* APINDO: The employers' organization agrees for the purpose of avoiding damage and suggests that the document should be waterproof.

INSA: The employers' organization disagrees with the inclusion of photographs, as there are already other seafarer documentation papers with a photograph.

*Italy.* If possible, a "total overlay kinegram" should be used.

Lega Pesca: The organization agrees and notes that the document must be waterproof.

*Netherlands.* The answer to this question depends on a number of other security elements.

*Nigeria.* The Government agrees for the purposes of safety and security.

*Panama.* Only the latest technology should be used, i.e. colour printing covered by a security plastic layer.

*Philippines.* The Government indicates that the Seafarers' Identification and Record Book (SIRB) of the Philippines issued through the Maritime Industry Authority is laminated.

*Russian Federation.* Federation of Trade Workers' Organizations of Maritime Transport Workers: The workers' organization agrees in order to avoid damage to the seafarers' identity document.

*Saudi Arabia.* Lamination will prevent falsification.

*United Kingdom.* The photograph should be directly printed onto the paper as a minimum, rather than a photograph that is stuck to the page and over-laminated. Consideration should also be given to more modern technologies including polycarbonate "insert pages" and identity cards which are more secure and less likely to be affected by water damage than paper documents.

*United States.* USCIB: The employers' organization indicates that its preference is for a plastic card that includes the characteristics of a passport.

(ii) *Pages containing watermarks?*

*Affirmative:* 57. Albania, Algeria, Argentina, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); Association of Shipowners of Romania (Romania); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 4. Australia, Cuba, Denmark, Germany.

*Comments*

*Brazil.* CONTTMAF: Watermarks make falsification difficult.

Syndarma: The employers' organization agrees under the conditions mentioned under question A2(e)(i).

*Denmark.* The need for the incorporation of watermarks will depend on the material and form chosen for the document – a watermark is not necessary if the personal data is printed on a sticker or on synthetic materials. Watermarks are only necessary if the relevant page contains information. The EU Council resolution of 17 October 2000 sets out more detailed provisions in sections 1 and 2.

Danish Shipowners' Association: The employers' organization endorses the ISF comments on this matter.

*Greece.* The Government agrees – provided that the same applies to passports.

*Honduras.* See comment under question A2(e)(i).

*Hungary.* For the purpose of uniformity, the basic material with watermarks should be produced in a determined place.

*India.* This will ensure that the identity document will not be easily tampered with and will meet the security concerns of major port States.

*Indonesia.* APINDO: The employers' organization reiterates that the pages should be waterproof.

*Italy.* Lega Pesca: The organization disagrees.

*Philippines.* The Government agrees, indicating that the SIRB already has watermarks.

*Russian Federation.* Federation of Trade Workers' Organizations of Maritime Transport Workers: The workers' organization agrees as this would avoid falsification.

*Saudi Arabia.* Watermarks will prevent falsification.

*United Kingdom.* This is the most basic safeguard which should appear in all secure identity documents containing paper or similar substrates.

*United States.* The Government recommends the card format in lieu of pages.

USCIB: The employers' organization is neutral considering that their preference is for a plastic card.

### (iii) Ultraviolet security features?

*Affirmative:* 56. Albania, Algeria, Argentina, Azerbaijan, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); ESA (Estonia); Armateurs de France (France); VDR (Germany); INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); Association of Shipowners of Romania (Romania); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); FWZ (Netherlands); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 2. Belarus, Japan.

*Employers' organizations:* APINDO (Indonesia).

*Workers' organizations:* CGTM (Mauritania).

*Other:* 3. Australia, Denmark, Germany.

#### Comments

*Brazil.* CONTTMAF: The workers' organization refers to its reply under question A2(e)(ii).

*Denmark.* The abovementioned EU Council resolution of 17 October 2000 contains detailed provisions regarding the utilization of various technologies to protect documents from forgery.

Danish Shipowners' Association: The employers' organization endorses the ISF comment.

*Ecuador.* This will avoid falsification of the document.

*France.* Ultraviolet security features are not sufficient per se, as they are accessible to counterfeiters. Reactive elements in red ink and not only in fluorescent yellow or blue ink should also be provided.

*Greece.* The Government agrees provided that the same applies to passports.

*Indonesia.* APINDO: The employers' organization disagrees because of the cost.

*Italy.* Lega Pesca: The organization disagrees.

*Kazakhstan.* As these features are used for passports issued by any State, they can also be used for the identity document.

*Malta.* The Government agrees provided that this feature remains optional.

*Mauritania.* CGTM: The workers' organization disagrees.

*Philippines.* The Government indicates that the SIRB already has these features.

*United Kingdom.* Ultraviolet safeguards are a good safeguard against forgery, but there needs to be careful consideration as to their use because some can be a distraction for document examiners.

*United States.* USCIB: The employers' organization is neutral as it would prefer a plastic card.

*(iv) Materials other than paper?*

*Affirmative:* 41. Albania, Algeria, Argentina, Azerbaijan, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, India, Indonesia, Kazakhstan, Liberia, Malta, Mauritius, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Spain, Suriname, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO (Indonesia); CONFITARMA (Italy); NEF (Namibia); ISF.

*Workers' organizations:* CONTTMAF (Brazil); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); NUNW (Namibia); FWZ (Netherlands); APOM (Panama); Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 16. Belarus, China, Hungary, Italy, Japan, Kuwait, Lebanon, Lithuania, Namibia, Poland, Romania, Russian Federation, Saudi Arabia, Syrian Arab Republic, United Republic of Tanzania, Ukraine.

*Employers' organizations:* INSA (Indonesia).

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FILT-CGIL (Italy); CGTM (Mauritania); BNS (Romania); Progressive Trade Workers' Organization (Suriname).

*Other:* 4. Australia, Cuba, Denmark, Germany.

*Comments*

*China.* Paper is the cheapest material for a document; furthermore, a paper document can be stamped or signed on entering or leaving the country and can be read without recourse to machines.

*Denmark.* The Government refers to its comments under question A2(e)(iii).

Danish Shipowners' Association: The employers' organization endorses the ISF comment.

*Ecuador.* These materials must be easy to handle.

*Estonia.* The trade unions disagree.

*Finland.* Depending on the format, such a possibility should also exist in a passport book format document.

*France.* In the case of a book format, the proposed solution can be envisaged for the pages concerning the identity of the person. In any case, paper remains an adequate support, in particular in order to append visas or stamps.

SNPOMM, FOMM, SNCNMM: The workers' organizations agree, if the material in question makes it possible to obtain the characteristics indicated under question A2(a).

*Hungary.* The Government prefers documents made of paper because the Hungarian identity document contains much information on seafarers, many annotations by the competent authorities – and thus many pages.

*India.* Smart cards may also be used. They may contain details on the seafarer, such as professional qualifications, etc. The proof of these documents will be available with the master of the ship on board. The seafarer may be required to carry the smart card at all times. Further, except for the specification of a “biometric”, all other data should be capable of visual inspection.

*Indonesia.* APINDO: The employers' organization agrees under the condition of the lowest possible cost.

*Italy.* Lega Pesca: The organization agrees and notes that the material must be waterproof.

*Lithuania.* The Government disagrees for financial reasons.

*Malta.* The Government suggests plastic as an alternative material.

*Netherlands.* The Government notes that such materials are not yet available in all countries.

*Nigeria.* The Government agrees for the purpose of durability.

*Norway.* The Government agrees. The workers' organizations disagree, since such materials would include microchips and/or magnetic strips which could contain non-visible data.

*Peru.* The Government agrees provided that these materials can be easily obtained.

*Philippines.* The Government indicates that the SIRB is printed by the Central Bank on a special paper material.

*Romania.* The Government disagrees because the costs would increase and the material would not be generally accessible.

*Saudi Arabia.* This measure is not practical.

*United Kingdom.* The Government agrees with reference to its comment under question A2(e)(i).

(v) *Special inks?*

*Affirmative:* 47. Albania, Argentina, Azerbaijan, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Kazakhstan, Liberia, Lithuania, Malta, Mauritius, Myanmar, Netherlands, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Russian Federation, Saudi Arabia, Spain, Suriname, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* ANA, CPC (Chile); Danish Shipowners' Association (Denmark); ESA (Estonia); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); Association of Shipowners of Romania (Romania); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); FWZ (Netherlands); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 10. Algeria, Belarus, Japan, Kuwait, Lebanon, Namibia, New Zealand, Poland, Romania, Syrian Arab Republic.

*Employers' organizations:* INSA (Indonesia); NEF (Namibia).

*Workers' organizations:* CGTM (Mauritania).

*Other:* 4. Australia, Cuba, Denmark, Germany.

#### *Comments*

*Brazil.* Syndarma: The employers' organization remains neutral and considers that the document should be machine-readable and easily checked by the immigration authorities.

*Chile.* The Government agrees, provided that it is possible to verify the authenticity of the document.

*Denmark.* The Government refers to its comments under question A2(e)(iii).

Danish Shipowners' Association: The employers' organization endorses the ISF comment.

*Estonia.* The trade unions disagree.

*France.* The use of special inks should not be compulsory, but it is recommended.

*Indonesia.* APINDO: The employers' organization agrees – provided that they are easily available at the lowest possible price.

*Italy.* Penetrating ink should be used for numbering.

Legia Pesca: The organization agrees.

*Lebanon.* There is no need for additional expenses to those involved in the application of such technology to the identity document.

*Malta.* The Government agrees provided that this feature remains optional.

*Netherlands.* The special ink should be waterproof.

*Nigeria.* The Government agrees for security purposes and durability.

*Peru.* The Government agrees on condition that the respective inks can be easily obtained.

*Romania.* Special inks would not be necessary if lamination was utilized.

*United Kingdom.* The inks should conform to an international standard and be water-resistant.

(vi) *Special colour design?*

*Affirmative:* 52. Albania, Algeria, Argentina, Azerbaijan, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* ANA, CPC (Chile); Danish Shipowners' Association (Denmark); ESA (Estonia); Armateurs de France (France); VDR (Germany); APINDO (Indonesia); CONFITARMA (Italy); Association of Shipowners of Romania (Romania); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); FWZ (Netherlands); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 5. Belarus, Japan, Namibia, Poland, Romania.

*Employers' organizations:* INSA (Indonesia); NEF (Namibia).

*Other:* 4. Australia, Cuba, Denmark, Germany.

*Comments*

*Algeria.* The Government agrees provided that the special colour design is established according to an agreed international model.

*Canada.* The Government agrees, if reference is made here to a standard colour pattern which would distinguish seafarers' identity documents (e.g. in the same manner as the United Nations laissez passer is standardized), in order to be easily recognizable and not to be confused with a passport. This specification should be added to Article 4, paragraph 1, of the preliminary draft.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comment.

*Ecuador.* This should make any attempt at falsification more difficult.

*France.* It is desirable to use several tones, printing types or ink types.

*India.* The Government agrees – provided that this is essential for including certain specifications such as ultraviolet security features, etc.

*Indonesia.* APINDO: The employers' organization agrees on condition that this would be at the lowest possible cost.

*Italy.* The Government suggests rainbow printing and colour polychromy.  
Lega Pesca: The organization agrees.

*Malta.* The Government agrees – provided that this feature remains optional.

*New Zealand.* A simple distinctive colour design should be adopted.

*Saudi Arabia.* Not more than two colours should be used.

*United Republic of Tanzania.* Preference should be given, where possible, to colours of national flags.

*United Kingdom.* The Government requests that the colours of the covers, pages and inks follow an internationally agreed format.

(vii) *Other suggestions?*

*Comments*

*Australia.* These suggestions appear to presuppose that the document will be in a book format. However, the physical characteristics of the identity document should not be considered until the Conference decides what data should or could be included. The list under question A2(e) includes some of the features of passports, but it would not be necessary for all to be adopted for the identity document. Technological considerations must also be taken into account, e.g. the need to ensure that a laminated card is machine readable. The security features listed in this question would be advantageous, but should not be a requirement, as this might deter States from adopting the new standard. The cost may also be prohibitive. The Government suggests that the principles established by ICAO should be taken into account where appropriate.

*Azerbaijan.* The Government indicates that the Trade Unions Confederation disagrees with all technologies mentioned under question A2(e)(i)-(vi).

*Canada.* Biometrics should not be excluded.

*Chile.* The Government requests that the technologies existing on the market be easily accessible to all Members ratifying the instrument.

*Croatia.* The administration concerned should be free to use only a combination of the technologies.

*Denmark.* The Government refers to its comments under question A2(e)(iii).

*Ecuador.* The Government suggests detector security bars for computer programmes.

*Estonia.* ESA: The employers' organization maintains that not all the above technologies should be used at the same time – if it is not reasonably necessary.

*Finland.* The possibility to use other technologies should be envisaged.

*France.* It would be prudent to use several technologies, but not on a compulsory basis (e.g. laser engraving, perforated images, holograms, optically variable or iridescent inks, etc.).

*Germany.* VDR: The employers' organization endorses the comment of the ISF.

*Honduras.* The Government accepts other technologies, provided that the implementation will not entail a substantial increase of costs incurred by the seafarer.

*India.* Only those technologies considered for meeting the security concerns should be incorporated. However, care should be taken in keeping the total cost low.

*Italy.* There should be parts printed with “intaglio-printing”.

CONFITARMA: The employers' organization agrees to all the points listed in question A2(e)(i)-(vii), provided that these proposals will not discourage the ratification of the instrument.

*Japan.* The use of the technologies referred to under A2(e)(i) and (ii) (lamination over photographs and watermarks) are sufficient to meet security requirements. Given that the use of other technologies would require considerable expense, it is realistic to limit the technologies, since the purpose is to raise the level of security of identity documents on a worldwide basis.

*Liberia.* The new instrument should be modelled after the ICAO standard for travel documents, which provides that the issuing State shall incorporate safeguards as deemed appropriate to prevent forgery, etc.

*Malta.* All possible technologies should be incorporated, so long as only those not indicated as optional above be made mandatory.

*Namibia.* Any technology available should be used, provided that it is not below the minimum prescriptions.

*Netherlands.* Laser engraving should be considered.

*Nicaragua.* The Government favours any other technology which is within the capability of the country concerned.

*Nigeria.* Computer-photographing should be considered.

*Panama.* The Government suggests the perforation of the seafarer's identification number on all pages, the enumeration of the pages, microtext and microplex.

*Poland.* The Government suggests water paper or holograms.

*Portugal.* Machine readability has to be ensured.

*Suriname.* If the abovementioned technologies were mandatory, technical and financial assistance would be needed by some countries.

*Ukraine.* Holograms and other techniques should be at the discretion of the administration concerned.

*United Kingdom.* The Government suggests the following technologies: intaglio ink printing in specific areas, holograms to be incorporated, “lines” constructed from micro-printing (incorporating deliberate errors) and tamper-proof stitching (if the document pages are stitched). The photograph should be digital and printed into the document, and ideally lamination heat-sealed or similar, not just sticky back plastic. The signature (or thumbprint) should be digitally printed directly on to the paper. In addition, supplementing the paper document with a credit card style document should also be considered.

*United States.* With reference to its comment under question A2(d), the Government further suggests that ICAO Document 9303 should be incorporated as baseline reference.

USCIB: The employers' organization would prefer a plastic card that includes the characteristics of a passport.

*Uruguay.* A bar code should be inserted in accordance with the country.

*ISF.* Ideally, specifications referred to under question A2(e)(i)-(vi) should be kept to a minimum. In principle, ISF could agree to any of the proposed specifications, if they were thought

necessary to address the security concerns of port States – and subject to practicality, affordability and the extent to which they are compatible with widespread ratification of the instrument.

*In the interest of simplicity, the model in the appendix referred to in question A2(c) above should require uniformity only to the extent necessary to achieve the following objectives:* **Qu. A2(f)**

(i) *To make the seafarers' identity document easily recognizable as such.*

*Affirmative:* 60. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Cuba, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Ship-owners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 1. Germany.

(ii) *To ensure that the material used conforms to the physical requirements established by the instrument.*

*Affirmative:* 55. Albania, Algeria, Argentina, Australia, Azerbaijan, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Ship-owners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); KVNR (Netherlands); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, SNPOMM, FOMM, SNCNMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 2. Belarus, Ukraine.

*Other:* 3. Cuba, Germany, Saudi Arabia.

(iii) *To enable each item of data to be recognized even by persons unfamiliar with the language used.*

*Affirmative:* 59. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Ship-owners' Association (Denmark); Armateurs de France (France); VDR (Germany); INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 1. Germany.

(iv) *To make the maximum use of standardized data (such as ISO country codes and a standard representation for dates). See preliminary draft, Appendix A-I.*

*Affirmative:* 56. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Finland, France, Greece, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); KVRN (Netherlands); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); FWZ (Netherlands); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 2. Chile, Guatemala.

*Other:* 2. Egypt, Germany.

#### *Comments*

*Brazil.* CONTTMAF: The workers' organization agrees for easy and accurate identification.

*Chile.* Codes should not be used. The text should be clear in the language of the issuing country and in English (as provided for under the STCW Convention).

*ANA:* The employers' organization agrees to all, provided that this will not render more difficult the ratification of the new instrument.

*Denmark.* The identity document should comply with uniform international standards, which will ensure a more efficient and thorough control of the identity of foreign seafarers.

*Danish Shipowners' Association:* The employers' organization endorses the ISF comment.

*Finland.* The new instrument should include recommendations or requirements concerning the language of the document. Existing international standards such as ICAO Document 9303 should be followed.

*France.* Several languages have to be included. It should also be opportune to refer to the rules established by ICAO for travel documents.

*Germany.* VDR: The employers' organization agrees to all and endorses the comment of the ISF.

*Guatemala.* As the use of codes can cause delays, clear data should be used.

*Honduras.* The Government agrees to all for the purpose of more inner security.

*Hungary.* The Government suggests that all the data in the identity document should be illustrated with numbers, so that persons unfamiliar with the language used can recognize each item of data via the number.

*India.* The Government agrees, subject to the availability and affordability of the "bio-metric" system in the majority of States.

*Italy.* CONFITARMA: The employers' organization agrees to all provided that this would not be an obstacle to widespread ratification of the instrument.

*Lega Pesca:* The organization agrees to all.

*Kazakhstan.* The model should simplify the identification procedure and reduce the time spent by immigration authority staff on board ship.

*Namibia.* A country may decide the colour it wishes to use on the material.

*Netherlands.* The Government agrees to the proposal, but cannot see the link with ICAO recommendations.

*Philippines.* The Government agrees to all, in order to achieve the biggest possible uniformity in substance and form of the seafarers' ID.

*Uruguay.* A bar code should be implemented.

*ISF.* In principle, ISF could agree to all of the objectives proposed under A2(f)(i)-(iv) – subject to practicality, affordability and the extent to which they are compatible with widespread ratification of the instrument.

#### (v) *Other objectives?*

##### *Comments*

*Australia.* The Government notes once again that the principles established by ICAO should be taken into account, where appropriate.

*Bulgaria.* Other objectives to be met include machine readability and compliance with Article 5 of the preliminary draft concerning verification by immigration officers of other Members.

*Chile.* A procedure for withdrawal and notification at the international level should be considered in case of loss, theft or loss of validity. As concerns Article 4.4(f) of the preliminary draft, the thumbprint is unnecessary. If the person concerned was not able to write, he/she would not obtain qualification as a seafarer.

*ANA:* The employers' organization notes that the document should be machine readable.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* These data are indispensable for the document to be appropriately used.

*Egypt.* Other objectives would be: (i) to avoid the need to apply for a visa; and (ii) to prevent this document from being used for training purposes, for medical reasons, or for the obtention of a degree.

*France.* The objective is to make it very difficult to counterfeit the documents. Consequently, the documents should be easily readable, standardized and able to be integrated, with biometric data compatible with those which will be integrated in travel documents.

*Armateurs de France:* The employers' organization observes that the document should also be readable without recourse to machines.

*Germany.* VDR: The employers' organization endorses the comment of the ISF.

*Greece.* Another objective should be to facilitate procedures for both the seafarers and the shipping industry.

*Honduras.* Another objective would be "internationalization" because this facilitates inspection.

*India.* The model should meet the requirements of a machine-readable travel document (MRTD) and the objectives mentioned in Article 5 of the proposed new instrument.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.

*Lega Pesca:* The organization supports the adaptation of the shipping sector to the tables provided for by maritime authorities through a mobile system of recognition, valid for all countries.

*Liberia.* The document should also be machine readable.

*Malta.* The document should be machine readable.

*Nigeria.* Other objectives would be the creation of employment, data recording and security.

*Peru.* The Government believes that another objective should be standardization in compliance with international provisions.

*Philippines.* Another aim should be the easier detection of fake seafarers' identity documents.

*United Kingdom.* If machine readability was a requirement, another objective would be the uniformity of the design/production of at least that part of the document intended for machine readability.

*United States.* USCIB: The employers' organization considers that not all data need be visible on the card although the holder should know or have access to all information contained therein.

*ISF.* Other technical objectives to be met include ability to be machine readable and to meet the requirements of the proposed Article 5 concerning verification by national immigration officers.

## Office summary

There is almost unanimous support for the new instrument to set out clear criteria concerning the physical characteristics of the identity document.

There is clear support for the new instrument to go further than the existing Convention No. 108 by requiring an identity document based on an agreed international

model, conforming to the criteria set by the new instrument. The use of internationally recognized standards, such as those of ICAO, has been suggested.

The majority of the replies suggest that the international model should be adopted by the International Labour Conference and reproduced in an appendix to the new instrument; furthermore, it should be regularly updated in accordance with a simplified amendment procedure under which amendments would require a two-thirds majority in favour. These amendments would have to conform to the standards or criteria set out in the provisions of the new instrument.

There was almost total support for the proposals on the specifications of the new document. The identity document should incorporate the latest proven technology to prevent tampering or falsification and to enable easy detection of alterations. The materials and techniques used should be easily accessible to all governments at the lowest cost consistent with reliability, while achieving the objectives of preventing tampering and falsification. The document should not be larger than a normal passport. Several references were made to ICAO specifications concerning the physical characteristics of the document.

There was general agreement as to the use of security technology such as lamination over photographs and data, watermarks, ultraviolet security features, use of special inks and special colour design. Support for the use of a material other than paper was not so widespread. A few replies suggested the use of plastic. Many more suggested the use of other technologies such as laser engraving, holographic markings and others. Some replies reiterated reference to ICAO specifications for travel documents.

The replies broadly agreed that there should be a requirement for uniformity only to the extent necessary to achieve the objectives of easy recognition; conformity with the physical requirements established by the instrument; recognition of data by persons unfamiliar with the language used; and use of standardized data.

*A3. The form and content of the information to be provided for on the identity document*

**Qu. A3(a)** *Should the identity document also indicate the seafarer's sex (a particular not required by Convention No. 108)?*

*Affirmative:* 56. Albania, Algeria, Argentina, Australia, Azerbaijan, Bulgaria, Canada, Chile, China, Costa Rica, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); USCIB (United States).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Workers' Organization of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 5. Belarus, Croatia, Peru, Poland, Ukraine.

*Employers' organizations:* Association of Shipowners of Romania (Romania).

*Workers' organizations:* PNI (Indonesia).

### Comments

*Azerbaijan.* The Government indicates that the Trade Unions Confederation disagrees.

*Bulgaria.* The Government agrees for security purposes. Furthermore, Bulgarian legislation provides for the indication of the seafarer's sex in the application form for the seafarers' passport.

*Canada.* The Government notes that the place of birth should be optional (Article 4, paragraph 4(b) of the preliminary draft). Furthermore, specifications are needed as to the type of physical characteristics to be included (Article 4, paragraph 4(d) of the preliminary draft).

*Denmark.* For the purpose of enforcement, the seafarers' identity document should contain as many relevant personal data as possible. Information regarding the seafarer's sex facilitates searches in the Schengen Information System.

*Danish Shipowners' Association:* The employers' organization endorses the ISF comments.

*Ecuador.* This element is as necessary as for passports.

*Estonia.* ICAO Document 9303 specifies this item.

*Germany.* VDR: Since many women are employed at sea, the seafarers' identity document should indicate the sex of the holder.

*Greece.* This would facilitate the work of authorities checking the seafarers' identity document.

*Honduras.* Some names are the same for men and women, which could facilitate fraud.

*India.* The seafarer's sex is a major component of his or her identification, given that an increasing number of women are employed as seafarers.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.  
Lega Pesca: The organization agrees.

*Lebanon.* The Government refers to the current concerns regarding gender mainstreaming.

*Liberia.* Some names do not convey the sex of the holder to inspectors in foreign countries. Data on the seafarer's sex would thus assist in verification. However, the data need not be listed as a separate data point, as they are already incorporated into the machine-readable zone of passports.

*Malta.* In the event of a seafarer's inability to communicate, this might help assisting parties in cases where gender features are not obvious.

*Namibia.* Agrees, since both sexes can perform a similar job for equal pay.

*New Zealand.* This is important in cases where a name does not necessarily distinguish gender.

*Nigeria.* The Government agrees for the purposes of proper identification, accommodation and sanitary facilities.

*Poland.* The Government indicates that, according to the Polish Seafarers' Union, the document should indicate the seafarer's sex, as such information does not invade seafarers' privacy or offend their dignity.

*Romania.* Romanian Seafarers' Free Union: It is sometimes difficult to determine from a name whether the bearer is male or female.

*Saudi Arabia.* This indication would avoid confusion.

*United Kingdom.* Some first names can be used for people of either sex, and as with other identity documents, including the seafarer's sex would reduce the possibility of fraudulent change of photograph.

*United States.* The Government agrees, but recognizes that, depending on the biometric chosen, this may be of limited additional value beyond aiding in physical verifications.

*ISF.* ISF agrees for security purposes, especially as an increasing number of women are employed at sea.

**Qu. A3(b)** (1) *A template or other representation of a biometric of the bearer of the identity document could be required under the new instrument, provided that the necessary preconditions (see below) were all satisfied. See preliminary draft, Article 4.5.*

*Affirmative:* 43. Albania, Algeria, Argentina, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Denmark, Ecuador, Egypt, Estonia, France, Finland, Greece, Guatemala, Honduras, India, Indonesia, Kazakhstan, Kuwait, Lebanon, Liberia, Malta, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); USCIB (United States).

*Workers' organizations:* FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); NUNW (Namibia); Romanian Seafarers' Free Union (Romania).

*Negative:* 14. Australia, Azerbaijan, Belarus, China, Croatia, Cuba, Eritrea, Italy, Germany, Lithuania, Poland, Romania, Russian Federation, Saudi Arabia.

*Other:* 4. Hungary, Japan, Mauritius, Namibia.

*Employers' organizations:* ESA (Estonia); NEF (Namibia); Association of Ship-owners of Romania (Romania).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FILT-CGIL (Italy); FWZ (Netherlands); APOM (Panama); BNS (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

### Comments

*Australia.* The Government refers to its replies to question A2(a) and (e). Biometrics would appear to be a costly and unnecessary duplication, given that they will increasingly be stored in passports. Furthermore, it would be preferable to wait until the appropriate technology has been proven before requiring it in the seafarers' identity document. A machine-readable card, which can be programmed with employment details, should have a higher priority than biometrics.

*Brazil.* CONTTMAF: Such a measure could represent an invasion of privacy.

*Syndarna:* The concerns of many States regarding human rights, information protection legislation and difficulties of implementation, such as the non-availability of internationally standardized biometric templates and high costs, should be taken into account.

*Bulgaria.* The Government agrees in principle for the purpose of positive verifiable identification. However, it will be important to take into account any concerns that member States may have with regard to human rights, data protection laws and difficulties concerning practical implementation.

*Canada.* The Government supports the inclusion of a biometric as an option. The expression "may also be required" is vague: it either "is required" or "may be included" (Article 4, paragraph 5 of the preliminary draft).

*Costa Rica.* This will guarantee the accuracy and reliability of the document.

*Cuba.* This implies high equipment costs.

*Denmark.* Biometric data could in the future be incorporated in the document, thus limiting the risk of forgery. Work is currently under way in some countries to explore the possibilities of incorporating biometrics into national passports. However, the actual incorporation is still sometime off.

*Danish Shipowners' Association:* The employers' organization endorses the ISF comments.

*Egypt.* The Government agrees, provided that it will be provided with the necessary equipment, material and technical support for their operation.

*Estonia.* ESA: The use of biometrics is too expensive. It should be an option, but not a requirement.

*Finland.* The issue of biometric data should not be addressed at this stage.

*France.* The digital identity photograph should be used in conjunction with another biometric.

*SNPOMM, FOMM, SNCNMM:* The biometric could be useful in cases of accident or illness.

*Germany.* The term “or other representation of a biometric” is too broad, for data protection reasons: the risk of identity theft should be considered, if the biometric reference data are not codified. Fingerprint templates in particular represent excellent masters for the production of artificial fingerprints. The loss of the seafarers' identity document would also compromise irreplaceable biometric material. However, biometrics could provide solutions for certain situations, e.g. the case of persons who cannot sign.

VDR: The employers' organization endorses the comment of the ISF.

*Greece.* The Government has already planned to include a fingerprint in the current Greek seafarers' identity document.

*Honduras.* This does not entail higher costs for the seafarer.

*Hungary.* The Government has no experience of this technology, which is not available in Hungary.

*India.* The Government agrees, provided that the technology is easily available to all countries at low cost and under reasonable terms of reference.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.

Lega Pesca: The organization disagrees. The use of biometric data is too complicated and bureaucratic.

*Japan.* Unless all the preconditions referred to in point (2) of this question are fulfilled when the new instrument is adopted, an answer cannot be given at present. At the moment there appears to be no prospect of this. Moreover, the seafarers' organizations in Japan are opposed to adding conditions applicable only in the case of seafarers. Unless there is a proven advantage in using a biometric compared to the present identification method, taking into consideration the importance of protecting privacy, they have stated clearly that they cannot agree to the use of biometric templates.

*Lebanon.* Fingerprints could be sufficient, as they are used by all countries.

*Liberia.* The Government agrees, provided that the concerns of some States regarding human rights can be addressed. Otherwise, the ILO should put this issue aside and prepare a Conference resolution on further investigation of the problems of adoption. The Government urges those States insisting on the inclusion of biometrics to recognize the difficulties they impose on some other States. However, the issue of human rights could be overcome through the use of biometric templates, as electronic databases would then contain only records of the unique template, not a copy of the actual biometric. Likewise, a fingerprint could not be reproduced from the record, and conflicts with human and civil rights would be avoided.

*Lithuania.* The Government disagrees for financial reasons.

*Namibia.* The Government is not sure about this issue.

NEF: Not all countries would have the technology or enough seamen to warrant its acquisition.

*Netherlands.* FWZ: The requirement is not acceptable at this stage.

*New Zealand.* As long as all the preconditions are met, the Government agrees. Biometric data might not be needed for an identity document, as long as the holder's identity is verified at the time of issue.

*Panama.* Fingerprints should be included.

*Poland.* This could infringe the privacy and dignity of the seafarer even if the proposal to use biometrics corresponds to the world trend. Data processing and storage of this kind requires

specialized and expensive equipment, which means that the requirements of Article 4(5)(iii) on universal and low-cost access to equipment are not fulfilled. Since the Government is generally against the introduction of a representation of a biometric, no answer has been given to questions A3(b)(2) and A3(c).

*Romania.* The Government disagrees because costs would increase, and because biometric data are not even required when applying for a passport.

*Russian Federation.* Federation of Trade Workers' Organizations of Maritime Transport Workers: A biometric template would be a violation of seafarers' personal freedom and dignity, as provided for in the Universal Declaration of Human Rights.

*United Kingdom.* Note should be taken of the ongoing work in ICAO on this issue. From the legislative perspective, there is a wide range of data protection, privacy and human rights legislation worldwide. There are legal concerns regarding the collection, storage and use of biometric data, as well as its availability to outside persons. Currently three systems could be used for the purpose of using biometric data: facial scans, fingerprint scans, or iris biometric templates.

*Uruguay.* Even if the seafarers have the right to refuse, the State may still require the biometric template to be included in the identity document.

*ISF.* The organization agrees in principle for the purpose of positive verifiable identification, if this is necessary to address the security concerns of major port States. However, it will be important to take into account any concerns that member States may have with regard to human rights, data protection laws and difficulties concerning practical implementation. ISF also notes that the G8 countries have announced their intention to develop biometric template standards for use with personnel engaged in aviation and shipping, and to make them available to the ILO for examination by the spring of 2003.

(2) *The following preconditions are suggested:*

(i) *That the biometric can be provided by persons without invasion of their privacy or offence against their dignity. See preliminary draft, Article 4.5(i).*

*Affirmative:* 47. Albania, Algeria, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Ecuador, Egypt, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kuwait, Lebanon, Liberia, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Spain, Suriname, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); BNS, Romanian Seafarers' Free Union (Romania); Progressive Trade Workers' Organization (Suriname).

*Negative:* 5. Argentina, Eritrea, Kazakhstan, Saudi Arabia, Syrian Arab Republic.

*Workers' organizations:* CONTTMAF (Brazil); APOM (Panama); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Other:* 9. China, Croatia, Cuba, Denmark, Germany, Lithuania, Poland, Romania, Russian Federation.

### Comments

*Argentina.* It is not advisable to include conditions that could be detrimental to reliability.

*Azerbaijan.* The Government indicates that the Trade Unions Federation disagrees.

*Brazil.* CONTTMAF: The workers' organization refers to its comment under question A3(b)(1).

*Syndarma:* The employers' organization requests a guarantee of privacy.

*Canada.* CLC: The workers' organization agrees to this precondition, but reiterates that the requirement for biometrics is not acceptable.

*Costa Rica.* The seafarer should consent to the use of the biometric data.

*CTRN:* The workers' organization agrees to this precondition, but reiterates that the requirement for biometrics is not acceptable.

*Denmark.* This depends on the type of biometric chosen, national legislative restrictions, etc.

*Danish Shipowners' Association:* The employers' organization endorses the ISF comments.

*Ecuador.* Strictly personal data should be protected.

*Finland.* The Government refers to its comments under question A3(b)(1).

*France.* France will conform to its national legislation concerning protection of personal data and to the EC Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

*Germany.* VDR: The employers' organization endorses the comment of the ISF.

*Honduras.* The precondition promotes respect for the seafarer's human dignity.

*Hungary.* The Government agrees in principle.

*India.* The biometric is an identification feature and would not invade the privacy of the individual.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comment.

*FILT-CGIL:* The workers' organization agrees to the precondition, but reiterates that the requirement for biometrics is not acceptable.

*Lega Pesca:* The organization disagrees with the use of biometric data.

*Japan.* The seafarers' organizations consider the adoption of biometric templates itself to be a violation of human dignity.

*Kazakhstan.* The document must contain standardized data for all the ratifying member States so as to simplify identification.

*Norway.* Biometric data should not be collected without the permission of the seafarer.

*Romania.* BNS: The workers' organization suggests that such data should be requested.

*Saudi Arabia.* The Government disagrees as a matter of respect to privacy.

*Suriname.* Progressive Trade Workers' Organization: The workers' organization agrees, while stressing that the requirement for biometrics is not acceptable.

*Syrian Arab Republic.* The Government excludes the use of biological characteristics other than fingerprints, blood group and apparent physical features.

*Ukraine.* Biometric data should only be provided with the consent of the document owner.

*United States.* United States law requires the use of biometrics, which do not represent an invasion of privacy or an affront to dignity but rather, an affirmation of identity. The Government recognizes, however, that this is a highly charged issue in some cultures and may prove a difficult hurdle in the current undertaking.

*ISF.* In the interests of meeting the concerns raised by seafarers' representatives, and if practicable, ISF could agree, although the definition of "privacy" would appear to be a complex human rights issue on which the employers' group is not qualified to comment.

(ii) *That seafarers should have the right to refuse to provide biometric data and, instead, to use their national passport to authenticate their identity. See preliminary draft, Article 4.5(ii).*

*Affirmative: 30.* Azerbaijan, Belarus, Costa Rica, Czech Republic, Egypt, Eritrea, Estonia, Finland, Guatemala, Hungary, Indonesia, Japan, Kazakhstan, Kuwait, Malta, Myanmar, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Peru, Qatar, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ESA (Estonia); NEF (Namibia); Association of Shipowners of Romania (Romania).

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FOMM, SNCNMM, SNPOMM (France); FILT-CGIL (Italy); CGTM (Mauritania); APOM (Panama); BNS (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative: 19.* Albania, Algeria, Argentina, Australia, Canada, Chile, Denmark, Ecuador, France, Greece, Honduras, India, Italy, Lebanon, Panama, Philippines, Portugal, United Kingdom, United States.

*Employers' organizations:* ANA (Chile); Armateurs de France (France); INSA (Indonesia); USCIB (United States).

*Workers' organizations:* CONTTMAF (Brazil); FNSM (France); SPNI (Indonesia); NUNW (Namibia); Romanian Seafarers' Free Union (Romania).

*Other:* 12. Bulgaria, China, Croatia, Cuba, Germany, Liberia, Lithuania, Mauritius, Netherlands, Poland, Romania, Russian Federation.

### Comments

*Algeria.* The seafarer should respect the regulations in force in his or her country of nationality. If the instrument admitted exceptions to the obligation to provide biometric data, it would compromise the effort to achieve uniformity.

*Argentina.* Contrary to the Government, the navy agrees with the right to refuse.

*Australia.* Biometric data based on facial or iris recognition of seafarers would not be invasive and there would be no justification for refusing to provide them.

*Brazil.* Syndarma: The employers' organization agrees in principle, but wonders what will happen to such seafarers if the port State requires biometric data for entry.

*Bulgaria.* The answer depends on the biometric data required. Seafarers should have the right to refuse to provide such data and instead use their national passport to authenticate identity, following the procedures of the port State. Certain countries may shortly require all foreign visitors to be issued with visas containing a biometric template or to carry a passport including biometric information.

*Canada.* All seafarers should use a national passport to authenticate their identity, whereas seafarers' identity documents should only establish their status. If a State opts for inclusion of a biometric, then all seafarers' identity documents issued by that State must include it in order to be consistent. Therefore, the precondition should not be included.

CLC: The document should not replace a passport or discharge book.

*Chile.* The rule should apply equally to everyone since "uniformity", which should facilitate verification of data in any country, is the fundamental idea.

ANA: This precondition could affect the acceptance of the document by any State.

CPC: The employers' organization remains neutral. The right to refuse should exist only if absolutely necessary.

*Costa Rica.* The Government agrees, whereas the General Directorate for Immigration and Status of Foreigners disagrees.

CTRN: The document should not replace a passport.

*Czech Republic.* The Government agrees, provided that the seafarer does not have the right to refuse a blood group test.

*Denmark.* The seafarer may use his national passport. Additional requirements (e.g. a visa) may need to be met.

Danish Shipowners' Association: The employers' organization remains neutral and endorses the ISF comments.

*Ecuador.* The seafarer should present the document created for this purpose, not another one.

*Egypt.* The absence of the new document should not lead to detention of a seafarer by the port State.

*Estonia.* ESA: A seafarer should not be denied the identity document if he or she refuses to provide such data.

*France.* With such a precondition, the new instrument would lose its efficacy. National legislation could, however, regulate this question.

*Armateurs de France*: This would compromise the establishment of an international identity document.

*SNPOMM, FOMM, SNCNMM*: Seafarers should not be obliged to use their passports instead.

*Germany. VDR*: The employers' organization remains neutral and endorses the comment of the ISF.

*Greece*. According to national legislation, only a valid identity document establishes the seafarer's status.

*Honduras*. These data facilitate the verification of identity.

*Hungary*. The Government agrees *in principle*.

*India*. Any specification should be applicable to all seafarers. However, the seafarers' unions are not in agreement with the Government. As to the shipowners, the requirement for a biometric is not acceptable to them, as the proposed new document should not be intended to replace the passport.

*Indonesia. INSA*: Only the national passport is a travel document.

*SPNI*: The two identity documents should always be verified, rather than to sometimes replace the seafarers' identity document with the passport.

*Italy. CONFITARMA*: The employers' organization remains neutral and endorses the ISF comments.

*FILT-CGIL*: The document is not intended to replace the passport.

*Lega Pesca*: The organization agrees.

*Kazakhstan*. Any divergence from the established standards would lead to time-wasting disputes regarding identification.

*Liberia*. The Government reserves comment on this point, while pointing out that some national passports do not comply with ICAO Document 9303.

*Malta*. The Government agrees provided that, if a national passport is used, privileges linked to seafarer status are withheld. The workers' representatives disagree with the seafarer's right to refuse to provide biometric data.

*Mauritania. CGTM*: The document is not intended to replace the passport.

*Norway*. Refusal to provide biometric data should deprive seafarers of any privilege granted to them under the new instrument.

*Suriname. Progressive Trade Workers' Organization*: The document is not intended to replace the passport.

*United Kingdom*. This precondition seems to defeat the purpose of the document, which is to give seafarers access to overseas territories not available to the general public. If the seafarer had the right to refuse biometrics and to establish identity solely by use of a passport, then access to a given territory should be subject to the normal passport and visa requirements.

*United States*. "Breeder" documents, including passports, are subject to forgery, and it is necessary to use biometrics to validate the holder's identity and the authenticity of the document.

*USCIB*: In view of the objectives of the new instrument and the more detailed information involved, a passport would be insufficient.

*ISF*. The employers' organization remains neutral. If the inclusion of such a provision in the instrument were necessary to secure the support of Governments, it might be acceptable.

However, ISF points out that employment prospects of seafarers who refuse to provide biometric data could be affected, since certain major port States will insist on biometric data to facilitate entry. Furthermore, certain countries may shortly require all foreign visitors to be issued with visas containing a biometric template or else carry a passport including biometric information.

(iii) *That the equipment needed for providing and verifying the biometric:*

– *is user-friendly. See preliminary draft, Article 4.5(iii).*

*Affirmative:* 52. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Russian Federation, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); KVNR (Netherlands); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); NUNW (Namibia); APOM (Panama); Romanian Seafarers' Free Union (Romania).

*Negative:* 3. Italy, Eritrea, Saudi Arabia.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica), Seafarers' Union of Croatia (Croatia); FILT-CGIL (Italy); BNS (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 6. China, Croatia, Cuba, Lithuania, Poland, Romania.

– *is generally accessible worldwide at low cost and under reasonable terms. See preliminary draft, Article 4.5(iii).*

*Affirmative:* 52. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines,

Portugal, Qatar, Russian Federation, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); KVNR (Netherlands); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Progressive Trade Workers' Organization (Suriname).

*Negative:* 3. Italy, Eritrea, Saudi Arabia.

*Workers' organizations:* Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Other:* 6. China, Croatia, Cuba, Lithuania, Poland, Romania.

- *can be conveniently operated on board ship, in ports and in other places where verification of identity is normally carried out. See preliminary draft, Article 4.5(iv).*

*Affirmative:* 52. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Russian Federation, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); NEF (Namibia); KVNR (Netherlands); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); NUNW (Namibia); Romanian Seafarers' Free Union (Romania).

*Negative:* 2. Italy, Saudi Arabia.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FILT-CGIL (Italy); CGTM (Mauritania); APOM (Panama); BNS (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 7. China, Croatia, Cuba, Eritrea, Lithuania, Poland, Romania.

### Comments

*Brazil.* Syndarma: Article 4.5(iv) of the preliminary draft should be revised to make it clear that verification of biometric data is an obligation for official authorities only; the ship's sole responsibility is to check that the seafarer has an appropriate identity document.

*Canada.* The equipment should be reliable under all types of environmental conditions (e.g. high humidity, cold, low light conditions, etc.).

CLC: The organization reiterates that the requirement for biometrics is not acceptable, as crew members are not criminals and are generally known to their fellow shipmates.

*Chile.* ANA: The sole responsibility of the ship should be to verify that seafarers have their identity document.

*Costa Rica.* CTRN: The organization reiterates its view that the requirement for biometrics is not acceptable, for the same reasons indicated by CLC of Canada.

Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Egypt.* In Egypt neither the biometric measurement equipment nor the financial resources needed to acquire it are available. The Government concludes that such equipment should be donated, and that several specialists should be trained in its use for the preparation and verification of the document. Otherwise, given that in Egypt the seafarer pays the fees for obtaining the document, such technology would raise production costs above the level of expected revenues.

*France.* Armateurs de France: Verifications on board ships should be carried out by any government authority having such equipment.

*Germany.* It must be borne in mind that the conditions of operation of the equipment also influence the biometric procedure itself. For instance, facial recognition systems are extremely sensitive to changes in levels of ambient light. Voice recognition systems are easily disturbed by background noise.

VDR: The employers' organization endorses the ISF comments without the amendment proposal.

*Guatemala.* Assistance should be provided to member States.

*Honduras.* The Government agrees to all for reasons of training of the responsible supervisory personnel.

*Hungary.* The Government agrees only in principle.

*India.* It should be borne in mind that vendors of biometric technology hardware are located mostly in developed countries. Therefore, accessibility worldwide at low cost and under reasonable terms should be ensured by the ILO before adopting this requirement. The Government also notes that the equipment should be operated at the places mentioned with a view to enabling Government personnel to carry out identifications.

*Italy.* The Government disagrees because of the costs which the equipment will entail if the technology is to be systematically used in ports.

CONFITARMA: As to the operation of equipment, the sole responsibility of the ship should be to verify that the seafarer has the appropriate identity document, while the official authorities of the host State will be responsible for verifying biometrics. The organization supports the ISF proposal to modify Article 4.5(iv) of the preliminary draft accordingly.

*FILT-CGIL*: Crew members are not criminals and are generally known to their fellow crew members.

*Lega Pesca*: The organization disagrees with the proposal.

*Kazakhstan*. It would be desirable to ensure standardized equipment and training on its use.

*Liberia*. The Government believes such technology is readily available.

*Mauritania*. CGTM: Crew members are not criminals and are generally known to their fellow crew members.

*Netherlands*. KVNOR: The employers' organization endorses the ISF comment.

*Norway*. The Government agrees, provided that the equipment is the property of the competent authority.

*Suriname*. Progressive Trade Workers' Organization: Crew members are not criminals and would generally be known to their fellow crew members.

*United Republic of Tanzania*. The operation of equipment should be restricted to special centres controlled by professionals in order to avoid misuse on board ships and in ports.

*Ukraine*. The Government agrees, provided that there is an agreement between the administration and the individual.

*United Kingdom*. Agrees, but considers that the equipment should be operated by Government officials only.

*United States*. Agrees, although the equipment for providing the biometric should not be on the ship but only at tightly controlled issuance locations, while the equipment for verification should be located where Government personnel would normally carry out verification.

*ISF*. The employers' organization agrees to all. However, the priority concerning equipment for verification is that it can be conveniently operated in ports, terminals and airports. The proposed reference, in Article 4.5(iv), to the operation of equipment "on board ship" could be supported, provided it applies only to the capability of government representatives to come on board with the appropriate equipment. Nonetheless, it should be made clear that verification of biometrics should only be a function of official authorities. The sole responsibility of the ship should be to verify that the seafarer has the appropriate identity document. Accordingly, Article 4.5(iv) of the preliminary draft should be amended as follows "the equipment can conveniently be operated in ports, terminals and airports and in other places, including on board ships, where verification of identity is normally carried out by Government personnel".

#### (iv) *Other preconditions.*

#### Comments

*Finland*. The aims of standardization work done at the international level on biometrics should also be taken into account.

*Japan*. The fact that a State imposes a legal obligation on seafarers alone a duty to provide personal sensitive information on individual physical characteristics poses a problem. The technology would need to have become widely accepted. According to experts, at the present stage, the biometric template technology developed in a certain country is not transferable worldwide

since differences in climate and ethnic variations make the generation of errors inevitable. Thus, it is necessary to improve the technology and establish global standards. In addition, where errors occur, a malfunction of the equipment should be considered the primary cause. It is therefore necessary to consider examination of a passport as an alternative method of verifying seafarers' identity. If biometric technology is required for seafarers' identity documents, then additional requirements for a visa, passport, etc., should be unnecessary.

*Liberia.* The Government suggests that masters and ship operators should be able, as under the IMO STCW Convention or the International Safety Management (ISM) Code, to verify crew competence.

*Nigeria.* The seafarer should be informed of the importance of the use of the new identification certificate.

*Suriname.* Technical and financial assistance to technically less advanced countries would be highly appreciated.

*Syrian Arab Republic.* The Government requests that the ILO be responsible for providing the equipment at the least cost, as well as training on its use.

*United Kingdom.* The equipment should be easily portable, securely held and not easily available to non-authorized persons. Furthermore, the equipment should comply with health and safety requirements and not cause discomfort or pose health risks to the user or seafarer (iris, facial or fingerprint scans). International standards (ISO) should be used and/or developed to ensure standardization.

*United States.* The Government reiterates the need for the use of the term "reasonable cost" and requests that equipment and technologies as well as standards for their inclusion should be internationally agreed.

**Qu. A3(c)** *Concerning relevant biometric technology. See preliminary draft, Article 4.5:*

(i) *What kind of biometric technology (if any) is available in your country?*

#### *Replies*

Dental plaque: *Honduras.*

Digital photo: *New Zealand, Peru.*

DNA: *Denmark, Lebanon, Norway.*

Facial recognition: *Australia, France, Germany, Japan, Norway, United Kingdom, United States.*

Dactyloscopy and fingerprint recognition: *Albania, Algeria, Australia, Chile, Costa Rica, Denmark, Egypt, Finland, France, Germany, Honduras, India, Indonesia, Italy, Japan, Lebanon, Malta, Netherlands, Nicaragua, Norway, Panama, Philippines, Qatar, Spain, Suriname, United Kingdom, United States.*

Hand-geometry recognition: *Germany, Guatemala, Japan, Malta, United States.*

Iris recognition: *France, Germany, Guatemala, Japan, Netherlands, Norway, United Kingdom, United States.*

Retina recognition: *Malta, Norway.*

Signature recognition: *Chile, Germany, Japan, New Zealand, Suriname.*

Voice recognition: *Germany, Japan, Malta, Norway.*

Biometric technology not available: *Argentina, Belarus, Bulgaria, Ecuador, Eritrea, Estonia, Hungary, Nigeria, Portugal, Syrian Arab Republic, United Republic of Tanzania, Uruguay.*

#### *Other comments*

*Algeria.* The following systems are used: fingerprints, eyesight, anthropometric measurements.

*Canada.* This technology is not in use in travel or identity documents at present.

*Chile.* All technologies are available, but their cost is high.

*France.* The most tried and tested technology preferred by the French authorities is based on fingerprints.

*Japan.* Except for iris recognition technology, there exist different technologies for each biometric feature, and compatibility between the versions developed by different manufacturers is low. Therefore, passport authorities have attached primary importance to the adoption of mutually interoperable biometric technologies.

*Kazakhstan.* Biometric technology is available to immigration authorities.

*Liberia.* The Government advises that it is likely to adapt technology available in the United States and Europe for use with Liberian seafarers.

*Norway.* For more information, the Government refers to the following web site: <http://www.steria.no/>

*Panama.* Seafarers' identity documents do not contain any biometrics.

#### *(ii) What is your experience in its use?*

The following countries and organizations state that they have no experience: *Argentina, Belarus, Bulgaria, Eritrea, Ecuador, Namibia, Nigeria, Panama, Syrian Arab Republic, United Republic of Tanzania, Uruguay.*

#### *Other comments*

*Algeria.* Such technology facilitates the identification of the holder of the document.

*Australia.* A wide variety of software for storing, interrogating and retrieving a given biometric is available in Australia, but all products are in their infancy. A live trial to test facial recognition biometrics technology using aircrew started in Sydney in November 2002. Further evaluation will take place with the aim of using facial biometrics to process aircrew at all Australian airports.

*Chile.* The technology is used for private or state buildings where there are entry restrictions.

*Costa Rica.* This technology is used for identity cards and driving licences.

*Denmark.* These technologies are utilized in criminal investigations and prosecutions, as well as for medical and identification (forensic and paternity, etc.) purposes. No biometric data are currently stored on individual identification media (e.g. passports).

*France.* Tests are currently under way. It is not possible at this stage to draw conclusions as to the use of the technology with regard to travel or identity documents.

*Germany.* Most available biometric systems are not very reliable. The results of ongoing tests should be available by July 2003.

*Guatemala.* Biometrics are used in the private and in the public sector.

*Honduras.* The national investigation agencies have experience with this technology.

*India.* Biometrics are currently being used by police departments in criminal investigations.

*Japan.* Biometric technology is used in supermarkets and stores where persons who wish to do so can register their fingerprints on an integrated circuit card. This allows verification of identity. Companies have introduced fingerprint recognition to improve security for in-house information systems. Automated teller machines (ATM terminals) using iris recognition technology have been introduced by banks on a trial basis. Biometric technology is in general use for entry and exit controls for residences and for internal and external surveillance in buildings.

*Lebanon.* The experience in the use of the technology is good.

*Malta.* The maritime authority itself has no experience in the use of biometric technology but it is used in high security areas within private industry and in forensics by the police.

*Netherlands.* The experience in the use of the available technology is highly secure.

*New Zealand.* Experience with biometric technology is limited.

*Nicaragua.* Fingerprint templates are used by the national police for criminal records, and by the Supreme Electoral Council for the issuance of civic identity cards. However, the authorities responsible for the identification of seafarers have no experience with this technology.

*Norway.* There is no recent experience in Norway.

*Peru.* This technology has been applied for four years.

*Philippines.* The SIRB does not contain seafarers' fingerprints, but the local police, National Bureau of Investigation (NBI), and other Government investigating agencies are experienced in fingerprinting.

*Portugal.* All the experience up to now concerns pilot projects in Germany (facial recognition), Canada, Netherlands, United Kingdom (iris scan).

*Spain.* The Government has had many years of experience.

*Suriname.* Available biometric technology appears to be quite accurate and functional.

*United Kingdom.* The Government has long experience in the use of fingerprints and limited experience, on a trial basis, of iris and facial imaging.

*United States.* A number of current studies and evaluations indicate the need for improved standards and open systems that promote interoperability and reciprocity, and cite the number of solutions using proprietary products that do not relate well with other systems. There is a need for more robust and broadly accepted international standards for the technologies and the biometrics. There are two different concepts of operations: open systems (that allow for local facility selection of the biometric technology); and closed systems (one technology, or possibly even one vendor in the case of proprietary techniques, is chosen to be used globally). The selection is critical to data management and system business practice rules that need to be developed. Recently a series of papers has indicated a strong consideration for using images rather than templates owing to concerns regarding standards and interoperability with existing infrastructures, but the Government has not, at this juncture, changed its earlier recommendations.

USCIB: The employers' organization states that the United States has extensive experience in the use of this technology.

(iii) *When might technology satisfying the above preconditions be available in your country?*

The following countries and organizations were unable to provide this information: Algeria, Argentina, Belarus, Costa Rica, Ecuador, Egypt, Eritrea, Germany, Hungary, Nicaragua, Nigeria, Portugal, Syrian Arab Republic, United Republic of Tanzania.

#### *Other comments*

*Albania.* The Government replies that the technology will be soon available.

*Australia.* A robust software product capable of large-volume database scanning and high quality facial matching may be available in the next three to four years. The new M-series Australian passport due for release in 2004 will contain biometric data stored on a radio frequency chip. The biometric is likely to be based on facial-recognition technology. ICAO, of which Australia is a member, has a new technology working group that is developing a world standard for biometrics in passports. It is anticipated that this world standard will drive the development of readers and other technology that will suit the seaport environment.

*Bulgaria.* Such technology might be available in two or three years.

*Canada.* The technology might be available in the next five to ten years.

*Chile.* The technology could be available within the period fixed to this effect, which is connected to implementation cost.

*Denmark.* The acquisition of technology is awaiting standards to be set up by ICAO (probably in 2003).

*France.* Such technology will be available in the next two or three years.

*Honduras.* The Government states that this technology will become available in the long term.

*India.* Such technology is already in existence. However, a sudden demand for large quantities of biometric hardware might stretch the capacity of vendors to supply it within a given timeframe.

*Japan.* For more widespread use of biometric technology, it needs to be improved. It should become: (1) user-friendly; (2) available at reasonable cost; and (3) capable of meeting requirements in terms of recognition error rate. It is uncertain at this point when biometric technology will be widely used in Japan. Furthermore, it is imperative to consider and respect various conditions such as the legal system and popular sentiment.

*Kazakhstan.* Such technology is now available.

*Lebanon.* Fingerprinting technology is currently available, while DNA technology will be available within six months.

*Liberia.* The Government advises that it is likely to adapt technology available in the United States and Europe.

*Myanmar.* The acquisition of biometric technology will be considered after the adoption of the new instrument.

*Namibia.* Such technology will be available in the near future.

*Netherlands.* Such technology will be available on a large scale within a period of between two and five years. By the end of 2002, a feasibility study on how biometric data can be incorporated in Netherlands travel documents will be completed. The most important question is which biometric data will be chosen (iris scan, fingerprint templates or facial recognition). This decision also depends on the ICAO recommendations, which will be addressed to member States in 2003. The reason for incorporating biometric data in Netherlands travel documents is basically to prevent look-alike fraud. Currently, the only means of verifying the identity of the bearer are a photograph and signature. Biometric data appear to provide an additional means of verification. A bill providing the legal basis for the inclusion of biometric data in travel documents is currently under discussion in Parliament.

*New Zealand.* New Zealand is able to deploy any number of biometric technologies, but at this point the technology is still new and practical only in specific circumstances. For this reason, New Zealand's experience in this field is limited.

*Norway.* As the technology exists, there should be no problem other than that of getting the design and production process started.

*Panama.* The technology will be available as soon as the new instrument is adopted.

*Peru.* There is no problem as to the technology, but rather regarding the cost of the equipment.

*Philippines.* A transition/compliance period of one year would be ideal.

*Spain.* Such technology is already available.

*United Kingdom.* The technology is already available.

*United States.* The issue of standards and interoperability among systems with different data structures and technologies is difficult to address here. It is clear that appropriate technology solutions are available globally, but concerns regarding standards and interoperability remain. Nonetheless, it is possible to proceed at the current time and develop a framework for managing the specification of appropriate standards and the migration toward their adoption without specifying all of the appropriate standards at this time.

ISF. ISF notes that the G8 countries are developing biometric template standards, which will supposedly be available by spring 2003.

- (1) *Should the seafarers' identity document contain information on certificates held by seafarers with respect to their qualifications? See preliminary draft, Articles 4.2. and 4.6.* **Qu. A3(d)**

*Affirmative:* 31. Albania, Algeria, Argentina, Bulgaria, Costa Rica, Croatia, Czech Republic, Egypt, Eritrea, Estonia, Finland, Guatemala, Honduras, Hungary, Indonesia, Italy, Kuwait, Lithuania, Myanmar, Netherlands, Panama, Peru, Romania, Portugal, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Kingdom, United States, Uruguay.

*Employers' organizations:* APINDO (Indonesia); NEF (Namibia); Association of Shipowners of Romania (Romania).

*Workers' organizations:* FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); NUNW (Namibia); APOM (Panama); Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Negative:* 28. Australia, Azerbaijan, Belarus, Chile, China, Cuba, Denmark, Ecuador, France, Germany, Greece, India, Japan, Kazakhstan, Lebanon, Malta, Mauritius, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Philippines, Poland, Qatar, Russian Federation, United Republic of Tanzania, Ukraine.

*Employers' organizations:* ANA, CPC (Chile); Armateurs de France (France); INSA (Indonesia); USCIB (United States).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FILT-CGIL (Italy); CGTM (Mauritania); FWZ (Netherlands); BNS (Romania); Progressive Trade Workers' Organization (Suriname).

*Other:* 2. Canada, Liberia.

- (2) *Should the inclusion of such information be a matter for each Member to decide (see question A3(i) below)?*

*Affirmative:* 34. Albania, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Croatia, Cuba, Czech Republic, Ecuador, Egypt, Finland, Greece, Honduras, India, Indonesia, Japan, Kuwait, Liberia, Malta, Mauritius, Myanmar, Namibia, New Zealand, Nicaragua, Philippines, Poland, Russian Federation, Saudi Arabia, Suriname, Syrian Arab Republic, Ukraine, United Kingdom, United States.

*Employers' organizations:* ANA, CPC (Chile); APINDO (Indonesia); USCIB (United States).

*Workers' organizations:* SNPOMM, FOMM, SNCNMM (France); SPNI (Indonesia); NUNW (Namibia).

*Negative:* 23. Algeria, Argentina, Chile, Costa Rica, Denmark, Eritrea, Estonia, Guatemala, Hungary, Kazakhstan, Lebanon, Lithuania, Netherlands, Nigeria, Norway, Peru, Portugal, Panama, Qatar, Romania, Spain, United Republic of Tanzania, Uruguay.

*Employers' organizations:* Armateurs de France (France); INSA (Indonesia); NEF (Namibia); Association of Shipowners of Romania (Romania).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM (France); FILT-CGIL (Italy); CGTM (Mauritania); FWZ (Netherlands); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 3. China, Germany, Italy.

#### Comments

*Algeria.* It should be mandatory to include such information, which would be another verifiable proof that the holder of the document is a seafarer.

*Argentina.* Contrary to the Government, the navy disagrees with question A3(d)(1) and agrees with question A3(d)(2).

*Australia.* The Government agrees that the issuing authority should be able to decide what additional information it wants to include. Australia, like many other countries, issues certificates of competency. There is no check on identity, nor is there any requirement that a certificate holder be an Australian national or resident, or be active in the industry. Similarly, holders of valid certificates may perform duties ashore and have no reason to have access to another country's ports or to a particular ship. Likewise, Australia accepts valid certificates issued by most other countries for seafarers working on Australian registered ships, and undertakes checks with overseas administrations to verify their validity, but it does not maintain a database of all foreign certificates held by Australian-national seafarers who work on foreign ships. The country of nationality of the seafarer is therefore not necessarily in a position to verify that certificates held by seafarers are valid or genuine. This would only confuse the primary purpose of the identity document, which is to prove that a seafarer has a genuine reason for being on a ship and should therefore benefit from minimum border control restrictions.

*Azerbaijan.* The Government disagrees, but the Trade Unions Confederation agrees.

*Brazil.* CONTTMAF: The information already exists in another document which is in normal use by seafarers and can be easily checked. Leaving the matter to the discretion of each State would undermine the standardization of the document.

*Bulgaria.* The Government agrees to all, as this would be consistent with national legislation. Pages 4, 5, 6 and 7 of the current Bulgarian seamen's passport contain information on the

seafarer's capacity, as well as the number and date of issue and expiry of the certificate. The entries on these pages are made exclusively by authorized persons of the Ministry of Transport and Communications.

*Canada.* This information should be optional.

CLC: The inclusion of such information could delay implementation of the instrument. Canada is already revising its competency certificates.

*Chile.* The fundamental idea of the instrument is "uniformity". All data concerning competency have to be incorporated in the embarkation book. The identification card should include only data concerning personal and professional identification.

ANA: The inclusion of such information in identity documents should only be an option for ratifying member States and no specific reference should be included in the new instrument. Moreover this kind of information may need to be updated regularly.

*Costa Rica.* Data on qualifications should be standardized for the purpose of international applications. Contrary to the Government, the General Directorate for Immigration and Status of Foreigners disagrees with this proposal because it would compromise uniformity.

CTRN: Inclusion of such information could delay implementation.

*Cuba.* The inclusion of such information should not be mandatory. In any case, the fact that this information is included in the document does not release the seafarer from the obligation to present the original certificates.

*Denmark.* This proposal would compromise a uniform standard for the seafarers' identity document. Furthermore, the STCW Convention sets out the requirements concerning endorsement, etc. for certificates of competency. The inclusion of such information could cause confusion.

Danish Shipowners' Association: The employers' organization endorses the ISF comment.

*Egypt.* The inclusion of the seafarer's qualifications should be optional. Moreover, certain tasks on board ships do not require certification under the STCW Convention.

*Eritrea.* This information has to be part of the standard document and its inclusion should be compulsory.

*Estonia.* There should be a common decision to include only information that every country can provide.

*France.* Such information is very difficult to keep updated. It might be possible to include certificates held by the seafarer at the time the document is issued, but when a check is carried out such certificates might no longer correspond to those indicated. This is connected to the system of control and verification of certificates concerning qualifications. Identity documents need not necessarily contain such indications, but could make it easier to verify certificates. The Government does not oppose the inclusion of such information if it does not complicate the implementation of the new instrument.

Armateurs de France: This would greatly complicate the issuing and updating of the document.

*Germany.* Functions and grades are rapidly changing in the shipping sector. As a consequence, a new seafarers' identity document would have to be issued at each change in the seafarer's qualification if such information were included.

VDR: The employers' organization remains neutral and considers that such information does not need to be included in the seafarers' identity document. Whatever may be decided on this matter, inclusion of such data should be optional, and no specific reference should be included in the new instrument. Any new IMO regulations on the matter could be taken into account at a subsequent revision, as provided for in Article 3.2 of the preliminary draft.

*Greece.* According to the STCW Convention, the originals of the seafarers' competency certificates have to be available on board the ship.

*Guatemala.* There would be no uniformity if each Member were free to decide this issue.

*Honduras.* Inclusion of such information should not be mandatory, as there exist other documents proving the qualifications of the seafarer.

*Hungary.* The Hungarian identity documents contain this information. Every document should contain these important data for the sake of simplicity.

*India.* The decision should be left to each Member.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comment.

*FILT-CGIL.* The inclusion of such information could delay the implementation of the instrument. Standardization and easy identification of the document might be impossible if there were large differences between issuing countries.

*Lega Pesca.* The organization agrees to all.

*Japan.* The issuing authorities would have to follow a written amendment procedure whenever a change arose in the qualification certificate, and it would be problematic to amend the identity document accordingly. The type and quantity of information to be included in the document should be left to the discretion of the country concerned.

*Kazakhstan.* The seafarers' identity document should include only the record of employment, an indication of the ships on which the seafarer has served, and the immigration authority stamp for entering and leaving port.

*Liberia.* Qualification information is beyond the scope of the proposed instrument and should neither be required nor prohibited. It should be left to the issuing State to decide.

*Malta.* Increasing the number of pages in the document would compromise the security benefits of a one-page identity document. The workers' representatives agree with question A3(d)(1) and disagree with question A3(d)(2).

*Mauritania.* CGTM: The inclusion of such information could delay the implementation of the instrument

*Namibia.* A seafarer may improve his or her qualifications after the issue of the identity document, and there is no need to go back to the document for modifications.

*Netherlands.* FWZ: Information on certificates held by the seafarer has nothing to do with security issues and should not be included in the document.

*KVNR.* Inclusion of such information should be only an option, and no specific reference should be included in the new instrument. As different national agencies might be involved, the inclusion of such information on a mandatory basis might delay the introduction of identity documents. This kind of information may also need to be updated frequently.

*New Zealand.* This type of information is not relevant for an identity document.

*Nigeria.* Information on certificates will make the identity document bulky and is irrelevant because the employer is supposed to have checked that before the engagement.

*Panama.* The Government requests a uniform policy of all Members.

*Peru.* Inclusion of such information has to be obligatory if the document is to serve any purpose.

*Philippines.* The Government considers the inclusion of such information to be unnecessary because the original certificates are in the possession of seafarers during their employment, and because it would require additional pages, making the document thicker.

*Portugal.* For the purpose of uniformity, the type of information to be included should be established in the new instrument.

*Qatar.* The certificate itself provides proof of the seafarer's qualifications, so that such information need not be repeated every time the seafarer obtains a higher qualification.

*Romania.* The inclusion of such information would provide verifiable evidence of the bearer's occupation as a seafarer.

*Spain.* The same structure should be adopted for all identity documents.

*Suriname.* Progressive Trade Workers' Organization: The aim of this instrument is to address maritime security, and the inclusion of such extra information would delay its implementation.

*United Kingdom.* The inclusion of seafarers' qualifications would provide a useful cross check between the COC and identity document. However, the COC (and other certificates) are the normal place to record qualifications, and it could lead to confusion if a seafarer's qualifications change over the life span of the identity document. The impact on the discharge book should also be examined. The United Kingdom therefore accepts inclusion of this information only on a voluntary basis.

*United States.* Data management decisions regarding whether certain data should reside on the card or on the database should be left to individual Members. However, there should be agreement on the appropriate data elements. In the light of member States' needs to conform to STCW requirements, placing this information on a card should be mandatory. If this is not the prevailing opinion of the Members, the decision to include such information should be the prerogative of each member State.

USCIB: Mandatory inclusion of this information would complicate and expand the task of the issuing authority, as the identity card would have to be reissued whenever a seafarer upgraded or lost certification. The decision should thus be left to each issuing country.

*Uruguay.* There must be uniform criteria.

*ISF.* Whatever may be decided on this matter, the inclusion of information on seafarers' qualifications in identity documents should be only an option. Since different national agencies might be involved, the inclusion of such information on a mandatory basis might delay the introduction of the identity document. Moreover this kind of information may frequently need to be updated. Given the concerns raised by the Seafarers' group, and in the interests of a successful adoption and wide ratification of the new instrument, no specific reference to such information should be included. However, Article 4.6 of the preliminary draft, which leaves the option open, should be retained. Any new IMO regulations on possible requirements for qualifications to be included in machine-readable documents could be taken into account during any subsequent revision, as provided for in Article 3.2 of the preliminary draft.

*It has also been suggested that the identity document might include blank pages (for example, to enable annotations by competent authorities or the inclusion of relevant information such as that relating to sea service). See preliminary draft, Article 4.2.* **Qu. A3(e)**

*Affirmative:* 44. Albania, Algeria, Argentina, Bulgaria, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, Greece, Guatemala, Honduras,

Hungary, India, Indonesia, Italy, Japan, Kuwait, Lithuania, Mauritius, Myanmar, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, United Republic of Tanzania, Ukraine, United Kingdom, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); APINDO, INSA (Indonesia); CONFITARMA (Italy); Association of Shipowners of Romania (Romania).

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); FWZ (Netherlands); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 12. Australia, Azerbaijan, Chile, China, Costa Rica, Cuba, Germany, Kazakhstan, Lebanon, Malta, New Zealand, Syrian Arab Republic.

*Employers' organizations:* CPC (Chile); Armateurs de France (France); NEF (Namibia), USCIB (United States).

*Workers' organizations:* CONTTMAF (Brazil); FNSM, SNPOMM (France); CGTM (Mauritania).

*Other:* 4. Belarus, Canada, France, Liberia.

### *Comments*

*Australia.* This question presupposes that the seafarers' identity document will be a book, whereas the Conference might decide that a card format is more appropriate. All seafarers will soon be required to hold a passport for entry to Australia, so there is no need for blank pages in the new seafarers' identity document.

*Azerbaijan.* The Government indicates that the Trade Unions Confederation agrees.

*Brazil.* CONTTMAF: The workers' organization disagrees and refers to its comments under question A3(d).

Syndarma: Nothing should detract from the practicability and cost-effectiveness of the document.

*Bulgaria.* The Government agrees, and refers to its comment under question A3(d).

*Canada.* This possibility should be optional.

CLC: This would not render the document too different from the general model.

*Chile.* There should be an embarkation book and a separate identification card, which should contain only a record of signing in and out of port.

*Costa Rica.* The reliability of the information is not guaranteed. In contrast to the Government, the General Directorate of Immigration and Status of Foreigners agrees.

CTRN: This would not render the document too different from the general model.

*Cuba.* The matter should be decided by each member State.

*Denmark.* Entrance and exit stamps may be noted in the identity document. Furthermore, the instrument should allow the possibility to combine the seafarers' identity document with the traditional seaman's book. If so, blank pages should be an obvious part of the document.

*Danish Shipowners' Association:* The employers' organization endorses the ISF comments.

*France.* It is not desirable to include information on the seafarer's sea service, as there are other means available for this purpose.

*SNPOMM, FOMM, SNCNMM:* The additional information could include indications on ships, activities performed, dates of embarkation and landing, medical fitness.

*Germany.* VDR: The employers' organization remains neutral and endorses the comment of the ISF.

*Honduras.* The Government agrees with regard to including the rank of the seafarer.

*India.* Extra pages will facilitate inclusion of data which might be found necessary at a subsequent stage.

*Indonesia.* APINDO: Such annotations are very important for easy reference in another State.

*Italy.* CONFITARMA: The employers' organization agrees, if this is compatible with widespread ratification of the instrument.

*FILT-CGIL:* This would not render the document too different from the general model.

*Lega Pesca:* The organization agrees.

*Kazakhstan.* Any additional information included would complicate and slow down the work of the immigration authorities.

*Liberia.* The new instrument should specify only the minimum criteria. The issuing State should be allowed to incorporate enhancements as long as the basic standards are met.

*Malta.* The Government disagrees and refers to its comment under question A3(d).

*Netherlands.* FWZ: This should not render the document too different from the general model.

*Nigeria.* This would provide information on the experience of the seafarer.

*Norway.* No sensitive or privacy-related information should be included.

*Panama.* The Government agrees, provided that the information is related to the service rendered and entered by the maritime administration corresponding to the nationality of the title or countersignature.

*Philippines.* The SIRB already has spaces for this purpose.

*Qatar.* This is essential in order to officially certify the seafarer's service record.

*Romania.* The evidence of sea service is a requirement of the STCW Convention, and its inclusion in the identity document would give the opportunity to double check.

*Spain.* Given that the seafarer's sea service record is used by the competent authority for calculating pension entitlements, any document replacing it should contain dates of joining and leaving a ship, employment category, ship's number and reason for leaving the ship. If such data are not recorded in the new document, the maritime authorities should be required to provide them in some other way.

*Suriname.* Progressive Trade Workers' Organization: This would not cause the document to be too different from the general model.

*Syrian Arab Republic.* There is space available for such annotations on the pages of the maritime passport, which is used nationally for service on board ships and for visas.

*United Kingdom.* This would provide a record of entry which might facilitate future admission to a territory. However, such entries in the document should be at the discretion of each authority.

*United States.* The Government remains neutral, as it doubts the feasibility of validating written entries on blank pages. Even with the card format, which the United States prefers, there are concerns regarding data management. Data elements regarding an individual should be accessible to him or her, but it might not be appropriate to allow the individual to access other data, such as document management and security data, or other data elements, such as a ship name (for crediting sea time) when the ship is in military service.

USCIB: The employers' organization favours the card format. The issuing country may choose to include other information at its discretion.

*Uruguay.* The pages must be numbered.

*ISF.* If the document envisaged is not a card and member States believe that it would be helpful to include blank pages, ISF has no objection, if this is practicable, affordable and compatible with widespread ratification of the instrument.

**Qu. A3(f)** *Article 4, paragraph 5, of Convention No. 108 provides that "Any limit to the period of validity of a seafarers' identity document shall be clearly indicated therein." If a period of validity is specified it should presumably be sufficiently long, as is the case with passports, to avoid cost and inconvenience to the seafarers as well as administrative costs.*

(i) *According to advice received, a period of validity should always be specified on the document. See preliminary draft, Article 4.4(g).*

*Affirmative: 60.* Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Ship-owners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM

(France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative: 1. Hungary.*

#### Comments

*Australia.* An expiry date is added security. If the seafarers' identity document is to be issued by the employer, the period should relate to the term of employment and the document should be surrendered once the holder is no longer in employment. If the document is issued by a State, a standard validity limit should apply.

*Bulgaria.* This is necessary to address security concerns and is consistent with national legislation.

*Canada.* Currently some documents have no expiry date, which allows for abuse in the case of short-term crew members, or in the case of very old photographs, deterioration of the document, etc. Seafarers' identity documents should always have expiry dates and should only be issued or retained if the holders prove that they are still seafarers.

*Chile.* The validity period should be based on the health certificate (as provided in the STCW Convention).

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* This is necessary in order to know the date of expiry.

*Germany.* VDR: The employers' organization endorses the comment of the ISF.

*Honduras.* The period of validity allows easy verification as to whether the seafarer keeps his qualifications up-to-date.

*Hungary.* In Hungary the period of validity is not specified on the identity document; however, the seafarers must submit their identity documents to the national issuing authority for the purpose of verification at least once in a 12-month period, or, if this is not possible, immediately after their return.

*Indonesia.* APINDO: Should not be confused with passport validity. Synchronization is necessary.

*Italy.* Lega Pesca: The organization agrees.

*Namibia.* The Government agrees, but states that there is no need for such a provision.

*Nigeria.* This would assist in updating the information on the bearer and in complying with current changes in legislation.

*Qatar.* The document should be periodically renewable as a check against abuse.

*United States.* Specifying the period of validity depends on the technology employed on the document. If means to record the expiry date were included, it could be incorporated electronically rather than printed on the document, which would reduce costs of reissue.

USCIB: This depends on the other information that might be on the card. A five-year period of validity is suggested.

*ISF.* ISF agrees. The period of validity should be indicated to address security concerns.

(ii) If you agree to (i), should the period be left to the issuing authority to specify?

*Affirmative:* 45. Albania, Algeria, Argentina, Azerbaijan, Belarus, China, Croatia, Cuba, Czech Republic, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Indonesia, Italy, Japan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Panama, Peru, Philippines, Poland, Romania, Russian Federation, Saudi Arabia, Suriname, Syrian Arab Republic, Ukraine, United States, Uruguay.

*Employers' organizations:* APINDO, INSA (Indonesia); CMP (Panama); USCIB (United States).

*Workers' organizations:* SNPOMM, FOMM, SNCNMM (France); SPNI (Indonesia); NUNW (Namibia); APOM (Panama); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Negative:* 15. Australia, Bulgaria, Canada, Chile, Costa Rica, Denmark, Germany, India, Kazakhstan, Norway, Portugal, Qatar, Spain, United Republic of Tanzania, United Kingdom.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); CONFITARMA (Italy); NEF (Namibia); Association of Shipowners of Romania (Romania).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM (France); FILT-CGIL (Italy); BNS (Romania); Progressive Trade Workers' Organization (Suriname).

#### Comments

*Brazil.* CONTTMAF: This would undermine the standardized nature of the document.  
Syndarma: The periods should be standardized.

*Canada.* CLC: An agreed period of validity should be established.

*Chile.* The validity period should be uniform for all ratifying member States.  
ANA: The new instrument should specify the maximum period of validity.

*China.* The specified period could be notified to international organizations or other countries.

*Costa Rica.* The data must be standardized.  
CTRN: An agreed period of validity should be established.

*Denmark.* A standard period of validity would be preferable.  
Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Egypt.* The issuing authority should set out the period of validity according to national legislation and with due regard to the validity of the other certificates involved.

*Finland.* The document should establish an agreed period of validity.

*France.* The period of validity should be coherent with that of the travel documents.

Armateurs de France: The validity period should be uniform.

*Germany.* There should be an internationally agreed period of validity.

VDR: The employers' organization endorses the comment of the ISF.

*Honduras.* The Government agrees with reference to the constitutional law of Honduras.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.

Legia Pesca: The organization agrees, provided that there is homogeneity between countries belonging to the same area or interested in the same resource sector.

*Kazakhstan.* A specific period should be indicated in the instrument.

*Namibia.* The period should be specified in accordance with national laws.

*Netherlands.* There should be uniformity.

*Nicaragua.* Every Member should provide for the same validity period.

*Nigeria.* The issuing authority is best informed on the national economic situation, security requirements and legislation.

*Peru.* A standardized validity should be recommended.

*Portugal.* The validity period should be indicated in the instrument.

*Qatar.* The duration should be commensurate with documents issued by other authorities.

*Spain.* Common criteria should be adopted at the international level.

*Suriname.* Progressive Trade Workers' Organization: The new instrument should establish an agreed period of validity.

*Syrian Arab Republic.* The document could have the same duration as the maritime passport.

*United Kingdom.* There should be a standardized period for all administrations in the interests of consistency, avoiding confusion and ensuring maximum acceptability of the document. Validity and possession of the document should be made conditional upon the holder remaining employed as a seafarer.

*United States.* The Government agrees but suggests that an agreed range of acceptable validity periods should be indicated in the Protocol.

*ISF.* The employers' organization disagrees. The new instrument should specify a uniform maximum period of validity in order to meet security concerns.

(iii) *If a specific period of validity should be provided for in the instrument, how long should it be?*

#### *Period suggested in replies*

Five years: *Albania, Algeria, Argentina, Azerbaijan, Belarus, Bulgaria, Brazil, Canada, Chile, China, Costa Rica, Ecuador, Egypt, Eritrea, Finland, France,*

*Guatemala, Honduras, Indonesia, Italy, Kuwait, Lebanon, Liberia, Malta, Mauritius, Myanmar, Netherlands, Nigeria, Norway, Panama, Peru, Philippines, Saudi Arabia, Spain, United Kingdom, Uruguay.*

*Employers' organizations:* CPC (Chile); INSA (Indonesia); CMP (Panama); USCIB (United States).

*Workers organizations:* CONTTMAF (Brazil); SPNI (Indonesia); APOM (Panama); BNS (Romania).

Ten years: *Denmark, Estonia, Germany, India, Kazakhstan, Lithuania, Nicaragua, Portugal, Qatar.*

*Employers' organizations:* Syndarma (Brazil); Danish Shipowners' Association (Denmark); Armateurs de France (France); CONFITARMA, Lega Pesca (Italy); VDR (Germany); ISF.

*Workers' organizations:* CLC (Canada); FNSM, FOMM, SNCNMM, SNPOMM (France); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

Five to ten years: *Australia, Czech Republic, Japan, Ukraine, United States.*

*Workers' organizations:* FILT-CGIL (Italy); Progressive Trade Workers' Organization (Suriname).

Same as for national passport: *Ecuador, New Zealand, Suriname.*

*Employers' organizations:* APINDO (Indonesia).

*Workers' organizations:* CTRN (Costa Rica).

Ten to 20 years: *Poland.*

Seven years: *Azerbaijan Trade Unions Confederation.*

Four years: *Greece, Syrian Arab Republic.*

Three years: *Panama (for national waters), Eritrea.*

Two years: *Namibia.*

One year: *Romania.*

#### *Comments*

*Australia.* If the holder of the document permanently leaves the shipping industry, the document should be surrendered immediately.

*Brazil.* CONTTMAF: The workers' organization favours the period universally adopted for competency certificates.

Syndarma: The employers' organization suggests the usual period of validity of passports.

*Bulgaria.* The five-year period which it prefers is in conformity with national legislation and with IMO STCW certificates.

*Canada.* CLC: Validity periods should be the same as for the United Kingdom passport, or at least for seafarers' vocational certificates of competency.

*Chile.* The validity period should be the same as that indicated in the STCW Convention 78/95.

ANA: The validity period should be in line with that of passports.

*China.* The period of validity should not be longer than that of a passport of the country concerned. It would not be advisable for the new instrument to specify a period.

*Costa Rica.* CTRN: The period should be the same as for passports.

*Croatia.* The identity document should remain valid as long as the seafarer has a valid medical fitness certificate.

*Denmark.* The Government favours the usual validity period for passports.

Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* The minimum period provided for a passport is suggested.

*Egypt.* The Government draws attention to conditions which should be taken into account, such as military service requirements, medical certificate validity, etc.

*France.* The five-year period of validity would be consistent with the period provided for in the STCW Convention.

Armateurs de France: A ten-year validity period seems reasonable in the light of the validity of most identity documents.

*Germany.* VDR: The employers' organization endorses the comment of the ISF.

*Guatemala.* The standard period used for the national passport is appropriate.

*Honduras.* The validity period should be the same for all countries. In Honduras, in accordance with the Organization of the Merchant Marine Act, it is two years.

*India.* An individual's features take about ten years to undergo radical change. Moreover, the Continuous Discharge Certificate-cum-seafarers Identity Document (CDC) in India is currently issued for a period of ten years.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.

*Japan.* The period of validity should ideally be determined by the country concerned.

*Kazakhstan.* The Government favours the standard period for an identity document.

*Malta.* The period of validity should be such as to mitigate difficulties presented by possible alterations in image due to age.

*Netherlands.* KVNRR: It seems sensible to align the validity with that of passports.

*Nigeria.* The suggested period of five years would lower costs and be consistent with international passports. Factual data may not change over a shorter period.

*Panama.* If bar codes and lamination are used, the document should be renewable for another five years.

CMP: Seafarers should lose their status if they are not employed on board a ship during the validity period.

*Peru.* The validity period should correspond to that of the competency certificates.

*Philippines.* The document should be renewable for another five years, provided that there are sufficient pages left for entries.

*Poland.* The seafarers' identity document should cease to be valid if the holder has not been employed on board a ship for a period of five years. The validity period should be justified by the reason of its restriction.

*Romania.* The validity of the seafarers' identity document should correspond to that of the medical certificate.

*Saudi Arabia.* The suggested period would save time, effort and money.

*Suriname.* Progressive Trade Workers' Organization: Five years would correspond to the period of validity of the seafarer's certificate of competence, and ten years to that of a passport.

*Syrian Arab Republic.* The validity period should be the same as for maritime passports.

*United Republic of Tanzania.* The period of validity should be standardized, in order to avoid discrepancies.

*United Kingdom.* The period of validity should be clearly stated (e.g. expiry date in a standard format DD-MM-YYYY).

*United States.* The shorter term of the proposed range of five to ten years would correspond to the renewal requirements of the STCW Convention and would provide some measure of confidence in the document's authenticity.

USCIB: The employers' organization suggests a period of five years, which corresponds to the validity period of professional certificates.

*Uruguay.* The validity period should correspond to that of the STCW Convention and the period indicated in the health card.

*ISF.* Although STCW certificates of competency are valid for five years, passports are often valid for ten years and it would seem sensible to align the validity period of the identity document with that of passports.

**Qu. A3(g)** (1) *Each identity document would need to contain a reference number so as to facilitate external verification. See preliminary draft, Article 4.4(h).*

*Affirmative: 60.* Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany);

APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 1. Germany.

(2) *If you agree with (1), should the format of that reference number:*

(i) *be left to each issuing authority to decide?*

*Affirmative:* 32. Albania, Canada, China, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Finland, France, Greece, Honduras, India, Indonesia, Japan, Kuwait, Lebanon, Mauritius, Myanmar, Namibia, Nicaragua, Nigeria, Panama, Philippines, Poland, Romania, Saudi Arabia, Spain, Syrian Arab Republic, United Republic of Tanzania, Ukraine.

*Employers' organizations:* INSA (Indonesia); CONFITARMA (Italy); USCIB (United States).

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); BNS (Romania); Progressive Trade Workers' Organization (Suriname).

*Negative:* 28. Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Chile, Costa Rica, Eritrea, Estonia, Guatemala, Hungary, Italy, Kazakhstan, Liberia, Lithuania, Malta, Netherlands, New Zealand, Norway, Peru, Portugal, Qatar, Russian Federation, Suriname, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); ISF.

*Workers' organizations:* CONTTMAF (Brazil); APOM (Panama); Romanian Seafarers' Free Union (Romania), Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Other:* 1. Germany.

(ii) conform to a universal reference standard?

*Affirmative:* 41. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Chile, China, Costa Rica, Czech Republic, France, Eritrea, Estonia, Guatemala, Hungary, India, Indonesia, Kazakhstan, Lebanon, Liberia, Lithuania, Malta, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, Suriname, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Ship-owners' Association (Denmark); Armateurs de France (France); VDR (Germany); INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 16. Canada, Croatia, Cuba, Denmark, Ecuador, Egypt, Finland, Greece, Honduras, Italy, Japan, Nicaragua, Panama, Romania, Spain, Syrian Arab Republic.

*Other:* 4. Germany, Kuwait, Mauritius, Saudi Arabia.

#### Comments

*Australia.* The reference number should be in a standard format. Reference is also made to the Government's reply to question A4(a).

*Brazil.* CONTTMAF: The workers' organization considers that the centralization of the reference number in an international organization would make it difficult to issue false documents, and would not interfere with States' prerogatives with regard to their internal identification systems, but would even strengthen them.

Syndarma: A universal reference number would facilitate both security aspects and the work of immigration authorities.

*Canada.* The format should be optional, but should include a check digit.

CLC: As for question (2)(i), the workers' organization considers that there should be an international standard for assigning each number.

*Chile.* Uniformity facilitates checking. However, it has to be taken into account that this would imply the necessity to modify databases and replace all the documents issued to officers and crew members.

*Costa Rica.* CTRN: As for question (2)(i), the workers' organization notes that there should be an international standard for assigning each number.

*Czech Republic.* The ILO should create the necessary worldwide database.

*Denmark.* Protection against the illegal issuance of documents must be provided at various levels, from a central issuing authority with adequate security facilities to the use of digital

security features on the documents (“electronic seal”). The Government refers to the European Council Resolution of 17 October 2000, section 4, and to regulation I/2, 6.2 of the STCW Convention.

*Ecuador.* Each issuing authority should decide, since it keeps control on the documents issued.

*France.* FNSM: The workers’ organization agrees to question A3(g)(1) and question A3(g)(2)(i).

*Germany.* VDR: The organization favours a universal reference standard provided that this would not complicate issuance and would be compatible with widespread ratification.

*Honduras.* A universal reference standard tends to be falsified.

*Hungary.* The Government suggests that consideration be given to the country codes and numbers determined by the United Nations (e.g. 36 for Hungary).

*India.* Such feature will bring more credibility to the identity document and may address security concerns of all port States. In addition, even if the physical format is universal, each member State may determine the implementing authority.

*Italy.* CONFITARMA: The employers’ organization notes that it could be useful to adopt a universal reference if this is compatible with widespread ratification of the instrument.

*FILT-CGIL.* The workers’ organization states that, as to question A3(g)(2)(i), there should be an international standard for assigning such a number.

*Lega Pesca.* The organization agrees to question A3(g)1 and question A3(g)2(ii), but disagrees with A3(g)2(i).

*Japan.* The method of controlling the reference numbers of the seafarers’ identity documents varies according to the situation in each country. A universal reference standard does not seem to be practical, and may cause confusion. The format of the reference number should therefore be left to the discretion of the country concerned.

*Kazakhstan.* The format of the reference number should indicate a code identifying the issuing country which should be specified in the document.

*Liberia.* Every State should use its three-letter ISO abbreviation as the initial three letters of such a reference code. The total number of letters and digits (which should be chosen by each State) should be standardized to ensure international readability.

*Nigeria.* The Government agrees to all for security purposes and because it will facilitate identification for immigration officials of other countries.

*Panama.* Each State should provide for its own security as a measurement of the internal control.

*Spain.* Each national authority should be free to determine the reference number format.

*Suriname.* Uniformity should be attempted as much as possible, in order to achieve the goal set by the Protocol.

*United Republic of Tanzania.* The reference numbering should be left to the national issuing authority but should conform to a universal reference standard.

*United Kingdom.* Each document should contain a unique reference number. That number should be recorded in a secure database by the issuing authority, should contain a country of issue code, conform to an international standard (e.g. ICAO standard) and be machine readable.

*United States.* The reference number should be alphanumeric with an agreed to structure that facilitates verification of document and issuer.

*USCIB:* Each card should be capable of external verification, either through a universal database or a national one that can be accessed by other interested parties such as port States.

*Uruguay.* The number of the seafarers' identity document should correspond to that of the national identity document issued by the issuing State.

*ISF.* The reference number should conform to a universal reference standard, as this requirement may be needed to address the security concerns of port States and to facilitate verification by immigration authorities. However, acceptance would be conditional on the extent to which this would be compatible with widespread ratification of the new instrument.

**Qu. A3(h)** *Other particulars to be included in all seafarers' identity documents:*

*Replies*

*Albania.* The number of the seafarer's registration chart.

*Algeria.* The name of the ship, the date and place of signing on and off, and periodical medical examinations.

*Argentina.* The title should be compatible with the STCW Convention.

*Australia.* If the identity document is to be issued by the employer, it should include the employer's name as evidence of membership of a ship's crew. The passport number and issuing country should also be included, as well as the seafarer's name as recorded in his or her passport, if different.

*Brazil.* CONTTMAF: The workers' organization suggests including the school and year of qualification in the activity in order to make forgery more difficult.

*Bulgaria.* No other particular should be included, provided that security concerns are addressed.

*Canada.* A machine-readable zone (MRZ) for verification (according to ICAO specifications).

*Chile.* The email address of the issuing administration.

*ANA:* No other information is required.

*Costa Rica.* The seafarer's physical disabilities, blood group and illnesses.

*Croatia.* Blood group and Rh factor, hypersensitivity to serums, medicines and vaccines.

*Czech Republic.* The personal identification number, if any, and any special marks.

*France.* Armateurs de France: The employers' organization maintains that the amount of information must be kept to the minimum level that is sufficient to allow secure identification of the holder.

*Germany.* A contact address.

*VDR:* The employers' organization endorses the comment of the ISF.

*Greece.* The name of the seafarer's father.

*Guatemala.* No other information should be included, but passport number and country should be indicated.

*Honduras.* The seafarer's blood group for the purpose of health protection.

*Hungary.* The name of the seafarer's mother.

*India.* Address of next of kin.

*Indonesia.* APINDO: Include, where appropriate, the remark "always trustworthy".

INSA: Insert the height, weight, skin and hair colour.

*Italy.* Lega Pesca: Specializations, training courses, work experience.

*Kazakhstan.* The name of the ship and position held by the seafarer, on separate pages.

*Namibia.* There should be a standardized approach to additional details.

NEF: The employers' organization suggests including information on any criminal convictions for violence, terrorism or drug trafficking in any country.

*Netherlands.* No other particular should be included.

*Nicaragua.* The blood group and address of the document holder in the issuing country.

*Nigeria.* The seafarer's rank and the discharge book number.

*Panama.* The seafarer's passport number, blood group, height and weight.

*Philippines.* Details of the seafarer's next of kin (name, address and phone/fax number for contact in case of emergency).

*Portugal.* The title of the issuing authority.

*Qatar.* Details of next of kin, including telephone numbers.

*Romania.* The validity period of the medical certificate.

*Spain.* Fitness rating based on prior medical examination.

*Suriname.* The date of issue.

*United Republic of Tanzania.* The seafarer's marital status, unique facial or body marks for the purpose of easy identification, and details of next of kin in case of accident or death.

*United Kingdom.* The name, title and contact details of the issuing authority.

*United States.* Nicknames, passwords or PINs, passport numbers, scars, tattoos or other identifying marks, as well as qualifications, might usefully be included as aiding identification. Some standardization should also be developed, to deal with cases where a data element that is ordinarily required is omitted, as in dealing with seafarers having only one name (e.g. no surname).

*Uruguay.* No other particular should be included in the document. The document should, however, indicate the focal point or authority which can verify its validity.

### Comments

*Brazil.* Syndarma: The document should contain only the minimum data required for security purposes.

*Cuba.* Each member State should be free to regulate this matter.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Honduras.* The seafarer's blood group should be included for health protection purposes.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.

*Lega Pesca:* The organization suggests the inclusion of other information in order to facilitate recognition of the seafarer and his/her *curriculum vitae*.

*Japan.* Particulars concerning the thumbprint described in Article 4.4(f) of the preliminary draft should be deleted, since this is a sensitive issue in Japan.

*Liberia.* Such details should be kept to an absolute minimum.

*Nigeria.* The identification document should not be bulky.

*Portugal.* The document should never include the religion of the holder.

*Romania.* The Government refers to its comment under question A3(f)(iii).

*Spain.* The maximum period of validity of the medical examination before embarkation is two years.

*ISF.* Provided that the security concerns of member States have been addressed, ISF has no suggestions concerning the inclusion of other particulars. The information to be included should be kept to a minimum, consistent with general acceptability.

**Qu. A3(i)** *As is now provided for in Convention No. 108 (Article 4, paragraph 7), the new document should contain space for the issuing authority to add further details required by the national law concerned (for domestic purposes or, for example, in order to enable seafarers to meet other conditions that may be imposed by port States that are not parties to the instrument or may be required under other international instruments).*

*Affirmative:* 52. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kuwait, Lebanon, Malta, Mauritius, Myanmar, Namibia, Netherlands, Nicaragua, Nigeria, Peru, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); Danish Shipowners' Association (Denmark); VDR (Germany); APINDO (Indonesia); CONFITARMA (Italy); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); CGTM (Mauritania); NUNW (Namibia); APOM (Panama).

*Negative:* 7. Germany, Kazakhstan, Lithuania, New Zealand, Norway, Panama, Philippines.

*Employers' organizations:* CPC (Chile); Armateurs de France (France); NEF (Namibia); CMP (Panama).

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FILT-CGIL (Italy); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 2. Liberia, Qatar.

### Comments

*Australia.* Such additional details may be useful, and the document may be a useful means of facilitating access control to the ship and related port facilities, as required by the International Ship and Port Facility Security Code that is being developed by the IMO. However, these matters should not be specifically addressed by the new instrument, which should simply provide that additional data may be included, in accordance with national law and practice, on the condition that it does not interfere with compulsory data.

*Brazil.* CONTTMAF: The workers' organization agrees, provided that only details considered essential are added.

Syndarma: This will make the document more acceptable.

*Canada.* This space should be optional.

*Chile.* CPC: This depends on the controls of the issuing State.

*Costa Rica.* Contrary to the Government, the General Directorate of Immigration and Status of Foreigners disagrees.

*Denmark.* From a law-enforcement point of view, the provision of supplementary national information on the seafarer may be useful.

Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* Each issuing authority should decide what information to include.

*Estonia.* Under national legislation, the document also contains information on the seafarer's sex, next of kin and sea service.

*France.* The Government agrees if such additional indications are themselves not subject to alteration.

Armateurs de France: This could compromise the establishment of a uniform document.

*Germany.* The Government disagrees on grounds of uniformity, and because this would become a burden for seafarers, e.g. more questions regarding the details added by the issuing authority. The Government in any case favours the card format.

VDR: The organization agrees and endorses the comment of the ISF.

*Honduras.* This will facilitate the identification of the holder.

*India.* The specifications in the new identity document should be acceptable and easy to implement, thereby ensuring widespread ratification. At the same time, even countries which do not ratify the proposed instrument should be persuaded to adopt the new identity document.

*Italy.* Lega Pesca: The organization agrees.

*Kazakhstan.* The Government disagrees. The format and number of pages should be standardized.

*Liberia.* The issuing authority should decide what additional information, if any, to add to the ILO minimum criteria.

*Namibia.* Seafarers might be exposed to different laws or rules of port States.

NEF: The employers' organization suggests that a sheet in the document should indicate the countries that accept the identity document and any restrictions applicable to it.

*New Zealand.* The document should contain only information pertinent to a person's identity as a seafarer. Variations in detail would detract from that purpose.

*Norway.* The identity document should differ as little as possible from country to country, otherwise this could create confusion for control officers.

*Panama.* The Government disagrees for reasons of uniformity.

*Philippines.* Additional blank spaces are unnecessary because blank pages in the SIRB would serve the same purpose.

*Suriname.* The Government agrees, provided that the document contains the requirements mentioned in the Protocol.

Progressive Trade Workers' Organization: The workers' organization disagrees.

*United Kingdom.* Such information could be included at the discretion of individual countries in accordance with national legislation provided that it was not mandatory and did not conflict with any verification or machine-reading requirements.

*United States.* Allowance must be made for country-specific data elements and applets in addition to a fixed component for international use.

*ISF.* This is broadly acceptable, provided that it would be supported by the majority of Governments and would not discourage widespread ratification. In practice, however, ISF favours a document that will be as uniform as possible.

**Qu. A3(j)** *Should Members be free to use the seafarers' identity document also as the document containing the record of employment referred to in Article 5 of the Seamen's Articles of Agreement Convention, 1926 (No. 22)?*

*Affirmative:* 42. Albania, Algeria, Argentina, Australia, Belarus, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Finland, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Japan, Kuwait, Liberia, Lithuania, Myanmar, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* APINDO, INSA (Indonesia); CONFITARMA (Italy); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); FWZ (Netherlands); APOM (Panama); BNS,

Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 18. Azerbaijan, Bulgaria, Chile, China, Cuba, Eritrea, Estonia, France, Germany, Kazakhstan, Lebanon, Malta, Mauritius, Namibia, Netherlands, New Zealand, Portugal, Syrian Arab Republic.

*Employers' organizations:* ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); NEF (Namibia); CMP (Panama).

*Workers' organizations:* CONTTMAF (Brazil); FNSM (France); CGTM (Mauritania).

*Other:* 1. Italy.

### Comments

*Argentina:* This would make it possible to merge the identity document with the embarkation booklet.

*Australia.* If the identity document is to comprise proof of a seafarer's current employment on board a ship, it could logically include a record of past employment. However, whether the identity document will fulfil the obligations under Article 5 of Convention No. 22, depends on its format. If it is a machine-readable card, it may not comprise a "document containing a record of his employment", although Article 5 of Convention No. 22 also provides that "the form of the document", etc. may be determined by national law.

*Azerbaijan.* The holder might not be employed on board a ship throughout the period of validity of the document.

*Brazil.* CONTTMAF: There are other ways of checking this information.

*Syndarma:* The employers' organization remains neutral. It would be better not to have any such reference in the Protocol.

*Canada.* CLC: This would not cause too great a deviation from the international format.

*Chile.* ANA: The employers' organization disagrees. This issue should not be addressed in the new instrument.

*Costa Rica.* CTRN: The workers' organization agrees, for the reason expressed by CLC Canada.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* This solution would provide information on the seafarer's activity on board.

*Eritrea.* The seafarers' identity document is different from a record of employment.

*France.* The new identity document should not be complicated. There are other means available for this purpose.

*Armateurs de France:* The employers' organization refers to its comment under question A3(i) above.

*Germany.* VDR: The employers' organization remains neutral. It could accept the inclusion of the seafarer's record of employment in the document, but this should remain optional and not be regulated in a mandatory provision of the Protocol itself.

*Honduras.* The Government agrees for the purpose of work improvement.

*India.* Records of employment will further aid identification, but duplication of documentation should be avoided.

*Italy.* CONFITARMA: The employers' organization agrees and endorses the ISF comments.

FILT-CGIL: The workers' organization agrees, for the same reason indicated by CLC (Canada) and CTRN (Costa Rica).

Lega Pesca: The organization agrees.

*Kazakhstan.* The Government disagrees, as the seafarer's record of employment can be easily read from the stamps indicating entries into and departures from ports.

*Liberia.* The issuing authority should decide what additional information it may wish to add to the ILO minimum criteria. Recorded sea service could demonstrate that the document holder is an active seafarer. The new instrument should neither require nor prohibit this inclusion.

*Mauritius.* The continuous discharge book is the document used for recording the seafarer's sea service.

*Myanmar.* This is already provided in the national Merchant Shipping Act.

*Netherlands.* FWZ: The workers' organization agrees, provided that this does not render the document too different from the general model.

*New Zealand.* The Government disagrees and refers to its comment under question A3(i).

*Nigeria.* The Government agrees because the identity document is for identification, while the employment record is for the employment agreement.

*Panama.* There should be facilities offered to the administrations to compare the experience of seafarers.

CMP: The identity document should not be confused with the embarkation booklet.

*Suriname.* Progressive Trade Workers' Organization: The workers' organization agrees for the same reason indicated by CLC (Canada), CTRN (Costa Rica) and FILT-CGIL (Italy).

*Spain.* If the current seafarers' service record (*libreta de inscripción marítima*) continues to be used in parallel with the new document, the Government has no preference. However, if it is replaced by the new document, member States must be allowed to include a record of ship service, since this information is required in Spain. It seems more useful and practical for seafarers to have a single document to serve both as identity document and ship service record, considering that a seafarer will otherwise have to carry three overlapping documents (passport, seafarer's identity document and service record). Seafarers who are employed for a limited time cannot use the document once they are no longer actually employed. The identity document should therefore indicate that when a seafarer enters a foreign territory, he does so as a member of a ship's crew.

*Syrian Arab Republic.* This information should be included in the maritime passport.

*Ukraine.* Members should be allowed, but not required, to include the record of employment.

*United Kingdom.* Member States should decide this, provided that it does not interfere with the purpose of the document. It might avoid duplication of documentation but would require sufficient space and/or validity for the necessary entries. The United Kingdom therefore believes that the inclusion of such information should be optional.

*United States.* With reference to its comment under question A3(e), the Government agrees but recalls that data should be the minimum required to achieve the desired purposes.

USCIB: The employers' organization agrees.

*ISF.* ISF has no firm views on the matter. For simplicity, and the successful adoption of the instrument, it is suggested that the issue should not be specifically referred to in the text.

*Should the instrument specify that any further details added must be related to the identification of seafarers?* **Qu. A3(k)**

*Affirmative:* 39. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Ecuador, Eritrea, Estonia, France, Greece, Guatemala, Honduras, Indonesia, Malta, Myanmar, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, Uruguay.

*Employers' organizations:* Danish Shipowners' Association (Denmark); CONFITARMA (Italy); NEF (Namibia); Association of Shipowners of Romania (Romania).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS (Romania); Progressive Trade Workers' Organization (Suriname).

*Negative:* 18. Croatia, Czech Republic, Denmark, Egypt, Finland, India, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Mauritius, New Zealand, Poland, Romania, Russian Federation, United States.

*Employers' organizations:* ANA, CPC (Chile); Armateurs de France (France); NEF (Namibia); USCIB (United States).

*Workers' organizations:* Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Other:* 4. Cuba, Germany, Hungary, Italy.

#### Comments

*Australia.* Rather than provide for "identification", the new instrument might want to specify that any additional details must be related to ensuring the validation of the status of active seafarer.

*Brazil.* CONTTMAF: The workers' organization agrees for the sake of greater transparency.

Syndarma: With reference to its comment under question A3(j), the employers' organization remains neutral.

*Cuba.* Each member State should be free to regulate this matter.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*France.* The inclusion of further details should be done strictly in accordance with the rules on the protection of personal data.

Armateurs de France: The employers' organization refers to its comment under question A3(i) above.

*India.* This issue should be left to the discretion of member States.

*Italy.* Lega Pesca: The organization agrees.

*Japan.* In accordance with Article 4(7), of Convention No. 108, each country should be able to determine the content of further details at its own discretion.

*Kazakhstan.* The document should have a standard format and contain standard data.

*Saudi Arabia.* The Government agrees, provided that there is need for more details.

*United Kingdom.* The purpose of the document is identification and additional complications are not desirable.

*United States.* This could limit the other uses for the document that might be deemed appropriate by member States, which should be able to determine the data they wish to include.

*ISF.* The employers' organization has no strong views on this issue.

**Qu. A3(l)** *Concerning the form in which information is to be inscribed, the data should be:*

*(i) machine readable, where possible.*

*Affirmative:* 58. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); FWZ (Netherlands); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 1. Egypt.

*Employers' organizations:* CPC (Chile).

*Workers' organizations:* CONTTMAF (Brazil); SNPOMM, FOMM, SNCNMM (France).

*Other:* 2. Cuba, Mauritius.

(ii) *and capable of visual inspection by the seafarer concerned (rather than stored on chips or magnetic strips, for example). See preliminary draft, Article 4.7.*

*Affirmative:* 54. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Myanmar, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania), ISF.

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); FWZ (Netherlands); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 2. Honduras, United States.

*Employers' organizations:* CPC (Chile).

*Workers' organizations:* CONTTMAF (Brazil).

*Other:* 5. Cuba, Germany, Mauritius, Namibia, Netherlands.

*Employers' organizations:* USCIB (United States).

*Comments*

*Australia.* Machine-readable data should conform to ICAO standards. Visual inspection capability would in addition provide appropriate back-up in cases where the machine-reader was not available or not reading properly. Data on current employment should be recorded on programmable chips, and it is not clear whether visual inspection would be available for such data, but in any case, seafarers should have the right to access machine-readers in order to verify data.

*Brazil.* CONTTMAF: The inclusion of data in microchips or other storage media provides no guarantee for the seafarer that the device does not contain hidden information.

*Syndarma:* The seafarer should be able to read what is written.

*Bulgaria.* The Government stresses that the requirement of machine readability fully complies with the national legislation, which provides that all identity documents should be machine readable and that the data in the machine-readable and visual zones should be identical.

*Canada.* CLC: The workers' organization points out that the format should not contain any hidden data.

*Chile.* This should be provided as a measure of security.

*Costa Rica.* CTRN: The workers' organization emphasizes the format should not contain any hidden information or data.

*Cuba.* Each member State should be free to regulate this matter.

*Denmark.* The Government refers to the European Council Resolution of 17 October 2000, section 2.

*Danish Shipowners' Association:* The employers' organization endorses the ISF comments.

*Ecuador.* This will enhance security and prevent any type of falsification.

*Egypt.* All the information recorded should be visually readable.

*Finland.* The use of standardized techniques should not necessarily be limited.

*France.* Biometric data should not be visible, although the person concerned should have the right of access at all times to the information.

*Germany.* VDR: The capability of visual inspection is an essential criterion with regard to human rights issues. However, the visual inspection capability must be compatible with machine readability and any decision on biometric templates.

*Honduras.* The Government agrees with (i) but disagrees with (ii) for cost reasons.

*India.* Except for the "biometric", which will be machine readable, all the other specifications discussed under question A2(e) should be capable of visual inspection.

*INSA:* The employers' organization considers that a card format would be more economical.

*Italy.* CONFITARMA: The employers' organization points out that this matter could raise human rights concerns. The organization agrees to any decision taken regarding the subject of inclusion of biometrics and the compatibility between visual inspection and machine readability.

*FILT-CGIL:* The workers' organization points out that the format should not contain any hidden data.

*Legia Pesca:* The organization agrees with (ii), but disagrees with (i).

*Japan.* Considering the fact that IC cards have not yet been introduced in Japan, even for passports, their use in the seafarers' identity document cannot be accepted at this point for practical reasons.

*Kazakhstan.* A printed format is easier and quicker to read.

*Liberia.* The Government agrees to the visual inspection, with the exception of the biometric template, which would be a digital record.

*Netherlands.* FWZ: The workers' organization agrees to all, provided that the format does not contain any hidden data.

*Nicaragua.* The combination of both types of data format enhances the security between document and holder.

*Norway.* The Government agrees, but considers that biometric data should be kept on a chip. In order to respect privacy, most data should not be visible.

*Panama.* The Government agrees to all, provided that the possibility of using magnetic strips is not excluded.

*United Kingdom.* Machine readability could facilitate verification, detection of forgery, etc. However, if the information is stored electronically, the seafarer should have the right to know what information is stored on the card.

*United States.* Basic information should be visible (picture, name, citizenship), and that this data and additional information (biometric, expiration date) should be verifiable in machine-readable form. Current technology makes it possible to allow an individual to see all personal information stored on a card via screen, printout, kiosk or remote device. In addition, there are port State data that need not be accessible to the individual. Data management techniques should not be specified in the Protocol, other than to require that personal information be made accessible to the document holder. There should further be an agreement regarding which data elements must appear as printed material on the document, while taking into account that the more is printed, the greater the likelihood for changes causing reissuances.

USCIB: The employers' organization agrees to (i). With regard to (ii), this assumes that information stored on chips or a magnetic strip is incompatible with being visually inspected, although it can be accessed by use of a card "reader". In any event, the seafarer should know all the information that is on the card.

*ISF.* Machine readability is clearly important. ISF has no strong views as to the point A3(I)(ii), but assume that such a requirement will assist adoption and ratification by overcoming concerns with regards to human rights issues. However, ISF only agrees to the extent that visual inspection is compatible with the machine readability necessary for positive verifiable identification to facilitate entry into foreign countries, and any decision that might be made to include biometric templates.

## Office summary

In addition to the particulars already specified in Article 4, paragraph 2, of Convention No. 108, most replies suggest that the document should indicate the seafarer's sex.

A biometric of the bearer should be included as long as certain preconditions are respected. There should be no invasion of personal privacy or offence against the individual's dignity. The equipment for providing and verifying the biometric should be user-friendly and accessible at low cost and under reasonable terms. This equip-

ment should be capable of being operated in the places where verification of identity is normally carried out. However, holders of the document should not have the right to refuse to provide the biometric data. This would undermine the purposes of the document, which are to provide proof of identity and enhance security.

A number of countries, mostly developed ones, have biometric technology based on fingerprinting, facial and iris recognition. Few mention others such as palm or voice recognition. Many replies emphasize that the technology is used mainly in high security areas and still in its infancy. Most developing countries do not yet use biometric technology. Most replies indicate that the technology is expected to become more accessible in the near future (two to five years).

The replies are almost evenly split as to the provision of information on seafarers' qualifications in the identity document. A majority would prefer this issue to be decided by member States.

Most replies would prefer the document to contain blank pages for annotations by the competent authorities.

There is almost unanimous support for a period of validity to be specified in the document but most countries would like this period to be left to the discretion of the issuing member State. If the period of validity is to be specified in the instrument, five years seems to be most favoured. All the replies accept that each identity document would need to contain a reference number to facilitate verification. There is an almost even split on whether the format of this reference number should be left to the decision of each issuing authority. However, a clear majority would prefer that number to conform to a universal reference standard.

It is also suggested that the document could contain other information, such as record of sea service, and basic health information, such as blood group and hypersensitivity to medicines. This would seemingly need to remain optional.

Space should be provided for a variety of purposes as may be required by the issuing State and also for the use of port States.

Most replies agree that member States should be free to incorporate into the document the record of employment presently referred to in the Seamen's Articles of Agreement Convention, 1926 (No. 22).

Most replies also agree that any further details added to the document need to relate to the identification of seafarers.

Almost all the replies support the proposals that information and data contained in the document should be both machine-readable and available for visual inspection.

*A4. External means of verifying the authenticity of the identity document  
or of the information given*

**Qu. A4(a)** *The national issuing authorities should maintain a database including a reference to each identity document issued by them. See preliminary draft, Article 5.1.*

*Affirmative:* 60. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark,

Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); ESA (Estonia); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 1. Germany.

### Comments

*Argentina.* The Government agrees, provided that conditions are similar to those under the IMO STCW Convention.

*Australia.* Whether the document is issued by employers or the State, governments should have ultimate responsibility. If employers issue the document, they could transfer the data to the government authority for incorporation in a combined database. Reference numbers should be an important component of the database (see comments under question A3(g)).

*Brazil.* CONTTMAF: The workers' organization agrees on condition that no private and personal data are included.

*Bulgaria.* This is vital if the documents are to have any value in the context of security, and in order to obtain positive verifiable identification of foreign seafarers. The Bulgarian legislation provides for the establishment and maintenance of information databases.

*Chile.* This provision should be mandatory.

ANA: This information is vital for the system.

CPC: The employers' organization adds that such a database already exists in Chile.

*Denmark.* From a law-enforcement point of view, a database would be highly useful for immigration purposes, etc.

Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* This would avoid duplication or falsification of the document.

*Egypt.* Each member State should appoint a national contact person to answer inquiries from other member States.

*France.* Armateurs de France: This measure is imperative for the adoption of the instrument.

*Germany.* VDR: The employers' organization endorses the comments of the ISF.

*Honduras.* The Government agrees for more rapid and secure verification.

*India.* A database is essential to facilitate verification. One already exists in India.

*Indonesia:* INSA: The employers' organization agrees in order to prevent forgery.

*Italy.* A database is indispensable for control and security.

CONFITARMA: The employers' organization endorses the ISF comments.

Lega Pesca: The organization agrees.

*Japan.* A database is now under development and its completion is expected to take several years.

*Liberia.* Competent authorities of parties to the instrument should be allowed to query such a database by electronic means. However, certain countries, particularly many crew-providing ones, might have difficulty in obtaining the necessary resources to establish an electronic database and remote access. Instead, most flag States are well prepared and fully capable to provide such an electronic infrastructure. Liberia again urges the ILO to implement flag State issuance.

*Nigeria.* A database would enable easy identification in the event of any problem or new information.

*Romania.* The verification of authenticity could not be done properly without such a database.

*Saudi Arabia.* A database would facilitate the consultation of information if necessary.

*United Kingdom.* This is vital to the credibility of the system. The database system should be secure and contain measures to prevent compromise by internal or external agents.

*United States.* Such a database is critical for verification of document authenticity. Further, some form of access to these databases by member States would be helpful in terms of visa adjudication.

*Uruguay.* The database should be available to seafarers for consultation. It should be also accessible through email or other valid means.

*ISF.* The need for such a database is vital if the documents are to have any value in the context of security. It is also vital for other ratifying member States in order to obtain positive verifiable identification of foreign seafarers for the purpose of facilitating shore leave or transit. Most governments are already required by the IMO STCW Convention to maintain a register of certificates of competency and respond to requests for verification from other governments.

**Qu. A4(b)** *It should be possible for immigration and other competent authorities of parties to the instrument to have immediate access at all times to the database to facilitate the rapid verification of information appearing on the document. See preliminary draft, Article 5.1.*

*Affirmative:* 43. Albania, Algeria, Argentina, Australia, Azerbaijan, Bulgaria, China, Costa Rica, Ecuador, Egypt, Eritrea, Estonia, France, Greece, Guatemala,

Honduras, Hungary, India, Indonesia, Italy, Kazakhstan, Kuwait, Liberia, Malta, Mauritius, Myanmar, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Spain, Suriname, United Republic of Tanzania, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); FNSM, SNPOMM, FOMM, SNCNMM (France); SPNI (Indonesia), FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); FWZ (Netherlands); APOM (Panama); Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Negative:* 12. Belarus, Canada, Chile, Czech Republic, Denmark, Finland, Japan, Lithuania, Netherlands, Saudi Arabia, Ukraine and United Kingdom.

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FILT-CGIL (Italy); FWZ (Netherlands); BNS (Romania); Progressive Trade Workers' Organization (Suriname).

*Other:* 5. Cuba, Germany, Lebanon, Namibia, Syrian Arab Republic.

### Comments

*Australia.* Given Australia's preference for seafarers to also carry their passports, it would be essential for immigration and other competent authorities to have immediate access to the database.

*Brazil.* CONTTMAF: The workers' organization refers to its comment under question A4(a).

*Bulgaria.* The Government agrees in order to meet the two objectives of the new instrument, i.e. improved maritime security and the facilitation of shore leave and crew transits. However, access should be limited to that part of the database which is relevant to positive verification of identity.

*Canada.* Access should be restricted to the issuing authorities.

*CLC:* Access to all the data could be a breach of privacy and subject to misuse. The system should however, allow confirmation by another competent authority that the information for which clarification was sought was accurate.

*Chile.* A permanent connection between the administrations concerned with points of contact duly authorized to exchange information should be established.

*ANA:* This is of vital importance in order for the system to work.

*CPC:* The employers' organization agrees to the immediate access to the database through the national authority.

*Costa Rica.* The Government agrees because the access permits an optimized cross-checking of references.

*CTRN*: The workers' organization disagrees for the same reasons expressed by CLC (Canada).

*Cuba*. The competent authorities of the issuing State should have access to the database and each Member should be free to decide what data are accessible.

*Czech Republic*. Verification of the document should be possible within two working days.

*Denmark*. The database should be established on a national basis, with the option for other parties to the instrument of posing a query to a national focal point.

*Danish Shipowners' Association*: The employers' organization endorses the ISF comments.

*Ecuador*. A computerized system should be created in order to enhance control and allow access to all the subjects concerned.

*Finland*. The Government does not agree, in particular with the reference to "other competent authorities" and the possibility to allow "immediate access at all times" to the database.

*France*. The Government agrees, subject to the following conditions. Reciprocity is necessary if access by other parties to the database constitutes an obligation for a ratifying member State. A minimum protection should be envisaged. Unlimited access to the database at all times seems to be excessive. The term "immediate" should be replaced by "easy". In any case, the access to the database should be in line with national legislation on the protection of personal data.

*Germany*. VDR: The employers' organization agrees in order to meet the two basic objectives of the new instrument, i.e. improved maritime security and the facilitation of shore leave and crew transits. However, access should be limited to that part of another State's database which is relevant to positive verification of a seafarer's identity.

*Guatemala*. Information should be accessible to all.

*Honduras*. The Government agrees for the purpose of control and verification of the authenticity of the document.

*Hungary*. The Government only agrees subject to the condition that the national issuing authority maintain a separate database for the immigration and other competent authorities of parties to the instrument.

*India*. Positive verification of the identity document necessitates verification by the issuing authorities. However, it should be ensured that the shipowner or the seafarers are not charged any fee if the port State authorities carry out the positive verification of seafarers' identity.

*Indonesia*. INSA: The employers' organization agrees for the purpose of counterchecking.

*Italy*. CONFITARMA: The employers' organization endorses almost entirely the ISF comments.

*FILT-CGIL*: The workers' organization disagrees for the same reasons expressed by CLC (Canada) and CTRN (Costa Rica).

*Lega Pesca*: The organization agrees, provided that this does not limit a seafarer's rights.

*Japan*. To provide a third country with direct access to a database held by a party to the instrument is problematic due to the need to protect personal information concerning seafarers and prevent unlawful access. It should be necessary to refer to the issuing authorities to verify information.

*Kazakhstan*. Immediate access to the database will simplify and speed up the identification process.

*Liberia.* In order to avoid any undue delays and issue temporary short leave in the shortest possible time, such facilities should be readily available. The Liberian Registry already offers such a service via a web site on the Internet ([www.liscr.com/seafarerssearch](http://www.liscr.com/seafarerssearch)).

*Netherlands.* FWZ: The workers' organization is against the possibility of a widespread direct access to the database.

KVNR: The employers' organization endorses the ISF comments.

*Namibia.* The Government is not convinced that this will work in developing countries.

NEF: The document should be in credit card format.

*New Zealand.* For some countries the implementation of the database may cause resourcing problems.

*Norway.* The Government prefers that queries regarding seafarers are directed to the relevant national authority that administers the database. If direct access is to be granted to foreign authorities, then only specified authorities should have it.

*Panama.* The Government agrees on condition that the database is only a consultation mechanism.

*Philippines.* It is doubtful whether developing countries can afford the costs.

*Portugal.* Access should be permitted only for consultation.

*Saudi Arabia.* Data privacy should be safeguarded.

*United Kingdom.* Access to the information on the database would be governed by the law of the issuing State with points and avenues for liaison needing to be established in order to allow for inquiries to be dealt with, which implies continuous access.

*United States.* With a view to expediting visa processing, some pre-notification requirements and standardization of data elements to facilitate data access and management issues should be pursued. Pre-notification procedures, such as pre-clearance of manifest information, would allow more timely processing at arrivals and departures.

*Uruguay.* The computer system should be implemented by using access keys for other authorities that have direct competence in the matter. The database should be periodically updated.

*ISF.* The ISF agrees to this proposal. In order to meet the basic objectives of the new instrument, it is vital that immigration and other relevant authorities have access to other States' databases of identity documents at all times. However, access should be limited to that part of another State's database which is relevant to positive verification of a seafarer's identity.

*In order to safeguard privacy in particular, the information accessible from the database should be restricted to (see preliminary draft, Article 5.2, and Appendix A-II):* **Qu. A4(c)**

– name of the issuing authority?

*Affirmative:* 55. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, India, Indonesia, Italy,

Japan, Kazakhstan, Kuwait, Lebanon, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Negative:* 1. Hungary.

*Other:* 5. Cuba, Ecuador, Denmark, Germany, Liberia.

– *seafarer's name?*

*Affirmative:* 56. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Negative:* 1. Hungary.

*Other:* 4. Cuba, Denmark, Germany, Liberia.

– *reference number?*

*Affirmative:* 55. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Negative:* 2. Ecuador, Hungary.

*Other:* 4. Cuba, Denmark, Germany, Liberia.

– *period of validity of the document?*

*Affirmative:* 54. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Egypt, Eritrea,

Estonia, Finland, France, Greece, Guatemala, Honduras, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Lithuania, Malta, Mauritius, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Negative:* 3. Ecuador, Hungary, Namibia.

*Other:* 4. Cuba, Denmark, Germany, Liberia.

– *template or other alphanumeric representation of a biometric (if applicable)?*

*Affirmative:* 42. Albania, Algeria, Argentina, Australia, Bulgaria, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, Egypt, Eritrea, Estonia, Greece, Guatemala, Honduras, India, Indonesia, Italy, Kazakhstan, Kuwait, Lebanon, Malta, Mauritius, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Spain, Suriname, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Negative:* 13. Azerbaijan, Belarus, Canada, China, Finland, Japan, Lithuania, Namibia, Poland, Romania, Russian Federation, Saudi Arabia, Syrian Arab Republic.

*Other:* 6. Cuba, Denmark, France, Germany, Hungary, Liberia.

#### *Comments*

*Brazil.* CONTTMAF: The workers' organization agrees to all, except for the biometric.

*Syndarma:* The employers' organization agrees to all, in order to achieve the security objectives.

*Canada.* CLC: The workers' organization disagrees with all. There should not be widespread access to the database.

*Chile.* All information considered in the identification documents and special qualifications should be included (see the STCW Convention).

*ANA:* The employers' organization agrees to all.

*CPC:* The employers' organization agrees to all.

*Costa Rica.* CTRN: The workers' organization disagrees with all for the same reason stated by CLC (Canada).

*Croatia.* Seafarers' Union of Croatia: The workers' organization disagrees with all.

*Czech Republic.* As for the biometric, the Government agrees, provided that this information is only included in exceptional cases.

*Denmark.* The database must contain as detailed relevant information as possible in full compliance with national legislation. As for the biometric, reference is made to the Government's comments under question A4(b).

Danish Shipowners' Association: The employers' organization endorses the ISF comments below.

*France.* As regards the biometric, this issue is not yet regulated.

Armateurs de France: The employers' organization agrees to all.

FNSM, SNPOMM, FOMM, SNCNMM: The trade union organizations agree to all.

*Germany.* VDR: The employers' organization agrees to all and endorses the comment of the ISF.

*Honduras.* The reference number is important to counteract the possibilities of falsification of the document. The biometric is necessary for the purpose of security.

*Indonesia.* APINDO: The employers' organization agrees to all.

INSA: The employers' organization agrees to all.

SPNI: The workers' organization agrees to all, except for the name of the issuing authority.

*Italy.* CONFITARMA: The employers' organization has no objection to the access to any of the proposed data.

FILT-CGIL: The workers' organization disagrees with all for the same reason stated by CLC (Canada) and CTRN (Costa Rica).

Lega Pesca: The organization agrees to all, except for the biometric.

*Japan.* Information on the biometric should not be disclosed. The contents and the procedure of information disclosure should be left to the discretion of the country concerned.

*Lithuania.* The Government disagrees with the inclusion of the biometric for financial reasons.

*Namibia.* NEF: The employers' organization agrees to all, except for the biometric.

NUNW: The workers' organization agrees to all.

*New Zealand.* All information provided in the seafarer's identity document should be accessible through the database in order to assess authenticity.

*Nigeria.* The issuing authority alone should have access to the information and should be contacted for verification. As for the reference number, the Government agrees provided that repetitions are not possible.

*Norway.* The Government agrees, but it points out that the Norwegian Data Inspectorate would prefer that biometric templates only be stored on the identity document itself.

*Panama.* APOM: The workers' organization agrees to all.

CMP: The employers' organization agrees to the first three proposals, but does not take a position on the biometric.

*Philippines.* As concerns the biometric, the Government agrees – provided that the issuing authority can afford it.

*Romania.* Association of Shipowners of Romania: The employers organization agrees to the first three points, but does not take a position on the biometric.

BNS: The workers' organization disagrees with all.

Romanian Seafarers' Free Union: The workers' organization agrees to all.

*Russian Federation.* Federation of Trade Workers' Organizations of Maritime Transport Workers: The workers' organization agrees to all, except for the biometric.

*Suriname.* Progressive Trade Workers' Organization: The workers' organization disagrees with all for the same reasons expressed by CLC (Canada), CTRN (Costa Rica) and FILT-CGIL (Italy).

*Ukraine.* The Government agrees to the inclusion of the biometric under the condition of the individual's consent.

*United States.* The name of the issuing authority is needed to validate that the document was properly issued and is still valid. The seafarer's name is needed to verify the claimed identity. The reference number would ensure the uniqueness of the issuance and facilitate visa processing.

USCIB: The employers' organization agrees to all.

*ISF.* ISF has no objection to any of the proposed data being accessible from the database, subject to the need to address concerns about maritime security and this being compatible with the successful adoption of the new instrument and wide ratification.

– *other?*

### Replies

*Algeria.* Date and place of birth, and place of residence.

*Argentina.* The up-to-date professional title.

*Australia.* The seafarers' identity document should be in a standard format. All relevant compulsory data recorded on the document should be available for examination.

*Canada.* A photograph should be included. The abovementioned information should be given to foreign competent authorities after a formal request only.

*Czech Republic.* Information on the seafarer's qualification.

*Honduras.* Blood type.

*India.* Any information relevant to establish positive verification of seafarers.

*Italy.* Lega Pesca: Sea service status.

*Liberia.* The ILO instrument should leave it to the issuing State to determine if they wish to exceed the minimum standard. The Liberian Registry's service currently provides the seafarer's name, biographical information, reference numbers, period of validity and levels of competence. The Registry is considering the addition of a photograph and copy of passport.

*Malta.* Nationality, qualifications and grade.

*Myanmar.* Sex and religion of the seafarer.

*Netherlands.* Photograph.

*Panama.* Passport number, blood type, height and weight.

*Portugal.* Nationality of the holder of the document.

*Spain.* Fitness certificate based on medical examination before embarkation.

*Syrian Arab Republic.* Blood group and profession.

*United Republic of Tanzania.* Any other important and useful information on identity.

*United Kingdom.* There should be no restriction to the information that can be requested for verification purposes, other than it must be limited to that which is required to verify the identification. It must be recalled that issuing authorities may have national laws regarding privacy and disclosure of information.

*United States.* The issue should not be a matter of what is accessible, but rather of who has access to the information. There should be sufficient accessibility to validate the claimed identity, the authenticity of the document, and to ensure that the holder is indeed the person to whom the document was issued.

USCIB: The employers' organization considers that the list above is too restrictive. Travel information of seamen by date and location should be included.

*Uruguay.* Information on vocational training and qualifications.

**Qu. A4(d)** *The instrument should require each ratifying Member to designate a permanent focal point for responding to inquiries from the immigration or other competent authorities of parties to the instrument. See preliminary draft, Article 5.3.*

*Affirmative: 58.* Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); ESA (Estonia); Armateurs de France (France), VDR (Germany); INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* CONTTMAF (Brazil); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); FWZ (Netherlands); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative: 1.* Honduras.

*Employers' organizations:* APINDO (Indonesia).

*Workers' organizations:* CLC (Canada).

*Other: 2.* Cuba, Germany.

*Comments*

*Argentina.* The issuing authority should administrate the focal point.

*Bulgaria.* The Government agrees with reference to its comment under question A4(b).

*Canada.* CLC: The workers' organization disagrees for the reason stated above.

*Chile.* The system currently works like this. There is a direct coordination between maritime administrations.

*China.* To ensure verifiability, it is absolutely necessary for a permanent focal point to respond, without delay, to inquiries from other competent authorities.

*Cuba.* Each member State should be free to regulate this matter.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF position.

*Ecuador.* It should be an information centre.

*Egypt.* The issuing authority should be the focal point, as it is in possession of all the pertinent information stored in the database.

*Germany.* VDR: The employers' organization endorses the comment of the ISF.

*Honduras.* The Government disagrees, as the maritime issuing authority already exercises this function.

*Hungary.* In the case of Hungary this would be the chief department of shipping and another authority appointed by it.

*India.* This is essential for effective verification. The focal point may be more than one – depending upon the zone of registration of the issuing authority.

*Indonesia.* APINDO: This procedure would be a burden for seafarers.

*Italy.* CONFITARMA: The employers' organization refers almost entirely to ISF comments.

*Lega Pesca:* The organization agrees, provided that social participation is allowed.

*Japan.* From the viewpoint of protecting the personal information of seafarers it would raise problems to permit direct access by organizations other than immigration authorities.

*Kazakhstan.* The instrument should indicate a time limit for the issuing State to respond to inquiries.

*Liberia.* National authorities of non-ratifying Members could defer queries to a flag State. In the light of a notable percentage of Indian, Pakistani or Sri Lankan nationals holding United Kingdom or Singapore certificates, Greek nationals holding a third country certificate, and Middle East nationals holding Egyptian certificates, another question is whether seafarers with certification from a State other than their nationality are fit for sea, even without seafarers' identification documents issued by their own country.

*Mauritania.* CGTM: The workers' organization declares that verification should be done through tripartite representation.

*New Zealand.* The Government agrees as long as the focal point is a state agency.

*Nigeria.* This will discourage malpractices.

*Panama.* The Maritime Authority of Panama has a database, which can be consulted via Internet.

*Saudi Arabia.* A permanent focal point would make it possible to reply rapidly to inquiries.

*Spain.* It would be necessary to coordinate adequately the provision of information by the different agencies involved.

*United Kingdom.* With reference to its comment under question A3(h), the Government requests that the contact details of the designated focal point be included in the document.

*United States.* USCIB: The employers' organization agrees but recalls that each country implements the "primary focal point" in different ways and organizes it appropriate to national circumstances.

*Uruguay.* This measure is necessary in order for the system to work correctly. The national focal point should be the issuing authority.

*ISF.* ISF agrees and refers to its reply to question A4(b).

### **Office summary**

There is unanimous agreement with the proposal that national issuing authorities should maintain a database including a reference to each identity document issued by them.

A majority of replies favoured the availability of immediate access to this database to facilitate rapid verification of the information which appears on the document, thus assisting immigration formalities in member States.

There is also very strong support to restrict, in order to safeguard privacy, the information which is accessible to the following: name of the issuing authority; seafarer's name; reference number; period of validity of the document; biometric information; and certain other selected items suggested in individual replies.

There is unanimous support for the instrument to provide that each ratifying member State should designate a permanent focal point for responding to inquiries from the immigration or other competent authorities of other States.

### *A5. Reliability of the national system of seafarers' identification*

**Qu. A5(a)** *The new instrument should provide for the adoption of minimum requirements and recommended practices concerning procedures for the issue of seafarers' identity documents, including quality control procedures. See preliminary draft, Article 6.1.*

*Affirmative:* 59. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 2. Cuba, Germany.

### Comments

*Brazil.* CONTTMAF: This is fundamental to ensure security.  
Syndarma: idem.

*Canada.* The reliability of the issuance process as well as the security, quality and consistency of the document itself are essential.

*Chile.* These practices should be "mandatory".  
ANA: This is important for security reasons.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* These practices should apply to modifications of the document.

*Egypt.* The Government agrees provided that these requirements are easily applicable at a low cost.

*Finland.* If minimum requirements and recommended practices are adopted, the Government agrees.

*Germany.* VDR: The employers' organization endorses the comment of the ISF.

*Honduras.* The Government agrees for the purpose of security.

*Hungary.* In Hungary the issuance of identity documents and the quality control procedure are carried out according to ISO 9001.

*Italy.* CONFITARMA: The employers' organization endorses ISF comments and specifies that reference could be made to similar provisions in the IMO STCW Convention (Regulation I/8).

*Lega Pesca.* The organization agrees, on condition that this will not be a burden for enterprises.

*Japan.* The new instrument should be limited to the specification of a general standard while details should be left to the discretion of the country concerned. Moreover, there is some doubt as to whether the ICAO programme introduced as concerns operational safety (requiring air medical fitness certificate and flight skills licence) can be introduced for seafarers' identity documents.

*Kazakhstan.* The instrument should indicate a list of documents and information required for issuing the identity document.

*Liberia.* The Government agrees but believes that the issues involved in establishing some form of quality control would require significant discussion and deliberation. It therefore recommends that it should be dealt with by a separate working group.

*New Zealand.* A similar integrity process should be used as for the issue of passports.

*Nigeria.* The Government agrees, as this is necessary in order to avoid false or low-quality identity documents.

*Saudi Arabia.* The Government agrees for quality reasons.

*United Kingdom.* An agreed standard with effective quality control measures is vital to the integrity of the system. Such a system implies that it includes the procedures for a positive and verifiable proof of identity of the applicant, not just the issue of the document.

*ISF.* The Federation agrees. If the new instrument is to succeed in addressing security concerns, some form of recommended practices concerning procedure for the issue of documents, including quality standards, would seem to be necessary. Development of such standards would require input from experts in security and immigration procedures – although any rules adopted might be similar in scope to the quality standards provisions in Regulation I/8 of the IMO STCW Convention.

**Qu.A5(b)** *The instrument should require ratifying Members:*

- (i) *to carry out periodic evaluations of those procedures in the light of the minimum requirements and recommended practices (see preliminary draft, Article 6.2);*

*Affirmative:* 55. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Ship-owners' Association (Denmark); Armateurs de France (France); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 2. Cuba, Japan.

*Other:* 4. Chile, Germany, Mauritius, Myanmar.

- (ii) *to submit a copy of their national procedures (including quality control procedures) and the evaluations in their reports to the Director-General of the International Labour Office (see preliminary draft, Article 6.2);*

*Affirmative:* 54. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Kazakhstan, Kuwait, Liberia, Lithuania, Malta, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); CONFITARMA (Italy); NEF (Namibia); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania), Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 3. Japan, Lebanon, Ukraine.

*Employers' organizations:* APINDO, INSA (Indonesia).

*Other:* 4. Cuba, Germany, Mauritius, Myanmar.

- (iii) *to make such copies available (subject to the removal of any confidential material) to other ratifying Members (see preliminary draft, Article 6.2).*

*Affirmative:* 50. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Hungary,

India, Indonesia, Italy, Kazakhstan, Kuwait, Liberia, Lithuania, Malta, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, United Republic of Tanzania, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); USCIB (United States).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 7. Ecuador, Honduras, Japan, Lebanon, Qatar, Syrian Arab Republic, Ukraine.

*Employers' organization:* CPC (Chile); APINDO (Indonesia); Association of Shipowners of Romania (Romania).

*Other:* 4. Germany, Mauritius, Myanmar, Namibia.

#### Comments

*Argentina.* The Government suggests partial access for the purpose of consultation.

*Brazil.* CONTTMAF: This will help publicize the documents.

Syndarma: This seems essential for achieving security objectives.

*Chile.* CPC: The employers' organization disagrees with (iii), unless national authorities make copies available to the other Members.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* Each ratifying member State may not have access to the confidential documents of other countries.

*Finland.* The Government agrees to submitting a copy of the national procedures and evaluations to the ILO, subject to the removal of any confidential material.

*France.* The Government agrees, subject to confidentiality and security of the procedure.

*Germany.* VDR: The employers' organization endorses the comment of the ISF.

*Honduras.* The Government disagrees with (iii). The seafarer or the national issuing authority should be asked for this information.

*India.* Maintenance of quality standards would require periodical evaluation by an independent authority.

*Italy.* CONFITARMA: The employers' organization suggests a period of five years between evaluations as provided for in the IMO STCW Convention as concerns certificates of competency.

Lega Pesca: The organization agrees.

*Japan.* Evaluation of procedures should be left to the discretion of the country concerned.

*Kazakhstan.* For national security reasons, it is more important to know which documents and information have to be provided in order to obtain an identity document in any State party.

*Liberia.* The Government refers to its comment under question A5(a).

*Namibia.* Copies could be made available through the ILO.

*New Zealand.* Member States should be responsible for evaluating and making changes to procedures to meet the minimum requirements and practices.

*Nigeria.* The Government agrees because periodic evaluations are important in order to avoid false or low-quality identity documents.

*Panama.* The Government agrees with the access of the other Members to the copies of the national procedures and evaluations, provided that prior authorization is obtained from the issuing State.

*Romania.* Romanian Seafarers' Free Union: The workers' organization suggests that copies should be provided or the system should be accessible to all Members, in order to save time.

*Syrian Arab Republic.* Evaluation of the reports should fall within the purview of the ILO.

*United Kingdom.* The Government stresses that the ILO is the best organization to oversee the process of continual review of procedures and liaison/sharing best practice with ILO and member States. This is a valuable way to ensure that procedures keep pace with the requirements. However, some details should be restricted to prevent compromise.

*United States.* An agreement should be reached on minimum procedures and an audit process to assure compliance.

USCIB: The employers' organization suggests a five-year review plan.

*ISF.* ISF agrees to all, subject to their compatibility with the successful adoption of the new instrument and its wide ratification. Under (i), the instrument might specify the maximum period between evaluations, which could be, for example, five years as required by the IMO STCW Convention. Point (iii) in particular, concerning the provision of information about procedures to other member States, could be vital to ensure that port States accept foreign identity documents in order to facilitate entry into their territory.

*In addition, the Governing Body might approve a system of audit and auditing institutions (in appropriate cases, within the framework of the ILO's Technical Cooperation Programme) of which ratifying Members could voluntarily avail themselves in order to remove any doubts concerning the reliability of their seafarers' identification system.* **Qu. A5(c)**

*Affirmative:* 52. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Malta, Myanmar, Netherlands, Nicaragua, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 6. China, Lithuania, New Zealand, Panama, Romania, Ukraine.

*Other:* 3. Cuba, Mauritius, Namibia.

#### Comments

*Chile.* The system of audit should be provided only for maritime administrations which issue the document, and/or for immigration authorities, when the document is the travel document.

*CPC:* The employers' organization remains neutral and states that this will depend on the reliability of the respective State.

*Cuba.* The decision should be up to the member State.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Germany.* VDR: The employers' organization endorses the comment of the ISF.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.  
Lega Pesca: The organization agrees.

*Japan.* The option to be subject to an audit should ultimately be left to the discretion of the country concerned.

*Liberia.* The Government refers to its comment under question A5(a).

*Namibia.* The subject needs further discussions.

*Nigeria.* The Government agrees for the purpose of uniformity.

*Romania.* The Government disagrees because ratifying Members should have the right to consult any auditing institution entitled to carry out such activities, whether national or international.

*Romanian Seafarers' Free Union:* The workers' organization agrees. Periodical external auditing should be compulsory.

*Suriname.* Some countries would actually need technical and financial support.

*United Kingdom.* In addition to voluntary audit, a two-thirds majority of contracting States should be able to require an independent assessment of the effectiveness of the system put in place by a member State.

*ISF.* The ISF agrees. In principle, if it was suggested that the ILO might have a role in the establishment of some sort of voluntary monitoring system, ISF could support this proposal.

Nonetheless, such a monitoring system would necessitate the involvement of experts in data security and immigration procedures who would probably need to be drawn from outside the Organization.

*The instrument might also contain a proviso, similar to the one in the ICAO Convention referred to above, but taking account of applicable ILO constitutional procedures, under which the obligation to recognize seafarers' identity documents issued by other parties to the instrument would be based on the latter's compliance with the minimum standards. See preliminary draft, Article 6.3.* **Qu. A5(d)**

*Affirmative:* 59. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); CGTM (Mauritania); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania), Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 1. China.

*Other:* 1. Mauritius.

#### Comments

*Australia.* Other member States should not be obliged to recognize the document as a substitute for a passport.

*Canada.* The Government notes, however, that it may remove this status due to fraudulent use for entry into Canada – for immigration control reasons.

*Croatia.* The Government suggests that the procedures prescribed in IMO's STCW Convention should be observed.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Germany.* VDR: The employers' organization endorses the comment of the ISF.

*Honduras.* The Government agrees in case of prior verification of the documents.

*India.* This provision would be necessary to address the security concerns of all port States.

*Italy.* Lega Pesca: The organization agrees.

*Japan.* Under article 33 of the ICAO Convention, as long as the "requirements" issued or considered valid are above the minimum standards, other parties to the instrument have to accept them as valid. Japan agrees to this solution.

*Nigeria.* Such a provision will make the Members maintain the recommended international standard.

*United Kingdom.* This is essential to ensure the integrity of the documents and the Convention. The Government suggests that this procedure should be coordinated by the ILO and that compliance should be validated by an independent party or the ILO and not by self-nomination.

*United States.* USCIB: The employers' organization agrees.

*ISF.* In ISF's opinion, the inclusion of such a provision would seem to be necessary if the new instrument is to achieve the objective of facilitating shore leave and crew transit in foreign countries.

## **Office summary**

There is total support for the new instrument to contain minimum requirements and recommended practices concerning procedures for the issue of seafarers' identity documents, including quality control procedures.

There is also very strong support for Members to be required to carry out periodic evaluations of those procedures in the light of the minimum requirements and recommended practices, which should be in the new instrument. They should also be required to submit a copy of their national procedures, including quality control procedures, and the evaluations in their reports to the Director-General of the ILO. Copies should be made available to other ratifying Members subject to confidential information being removed.

Most replies agree that the Governing Body might also approve a system of audit and auditing institutions of which Members could avail themselves in order to remove any doubts concerning the reliability of their seafarers' identification system.

There is agreement that recognition of seafarers' identity documents would be based on the compliance of the issuing Member with the minimum standards contained in the instrument.

## **B. Facilitating the professional activities of seafarers and the exercise of their rights at work**

### *B1. Right to be issued with a seafarers' identity document*

*Does the obligation to issue seafarers' identity documents raise any problem for Members?* **Qu. B1**

*Affirmative:* 7. Argentina, Australia, Kuwait, Panama, Russian Federation, Suriname, United States.

*Employers' organizations:* APINDO (Indonesia); CONFITARMA (Italy).

*Workers' organizations:* SPNI (Indonesia); Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Negative:* 51. Albania, Algeria, Azerbaijan, Belarus, Bulgaria, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Spain, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); INSA (Indonesia); NEF (Namibia).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); FNSM (France); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania).

*Other:* 3. Canada, Egypt, New Zealand.

#### *Comments (nature of the problem)*

*Argentina.* This obligation is problematic for economic reasons.

*Australia.* Australia does not issue seafarers' identity documents and is unable to comply with the requirements of Article 2, paragraph 1, of Convention No. 108, which Australia has not ratified, as all Australian seafarers are required to carry passports and the inclusion of occupation in Australian passports is optional.

*Canada.* Canada has no problem with regard to issuing the current seafarers' identity documents. Their future issuance would depend on the requirements of any new international standard.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*India.* Large labour-supplying countries like India will have to issue the new documents to their seafarers working on ships under different flags. In view of the deadline of October 2004 for the entry into force of new United States visa requirements, this might prove to be a Herculean task unless “technical assistance” is provided immediately in order to begin the project. The ILO should immediately finalize the features to be incorporated in the new document and inform all Members accordingly, so that they can inform their respective “executing authorities”.

*Indonesia.* INSA: The new document will help substituting the visa.

*Italy.* Lega Pesca: The organization does not see any problem.

*Kuwait.* Problems arise with regard to the necessity of restricting the number of seafarers who can be employed on national or foreign ships in order to reduce the number of unemployed seafarers.

*Liberia.* The Liberian Registry has a well-established electronic system already in place and is prepared to accept this obligation.

*Namibia.* NEF: Only the costs of acquiring technology could become a problem.

*Netherlands.* Issuing seafarers' identity documents would probably pose no problems if Convention No. 108 were ratified by the Netherlands.

*New Zealand.* In New Zealand, passports are the preferred form of identification. Although the supplementary use of the seafarers' identity document for the purpose of the 28-day visa exemption provided under national legislation is accepted, it is considered preferable for all seafarers to submit a passport for the purposes of entering or leaving the country (see general observations by New Zealand).

*Nicaragua.* There could be economic problems.

*Nigeria.* This obligation does not raise any problem as long as Members operate within the established procedure.

*Romania.* Romanian Seafarers' Free Union: Problems can arise with regard to financing, cooperation with other Members, training, etc.

*Russian Federation.* Federation of Trade Workers' Organizations of Maritime Transport Workers: The workers' organization sees difficulties related to the actual control of the seafarers' labour market.

*United States.* Concerns persist with regard to the timing of implementation by all parties to the instrument (costs, availability of resources to comply and ensuring that standard issues are sufficiently addressed).

*ISF.* Circumstances might be envisaged in which it might not be appropriate to issue documents, for example when a certificate of competency has been withdrawn or the seafarer cannot provide evidence of employment. Clearly, the right to be issued with an identity document has to be consistent with the objective of improving security, as well as facilitating ease of movement of the seafarer. Consideration also needs to be given to the extent to which the new instrument applies to fishermen.

## **Office summary**

The obligation to issue the identity document to national seafarers does not seem to raise problems with most States. A few replies mention certain problems most of which do not seem to be major.

*B2. Right to continuous possession of the identity document*

*Does the seafarers' right to continuous possession of the seafarers' identity document raise any problem for Members?* **Qu. B2(a)**

*Affirmative:* 15. Albania, Canada, China, Denmark, Finland, Greece, Guatemala, Kuwait, Myanmar, Namibia, Netherlands, Nigeria, Qatar, United Kingdom, United States.

*Employers' organizations:* ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); CONFITARMA (Italy); NEF (Namibia); KVNR (Netherlands); CMP (Panama); USCIB (United States).

*Workers' organizations:* SPNI (Indonesia); NUNW (Namibia).

*Negative:* 44. Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, Egypt, Eritrea, Estonia, France, Germany, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Lebanon, Liberia, Lithuania, Malta, Mauritius, New Zealand, Nicaragua, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, Uruguay.

*Employers' organizations:* Syndarma (Brazil); CPC (Chile); INSA (Indonesia).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); FILT-CGIL (Italy); FWZ (Netherlands); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 1. Cuba.

*Comments (nature of the problem)*

*Australia.* In the past, seafarers' identity documents belonging to foreign seafarers were held by the authorities for the duration of their stay in Australia, in order to identify any foreign seafarers who absconded while in the country. In the 1980s, alternative means were put in place to overcome the problem, eliminating the need to withhold these documents.

*Brazil.* CONTTMAF: The document is personal and should remain in the possession of the seafarer.

*Syndarma:* In cases where the port authority demands to retain the document during the seafarer's stay, it will be necessary to issue him with a document stating his right to be in the country as a seafarer.

*Bulgaria.* National legislation stipulates that the competent authorities should not retain any identity document except in cases specified by law.

*Canada.* The right of immigration authorities to seize identity documents should supercede the right of the holders to keep those documents in their possession. Furthermore, holders who

no longer work as seafarers should not have the right to retain their documents, in order to prevent misuse.

*China.* The workers' organization requests that the document be retained in the possession of the seafarer on board the ship and off the vessel.

*Denmark.* There should be a possibility for the shipowner, ship's master or the port State authority to verify the validity of the document. Provisions relating to misuse of the document should be included.

Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Egypt.* This does not raise any problems, as the document has limited validity.

*Finland.* The Government refers to its comments under question B2(b) below; temporary retention of the document may be necessary in certain cases.

*France.* FOMM, SNCNMM, SNPOMM: The seafarer must not be deprived of his or her identity document.

*Germany.* The right to continuous possession should not exclude certain practical measures, e.g. central storage of all seafarers' identity documents on board ship while at sea.

VDR: The employers' organization states that this obligation raises problems and endorses the comment of the ISF.

*Greece.* The issuing authority should have the right to withdraw a document following its revocation.

*Guatemala.* There would be a problem in case of anomalies caused by the seafarer.

*Honduras.* The seafarer must keep the document while at sea.

*India.* Issuing "smart cards" as an add-on will meet the security concerns expressed by major port States.

*Indonesia.* INSA: The seafarer should only use the document during its period of validity.

*Italy.* CONFITARMA: In order to facilitate entry for shore leave, it may be necessary to provide for the temporary retention of identity documents; however, the seafarer should retain some other type of identity document (e.g. a passport).

Lega Pesca: The organization does not see any problem.

*Japan.* In Japanese law, in order to prevent the loss of the seafarers' identity documents, the ship's master keeps them while seafarers are on board. If this procedure is only restricted to the period when the seafarers are on board, this situation substantially corresponds to continuous possession of the documents by the seafarers themselves.

*Kuwait.* A country should be able to confiscate or withdraw an identity document if a seafarer has proven to be unsafe or unfit for maritime work, or if the document is no longer valid.

*Liberia.* The new instrument should prohibit retention by ships' masters of identity documents during the holders' service on board ship. An exception to this rule might be the need for all documents to be held by the master on arrival at a port.

*Malta.* The issuing State should always retain the right to withdraw the document.

*Namibia.* This issue would raise problems, if the period of validity is to be included in the document.

NEF: The employers' organization sees a problem if the person concerned is no longer a seafarer or is convicted of drug trafficking, violence or terrorism-related offences.

*Netherlands.* The Government sees two possible problems. First, a person holding a seafarers' identity document under Convention No. 108 and a passport has actually two travel documents. If the passport has been suspended by a court order in case of serious offence, the person concerned could still leave the country using his or her seafarers' identity document. In the Government's view, the new instrument should make it clear that the relevant authorities should have the right to temporarily retain seafarers' identity documents (under the same conditions as passports can currently be retained). Secondly, the application of Article 3 of Convention No. 108 makes border controls on ships very time consuming. Under this provision a complete administrative border control on board ship can only be performed if all seafarers present themselves (in person) with their documents to the border police.

*FWZ:* The seafarers' identity document is not the same travel document as a passport. When used for travel purposes, a seafarers' identity document should always be accompanied by a passport.

*KVNR:* In order to facilitate shore leave some port States might wish to demand temporary retention of identity documents. In order to meet the objective of facilitating shore leave and encouraging ratification, the employers' organization could support an amendment allowing the temporary retention of identity documents, especially if the seafarer were able to retain some other form of identification such as a passport.

*New Zealand.* The identity document should be in the seafarer's possession until expiry when it should be returned to the issuing authority.

*Nigeria.* Seafarers are asked to hand over their identity documents to ships' masters in order to prevent them absconding from the ship.

*Panama. CMP:* The immigration authority wants to compare passports with service records, so a separate identity document is needed.

*Qatar.* This raises problems because of possible abuses on board ship. The document should remain in the possession of the ship's master or the port authorities.

*Russian Federation.* Federation of Trade Workers' Organizations of Maritime Transport Workers: The seafarers' identity document must be issued on a justified legal basis.

*Spain.* A seafarer must be provided with a document showing his sea service to date. A valid document may have to be retained temporarily or withdrawn for failure to comply with the conditions of issue. Normally, if the document is valid, it should remain in the possession of the bearer, except for brief periods when annotations need to be made to it. If the document is revoked, it must be withdrawn from the seafarer in order to prevent fraudulent use. However, if it is withdrawn because it has expired, or because the bearer has ceased to work as a seafarer, the seafarer should be provided with a document containing the relevant ship service data. This document is essential as a means of confirming ship service for the purpose of calculating pension entitlements.

*Suriname.* The Government states that this obligation does not raise any problems, provided that the issuing authority has the right to withdraw the document under certain circumstances.

*United Kingdom.* This obligation might conflict with the 1971 Immigration Act, which allows the holding of passports in certain circumstances, or with the wish of a court to retain possession of a document in order to prevent an individual from leaving its jurisdiction. Furthermore the new instrument should require that the document be surrendered when a seafarer is no longer employed at sea.

*United States.* The right to continuous possession might raise problems if the identity document conveyed automatic rights or were interchangeable with a passport or visa. Security

issues may make it necessary for member States to take possession of documents until the issue can be resolved. Moreover, identity documents are often retained by ships' masters. If the seafarers' identity document is issued in addition to those held typically by the ship's master, the Government will support its continuous possession by the seafarer. However, if it replaces them, the Government will disagree because this would inhibit the master's ability to hold the document to deter absconding.

USCIB: Port States might require the master to hold documents, a possibility that should be encompassed in the new instrument. The issuing nation should also have the right to withdraw a card in accordance with their own regulations.

*ISF.* The seafarers' right to continuous possession of the identity document raises problems. In order to facilitate shore leave, some port States might wish to demand temporary retention of identity documents. With a view to meeting the objective of facilitating shore leave and encouraging ratification, ISF could support an amendment allowing the temporary retention of identity documents, especially if the seafarer were able to retain some other form of identification such as a passport. It is also clear that the issuing State should have the right to withdraw identity documents.

**Qu. B2(b)** (1) *If the answer to question B2(a) indicates that a problem exists, would it be overcome if Article 3 of Convention No. 108 is understood as not affecting the right and duty to withdraw a document invalidly held?*

*Affirmative:* 24. Albania, Algeria, Argentina, Azerbaijan, Belarus, Bulgaria, Canada, Costa Rica, Eritrea, Estonia, France, Greece, Guatemala, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Myanmar, Nicaragua, Peru, Philippines, Portugal, Saudi Arabia.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO (Indonesia); CONFITARMA (Italy); NEF (Namibia); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); SPNI (Indonesia); FILT-CGIL (Italy); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 10. Ecuador, Denmark, Finland, Netherlands, New Zealand, Nigeria, Qatar, United Republic of Tanzania, United Kingdom, United States.

*Employers' organizations:* CPC (Chile).

*Workers' organizations:* NUNW (Namibia).

*Other:* 28. Australia, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Egypt, Germany, Honduras, Hungary, India, Indonesia, Italy, Japan, Malta, Mauritius, Namibia, Norway, Panama, Poland, Romania, Russian Federation, Spain, Suriname, Syrian Arab Republic, Ukraine, Uruguay.

(2) *Should such an understanding be confirmed in the new instrument?*

*Affirmative:* 36. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, India, Indonesia, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Mauritius, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Peru, Philippines, Portugal, Qatar, Saudi Arabia, United Republic of Tanzania, United Kingdom.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); CONFITARMA (Italy); NEF (Namibia); KVNDR (Netherlands); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States).

*Workers' organizations:* CLC (Canada); FNSM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Negative:* 1. Ecuador.

*Employers' organizations:* APINDO (Indonesia).

*Other:* 24. Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Germany, Honduras, Hungary, Italy, Malta, Namibia, Norway, Panama, Poland, Romania, Russian Federation, Spain, Suriname, Syrian Arab Republic, Ukraine, United States, Uruguay.

*Comments*

*Canada.* CLC: Suitable safeguards are needed and the right to secure redress and compensation for any loss suffered by the seafarer has to be ensured.

*Costa Rica.* The General Directorate for Immigration and the Status of Foreigners agrees. CTRN. The workers' organization expresses the same concerns as CLC (Canada).

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Finland.* Besides the temporary retention and withdrawal of documents "invalidly held", the right to withdraw should also be envisaged in other cases, for example, when the measure is unavoidable in order to secure a judicial process according to national legislation.

*Germany.* VDR. The right of the seafarer to retain some other form of identification (i.e. passport) should not be affected.

*Italy.* FILT-CGIL: The workers' organization agrees to the proposed solutions, but expresses the same concerns as CLC (Canada) and CTRN (Costa Rica).

*Japan.* Article 3 of Convention No. 108 does not affect the right of the authorities to withdraw a document that has become invalid.

*Netherlands.* Governments should also have the right to refuse to issue a seafarers' identity document or to withdraw it after issue, when appropriate. Otherwise, there will be a difference

in treatment between seafarers and other citizens. Furthermore, the problem of time-consuming border controls is not solved.

*New Zealand.* The identity document should be revoked if it was obtained fraudulently.

*Saudi Arabia.* The Government agrees to (2) for the purpose of safeguarding seafarers' rights.

*United Kingdom.* A seafarer's absolute right to retain the document at all times would probably provoke conflict with the legislation of most States and would render the document unacceptable.

*United States.* The Government refers to its comments under questions B2(a), B4(a), B4(b) and C2(a).

*ISF.* ISF supports the proposed solution to the problem concerning the right to withdraw documents, as this would be a partial solution. However, this would not address the need for the seafarer to be able to retain some other form of identification such as a passport.

### **Office summary**

- (a) Most States have no problems regarding the right of seafarers to continuous possession of the identity document. Several replies mention that one problem would be that immigration authorities and other competent authorities should have the right to withhold such identity documents.
- (b) Some countries have raised the problem of withholding identity documents in various cases. They are not satisfied that the right and duty to withdraw an invalidly held document would be sufficient to solve the problem. This issue could be resolved in the new instrument by the introduction of an appropriate provision as to the cases where the document should be withheld.

### *B3. Right of readmission to the territory of issue*

**Qu. B3** *On the assumption that the new seafarers' identity document would normally be issued only to nationals of the country concerned and that the exceptional issue to refugees or stateless persons would be optional (see section A1 above), would the requirements to readmit the seafarer to the issuing country raise any problem for Members?*

*Affirmative:* 11. Azerbaijan, Czech Republic, Estonia, Germany, Guatemala, Japan, Kuwait, Liberia, Namibia, Qatar, Saudi Arabia.

*Employers' organizations:* Syndarma (Brazil); APINDO (Indonesia); USCIB (United States).

*Workers' organizations:* FNSM (France); SPNI (Indonesia); NUNW (Namibia).

*Negative:* 44. Albania, Algeria, Argentina, Australia, Belarus, Bulgaria, Canada, China, Costa Rica, Croatia, Denmark, Ecuador, Egypt, Eritrea, Finland, France,

Greece, Honduras, India, Indonesia, Kazakhstan, Lebanon, Lithuania, Malta, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* ANA, CPC (Chile); Armateurs de France (France); INSA (Indonesia); NEF (Namibia); CMP (Panama).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FILT-CGIL (Italy); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 6. Chile, Cuba, Hungary, Italy, Mauritius, Myanmar.

*Comments (e.g. nature of the problem)*

*Australia.* A seafarers' identity document will not in itself provide for admission to Australia. Australian seafarers are required to carry a passport for this purpose. If it is agreed that the employer or employer State can issue the identity document, further consideration may need to be given to the appropriateness of such a provision.

*Azerbaijan.* The Government considers that this obligation raises problems. The Trade Unions Confederation takes the opposite view.

*Brazil.* Syndarma: The matter should not be dealt with in the instrument. Seafarers have passports which guarantee their right of readmission to the issuing country.

*Bulgaria.* States should readmit seafarers to whom they have issued identity documents if they are nationals or permanent residents.

*Canada.* This would not be a problem, provided that all requirements are met and the official is satisfied as to the identity of the holder, etc. The issue also relates to the validity period of the document. Canada is not in favour of the "one year from expiry" provision; once a document expires, it should no longer be valid or acceptable.

*Chile.* As far as the system of issuing the documents is concerned, there is no inconvenience, provided that the relevant legal requirements are fulfilled.

CPC: The seafarer should hold a residence permit.

*Cuba.* This issue must be regulated according to the specific characteristics of each country.

*Czech Republic.* With reference to national legislation, the requirement of readmission raises a problem, because readmission is permitted only if the document is still valid and registered by the competent authority as a travel document.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Estonia.* A right to readmission may cause problems for Estonia and other former Soviet republics.

*Germany.* The seafarers' identity document is not sufficient for the purpose of readmission to Germany. The competent authorities in addition require a German passport, passport substitute (for refugees and stateless persons) or residence permit.

VDR: The employers' organization remains neutral. It is absolutely necessary that States readmit seafarers, i.e. both nationals and permanent residents to whom they have issued the identity document.

*Hungary.* With reference to its comment under question A1(a), the Government suggests that the issuance of identity documents should not be restricted to nationals, and the provisions of the Repatriation of Seafarers Convention (Revised), 1987 (No. 166), should be considered.

*Italy.* CONFITARMA: The employers' organization has a neutral position on the matter. Given that seafarers can carry their passports, such a provision should not be included in the instrument.

*Legia Pesca:* The free movement and right to work of citizens have to be safeguarded, except in grave situations.

*Japan.* The draft instrument should not provide that a seafarers' identity document can be issued only to nationals, but also to foreigners who join a ship under the legal jurisdiction of the State concerned. In the latter case, under Japanese law, readmission into Japan is not allowed without a new crew landing permit once the foreign seafarer has left the country, unless the seafarer has a multiple crew landing permit.

*Kuwait.* There could be a problem when there is a surplus of seafarers registered in the country concerned.

*Liberia.* The Government reiterates its disagreement with the nationality State concept (IMO Conventions clearly require the flag State to issue certification documents to non-nationals) and notes that the problem in question does not need to be covered by the instrument.

*Netherlands.* This solution will not raise any problem for the Government, but its answers to questions A1(b) and (c) should be borne in mind in this connection.

*New Zealand.* Only nationals should be readmitted as of right.

*Nigeria.* This obligation is one of the basic requirements of the Convention.

*Panama.* As long as the immigration status of the seafarer allows readmission, this obligation does not raise any problem.

*Qatar.* This principle should be retained, even if it causes problems for the issuing authority. The country should, however, retain the right not to issue the document.

*Russian Federation.* Federation of Trade Workers' Organizations of Maritime Transport Workers: The provisions of the Convention and national legislation should be observed.

*Ukraine.* Only nationals of the country concerned should have the right of readmission.

*United Kingdom.* This obligation does not raise any problem provided that, if the basis on which the seafarer's identity document has originally been issued is revoked, the seafarer's identity document immediately becomes invalid.

*United States.* The identity document would only be issued to persons lawfully admitted as permanent residents.

USCIB. A clear distinction must be made between nationals and others. Even if refugees and stateless persons are given cards, immigration violations, national security and other issues might create problems for readmittance of non-nationals.

*ISF.* It is clearly important that States parties to the instrument readmit seafarers to whom they have issued identity documents, if they are nationals or permanent residents. However, ISF has no strong views as to the necessity to address this issue in the new instrument.

**Office summary**

A requirement to readmit identity document holders does not pose any problems to many States if the holders are nationals and the issue to other persons optional.

*B4. Right of admission to the territories visited**Admission for temporary shore leave*

*Does the requirement to admit the bearers of seafarers' identity documents for the purposes of shore leave raise any problem for Members?* **Qu. B4(a)**

*Affirmative:* 8. Australia, Egypt, Myanmar, Panama, Qatar, Spain, Syrian Arab Republic, United States.

*Employers' organizations:* CPC (Chile); APINDO (Indonesia); KVNR (Netherlands); USCIB (United States).

*Workers' organizations:* SPNI (Indonesia); NUNW (Namibia).

*Negative:* 47. Albania, Algeria, Argentina, Azerbaijan, Belarus, Bulgaria, Canada, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Finland, France, Guatemala, Honduras, Hungary, India, Indonesia, Japan, Kazakhstan, Lebanon, Liberia, Lithuania, Malta, Mauritius, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Suriname, United Republic of Tanzania, Ukraine, United Kingdom, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); INSA (Indonesia); NEF (Namibia); KVNR (Netherlands); CMP (Panama).

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM (France); FILT-CGIL (Italy); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 5. Chile, Cuba, Germany, Greece, Italy.

*Comments (nature of the problem)*

*Australia.* The seafarers' identity document alone will no longer be sufficient for entry into Australia. A passport will be required as well.

*Brazil.* Syndarma: The employers' organization requests that security precautions should not conflict with the provisions on seafarers' identity documents (see Article 6 of Convention

No. 108), to the extent to which they allow seafarers to avoid the need to apply for a visa to enter the territory of another State party to the Convention.

*Bulgaria.* Bulgaria is a party to the IMO FAL Convention and to Convention No. 108, and both of these instruments provide for the seafarer's right to enter the territory of a member State without a visa, whether for the purpose of shore leave, transit to join a ship, or repatriation. Bulgaria has also concluded a number of bilateral agreements which embody this principle.

*Canada.* Canada has encountered extensive fraudulent use of these documents. Under the terms of Article 6(4) of Convention No. 108, it is not a "requirement" to grant entry to the seafarer. Persons admitted to Canada as crew members are required to depart with the vessel. Canada retains the right to impose other restrictions and deny "shore leave" in specific circumstances. There is no problem as long as Article 6(4) applies.

*Chile.* In practice, immigration authorities accept a seafarers' identity document for the purpose of shore leave.

ANA: This is part of the purpose of the identity document.

CPC: There are problems related to the issuing State.

*Costa Rica.* The Government states that this obligation does not raise problems but the General Directorate for Immigration and the Status of Foreigners takes the opposite position, as Costa Rica imposes entry restrictions according to nationality.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*France.* It would also be advisable to refer to the Seafarers' Welfare Convention, 1987 (No. 163), which provides for facilities to be offered to seafarers for going ashore.

Armateurs de France: The employers' organization notes that the question is important for shipowners and refers to the ISF comments.

*Germany.* With a valid passport, civilian seafarers can be admitted to German territory without entry permission for the purposes of shore leave (i.e. while the ship is in port and within the port's city limits). Any visa requirement continues to apply for visits outside the port city. Possession of a seafarers' identity document alone does not grant a right of admission. Further, entry visas are granted to seafarers at their own expense.

*Honduras.* This is acceptable if the right to shore leave is limited to the duration of the stay of the vessel in the country.

*India.* The purpose of reviewing the seafarers' identity document is to facilitate attaining visa requirements as well as meeting security concerns.

*Indonesia.* INSA: The employers' organization notes that this obligation does not raise any problems; it would be helpful for seafarers and shipowners.

*Italy.* Security problems falling within the competence of the Ministry of the Interior could probably arise.

CONFITARMA: It is difficult to agree to an interpretation of Article 6 of Convention No. 108 that would not expressly exclude a visa requirement for seafarers in the case where the provisions in Article 6, paragraph 1, are fulfilled.

Lega Pesca: The organization does not see any problems with this.

*Japan.* As regards the seafarers' shore leave under Article 6 of Convention No. 108, according to national legislation the competent authorities have the right to refuse entry to individuals, even if they hold a seafarers' identity document.

*Liberia.* The issue of admission for shore leave is critical for Liberia. Seafarers spend long periods at sea, and shore leave is important for safety, as well as for medical, operational, recreational and humanitarian reasons.

*Netherlands.* Admission for temporary shore leave is not a problem as long as shore leave is limited to the port city and its surroundings.

*New Zealand.* Subject to domestic security or immigration requirements, the matter does not raise problems.

*Panama.* Shore leave is granted in connection with ship service, and the immigration authorities authorize shore leave according to the seafarer's immigration status.

*Portugal.* The right of the issuing State to refuse admission for reasons of public order, public security or public health should not be affected.

*Qatar.* Shore leave should be granted in the light of the security requirements of the countries concerned.

*Spain.* A visa may be required.

*Syrian Arab Republic.* Under national legislation a visa is required for shore leave.

*United Kingdom.* This obligation does not raise any problem, provided that Article 6, paragraph 4, of the existing Convention No. 108 is retained.

*United States.* United States immigration law requires an alien seafarer to hold a valid visa unless the Immigration and Naturalization Services (INS) waive this requirement. According to the IMO FAL Convention crew members are not required to hold a visa for the purpose of shore leave. Article 6, paragraph 1, of Convention No. 108 requires the port State to permit entry for shore leave, but does not expressly exclude the possibility of a visa requirement in this case. The Government does, however, support the principle that a new seafarers' identity document, including biometric identifiers, should contain, or provide direct electronic access to, information elements needed to initiate the visa application process where applicable. A provision should further be included to recognize the sovereign right of a member State to conduct additional investigations if appropriate for its security (see comments under question B2(a) above).

USCIB: This obligation raises problems. Although the purpose of the card should be to facilitate the movements of seafarers, shore leave is not an entitlement or granted automatically; the right of a country to admit persons into its territory is sovereign. There may be valid reasons, including national security, disease control, or immigration questions for not admitting persons holding a valid visa.

*ISF.* This issue is of critical importance to ship operators. The principal purpose of the seafarers' identity document is to provide a means by which seafarers can avoid the need to apply for visas for shore leave, transit or repatriation purposes. In the interests of facilitating international trade and the welfare of seafarers, the new instrument should retain this fundamental principle and acknowledge the special nature of seafarers' employment. In principle, if a new instrument is adopted and seafarers hold documents that meet internationally agreed criteria, a visa should not be required for the purposes mentioned in Article 6 of Convention No. 108. This principle should be clearly stated in the new instrument, and as a minimum the principles embodied in Article 6 of the existing Convention should be preserved. It is, however, recognized that an explicit reference to the fact that seafarers should not be required to hold a visa for the purpose of shore leave is likely to prevent ratification of the new instrument by some major port States. ISF can therefore reluctantly agree to the interpretation according to which Article 6 of the Convention does not explicitly exclude the possibility that permission for entry could be granted through a visa as long as the provisions of Article 6, paragraph 1, are fulfilled, and certain other conditions met.

**Qu. B4(b)** *If visas allowing entry were promptly granted, without charge, to holders of the seafarers' identity document who request shore leave on arrival in port, save in exceptional cases covered by Article 6, paragraph 4, of Convention No. 108:*

*(i) Would a visa requirement in those circumstances be considered compatible with paragraph 1 of Article 6 of Convention No. 108?*

*Affirmative:* 28. Albania, Algeria, Argentina, Australia, Belarus, Bulgaria, Costa Rica, Croatia, Ecuador, Egypt, Finland, Kazakhstan, Lebanon, Liberia, Malta, Myanmar, Netherlands, New Zealand, Panama, Poland, Qatar, Romania, Russian Federation, Saudi Arabia, Suriname, Syrian Arab Republic, United Kingdom, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Ship-owners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); USCIB, (United States); ISF.

*Workers' organizations:* SPNI (Indonesia); NUNW (Namibia); APOM (Panama); Romanian Seafarers' Free Union (Romania).

*Negative:* 24. Azerbaijan, China, Czech Republic, Denmark, Eritrea, Estonia, France, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Lithuania, Nicaragua, Norway, Peru, Philippines, Portugal, United Republic of Tanzania, Ukraine, United States.

*Employers' organizations:* NEF (Namibia).

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM (France); FILT-CGIL (Italy); BNS (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 8. Canada, Chile, Cuba, Germany, Mauritius, Namibia, Nigeria, Spain.

### *Comments*

*Brazil.* CONTTMAF: The changes should not entail costs for the seafarers, and the admission of a seafarer to another State under other than the abovementioned conditions should be subject to national law.

*Syndarma:* The employers' organization considers the visa requirement compatible, if the instrument guarantees that it will be issued rapidly and at no cost to seafarers.

*Bulgaria.* The principle that visas should be granted promptly without charge to seafarers must be clearly stated in the new instrument.

*Canada.* There are no special documents issued to seafarers who enter Canada as visitors while on "shore leave" from their vessel. "Shore leave" may be refused in particular circumstances.

CLC: This requirement would be in direct conflict with the IMO FAL Convention (Article 3.45).

*Chile.* In practice, the Chilean Immigration Department uses a “temporary permission of admission into the territory” (Short Pass), which is issued only during the stay in port.

*Costa Rica.* CTRN: This requirement is not compatible for the reason expressed by CLC (Canada).

*Cuba.* Each country must be free to regulate this issue.

*Denmark.* Danish Shipowners’ Association: The employers’ organization endorses the ISF comments.

*Ecuador.* This would prevent over-stays and other contraventions.

*Estonia.* The trade unions disagree.

*Egypt.* Visas should be required in special circumstances.

*France.* Under the terms of the IMO FAL Convention a visa is not required. The term “promptly” should be interpreted as “as soon as possible”.

Armateurs de France: The employers’ organization agrees, subject to the conditions indicated under question B4(a) above.

FNSM: The workers’ organization does not consider this requirement compatible.

*Germany.* See comments under question B4(a).

VDR: The employers’ organization considers the requirement to be compatible, but with the same reservation expressed by ISF.

*Greece.* This issue is regulated by the IMO FAL Convention (paragraphs 3.45-3.47) ratified by Greece. The Greek authorities do not require a visa for temporary shore leave.

*Italy.* CONFITARMA: The employers’ organization agrees, subject to important conditions, and endorses the ISF comments including the proposed amendment to Article 7 of the preliminary draft.

FILT-CGIL: The workers’ organization does not consider this requirement compatible for the same reason expressed by CLC (Canada) and CTRN (Costa Rica).

Lega Pesca: A visa requirement is compatible, provided that modalities for entry are clear and shared by all the ratifying countries.

*Japan.* The acquisition of a visa at the least imposes a physical burden on the seafarer, and a visa for the purpose of shore leave should be unnecessary if the requirements for identification are made more stringent. The visa requirement for landing should accordingly be lessened.

*Liberia.* It is important that the new instrument provides for visas to be issued to seafarers in this case. Such visas should be granted promptly without charge.

*Netherlands.* A visa requirement would be acceptable, but visas should not be granted without charge.

KVNR: A visa requirement could be regarded as compatible with Article 6 of Convention No. 108 for the same reason indicated by ISF.

*Nicaragua.* A visa requirement would represent a retrograde step.

*Nigeria.* A visa requirement would not be compatible unless adopted by a two-thirds majority of the votes at the International Labour Conference, in accordance with Article 6.1 of the preliminary draft.

*Norway.* Norway's preference is for no visas. However, if certain member States still wish to retain the option of issuing a visa, this should be done along the lines suggested by the ILO questionnaire.

*Panama.* The Government agrees with reference to its comment under question B4(a).

*Peru.* There should be no additional requirements.

*Philippines.* Article 6, paragraph 1, of Convention No. 108 does not mention any requirement, and a simple request from a seafarer with a valid identity document should normally be sufficient to obtain an entry permit from any Member. Any Member may deny temporary shore leave under the terms of Article 6, paragraph 4.

*Portugal.* A visa is not required in Portugal to allow admission for shore leave.

*Suriname.* Progressive Trade Workers' Organization: The workers' organization considers the visa requirement contrary to the express provisions of the IMO FAL Convention.

*United Kingdom.* This requirement should be referred to as a "leave to enter" rather than a visa.

*United States.* Visa requirements in the United States are based on additional factors other than those required for a seafarers' identity document, including various disqualifying items such as medical condition, criminal history and failure to pass security screening.

USCIB: Seafarer movements could be facilitated by means of a separate, unique visa and visa waiver procedure.

*ISF.* ISF agrees to the proposed solution, subject to important conditions. A visa requirement could be regarded as compatible with Article 6 of Convention No. 108 if the principle that visas should be promptly granted, without charge to seafarers on arrival in port, were included in the new instrument. The instrument should also state that visas should be promptly granted, without charge, for the other purposes specified in Article 6, paragraph 2, of the Convention. ISF suggests that the draft text of the proposed instrument should be modified (perhaps as paragraph 2bis of Article 7 of the preliminary draft), as follows:

Notwithstanding Article 6 of the Convention, and subject to any other international obligations, Members may only require holders of seafarers' identity documents to obtain a visa provided that: (i) Visas are issued to all holders of seafarers' identity documents that request entry for the purposes of:

- temporary shore leave;
- joining a ship;
- transferring to another ship;
- passing in transit to join a ship in another country; or
- repatriation,

unless clear grounds exist for doubting the bona fides of a seafarer in a particular case as provided by Article 6, paragraph 4;

- (ii) Application for visas, for the purposes described above, can be made by holders of seafarers' identity documents either on or immediately prior to arrival in the Member's territory;
- (iii) Visas are granted promptly and without charge.

(ii) *Would an understanding along the lines above (i) overcome any problem referred to in answer to question B4(a)?*

*Affirmative:* 23. Albania, Algeria, Argentina, Azerbaijan, Belarus, Bulgaria, Costa Rica, Czech Republic, Ecuador, Eritrea, Indonesia, Kazakhstan, Liberia, Myanmar, Namibia, New Zealand, Panama, Poland, Qatar, Saudi Arabia, Syrian Arab Republic, Ukraine, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); CONFITARMA (Italy); NEF (Namibia); USCIB (United States); ISF.

*Workers' organizations:* SPNI (Indonesia); NUNW (Namibia); APOM (Panama).

*Negative:* 14. Australia, China, France, Honduras, India, Japan, Lebanon, Lithuania, Mauritius, Peru, Portugal, Romania, United Republic of Tanzania, United States.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FILT-CGIL (Italy); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 23. Canada, Chile, Croatia, Cuba, Denmark, Egypt, Estonia, Finland, Germany, Greece, Guatemala, Hungary, Italy, Malta, Netherlands, Nicaragua, Nigeria, Norway, Philippines, Russian Federation, Spain, Suriname, United Kingdom.

#### *Comments*

*Australia.* The suggested solution does not overcome the fact that a passport will be required to enter Australian territory. Seafarers entering Australia are understood to hold a special-purpose visa when they are listed as crew on board a non-military ship. These visas are issued by operation of law, without any application or decision process. No charge is required. Reference is made also to Australia's comments under question B4(a) above.

*Brazil.* Syndarma: The employers' organization refers to its comment under question B4(b)(i).

*Bulgaria.* The proposal is acceptable, if specific reference is made to the circumstances in which a visa may be issued.

*Canada.* There is no objection provided that States retain the right to impose visa requirements on persons intending to seek admission as seafarers, to request and examine any documents, including passports, in order to confirm identity and bona fides and to grant or deny entry.

CLC: The suggested solution would conflict with member States' obligations under the IMO FAL Convention.

*Czech Republic.* Such an understanding could overcome problems regarding admission for temporary shore leave, given that under United States regulations a visa is required for shore leave in United States ports.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* This would clarify any confusion which could have arisen.

*France.* As a Member of the European Union, France is subject to the provisions of the Schengen Agreement, in particular, the provisions of the Convention implementing the Agreement.

*Germany.* See comments under question B4(a).

VDR: The employers' organization agrees, with certain reservations, and endorses the ISF comments.

*Greece.* Reference is made to comments under question B4(b)(i).

*Honduras.* See comments under question B4(b)(i).

*India.* The new document should dispense with visa requirements and facilitate the movement of workers.

*Italy.* CONFITARMA: The employers' organization agrees, subject to certain conditions, and endorses the ISF comments.

FILT-CGIL: The workers' organization disagrees for the same reason indicated by CLC (Canada).

*Japan.* See the answer to question B4(b)(i).

*Nigeria.* All parties involved should be duly informed and agree in this respect.

*Portugal.* The proposal is not acceptable. Different procedures exist in several member States that have ratified Convention No. 108 as regards possible exemption from visa requirements, as well as the issue of permits for shore leave.

*Suriname.* Progressive Trade Workers' Organization: The workers' organization disagrees for the reason indicated by CLC (Canada) and FILT-CGIL(Italy).

*United States.* This would not overcome the problem, as the tests required for admittance differ from those used for obtaining a seafarers' identity document, and a visa must be obtained from a consulate or embassy.

USCIB: The visa requirement should be precisely set out in the instrument.

*ISF.* The employers' organization can accept such an understanding if specific reference to the circumstances in which a visa might be issued is included in the new instrument.

### *Admission for other purposes*

**Qu. B4(c)** *Does the requirement of admission – under the conditions stated in the preceding question – for any of the purposes mentioned in paragraph 2 of Article 6 of Convention No. 108 raise any problem for Members?*

*Affirmative:* 16. Australia, Bulgaria, Canada, Costa Rica, Denmark, Honduras, Indonesia, Japan, Myanmar, New Zealand, Nicaragua, Panama, Portugal, Qatar, Russian Federation, United States.

*Workers' organizations:* FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); NUNW (Namibia).

*Negative:* 38. Albania, Algeria, Argentina, Azerbaijan, Belarus, China, Croatia, Czech Republic, Ecuador, Egypt, Eritrea, Estonia, France, Finland, Greece, Guatemala, Hungary, India, Kazakhstan, Lebanon, Liberia, Lithuania, Malta, Netherlands, Nigeria, Norway, Peru, Philippines, Poland, Romania, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, Uruguay.

*Employers' organizations:* NEF (Namibia); CMP (Panama).

*Workers' organizations:* FILT-CGIL (Italy); APOM (Panama); Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Other:* 6. Chile, Cuba, Germany, Italy, Mauritius, Namibia.

*Comments (i.e. nature of the problem)*

*Australia.* The Government refers to its answer to question B4(b).

*Brazil.* CONTTMAF: The workers' organization refers to its comment under question B4(b).

*Syndarma:* The employers' organization emphasizes that the question is of extreme importance to shipowners, and refers to its comment under question B4(b)(i).

*Bulgaria.* Problems might arise in cases of repatriation or joining a ship for seafarers from certain countries.

*Canada.* There is no problem, as long as it is understood that States have the right to impose visa requirements on persons wishing to enter or transit their territories with seafarers' identity documents, and to refuse entry or impose other restrictions.

*Chile.* There is a problem in that for this type of activity, especially for entry into or exit from the country, a passport is specifically required.

*Costa Rica.* While the Government agrees, the General Directorate for Immigration and Status of Foreigners disagrees.

*Cuba.* Each State must be free to regulate this issue.

*Denmark.* If the seafarer is a national of a country whose citizens are required to hold a visa when travelling to Denmark, the seafarer must have a visa.

*Danish Shipowners' Association:* The employers' organization endorses the ISF comments.

*France.* There is no problem, but a reservation is expressed with reference to EC regulations and national legislation, in particular as concerns the possibility to refuse the admission in exceptional cases.

FOMM, SNCNMM, SNPOMM: A problem may arise in connection with the Government's capacity for verifying compliance.

*Germany.* See comment under question B4(a).

VDR: The employers' organization endorses the comment of the ISF.

*Honduras.* Reference is made to comments under question B4(b)(i).

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments.

Lega Pesca: The organization does not see any problems.

*Japan.* Under Article 6, paragraph 2, of the Convention, although the definition of the term "passing" is not clear, in Japan the bearer of a seafarers' identity document is not allowed shore leave unless on duty. Cases where a seafarer comes to Japan as an airline passenger, transits the country in order to join ship in another country and leaves Japan again by air or passes through Japan for repatriation, are not regarded as shore leave. An obligation to allow entry for shore leave in such cases would pose a problem for Japan.

*Netherlands.* Such a requirement will not raise problems, but passports and visas will continue to be required.

*New Zealand.* Crew are granted permission for entry and leaving purposes when on board the same vessel, but not for joining a ship or for transit to join another ship.

*Nicaragua.* This obligation, under the aforesaid conditions, raises a problem as it would negate the purpose of the identity document and cause delay for seafarers.

*Nigeria.* This obligation will not pose any problem, provided that Members act in compliance with the stated conditions.

*Panama.* Refers to its comment under question B4(a).

*Portugal.* Problems exist owing to the different issuing procedures referred to in the comment to question B4(b)(ii).

*Romania.* BNS: This obligation restricts and complicates the movements of seafarers.

*Suriname.* This obligation does not raise any problem, provided that the visa requirements regarding transit are observed.

*United States.* Reference is made to comments under questions B4(a) and B4(b).

*ISF.* This issue is of critical importance to ship operators. The ISF reply to questions B4(a) and B4(b) above should be taken into account.

**Qu. B4(d)** *What might be the main consequences if a seafarer in a foreign port does not hold a valid seafarers' identity document issued pursuant to the new instrument:*

– *refusal of shore leave?*

*Affirmative:* 48. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, China, Costa Rica, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, Greece, Guatemala, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Lebanon, Lithuania, Malta, Mauritius, Myanmar, Namibia, Nicaragua,

Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Spain, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States.

*Negative:* 5. Croatia, France, Netherlands, Russian Federation, Uruguay.

*Other:* 7. Chile, Cuba, Germany, Honduras, Liberia, New Zealand, Suriname.

– *refusal of entry to join the seafarer's ship or transfer to another ship?*

*Affirmative:* 45. Albania, Algeria, Argentina, Australia, Belarus, Bulgaria, Canada, China, Costa Rica, Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Finland, Greece, Guatemala, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Lebanon, Lithuania, Malta, Mauritius, Myanmar, Netherlands, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States.

*Negative:* 6. Azerbaijan, Croatia, France, Nicaragua, Poland, Uruguay.

*Other:* 9. Chile, Cuba, Egypt, Germany, Honduras, Liberia, Namibia, New Zealand, Suriname.

– *refusal of transit to join the seafarer's ship in another country or for repatriation?*

■ *refusal of transit to join the seafarer's ship in another country:*

*Affirmative:* 44. Albania, Algeria, Argentina, Australia, Belarus, Bulgaria, Canada, China, Costa Rica, Czech Republic, Denmark, Ecuador, Estonia, Finland, Greece, Guatemala, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Lebanon, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Syrian Arab Republic, United Republic of Tanzania, United Kingdom, United States.

*Negative:* 8. Azerbaijan, Croatia, Eritrea, France, Nicaragua, Poland, Ukraine, Uruguay.

*Other:* 8. Chile, Cuba, Egypt, Germany, Honduras, Liberia, New Zealand, Suriname.

■ *for repatriation:*

*Affirmative:* 44. Albania, Algeria, Argentina, Australia, Belarus, Bulgaria, Canada, China, Costa Rica, Denmark, Ecuador, Estonia, Finland, France, Greece,

Guatemala, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Lebanon, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Syrian Arab Republic, United Republic of Tanzania, United Kingdom, United States.

*Negative:* 7. Azerbaijan, Croatia, Czech Republic, Eritrea, Poland, Ukraine, Uruguay.

*Other:* 9. Chile, Cuba, Egypt, Germany, Honduras, Liberia, New Zealand, Nicaragua, Suriname.

– *other consequences?*

#### *Comments*

*Algeria.* An exception should be envisaged in case of medical evacuation for humanitarian reasons.

*Argentina.* In the case of transit for repatriation there are additional consequences.

*Australia.* According to reports received in the past, seafarers may be arrested or fined in some countries, but not in Australia.

*Azerbaijan.* The Government only agrees with the first consequence (refusal of shore leave) but disagrees with the others. The Trade Unions Confederation disagrees with all the consequences, and believes permission should be given when the seafarer has documents confirming employment on a given ship, is reporting to his ship, or is in transit for his ship.

*Brazil.* CONTTMAF: The workers' organization remains neutral, but considers that for reasons of security, seafarers without identity documents should not be granted shore leave. In such cases, the responsible authority should adopt procedures to determine whether the seafarer is qualified to exercise his function and, as applicable, arrange his repatriation or allow him to stay on board.

*Syndarma:* The employers' organization endorses the ISF comment.

*Canada.* The Government suggests the possible detention and removal of the ship or person concerned.

*Chile.* If the seafarer cannot show a valid identity document, his or her professional ability should be verified with the issuing authority. As for identification purposes, the person concerned could be submitted to identification procedures by immigration authorities.

*ANA:* The employers' organization disagrees with all the proposed measures. The seafarer could carry other documents such as a passport and a visa, if required.

*CPC:* The employers' organization agrees to all, and adds that the seafarer would not be able to go ashore, except for immediate expulsion due to invalid documents.

*Cuba.* The measures suggested could be contrary to domestic provisions.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Egypt.* The consulate of the issuing State should be able to extend the validity of the document for a further six months, in accordance with national legislation.

*Finland.* Affirmative answers to the questions under B4(d) are subject to the condition that other documents (e.g. national passports) cannot be presented instead.

*France.* This aspect should be left to the discretion of each Member, subject to the possibility for seafarers to provide other documents, in particular the passport.

FNSM: The workers' organization agrees to all the proposals.

Armateurs de France: The employers' organization refers to the ISF comments on these points.

FOMM, SNCNMM, SNPOMM: The workers' organizations note that if the identity document is compulsory, the seafarer must be able to show it.

*Germany.* See comment under question B4(a).

VDR: The employers' organization endorses the ISF comments and the proposed amendment to the preliminary draft.

*Honduras.* The Government refers to its comments under question B4(b)(i).

*Hungary.* The Government agrees to all the consequences listed which are similar to those in the case of an invalid identity document.

*India.* A person who is not in possession of a seafarers' identity document will not be considered a genuine seafarer.

*Indonesia.* APINDO: The employers' organization agrees with the first consequence (refusal of shore leave) but disagrees with the others.

INSA: The employers' organization agrees to all these consequences, and mentions additionally the possible detention by the local authority.

SPNI: The workers' organization disagrees with all consequences stated.

*Italy.* CONFITARMA: The employers' organization endorses the ISF comments, including the proposed amendment to Article 7 of the preliminary draft.

FILT-CGIL: The workers' organization agrees to all the proposals.

Lega Pesca: The organization notes that if the workers' identity is established, transit through the country must be allowed.

*Liberia.* The Government believes that the consequences of failure to hold a valid identity document are dependent on the policy of the port State concerned. The new instrument should not stipulate the consequences of a seafarer not having an identity document other than to state that a ship should not be detained under port State control provisions on this basis.

*Namibia.* NEF: The employers' organization agrees to all these proposals in cases where the seafarer does not hold a valid visa or passport for entry into the country concerned.

NUNW: The workers' organization agrees with the first point (refusal of shore leave), but disagrees with the others.

*Netherlands.* The Government agrees to the proposals under question B4(d), unless the seafarer possesses a valid passport and meets all other requirements for entry.

KVNR: The employers' organization endorses the ISF comments including the proposed amendment to the preliminary draft.

*New Zealand.* If the identity of the seafarers cannot be verified, the member State is under no obligation to allow shore leave or transfer to another ship. It would be up to each Member to develop guidelines for such situations.

*Nicaragua.* Shore leave is refused if the seafarer holds neither a seafarers' identity document nor a valid passport. As to the second and third consequences, it would be necessary to take measures to verify the reasons for the seafarer's re-embarkation.

*Panama.* With regard to transit to join the seafarer's ship in another country or for repatriation, the seafarers' identity document should not be confused with the passport. If the identity document is invalid, the seafarer should have to take all pertinent measures before the issuing authority, and the shipowner should have to replace him with another seafarer holding valid identity documents.

CMP: In cases of invalid identity documents, the employers' organization requests that seafarers be required to obtain a transit visa.

APOM: The workers' organization agrees to all the proposed consequences.

*Philippines.* Deportation in case of security risks is another possible consequence.

*Portugal.* In case a document becomes invalid, efforts should be made together with the diplomatic mission of the country of nationality of the holder to extend the validity period of the document or issue a new document.

*Romania.* Association of Shipowners of Romania: The employers' organization agrees with the first consequence (refusal of shore leave).

BNS: The workers' organization agrees to all.

Romanian Seafarers' Free Union: The workers' organization agrees to all in principle, but suggests that for a transitional period the fact of not holding a valid document issued under the new instrument should not entail any consequences.

*Russian Federation.* Federation of Trade Workers' Organizations of Maritime Transport Workers: The workers' organization agrees to all.

*Suriname.* Member States should have the right to decide in accordance with their national legislation on this issue. The right to apply for admittance or transit should be granted if it is necessary and not considered illegal.

*Syrian Arab Republic.* Unless the seafarer has a maritime passport, the consequences listed above should be allowed.

*United Republic of Tanzania.* A possible consequence could be detention by the state authorities pending verification of the seafarers' identity.

*United Kingdom.* The Government affirms all these consequences if no other satisfactory documentation is held. Any attempt to disembark from a ship without a valid seafarers' identity document or other satisfactory documentation makes the carrier liable to a fine.

*United States.* The Government presumes that a seafarer who cannot obtain a valid seafarers' identity document will probably not be able to acquire a valid visa or passport. Failure to acquire those documents would preclude entry.

USCIB: The employers' organization agrees to all.

*Uruguay.* The Government disagrees with all. It should be verified through the issuing authority that the person concerned is really a seafarer.

*ISF.* The consequences of seafarers not holding valid identity documents in a foreign port depend on the policy of the port State and whether it is party to the relevant section of the IMO FAL Convention. If visas are not normally required according to the nationalities of seafarers concerned, then entry for shore leave and transit purposes should certainly still be permitted. The same should apply if the seafarers concerned hold valid visas. In principle, it would be desirable for every seafarer to hold an identity document complying with the new instrument. However, some countries may elect not to become parties to any new instrument. In the absence of the required documents, port States should still retain the discretion to permit entry on the basis of passports alone, with or without visas as may be appropriate according to the seafarer's nationality. They should also have the option of granting entry rights to seafarers holding docu-

ments issued in accordance with the existing Convention. Moreover, although port States might decide to deny entry to seafarers not holding identification documents, the new instrument should clearly State that the absence of a seafarers' identity document should not be grounds for port State control detention. The following text is suggested for inclusion in the instrument, perhaps as a penultimate paragraph in Article 7: *"If any seafarer on a ship visiting a Member's territory does not hold a valid seafarers' identity document issued in accordance with the provisions of this Protocol, this shall not in itself be construed as a deficiency relevant to the safety of the ship or the welfare of its crew, nor shall it constitute grounds for port State control detention."*

### Office summary

A requirement to admit bearers for the purpose of shore leave does not seem to pose problems to the majority of States. A few States would also require a passport, as well as visa formalities which might be facilitated if the necessary information were available through the identity document.

A narrow majority reply that the prompt granting of a visa without charge for the purpose of shore leave upon request on the arrival of a seafarer in a port would be sufficient to comply with Article 6, paragraph 4, of Convention No. 108. Some countries disagree, on the grounds that the granting of temporary shore leave should not be subject to visa formalities. A few others point out that visa formalities go beyond the information which would be available from the identity card. It is suggested that reference to "leave to enter" should be used in this case rather than "visa". A few States do not feel that the problems identified under question B4(a) would be overcome by an understanding that prompt admission for shore leave under a "visa" or "leave to enter" procedure is compatible with Article 6, paragraph 8, of Convention No. 108.

Although most countries do not identify any problems, many would like to maintain the ultimate right to refuse admission in certain cases for the purposes stated, i.e. transit, joining and leaving a vessel.

If a seafarer did not hold a valid identity card, most States would refuse shore leave, entry to join a ship or transfer to another ship, transit to join a ship in another country and transit for repatriation.

### *B5. General right to recognition of the seafarers' identity document*

*The new instrument should expressly state the general principle that the authorities of port States must accept that the bearers of valid seafarers' identity documents issued by other parties to the new instrument are genuine seafarers unless clear grounds exist for doubting the bona fides of a seafarer in a particular case. See preliminary draft, Article 7.1.*

**Qu. B5**

*Affirmative:* 56. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Chile, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta,

Mauritius, Myanmar, Namibia, Netherlands, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay,

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative:* 3. Canada, Finland, New Zealand.

*Other:* 2. Cuba, Nigeria.

#### *Comments*

*Australia.* The Government considers that the main, if not the only, purpose of the seafarers' identity documents is "to confirm that the bearer is a genuine seafarer". For port States to accept such documents, a rigorous process needs to be put in place to ensure the validity of the claim, and relevant evidence must be given that the identity document holder is actually a bona fide member of a particular crew. The seafarer's identity document envisaged by the ILO questionnaire would provide only proof of identity, not proof of employment. In *Australia*, such a document will not by itself guarantee immigration clearance; the seafarer will still be required to hold a passport.

*Brazil.* CONTTMAF: The principle of good faith should be preserved, except where there is evidence of irregularities.

Syndarma: The employers' organization agrees subject to the conditions mentioned under questions B4(b)(i) and B4(d).

*Canada.* States should have the prerogative to screen the holders of such documents in order to determine that they are genuine seafarers. The onus is on the applicant for entry to satisfy the authorities as to his or her identity and reason for entry. States must also be able to take into account situations where the documents issued by a particular State have been brought into question (e.g., insecure issuance standards or procedures). The prerogative to screen the holders of seafarers' identity documents should be added to Article 7, paragraph 1, of the preliminary draft.

CLC: This is the normal text for the recognition of the various certificates and documents a ship is required to carry and for all seafarers' vocational certificates of competency.

*Chile.* The Government agrees as concerns requirements relating to the verification of a seafarer's status for ship security purposes.

*Cuba.* This should remain in accordance with domestic provisions.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* Each ratifying Member must strictly apply all the parameters established in the instrument.

*Finland.* The inclusion of this provision is not necessary.

*Germany.* VDR: The employers' organization agrees, and endorses the comment of the ISF.

*Honduras.* The Government agrees, and indicates that in case of doubt the data could be verified.

*India.* The inclusion of this principle will prevent unilateral action by member States.

*Italy.* CONFITARMA: The employers' organization substantially endorses the ISF comments. Article 7, paragraph 1, of the preliminary draft is broadly acceptable, although account should also be taken of the views expressed in response to questions B4(a), B4(b) and B4(c).

FILT-CGIL: The workers' organization agrees for the reason indicated by CLC (Canada).

Lega Pesca: The organization disagrees. In this case, refusal is not justified, unless the person is recognized as a criminal in the country concerned.

*Japan.* Since a seafarers' identity document is intended to prove the status of the bearer, the intention of the question itself does not have to be regulated as the prescription is in the nature of the identity document itself. Given that such general principles do not affect the application of Article 6, paragraph 4, of Convention No. 108, Japan has no objection to the proposal.

*New Zealand.* If there is any doubt concerning the legitimacy of a seafarers' identity document or the genuine intent of the seafarer, the port authorities should be able to investigate further before accepting the document.

*Suriname.* Progressive Trade Workers' Organization: There are similar provisions regarding the recognition of the seafarer's certificate of competence and the various ship certificates.

*United Kingdom.* The Government agrees provided that the "clear grounds for doubting" are defined by the port State and noting the provisions of paragraph 4 of Article 6 of the existing Convention.

*United States.* The Government recalls that United States immigration law does not grant genuine seafarers special status or exemption from visa requirements. Its reply assumes that member States adhere to the definition of what constitutes an agreed identity document, and that documents once issued may be rendered invalid if audit processes and databases are not strictly adhered to. This approach is consistent with the acceptance by the United States of STCW and other IMO-based certificates as prima facie evidence of compliance, in the absence of any other evidence that might raise doubts concerning validity.

*ISF.* Article 7, paragraph 1, of the preliminary draft is broadly acceptable. Nonetheless, account should also be taken of the views expressed in response to questions B4(a), B4(b) and B4(c). In particular, for the reasons explained in response to question B4(b), additional text should be incorporated in Article 7 of the preliminary draft to clarify the obligations of port States with regard to permitting entry of seafarers holding valid identity documents.

## Office summary

In general, States agree that port States should accept that holders of the seafarers' identity document are genuine seafarers. A few countries consider that States should

still reserve the right to screen holders, especially if there are grounds for doubting the bona fides of a particular seafarer. Certain States would like to have evidence of which vessel the seafarer is attached to.

### **C. Form of the new instrument (Protocol or new Convention?) and its relationship with Convention No. 108**

At present the new instrument is conceived as a Protocol to Convention No. 108. It might appear preferable for the new instrument to take the form of a Convention revising Convention No. 108, so as to enable the *ipso jure* denunciation of Convention No. 108 when the new instrument came into force for the Member concerned. This question may to a large extent depend upon whether or not the parties to Convention No. 108 need to be released from certain obligations.

#### *Comments*

*Australia.* There should be a new revising Convention rather than a Protocol to Convention No. 108. The coming into force of the new instrument should close Convention No. 108 to further ratification. A new Convention and a new Convention number will reinforce the message that there are new standards. It may also be appropriate to consider whether the Preamble of the new instrument should include the rationale for the revision, i.e. the need for "heightened maritime security".

The following member States and organizations also supported the adoption of a new revising instrument: Liberia; ISF.

#### *C1. Obligation to issue seafarers' identity documents*

Provided that care is taken to ensure that the new instrument establishes requirements for the identity document that include all the requirements of Convention No. 108, the seafarers' identity document issued under the new instrument would also constitute such a document for the purposes of Convention No. 108 since the latter leaves the precise form and content to be decided by each Member and allows a Member to prescribe further particulars (Article 4, paragraphs 6 and 7).

**Qu.C1** *The new instrument should, inter alia, embody the requirements of Convention No. 108 relating to the seafarers' identity document, that it be made of durable material, be so fashioned that any alterations are easily detectable, as well as its content. See preliminary draft, Articles 4.1 and 4.4.*

*Affirmative:* 59. Albania, Algeria, Argentina, Australia, Azerbaijan, Belarus, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary,

India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania); USCIB (United States); ISF.

*Workers' organizations:* CONTTMAF (Brazil); CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia); FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Other:* 2. Cuba, Germany.

### Comments

*Australia.* The new instrument should incorporate the basic provisions of Convention No. 108, to enable parties to this Convention to issue a new seafarers' identity document as soon as possible.

*Brazil.* CONTTMAF: The workers' organization agrees on grounds of security.

Syndarma: The employers' organization agrees. However, it seems unnecessary to include the requirements in the Protocol, as they are clearly set out in Article 1 of Convention No. 108.

*Denmark.* Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Ecuador.* This solution would allow easy use and the document would be adaptable to any subsequent change.

*France.* The Government refers to its earlier comments on this issue.

*Germany.* VDR: The employers' organization endorses the comment of the ISF.

*Greece.* The current Greek seafarers' identity document might continue to be used for the purpose of seafarers' identification, while improving its security features according to Appendix A of the questionnaire.

*Honduras.* This solution is favoured for the purpose of the preservation of the document.

*India.* This requirement may be included if a new Convention is being developed.

*Italy.* CONFITARMA: The employers' organization agrees and endorses the ISF comments. Lega Pesca: The organization agrees.

*New Zealand.* If a revised seafarers' identity document is adopted, it should be secure and fashioned in such a way as to make alterations easily detectable.

*Nigeria.* The Government agrees for the purpose of avoiding false identity documents.

*United States.* USCIB: The employers' organization agrees – provided that the new instrument is a freestanding Convention not connected to the requirements of Convention No. 108, which was adopted in a different era. Further, the interpretations of Convention No. 108 should not be given presumptive validity with respect to the new instrument.

*ISF.* The issues referred to in this proposal are important, but presumably they need only be incorporated if it is decided to develop a new Convention; otherwise they are covered by Article 1 of the existing Convention.

### **Office summary**

The new instrument should embody these provisions of Convention No. 108 as to the materials used and the ability to detect alterations.

#### *C2. Obligation to accept seafarers' identity documents issued by other ratifying Members*

**Qu. C2(a)** *Should the new instrument release parties to Convention No. 108 that ratify the new instrument from their obligation to accept seafarers' identity documents issued in accordance with Convention No. 108?*

*Affirmative:* 41. Albania, Argentina, Australia, Belarus, Canada, Chile, Costa Rica, Czech Republic, Egypt, Eritrea, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, Indonesia, Italy, Japan, Kuwait, Lebanon, Malta, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Romania, Saudi Arabia, Spain, Syrian Arab Republic, United Kingdom, United States, Uruguay.

*Employers' organizations:* CPC (Chile); APINDO (Indonesia); NEF (Namibia); CMP (Panama); USCIB (United States).

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica); Seafarers' Union of Croatia (Croatia); SPNI (Indonesia); FILT-CGIL (Italy); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Progressive Trade Workers' Organization (Suriname).

*Negative:* 15. Algeria, Azerbaijan, Bulgaria, China, Croatia, Ecuador, India, Kazakhstan, Lithuania, Poland, Qatar, Russian Federation, Suriname, United Republic of Tanzania, Ukraine.

*Employers' organizations:* Syndarma (Brazil); ANA (Chile); INSA (Indonesia); Association of Shipowners of Romania (Romania).

*Workers' organizations:* CONTTMAF (Brazil); NUNW (Namibia); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation).

*Other:* 5. Cuba, Denmark, Germany, Liberia, Mauritius.

*Comments*

*Australia.* The Government agrees, on condition that a transition period be provided.

*Brazil.* CONTTMAF: This would prejudice standardization, make recognition of the document by the authorities difficult, and cause insecurity.

Syndarma: Some countries might not ratify the Protocol but continue to be parties to the Convention. Documents issued in accordance with the Convention should be accepted at least for a specified period of time after the entry into force of the Protocol.

*Bulgaria.* Documents issued in accordance with the existing Convention should still be acceptable, at least for a specified interim period.

*Canada.* Attention is drawn to the difficulty of determining whether a document was issued under valid Convention terms.

CLC: The new instrument should be a separate Convention rather than a Protocol.

*Chile.* Members ratifying the new instrument must comply to it and mutually recognize the documents they have issued. As for member States that are not party to the instrument, each administration (port State) must be released from the obligation to recognize these documents.

*Costa Rica.* In the Government's view, this is a rational solution. However, the General Directorate for Immigration and the Status of Foreigners has expressed disagreement on this issue.

CTRN: The new instrument should be a separate Convention rather than a Protocol.

*Croatia.* During the period of validity of the existing identity documents, they still should be accepted. However, any identity document issued after the adoption of the new instrument would have to be in line with it.

*Denmark.* The aim to strengthen the reliability of the new identity document for seafarers may be lost, if a party to Convention No. 108 having ratified the new instrument still has to recognize and accept seafarers' documents issued in accordance with the old Convention. However, new parties to Convention No. 108 and parties which may have problems with the new instrument may expect that their documents issued in accordance with Convention No. 108 maintain their validity as travel documents. The new instrument should include appropriate provisions making it possible to have a double system taking into account both the new seafarers' identity document and old identity documents for a limited period after the adoption.

Danish Shipowners' Association: The employers' organization endorses the ISF comments.

*Estonia.* The social partners do not agree.

*France.* This provision seems to be necessary.

Armateurs de France: The employers' organization refers to the ISF comments on the subject.

*Germany.* VDR: The employers' organization remains neutral and endorses the substance of ISF comments.

*Greece.* The relevant obligations of the Schengen Convention should be taken into account. Furthermore, according to a United Nations decision, the travel documents of the Democratic People's Republic of Korea are not recognized by many countries, including Greece. At national level, pursuant to the principle of reciprocity, Greece does not recognize the seafarers' identity documents of certain other countries, e.g. the Syrian Arab Republic.

*Hungary.* The identity documents issued in accordance with Convention No. 108 should be accepted only during a transition phase.

*India.* Convention No. 108 should remain in force during the interim period.

*Italy.* CONFITARMA: The employers' organization takes a neutral position and substantially endorses ISF comments.

FILT-CGIL: The new instrument should be a separate Convention rather than a Protocol.

Lega Pesca: The organization agrees.

*Kazakhstan.* The procedure for replacing the seafarers' identity documents should take at least five years.

*Liberia.* Strong incentives should be introduced to encourage all States to ratify the new instrument, in order to obviate the need to provide references in the new instrument to Convention No. 108.

*Nigeria.* There is need for uniformity.

*Norway.* Appropriate transitional provisions should be included in order to prevent problems.

*Suriname.* The goal should be to trigger non-parties in a different way to ultimately adapt their documents and procedures to the requirements of the new instrument. Technical and financial assistance should be easily accessible, while national constraints should be taken into serious consideration.

Progressive Trade Workers' Organization: The new instrument should rather be a separate Convention rather than a Protocol.

*Ukraine.* There should be a sufficient transition period.

*United Kingdom.* The Government agrees in principle. Provisions during a phase-in period will be required.

*United States.* Only documents issued in accordance with the new instrument should be acceptable after a date specified in the instrument that affords a reasonable time for replacing the old ones. However, the right of member States to apply their immigration and customs laws should not be waived by the mere holding of a document, even if valid.

*ISF.* The employers' organization is neutral on this proposal. Some countries may not ratify any new instrument, although they remain party to Convention No. 108. Ideally, documents issued in accordance with this Convention would still be acceptable, at least for a specified interim period. In practice, however, the obligation to accept documents issued under Convention No. 108 may be academic, since the Convention does not expressly impose on Members the obligation not to require visas. As explained in ISF's response to question B4(b), the "price" for encouraging ratification of the Convention and the new instrument may be to accept that only the holders of documents issued in accordance with the latter instrument should, in normal circumstances, be facilitated for entry. In the absence of the required documents, port States must still retain discretion to permit entry on the basis of the passport alone, with visas if requested, or without it. They must also have the option of granting entry rights to seafarers holding documents issued in accordance with the existing Convention.

**Qu. C2(b)** *In the interest of the rapid entry into effect of the new system on a universal basis and having regard to the time often needed for national ratification procedures, the new instrument could oblige the parties to it also to accept identity documents issued by parties to Convention No. 108, pend-*

*ing ratification of the new instrument, where the requirements of the latter instrument have been complied with.*

*Presumably, such acceptance would need to be on a reciprocal basis. See preliminary draft, Article 7.2.*

*Affirmative: 51.* Albania, Algeria, Australia, Azerbaijan, Belarus, Bulgaria, Chile, China, Costa Rica, Croatia, Czech Republic, Ecuador, Egypt, Estonia, Finland, France, Honduras, Hungary, India, Indonesia, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Liberia, Lithuania, Malta, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, United Republic of Tanzania, Ukraine, United Kingdom, United States, Uruguay.

*Employers' organizations:* Syndarma (Brazil); ANA, CPC (Chile); Danish Shipowners' Association (Denmark); Armateurs de France (France); VDR (Germany); APINDO, INSA (Indonesia); CONFITARMA (Italy); NEF (Namibia); CMP (Panama); Association of Shipowners of Romania (Romania), USCIB (United States), ISF.

*Workers' organizations:* CLC (Canada); CTRN (Costa Rica), Seafarers' Union of Croatia (Croatia); FNSM, FOMM, SNCNMM, SNPOMM (France); SPNI (Indonesia), FILT-CGIL (Italy); NUNW (Namibia); APOM (Panama); BNS, Romanian Seafarers' Free Union (Romania); Federation of Trade Workers' Organizations of Maritime Transport Workers (Russian Federation); Progressive Trade Workers' Organization (Suriname).

*Negative: 3.* Argentina, Guatemala, Canada.

*Workers' organizations:* CONTTMAF (Brazil).

*Other: 7.* Cuba, Denmark, Eritrea, Germany, Greece, Mauritius, Namibia.

### Comments

*Australia.* Australia has not ratified Convention No. 108, but recognizes seafarers' identity documents held by foreign seafarers issued in accordance with the Convention. This will continue to be the case, although Australia will soon be requiring all seafarers also to carry a passport.

*Brazil.* CONTTMAF: The workers' organization refers to its comment under question C2(a).

Syndarma: Such a measure is necessary to ensure a smooth transition phase.

*Canada.* This would be very confusing and have the effect of diminishing the improvements provided by the new document. There could be some "opting in" period, but States should be under no obligation to accept the old documents. In any case, member States should have the right to question the holders of seafarers' identity documents and to require holders to apply for and obtain visas.

CLC: The workers' organization agrees, on the assumption that such acceptance would need to be on a reciprocal basis and the State concerned had, in addition to fully implementing the new requirements, also undertaken to ratify the revised instrument.

*Costa Rica.* The Government agrees, because the principle of international reciprocity should be applied.

*Denmark.* There is a reservation on this solution. It seems to be a practicable way to improve the spread of the new seafarers' identity document, especially for countries in which the parliamentary procedure may delay the ratification of the new instrument. However, such a provision could reduce the probability of widespread ratification of the new instrument, if countries through agreements can obtain a wide recognition of their identity documents, issued in accordance with the new instrument, without ratifying it.

*Danish Shipowners' Association:* The employers' organization endorses the ISF comments.

*Ecuador.* This solution can be adopted temporarily with a view to speeding up the implementation of the new instrument.

*Estonia.* The social partners do not agree.

*France.* This possibility should be limited in time.

*Germany.* VDR: The employers' organization endorses the comments of the ISF.

*Greece.* The acceptance of the seafarers' identity document before the ratification of the new instrument might create formal and substantial problems of application, due to particularities at national level.

*Honduras.* The Government agrees because this solution is perceived as a temporary measure.

*India.* This solution is necessary during the interim period.

*Italy.* CONFITARMA: Such a measure would seem necessary for transition.

*FILT-CGIL:* The workers' organization agrees for the same reason expressed by the CLC (Canada).

*Lega Pesca:* The organization agrees.

*Liberia.* The Government makes reference to its comment under question C2(a).

*New Zealand.* The Government agrees, on the condition that the member States had previously ratified Convention No. 108.

*Portugal.* A transitional period must be provided.

*United States.* The Government refers to its comment under question C2(a).

*USCIB:* The employers' organization reiterates that Convention No. 108 is a less detailed standard adopted in a different era, but recognizes that a ratifying country could accept the "new" card issued regardless of ratification of the new instrument, if it meets the requirements of the new instrument.

*ISF.* In ISF's view, such a measure would seem to be necessary for a smooth transition.

## **Office summary**

The majority of replies agree that States which ratify the new instrument should be released from their obligations to recognize documents issued under Convention No. 108. However, many replies stressed that there should be a reasonable transition period. This would support the opinion expressed by a few member States that the instrument should be a new Convention.

Most States are in favour of continuing to accept for a limited period the documents issued under Convention No. 108.

#### D. Other suggestions or comments

*Australia.* The new instrument should contain a provision requiring seafarers to carry passports in addition to seafarers' identity documents. The passports would provide the appropriate national identification data, while the identity document would be more concerned with certifying the status of seafarer. This document should not be essential for seafarers. The provision in Article 2, paragraph 1, of Convention No. 108 (according to which a passport indicating that the holder is a seafarer may be issued instead of a seafarer's identity document) is inadequate for Australia's purposes in that: (a) the provision is applicable only to "special classes of seafarers" (whereas all Australian seafarers are required to carry passports); and (b) the inclusion of an occupation in Australian passports is optional (in any case, it is inadequate evidence of current employment as a seafarer). As far as the enforcement of the new instrument is concerned, consideration should be given to establishing a penalty or control provision allowing for actions by a port State in cases of non-conformance or illegal holding/use of a seafarers' identity document (e.g. ship detention, penalties against shipowner, arrest of crew member). Furthermore, as compliance failure could be very serious in terms of security, there should be some supervisory mechanism to encourage compliance as provided for under IMO Conventions (e.g. an obligation on States parties discovering non-compliance to notify the issuing State, and the flag State of the ship and any other interested parties).

*Chile.* It is of utmost importance to coordinate the new requirements provided in the ILO instrument with IMO recommendations concerning the documents which each seafarer has to carry in order to be recognized as such abroad (see STCW and SOLAS Conventions). Maritime administrations are only competent to verify that the person concerned has the professional ability to work on board ship. The issue of shore leave lies within the competence of the immigration authorities, which require the passport as the only valid document for entry into a foreign country. The status of seafarer should be established in the passport, so that the problem will be partly solved. Furthermore, the proposed identity document does not contain any data concerning the qualifications of the seafarer. As the previous identity document, it will be only complementary to seafarers' documents concerning qualifications which fall within the competence of the maritime authorities for reasons relating to safety of life at sea and ship security. This information must be reviewed in each port State when the ship first arrives (see the Agreement of Viña del Mar and the Memorandum of Understanding of Tokyo concerning port States' competences). The "purpose" of the new document has to be adequately clarified. Passports already serve the purpose of personal identification: it should be clarified what data will be repeated in the new document, what data will be deleted and how many documents seafarers will be required to carry to travel abroad. According to the present structure of the document, it mainly involves the competence of national immigration authorities. If the identity verification system was sufficiently fast, with the existing seafarers' documents (personal and professional), it would not be necessary to create a new type of document. This identity document, once created, could not be assimilated, as far as its use is concerned, with the *laissez-passer* held by United Nations officers when they are on official mission, as seafarers are not employees of the State which issues them with their professional documents. With reference to previous discussions during the consultations held on this subject in May 2002, the Government asks once again whether it is necessary to have an international seafarers' identity document. The documents already existing (passports, certificates of competency) could be improved as concerns the uniformity of the information and security measures to be incorporated therein.

*Costa Rica.* There are no suggestions with regard to the substance. As for the form of the new seafarers' identity document, the questionnaire includes all necessary information, which is requested by the registries for the purposes of control, application and reliable information.

*Cuba.* The views of all member States concerning difficulties in the implementation of the instrument must be taken into account so that modifications can be accepted.

*France.* The Government envisages issuing the seafarers' identity document to all seafarers subject to a uniform labour legislation and application of the maritime labour code, including therefore seafarers employed in the field of salt-water fishing. France does not exclude to issue the document to workers not defined as seafarers working on board ship on whatever grounds. The new instrument should be as precise as possible as to the definition of its scope of application.

FOMM; SNCNMM; SNPOMM: The workers' organizations suggests that member States party to the new instrument should withdraw the identity document of seafarers who have not worked on board ship for three years as is the case under the French legislation.

*Honduras.* The efforts aimed at modifying the seafarers' identity document should take into account the necessity to verify their authenticity.

*Italy.* Lega Pesca: The seafarers' identity document can become a great instrument of social and racial integration and favour an enhanced proficiency of the shipowning sector. However, it must not turn into an instrument of exclusion and abuse. It must also not overburden the administrative management, but make the employment relationship and the labour market transparent. The identity document should be a democratic instrument aimed at increasing the value of seafarers' identity, culture and professionalism.

*Kazakhstan.* Countries with no more than 2,000 seafarers will need help in organizing the technology and materials necessary for adopting the new identity documents.

*Netherlands.* Proof of identity should remain with passports. A seafarers' identity document should not be used as a self-standing travel document for seafarers. It must also be noted that the issue of persons having more than one nationality is not addressed, and it is not clear whether it would be possible to issue more than one identity document to the same seafarer.

KVNR: The employers' organization notes that it can support the development of a new ILO instrument in order to update the provisions of Convention No. 108, and endorses ISF general observations.

*Nigeria.* With regard to the biometric template, it should be recalled that not every member State has reached the same technological level and that implementation will not be possible for all member States at the same time.

*Portugal.* An improvement of the seafarers' identity document in accordance with uniform security criteria will allow member States to revive the aims of Convention No. 108 as regards border control, while taking into account international instruments and national regulations in the field of training and professional qualification of seafarers.

*Romania.* Romanian Seafarers' Free Union: The workers' organization notes that the new seafarers' identity document could restrict seafarers' rights, as the costs of its issuance would be shifted on to the seafarers who would not be able to obtain it for financial reasons.

*United States.* The words "or its latest renewal" in Article 4, paragraph 4(g), should be deleted. Practice should be to reissue when significant change occurs. There is also the need to assess the validity of identification documents, conduct appropriate threat assessments and examine for other disqualifying factors (including health and criminal history) that are not explicitly addressed by virtue of holding an identity document. The entry headings of the seafarers' identity document should further be rendered in the national language and/or one or more of the three languages: English, French, or Spanish.