

**Consultation Meeting on Improved Security
of Seafarers' Identification**Geneva
9-10 May 2002

Briefing paper

1. At its March 2002 session, the ILO Governing Body approved placing an urgent item on the agenda of the 91st Session of the International Labour Conference (June 2003) concerning improved security of seafarers' identification and decided that this question would be governed by the single discussion procedure. The International Labour Office is required to prepare a report accompanied by a questionnaire containing a first draft of the provisions of the new instrument as a basis for further consultations. The purpose of this tripartite consultation on seafarers' identity documents is to guide the Office on the possible content of the new instrument and on designing the above questionnaire. This briefing paper has been prepared to help focus the discussion during the Meeting.
2. The history of the **Seafarers' Identity Documents Convention, 1958 (No. 108)**, viewed in the light of current security considerations and the need for the international movement of workers, completes a cycle. In this respect, it may be helpful at the outset to consider the lessons learned – and those that failed to be learned – from this instrument.
3. The idea of creating an international identity document for seafarers was first put forward by the International Transport Workers' Federation (ITF) and the United Kingdom Navigators' and Engineer Officers' Union in 1954. ITF wanted the "introduction of an international identity document for seafarers, under ILO auspices, [which] could serve various useful purposes in helping to establish the status of bona fide merchant seafarers in foreign countries".
4. In 1954, the Navigators' and Engineer Officers' Union "Conference" adopted a resolution, which was also submitted to the 1955 session of the Joint Maritime Commission, referring to "the difficulties being experienced with immigration and security regulations in foreign countries" and calling for the introduction of "an internationally recognized seafarer's passport or similar document designed to establish a seafarer's identity as such" and "which would be recognized instantly by immigration officials" worldwide.
5. The instrument which finally emerged – Convention No. 108 – fell short of the expectations of its sponsors. Instead, the Convention as adopted set uniform international standards for the issuance and content of seafarers' *national* identity documents and provided for their reciprocal recognition.
6. Nevertheless, for over 40 years Convention No. 108 has facilitated the professional movements of seafarers. With 61 ratifications representing approximately 60 per cent of world gross tonnage, it enjoys – in relation to other ILO standards – wide acceptance; furthermore documents issued pursuant to Convention No. 108 are accepted de facto by many States which have not ratified it. The IMO 1965 Convention on the Facilitation of

Maritime Traffic (FAL Convention) incorporated the fundamental principles of Convention No. 108.

7. Convention No. 108 does not create an international identity document. Under Convention No. 108 each State may issue its own national seafarers' identity document; States which have not ratified Convention No. 108 but have ratified FAL '65 can issue national identity documents meeting the same criteria. Apart from the limited particulars required under the two Conventions, the document's form and content are determined nationally, and often one State party to the Convention does not even know what the document of another State's looks like. Both anecdotal and documentary information communicated to the Office confirm that immigration authorities are often unsure if such a seafarers' identity document is genuine or counterfeit, or whether the State in question has even ratified the relevant Convention. In 1997 the Office requested all States parties to forward a specimen of their identity document, and the Office now has a set of these. However, when one State requested a complete set of colour photocopies of all the identity documents so their sea-border service could detect fraudulent ones, the Office was faced with a delicate question of copyright concerning the reproduction of official documents which are the property of member States.
8. While the national approach of States to seafarer documentation has functioned more or less well in the past based on considerations of custom, comity and the interest in facilitating maritime trade, the additional concerns of many port States today are maritime security and counterfeiting. Discussions in international forums suggest that there is a need for the positive verifiable identification of all persons entering the territory of a State. This is becoming an emerging standard and is being pursued in the framework of the International Civil Aviation Organization (ICAO). In this regard, "positive" means *accurate*, while "verifiable" refers to the immediate identification of the person against the particulars contained in the document. To some extent, these new security concerns have overshadowed the primary objective of seafarer identification: to establish the bona fide status of a seafarer in order to grant certain facilities so that he/she could effectively perform his/her work under decent conditions.
9. From all points of view – security concerns, trade facilitation and the grant of facilities necessary for seafarers to perform their work effectively or to mitigate certain disadvantages inherent in their situation – a credible international seafarers' identity document would be in the interest of all concerned (governments, shipowners and seafarers). In the absence of such a document, the consequences could mark a brutal return to the status quo ante which gave rise to Convention No. 108 and which it was intended to address. States would impose unilateral measures according to their perception of national security concerns; a multitude of new, changing and costly requirements would have to be met by shipowners and seafarers alike depending on the ports at which ships call or might be expected to call; many States might not be able to comply with the diverse set of different requirements and thus not be in a position to issue their national seafarers with internationally accepted identity documents. All of this could seriously affect the efficacy of international shipping and the employment of seafarers.
10. Thus, it appears that a solution balancing all of these concerns could either be in the form of an identity card issued under international auspices, or a national identity card conforming to uniform, international specifications. While the first option may pose difficulties concerning technical feasibility and give rise to policy considerations, the second option would need to provide for internal and external evaluations to confirm that systems and procedures in place for issuance of identification documents met with both the requirements of the new instrument as well as certain quality assurance standards.

11. Another international organization whose practice is relevant is ICAO, which is urging all member States to issue machine readable travel documents (MRTD) formatted according to ISO standards. This work is well advanced, and MRTD identification is becoming the international standard for the security clearance of air crew.

12. In this context, the calls made half a century ago for uniform, international means of identification of seafarers take on a new meaning.

13. Points for discussion:

- (a) What are the advantages of an international seafarers' identity document? (As opposed to a national identity card or passport, in particular.)
- (b) What purpose(s) would an international seafarers' identity document serve? (At present, Convention No. 108 recognizes: shore leave, joining/transferring to another ship, transit to join a ship in another country, transit for repatriation.) Should the identity document be used for training/certification, medical or other purposes?
- (c) What information should be included in the identity document?
- (d) What information should be mandatory? What information should be optional?
- (e) In what circumstances (if any) should it be possible for a visa to be required, in addition to an identity document meeting the abovementioned criteria, as a condition for entry for a purpose mentioned under point (b) above?
- (f) Should the issuing authority be an international authority or a national authority? What would be the advantages/disadvantages of either option?
- (g) What type of positive, verifiable identification should be included in the document? (For guidance, Convention No. 108 at present provides for: full name; date and place of birth; nationality; physical characteristics; photograph; signature or, if unable to sign, thumbprint.)
- (h) What format should the identity document take? (e.g., machine-readable paper document; "smart card", etc.) Irrespective of the issuing authority, should the format meet international standards? If so, which?
- (i) What monitoring mechanism should be introduced to ensure the credibility of the system?

Important note: The International Labour Office would appreciate it if the representatives attending the Consultation Meeting would provide it with a copy of the applicable immigration legislative and administrative texts concerning seafarers.