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Legal Issues and International Labour Standards Section
International Labour Standards and Human Rights Segment

LILS

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FOURTH ITEM ON THE AGENDA

Outcome of the Meeting of Experts concerning the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) (Geneva, 4–6 February 2015)

Purpose of the document

The Governing Body is invited to consider the general conclusion and recommendations of the Meeting of Experts concerning the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), to approve its request to convene a tripartite maritime body to examine amendments to Annexes I, II and III to Convention No. 185 and, in the framework of Article 16 of the Convention, to consider placing an item on the agenda of the International Labour Conference for the adoption of the amended Annexes (see the draft decision in paragraph 3).

Relevant strategic objective: Promoting fundamental principles and rights at work and international labour standards.

Policy implications: Enhancing the effectiveness of international labour standards.

Legal implications: The achievement of the objectives of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), through the amendment of its Annexes in accordance with the procedure envisaged in Article 8 of the Convention.

Financial implications: Financial arrangements relating to convening a meeting of a tripartite maritime body, including relevant preparatory technical work, and placing an item on the agenda of the International Labour Conference, if these options are decided upon.

Follow-up action required: Preparatory work for the convening of a tripartite maritime body and placing an item on the agenda of the International Labour Conference.

Author unit: International Labour Standards Department (NORMES).

Related documents: GB.320/LILS/5.

1. The Tripartite Meeting of Experts concerning the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), met from 4 to 6 February 2015. The Tripartite Meeting of Experts was convened by the Governing Body¹ to examine the feasibility and to carry out a cost-benefit analysis of the various options to address the issues involved in the implementation of Convention No. 185 for ratifying and non-ratifying flag States, port States and seafarer-supplying States, as well as for shipowners and seafarers. The Meeting was attended by 50 maritime and visa experts (drawn from 25 Members) representing Governments, 16 experts representing shipowners, 22 experts representing seafarers, as well as representatives from the IMO and other official international organizations and international non-government organizations.
2. The Tripartite Meeting of Experts adopted the general conclusion and recommendations to the Governing Body, contained in the appendix to this document.

Draft decision

3. The Governing Body:

- (a) *takes note of the general conclusion and the recommendations of the Tripartite Meeting of Experts concerning Convention No. 185 contained in the appendix to the present document;*
- (b) *decides, subject to the necessary financial arrangements being made:*
 - (i) *to constitute an Ad Hoc Tripartite Maritime Committee and convene a meeting of this Committee in 2016 for the Amendment of Convention No. 185, with the task of making proposals, based on the recommendations of the Meeting of Experts, for appropriate amendments to the Annexes to Convention No. 185 with a view to their submission for adoption by the International Labour Conference in accordance with Article 8, paragraph 1, of Convention No. 185;*²
 - (ii) *to fix the composition of the Ad Hoc Tripartite Maritime Committee as follows: [48][64] representatives, appointed by the Governing Body, [16][32] of whom would be designated by the Governments; 16 by the Shipowners' group and 16 by the Seafarers' group; and*

¹ See GB.320/LILS/5.

² See the appended recommendations of the Meeting of Experts concerning Convention No. 185, recommendations 1 and 2. Article 8, paragraph 1, of the Convention reads as follows:

“Subject to the relevant provisions of this Convention, amendments to the Annexes may be made by the International Labour Conference, acting on the advice of a duly constituted tripartite maritime body of the International Labour Organization. The decision shall require a majority of two-thirds of the votes cast by the delegates present at the Conference, including at least half the Members that have ratified this Convention.”

- (iii) *that the Ad Hoc Tripartite Maritime Committee will meet in 2016 immediately before or after the Special Tripartite Committee established under the Maritime Labour Convention, 2006;*³
- (c) *decides to place on the agenda of the International Labour Conference at its 105th Session in 2016 an item entitled “Amendment of the Annexes to the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185)”;*⁴
- (d) *recommends, in the light of the proposed amendments, which reference current technology making it easier to implement Convention No. 185, that Members which have not ratified Convention No. 185 should now do so, especially those that have ratified the Seafarers’ Identity Documents Convention, 1958 (No. 108);*⁵ and
- (e) *requests the Director-General to seek the assistance of the International Maritime Organization (IMO) in drawing the attention of all States parties to the IMO Convention on Facilitation of International Maritime Traffic, 1965, as amended (the FAL Convention), to facilitate shore leave for seafarers without the need for a visa, as provided for in the FAL Convention.*⁶

³ See recommendation 2 of the appended recommendations of the Meeting.

⁴ *ibid.*

⁵ See recommendation 9 of the appended recommendations of the Meeting.

⁶ See recommendation 10 of the appended recommendations of the Meeting.

Appendix

General conclusion of the Tripartite Meeting of Experts on Convention No. 185

1. The Tripartite Meeting of Experts was convened to provide advice to the Governing Body on cost-effective technical and administrative solutions to overcome problems that had arisen in the implementation of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) and to encourage further ratification of the Convention as well as participation in the implementation of the Convention by all ILO Members with maritime interests.
2. The Meeting noted that now, nearly 12 years after the adoption of the Convention, only 30 Members had ratified the Convention or were provisionally applying it, and that this number included few port States. Consequently, countries that had made the considerable investment to properly implement Convention No. 185 could count on only a few countries to recognize the seafarers' identity documents (SIDs) issued under it. The Meeting noted that many other Members, especially those that had ratified Convention No 108, were prepared to give due consideration to SIDs validly issued under Convention No. 185, but that the authentication of those SIDs was hampered by the fact that the fingerprint technology required for the Convention No. 185 biometric in Annex I to the Convention was not used by the border authorities of the countries concerned because, since 2003, the International Civil Aviation Organization (ICAO) standards for travel documents had been exclusively based on the facial image in a contactless chip as the biometric rather than a fingerprint template in a two-dimensional barcode.
3. It was noted, furthermore, that the fingerprint technology and biometric products developed for the implementation of Convention No. 185 were out of date and, in some cases, not easy to obtain. In fact, only a few countries that had ratified Convention No. 185 were in a position to actually issue SIDs conforming to the Convention.
4. A notable exception was the Russian Federation, which was implementing the Convention. The Government expert of the Russian Federation stated that his country was willing to provide, free of charge, to Members requesting it the necessary technology for implementing the biometric requirement for the SIDs to be issued in accordance with Convention No. 185.
5. Having carefully considered the offer from the Government of the Russian Federation, a clear majority of experts at the Meeting concluded that the most feasible way forward was for the Conference to amend Annex I to the Convention and, as necessary, the other Annexes to it, in order to align the biometric under Convention No. 185 with the ICAO standards that were now universally followed for travel and similar documents, but with a suitable transitional period for countries that were already implementing Convention No. 185.
6. The Meeting reiterated the importance of cooperation between ILO Members, especially with respect to assistance by technologically advanced countries to less advanced countries that are establishing their national infrastructure for the issuance or verification of SIDs under Convention No. 185.

Recommendations of the Meeting of Experts concerning Convention No. 185

Recommendation 1: The International Labour Office should prepare a preliminary draft of a revised Annex I and Annex II of Convention No. 185 where the biometric is changed from a fingerprint template in a two-dimensional barcode to a facial image stored

in a contactless chip and where the national electronic database is required to contain only the public keys required to verify the digital signatures defined for the contactless chip by ICAO Document 9303. All references to technical standards other than ICAO Document 9303 are to be eliminated, as all of the ISO standards required would now already be referenced within ICAO Document 9303. The references to ICAO Document 9303 should refer to that document, including subsequent amendments of it, so that the Annexes will not require changing in the future as ICAO issues new versions of ICAO Document 9303 and as ePassport technology moves forward. If any of the changes to Annex I and Annex II need to be reflected in changes to the processes and procedures outlined in Annex III (such as, for instance, a need to ensure the quality of the photograph of the seafarer), then these changes may have to be reflected in a preliminary draft of a revised Annex III.

Recommendation 2: The Governing Body is requested to convene a duly constituted tripartite maritime body, in accordance with Article 8, paragraph 1, of Convention No. 185, to review the present recommendations and to prepare proposals for submission to the International Labour Conference at its 105th Session in 2016 for the amendment of Annexes I, II and III to Convention No. 185. (With a view to reducing the costs associated with the convening of a tripartite maritime body, consideration could be given to holding it back-to-back with the next meeting of the Special Tripartite Committee established for the Maritime Labour Convention, 2006, provisionally planned for early 2016.)

Recommendation 3: In conjunction with the development of the revised Annexes to Convention No. 185, the International Labour Office should prepare a guidance document explaining the impact of the changes and the necessity for SID issuers to now work with the ePassport issuers in their respective countries so that they can share the same certificate authority to manage the signing of the ePassport and the SID. The potential cost savings from sharing a single issuance system for both ePassports and SIDs should be explained. This document should be drafted and circulated along with the draft of the revised Annexes.

Recommendation 4: In order to facilitate the periodic evaluations required under Article 5, paragraph 4, of Convention No. 185, the International Labour Office should prepare a new version 2.0 of the ILO checklist document and computer application which supports the new technology defined in the revised Annexes.

Recommendation 5: The International Labour Office should review its liaison relationship with ISO/IEC JTC-1 SC 37¹ and pursue a closer liaison with ICAO, since all the ISO standards used for the implementation of Convention No. 185 will now be referenced through ICAO Document 9303.

Recommendation 6: Due to the importance of supporting the existing SID system as these changes in technology are implemented, there should be a suitable transitional period.

Entry into force and transitional period

Entry into force

1. The amendments will enter into force one year after their adoption by the International Labour Conference in accordance with paragraph 1 of Article 8 of the Convention.

¹ ISO/IEC JTC-1 SC 37, Biometrics.

Transitional period

2. Members whose ratification of the Convention was registered prior to the date of entry into force referred to in paragraph 1 above may, for a further period not exceeding three years after entry into force, continue to issue SIDs in accordance with the Convention prior to the amendment of its Annexes.

Saving provision

3. The entry into force of the amendments or the expiry of the previous transitional period will not affect any SIDs issued under the prior provisions that were still in force at that time. They will continue in force until their expiry date or until the date for the SIDs renewal in accordance with Article 3, paragraph 6, of the Convention, if that date is earlier.

Recommendation 7: After the transitional period is over, ILO SID-0002 revision and the original version of the ILO checklist document and computer application should be withdrawn as they will no longer be relevant.

Recommendation 8: To support those governments during the transitional period that have already ratified and begun to implement Convention No. 185 using the existing SID technology, the International Labour Office should conduct one final round of interoperability testing to replace the current approved products list. This should take place within one year from the date of the Governing Body's decision. All existing products on the list should be retested and any new vendors with suitable fingerprint products should be invited to participate. In order to remain on the list or to be added to the list, the company must indicate its willingness to be involved in the new round of testing and to continue to make available for sale for the entire transitional period the exact model of fingerprint sensor and the exact version of the enrolment and matching algorithm which were submitted for testing.

Recommendation 9: The Governing Body should recommend that Members which have not ratified Convention No. 185 should do so, especially those that have ratified the Seafarers' Identity Documents Convention, 1958 (No. 108), on the basis that the amended Annexes I, II and III to Convention No. 185 will reference current technology, which will facilitate the implementation of the Convention.

Recommendation 10: The Governing Body is invited to request the Director-General of the ILO to seek the assistance of the International Maritime Organization (IMO) in drawing the attention of all States parties to the IMO Convention on Facilitation of International Maritime Traffic, 1965, as amended (the FAL Convention), to facilitate shore leave for seafarers without the need for a visa, as provided for in the FAL Convention.