
technical point of view, the excellence of the Convention was to be found both in the conditions of its adoption (no negative votes in the International Labour Conference) and in its content – especially Articles 4 and 5 and Annex 3, and in the development of the biometric elements turning the Convention into a viable interoperable instrument. In this connection, she thanked the International Organization for Standardization (ISO) and the International Civil Aviation Organization (ICAO) for their help towards this technical success.

5. The Deputy Secretary-General expressed the hope that the meeting would provide answers to the following questions: why had the Convention not yet become the widely ratified instrument that it had been designed to be? Why was the commitment of seafarers to ensure international security in order to obtain vital shore leave in particular receiving only limited recognition at the international level? What about the commitment and investment of the seafarer-supplying countries which had ratified the Convention? How could they be assisted in reducing or sharing this investment, particularly through international cooperation with respect to the issuance process of seafarers' identity documents and administration and monitoring functions?
6. The Shipowner spokesperson recalled that in the global industry it was important to ensure that the movement of seafarers when travelling to or from ships, or when visiting foreign ports, was facilitated. He highlighted, in this respect, that the Seafarers' Identity Documents Convention, 1958 (No. 108), had always been an important Convention for shipowners, and that, following the events of September 2001, they lent full support to the adoption of special measures by the IMO and the ILO in order to enhance security. He recalled that in June 2003, the ISF coordinated the representation of maritime employers at the International Labour Conference during the fast-track adoption of the revised Convention on seafarers' identity documents.
7. The Shipowner spokesperson indicated that his group expected to hear from Government representatives about their experiences or intentions with regard to the ratification and implementation of Convention No. 185. He acknowledged the complexity of the technology involved as well as the challenge for governments to issue and verify seafarers' identity documents under the new Convention. He therefore thanked the Office, ICAO, ISO and the International Electrotechnical Commission (IEC) for the work done on technical standards. The Shipowner spokesperson invited Governments to give their views on the biometric profile developed by the ISO and IEC, the recommendations made by these two organizations and the suggestions formulated by the ILO. He emphasized the importance of ensuring the right of movement of seafarers when transiting to and from their ships as well as facilitating shore leave. He hoped the exchange of views would contribute to widespread ratification of the Convention.
8. The Seafarer spokesperson stressed the importance of shore leave for the well-being of seafarers. He recalled that the adoption of Convention No. 185 lay in the demand of the United States, after the events of September 2001, to have an overall maritime security regime, which was presented as an important element of the global system. He indicated that Convention No. 185 sought to uphold other international instruments, as the widely ratified IMO Facilitation Convention, which provided that seafarers would be entitled to shore leave without being required to have a visa. Convention No. 185 provided a balance between the security needs of States and the needs of seafarers and, as such, deserved to be ratified. The Seafarer spokesperson recalled that the shipping industry was unable to retain seafarers in the profession and that governments had to decide whether they regarded seafarers as potential terrorists or professionals who were the motor of the global economy. It was clear that the unbalanced security regime was one of the main problems which made work at sea so unattractive. With respect to seafarers' identity documents under Convention No. 185, he highlighted that the requirements were much greater than those required for the issuance of the revised ICAO approved passport, and this was one of the

reasons for the low ratification rate of the Convention. He recalled the importance for port States' security to recognize the strengths of the Convention without neglecting the bottom line – the seafarers' right to take shore leave was a human right that governments had to respect.

IV. Information on developments so far at the national level and international cooperation

9. The representative of the Government of Bangladesh underlined the need to protect the seafarers' right to shore leave, which should be considered as a human right. He questioned the need for a seafarer's identity document if the seafarer was to be subject to visa requirements. He announced, however, that his Government was moving rapidly towards ratification.
10. The representative of the Government of France recalled that his Government was in favour of the revision of Convention No. 108 even before the 9/11 events. He explained the reasons for the delay in implementing Convention No. 185 and referred to both technical and financial considerations, including a solution relating to the protection of personal data. It was clear that at the heart of the debate was the introduction of biometrics in the world of work, and Convention No. 185 set a precedent in that respect. He informed the meeting that France had decided to place seafarers' identity documents at the same level of security as national passports and national identity cards. One of the difficulties the Government was facing was planning the manufacture of identity documents without knowing variables such as the exact number of cards needed or the frequency of issuance.
11. The representatives of the Governments of Canada, Greece, Indonesia, Malaysia, Namibia, Norway, Republic of Korea and the Russian Federation confirmed their commitment to the widespread application of the Convention, which was supported by the technical solutions developed by the Office. They expressed their concern that still many countries, including major port states that voted in favour of the adoption of Convention No. 185, restricted access to their territories to seafarers holding valid SIDs and it was therefore doubtful whether the Convention would reach its main objective, as flag States were hesitant to ratify a Convention that was not beneficial to their seafarers but increased their administrative burden.
12. The representative of the Government of Norway favoured a closer cooperation between the IMO and the ILO, in order to address the need to reconcile the different obligations arising from the Convention on Facilitation of International Maritime Traffic and the International Ship and Port Facility Security Code on the one hand, and Convention No. 185 on the other, especially with regard to shore leave.
13. The representative of the Government of Indonesia explained that the round table conference hosted by the Government of Norway in 2006, and the financial assistance received from the Government of the United States, to conduct a feasibility study had been crucial for his country's accelerated ratification of the Convention in January 2008. Indonesia attributed significant importance to the Convention due to its large number of seafarers and to the reference to the Convention found in IMO Conference Resolution 8 (Enhancement of security in cooperation with the International Labour Organization), adopted with the ISPS Code. Furthermore, his country had already submitted to the Office the first detailed report on the application of Convention No. 185 under article 22 of the ILO Constitution. The design architecture of SID system in Indonesia consisted of one central processing site in Jakarta, two local production sites in Jakarta and Surabaya which were connected through a Wide Area Network of 1 GB clear channel, and nine verification

stations at nine major Indonesian ports. Until August 2010, 5200 SID had been issued, maintaining high standards in the justification of system redundancy, database interconnectability, the use of the Automated Fingerprint Identification System, etc. Being aware of the developments in information technology, he was concerned that paragraph 22 of the Office's background paper could possibly create new problems for countries that had already ratified the Convention.

- 14.** The representative of the Government of the Islamic Republic of Iran stated that the main difference between SIDs issued under the Seafarers' Identity Documents Convention, 1958 (No. 108), and those issued under Convention No. 185 was the inclusion of biometric features. While these would facilitate authenticity checks, the actual gain for seafarers was still questionable, as, for the reasons noted above, they had not yet facilitated seafarers' professional movement and shore leave in practice.
- 15.** The representative of the Government of Canada said that in his country the infrastructure that had been set up last year to issue SIDs was compliant with the Convention. Only a month ago, the system had been reviewed by an independent organization to confirm its conformity with the Convention. According to this report, Canada was 90 per cent compliant. The system for enrolment would be deployed to the respective Transport Canada Centers for the enrolling Canadian seafarers. As required by national regulations, the SID was going to be issued to seafarers on a voluntary basis following the issuance of a transportation security clearance.
- 16.** The representative of the Government of Namibia was concerned that certain port States would not permit the disembarkation of seafarers holding a valid SID but not in possession of a visa. Clarification was also necessary on the status of the national focal coordination point vis-à-vis other national authorities responsible for identity documents and on the data protection of personal data stored on the additional bar code on the SID. In order to reduce costs and increase clarity, further discussions were needed on the practicality of SIDs.
- 17.** The representative of the Government of Greece highlighted that security for seafarers and port States alike was the concern of many international instruments, including the International Ship and Port Facility Security Code, the MLC, 2006, and ILO Conventions Nos 108 and 185. There were further obligations for those countries that were parties to the Schengen Agreement. The financial implications of technical developments were significant, and had to be considered by governments before they made any commitments. In his view, it was discriminatory that seafarers needed a SID in addition to a national passport for travelling whereas other persons could do so only with their passport. The IMO's Maritime Safety Committee and Facilitation Committee had realized the need to adopt guidelines on the right to shore leave. He suggested that such work be undertaken by a joint IMO-ILO working group, and possibly leading to amendments to Convention No. 185.
- 18.** The representative of the Government of Malaysia stated that part of his Government's policy was to ensure that all official identification documents were designed to prevent fraudulence. The Malaysian National Registration Identification Card contained a chip. The SID issued by the Malaysian Marine Department also incorporated such a chip. All data printed on the surface of the seafarer's identification card could be cross-checked with the data stored inside the chip and the digital certificate in the chip, and other security features ensured that there was no hacking or alteration done to the chip's content or to the data printed on the surface of the card. He supported the incorporation of the smart chip in the SID for reasons of economy and security.
- 19.** The representative of the Government of the Republic of Korea supported the idea of including a digital signature in the bar code. He requested more specific information with respect to the financial implications of a possible global focal point coordination centre.

The Office should conduct a proper comparison using an intergovernmental agency and a private company as a single trusted entity for the focal point coordination centre. He did not oppose the recommendation to allow for an optional chip and indicated that the addition of fingerprint images in addition to fingerprint templates could have advantages. Clarification was necessary on how governments that had already procured a SID system would be affected if the recommendations were adopted.

- 20.** The representative of the Government of the Russian Federation stated that, following the development of the legal basis, his country had commenced the issuance of SIDs in 2009 and ratified the Convention in February 2010. The issuance took place under the authority of the newly established Federal Maritime Agency, maintaining the highest possible level of security. This was linked to a protected network by the River Transport Agency in Moscow, which managed the national electronic database and acted as the permanent focal point. Twenty-eight facilities in Russian sea and river ports were issuing SIDs. These facilities had previously been issuing passports to seafarers. This was in accordance with the requirements of Annex III to the Convention. Prior to ratification, the Office had been informed about the technical decisions taken with respect to the SID system. The Office tested sample SIDs, which also passed the interoperability tests with other sample SIDs. The Russian SID corresponded to format ID3 of ICAO 9303. The SID was printed on fraud-proof paper according to the requirements of Annex I to the Convention. Elements of protection included the use of special inks and special colours, holograms, microprints and thermal lamination. The additional ultraviolet security features were based on the use of special inks, special colour designs, holograms, micro-printing, and heat-sealed lamination. So far, 6000 SIDs had been issued. He wished clarification concerning the scope of the requirements for independent audit according to Article 5 of the Convention.
- 21.** The representative of the Government of Bulgaria indicated that, since Bulgaria had not yet ratified Convention No.185, her Government shared the same concerns expressed by the representatives of the Governments of Norway and Greece. She asked to what extent did the Convention facilitate shore leave for seafarers. She also underlined the financial implications of the implementation of the Convention. She suggested that some amendments might provide for wider ratification and implementation of the Convention.
- 22.** The representative of the Government of France recalled that it was important to use the existing infrastructures and to ensure control on access to the data contained in the SID, as was the case with the ePassport. He suggested that data should be limited to name, family name, a photograph, as already used for interoperability with the ePassport.
- 23.** The representative of the Government of Nigeria indicated that Convention No.185 had been ratified by Nigeria in August 2004. The process of domestication of the Convention had been pursued to ensure full implementation in law and practice. Submission to the Parliament was in the final stage. Three sensitization workshops had been held in the cities of Lagos and Port Harcourt, important areas for transfer, transit, and repatriation, and for shore leave of seafarers. Nigeria had acquired and installed the SID equipment in line with the requirements of Convention No. 185 and had conducted training of officers in Canada.
- 24.** The representative of the Government of the Philippines recalled that his country was the biggest supplier of seafarers in the world with more than 250,000 seafarers on board international vessels. He reiterated its Government's interest and desire to ratify Convention No. 185 despite some remaining technical and legal issues. He said that the Philippines fully understood the benefits of SIDs issued under Convention No. 185 compared to those issued under Convention No. 108 and thanked the international Labour Office for the detailed technical guidance it had provided in supporting Convention No. 185.

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25. The representative of the Government of Egypt suggested that his Government would need some technical support on hardware, training, communication and infrastructure. He also expressed the need for financial support to set up focal point centres.
 26. The representative of the Government of the United Republic of Tanzania supported the implementation of Convention No. 185. The United Republic of Tanzania was currently considering the ratification of this Convention. He expressed concern about cost which appeared to be considerable in terms of infrastructure and technology. He suggested that member States needed to consider through the ILO, matters related to technical assistance, including regional cooperative mechanisms. The universal acceptability of the SID by ports States was an important requirement to justify the cost.
 27. The representative of the Government of the United Kingdom supported the principle of Convention No. 185 which was to facilitate seafarers' mobility and to increase the security of the SID. She expressed concern with regard to Article 6 of the Convention. She supported the point brought forward by the Government of Norway.
 28. The representative of the Government of the Islamic Republic of Iran supported the point brought forward by the Governments of Norway and Namibia. He expressed concern about the right to refuse shore leave without any justification in some major port States.
 29. The representative of the Government of South Africa indicated that his country was in the process of introducing the necessary legislative amendments to allow for the ratification of Convention No.185. He supported the point raised by the Governments of Egypt and Tanzania. The challenge was the cost of setting up the biometric identification system. He recalled the need for developed countries to provide support and assistance to countries that needed it.
 30. The representative of the Government of Namibia indicated that her country was still consulting all stakeholders with regard to the ratification of Convention No. 185. She expressed concern that SIDs were needed as additional travel documents to passports while other travellers only needed a passport. She suggested that seafarers should also rely on the passport in their possession, provided that the passports had the required readable barcodes. She also expressed concern about the capacity to set up focal points and that technical assistance might be useful in that area.
 31. The representative of the Government of Luxembourg supported the view expressed by the Government of France on the need for protection of personal and private data.
 32. The Shipowner Vice-Chairperson stated that his group considered it a positive initiative to discuss the current technical challenges, but that it should not be overlooked that the real challenges for widespread ratification of the Convention were in other areas.
 33. The Seafarer spokesperson was concerned that the lack of ratification of Convention No. 185, by major port States, was undermining its value. He recalled that the United States had advocated the need for a new Convention, yet was disappointed that the government agencies responsible for implementing were not represented at the meeting. The Convention was considered to be of great importance to the seafarers who still faced difficulties getting ashore without a visa. It was regrettable that so little had happened since the adoption of the Convention.
 34. In reply, the representative of the Government of the United States stated that her Government was currently working on the issuance of a credential for US seafarers that, among other things, met the requirements of the Convention. She indicated that her country could support the biometric chip as an alternative. Concerns over Article 6 continued to prevent ratification.

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35. The Chairperson of the Government group, referring to paragraph 35 of the Office's background paper, said that his group had expressed concerns about the high cost of implementation and the lack of available equipment for reading a digitalized signature on a barcode. Several governments had called for technical assistance. Some had also indicated that, if a chip were to be used, the approach taken in the issue of ePassports should be followed.
36. A technical expert assisting the Office explained that the technical changes outlined in the Office's background paper supported existing deployments and practice, but also reached ahead to allow introduction of new technical solutions that were compatible and interoperable with the ePassports which better supported security. Minor changes were suggested to the barcode data to support the final ISO standards and make SIDs fully compliant with current standards on biometrics and security. ISO had suggested adding a digital signature to the barcode to enhance security. This signature would not be related to the signature of the seafarer but to the signature of the issuing authority using a form of encryption. The document would be tied to the issuing authority by preventing forging of the barcode and it would include the SID number, tying the barcode to the printed document and to the database. The proposed regime introduced some additional cost and created the need for a mechanism to exchange digital signature keys either through the existing ICAO infrastructure or through a focal point coordination centre. ISO had suggested that such a centre would ensure maintenance of security and privacy while allowing inquiries on the validity of the SID. This would reduce the cost of implementing such security and privacy requirements at the national level but would call for cost-sharing at the international level.
37. He observed that some changes to the national database had also been suggested. The changes were designed to support easier re-enrolment of fingerprints without requiring the presence of seafarers but by allowing governments to satisfy local privacy requirements by choosing to leave fingerprint images and fingerprint minutiae templates out of the database, if necessary. ISO-IEC 24713-3 specified types of queries against national electronic database through a focal point coordination centre and allowed each member State to choose which types of queries they would answer. This allowed for greater flexibility for individual states to balance privacy and security legislation with the requirements of Convention No. 185.
38. Finally, the expert noted that it had been suggested that an optional chip could be added to the SIDs. This chip would be compatible with an ePassport chip. ISO had offered to supplement ISO-IEC 24713-3, if it was decided that an optional chip was wanted. Both ISO SC 37 and SC 17 would be involved to ensure that the data on the SID chip would be 100 per cent compatible with the ePassport chip infrastructure. Making the chip optional allowed existing solutions to continue to be supported but also allowed member States to move toward this more interoperable technology at such time as they desired.
39. With reference to her earlier statement, the representative of the Government of the United States explained that the United States had a special tripartite process under the Presidential Committee for Labor Issues. In May 2010, that Committee decided that this group, which had not met for several decades, would look at three ILO Conventions in an expedited manner, including Convention No. 185. The Government was currently working with the ILO regarding the substantial equivalence issue, and would continue to do so. Regarding the credentials for seafarers, in May 2009, the US Coast Guard deployed consolidation of all United States' issued mariner credentials into one document, which complied with the Convention's requirements. The Coast Guard database and security features also complied with the Convention. This document was created to look like a passport, but was not one. It did not have a chip, but it had a barcode. About three years ago, the United States began a pilot programme regarding mobile readers to read both the ILO 185 credential and the TWIC (transport worker identity card), which had now been

completed. Therefore, the technology that could read both “a chip” and a document with a barcode existed and was tested. Six months ago, the US Coast Guard published rule making relating to the use of a seafarer’s identity document under the Convention as a form of identification which would permit entry into the United States. It did not replace the visa or the passport, but it constituted a form of identification.

40. The Deputy Secretary-General addressed concerns that ratification of the Convention would not be cost-effective since SIDs issued in accordance with its provisions would not be useful as long as they were not recognized in certain major ports. She asked the delegates to look at this concern in the context of the Convention as a whole. It was true that a SID would not have a legal effect in those port States that had not ratified the Convention so long as they did not accept it. However, to imply that it was not useful ignored certain facts. First, the Convention was adopted without any negative votes by the International Labour Conference. Second, the Convention set unprecedented requirements relating to the identification documents with modern security features, the requirement for national databases and national focal points, the establishment of minimum processes and procedures to be complied with by issuing States, which would have to arrange for an independent evaluation of those processes and procedures at least once every five years. There would also be international oversight of such compliance as well as the maintenance of the list of ratifying member States. Third, the biometric requirements were substantially developed to the point where SIDs under the Convention could be demonstrated as viable, interoperable instruments enabling countries to carry out effective identification checks. Fourth, additional improvements were suggested by the international organization with the most competence in this area. Fifth, 58 countries were bound by Convention No. 108, which had no security features but which required member States to recognize those documents on the basis of reciprocity. Whether or not a member State had ratified the Convention, and regardless of the legal effect given by port States, seafarers could not be deprived of their right to a valid SID under the Convention; it remained an important indicator for authorities. Most importantly, there was a moral obligation on all ILO member States to take valid SIDs into account when deciding whether to allow access under temporary shore leave. Those that overwhelmingly adopted the Convention could not ignore the SIDs, because this would be an affront to seafarers, shipowners, and countries that had ratified it. The fact that member States had not ratified the Convention after carefully considering its advantages and disadvantages would not prevent them from giving valid consideration to the SIDs when holders wished to take shore leave or use them for other valid purposes. Mapping indicated that over 102 countries had submitted the Convention to the competent authorities to, at least, take note of its requirements. She confirmed that she had been in constant discussions with the United States on the matter, and that those discussions would continue.
41. The representative of the Government of France stated that there were several options to integrate the digital signature on a chip or a barcode, but all of these required a mechanism to exchange information. The difficulties encountered in France to undertake a decision on SIDs partially arose with the control authorities, which expressed that the tools required for reading the two-dimensional barcodes did not exist. His Government would favour the introduction of a chip into the SID because the readers had been developed and key management had been deployed so exchanges could take place between States and Public Key Infrastructure (PKI) on an international level. Thus, these developments should focus on the long term, and the technical details of SIDs containing a chip should be made completely interoperable with existing ICAO standards. A specific focal point coordination centre to facilitate secure queries against national electronic databases, which States might not have integrated into their border control infrastructure, might be costly and difficult and would need technological evolution. ICAO already has the technology in place, so his Government would opt for an ICAO compatible chip enabled SID while retaining fingerprints as an option.

V. Potential improvements

Adjustments to Standard ILO SID-0002

42. The representative of the Government of France expressed his delegation's preference for the solution which had already been tested at the international level with microprocessors with digital signatures, rather than evolving the barcodes with digital signatures. States that had been issuing SIDs had not included the digital signature. It would be costly and its technological choices were limited. If the key distribution mechanism did not follow the ePassport mechanism using ICAO's PKD then it would not be recognized by ICAO and the document would thus not support the ISO requirements. The aim was to increase security and facilitate and authorize checks at the borders for persons who wished to enter. The inclusion of a digital signature was a new way of strengthening the security system, and he expressed the view that the choices set out in the Convention should be reinforced. His delegation promoted the proposal that included an option of including microprocessors, as this option had been used and proven. The option of including digital signatures in the barcodes would require new infrastructure, and this would be costly. On the contrary, if the ILO were to move to the chip requirement, which was the choice of ICAO, the infrastructure already existed and the information learned from the deployment of electronic passports already existed. Barcodes with digital signatures would require the same process being put in place. If ICAO did not support it, a new international system would be needed to create the framework, which would require States to pay both immediate finances and later costs to absorb the technology.
43. The representative of the Government of the Russian Federation stated that there were two options, either using the PKD infrastructure in microchips, or using digital signatures in barcodes. Using a microchip was not necessary for using the digital signature; one could use the barcode instead of using the chip for a digital signature.
44. The Shipowner spokesperson indicated that he wanted confirmation on whether the change to the barcode as proposed in the Office's background paper meant that there was no need for the chip, or whether the chip was still optional. If one chose the chip to be compliant with ICAO, was that relevant to following instructions for the digital barcode?
45. The technical expert assisting the Office replied that the above was correct. Thus, there was a choice of either avoiding barcode upgrades, but only if the chip was mandatory. If the chip was optional, they still needed to focus on the barcode. Everything that would be in the barcode was in the chip. The Office simply wanted a sense of which option was supported by the majority of participants. The meeting had four options to consider, including a digital signature. If the use of a barcode was retained, it should be enhanced by the digital signature.
46. Responding to an earlier statement by the representative of the Government of France, the Deputy Secretary-General asked for clarification on whether the Government of France wished to abandon the barcode regime, or whether it was suggesting a possible revision of Convention No. 185.
47. In reply, the representative of the Government of France emphasized that he was not suggesting that the Convention should be amended. Adding a digital signature to the barcode would be highly costly and unnecessary as ICAO would not recognize it. Problems were foreseen regarding harmonization. Regarding the proposal of adding an additional chip to the SID, his Government's view was that this should be an optional regime.

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48. Replying to this observation, the Deputy Secretary-General stated that the assistance of ICAO would be sought to ensure compatibility with its requirements.
 49. The representative of the Government of Korea did not want to make the chip mandatory but agreed to introduce an optional one. Regarding the proposal of adding a digital signature to the barcode, his Government's view was that this would be very costly.
 50. In reply to a question raised by the representative of the Government of Liberia as to the driving force behind the proposal to add a digital signature to the barcode, the technical expert assisting the Office explained that an analysis by ISO had shown that it was necessary to add an additional mechanism to the SIDs in order to prevent fraud and increase security. In order to offer flexibility, it had been suggested that it should be possible to read the fingerprints contained in the barcode, regardless of whether or not the reader had the capability to verify the authenticity of the digital signature.
 51. The representative of the Government of Indonesia concurred with the position of the Government of Korea and explained the procedure of verifying that the SIDs issued in Indonesia were not fraudulent. For example they were provided with special security features, such as holograms and water stamps.

Focal point coordination centre and digital signature

52. The representative of the Government of Indonesia referred to the data centre for LRIT, hosted by the IMO, and asked for clarification as to how many transactions the coordinating focal point system could handle per day. The number of transactions should be put in relation to the cost.
53. With reference to the IMO database for endorsement of certificates, the representative of the Government of the Islamic Republic of Iran pointed out that the weakness of the system was the dependence on Internet access to connect to the database in conjunction with the risk of receiving fraudulent information.
54. In reply to this, the technical expert assisting the Office explained that the proposal of creating a focal point coordination centre arose from the need of ensuring that the information in the system was reliable. It was equally important to ensure that the request put to the focal point was from a legitimate source and that the focal point itself was legitimate. The seafarers' personal data needed to be protected. By creating a focal point coordination centre, hosted by an international organization it would be possible to establish a chain of trust between verifying authorities and the coordination centre and between national focal points and the coordination centre and thus facilitate secure communications among trusted parties, improving the confidence in and security of the system of national focal points specified in Convention No. 185.
55. The representative of the Government of Indonesia explained the regime in his country, including the utilization of a help desk, online application and methods of preventing malicious entry into the systems.
56. The representative of the Government of the United States recalled a former discussion about having a central data base for seafarers. She asked how the information was supposed to get to the database, how much it would cost, who would finance it and who would have access to the information.
57. The representative of the Government of the Republic of Korea asked whether a coordination centre should be hosted by an intergovernmental agency or a private company.

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58. The representative of the Government of France concurred with previous speakers that it would be helpful to have an estimate of costs.
 59. The Deputy Secretary-General explained that the focal point coordination centre could not be mandatory as it was not provided for by the Convention.
 60. The technical expert assisting the Office replied to the point raised by the representative of the Government of the United States explaining that the focal point coordination centre was not intended to host databases and that it would simply help establish communications to verify the validity of a SID and that at no time would seafarers' data be stored within the focal point coordination centre. The focal point coordinator was meant to simply authenticate communication from the coordination centre to the focal point and from the coordinator centre to the verification authority.
 61. With reference to the question asked by the representative of the Government of the Republic of Korea, he explained that the Office was trying to understand whether there was an interest in creating the focal point. This was simply a way of facilitating communication securely; it would allow protection of data and privacy, but its use was not mandatory.
 62. Turning to the point raised by the representative of the Government of France, he observed that the cost estimate would depend on the choice made about the hosting of the focal point and the level of sophistication used to encrypt the communication. He recalled that these were elements to decide at a later stage, after having decided whether the concept of a focal point coordination centre was useful or not.
 63. The representative of the Government of France reminded that the PKD was similar to the idea of the focal point and wondered whether there was any need to put in place a similar structure. The risk would be to duplicate something that the ICAO had already done.
 64. The Deputy Secretary-General explained that if this was to be accepted, an official response would be first requested from the ICAO.
 65. The Shipowner spokesperson stressed the importance of securing the exchange of data and considered this was a starting point for which each member State would have to set up a system at the national level or it could act jointly with others. He proposed that, should this idea be accepted, the overall cost across all member States of securing the exchange of data might be reduced since some of the costs would be shared by the creation of a shared focal point coordination centre.
 66. The representative of the Government of the Russian Federation stressed that there was a need for securing the exchange of data.
 67. The representative of the Government of the Islamic Republic of Iran recalled that, should the focal point coordination centre be agreed upon, the system would have to be rapid and easy to access to avoid creating problems for seafarers.
 68. The Chairperson summarized the state of the discussions on the general system of verifying a seafarer's identity. When approaching the coast, the ship had to inform the port State authorities on the name of the seafarers on board for a preliminary check. When in port, the SID would be scanned and if found valid, the seafarer was permitted to go on shore. In case there were doubts as to the authenticity of the SID, the port State authorities would have to check with the national authorities that had issued the SID. For the verification of the seafarer's identity, the digital signature was helpful. For the process of verification, the port State authority would go through a global focal point coordination centre to the national authority that had issued the SID in order to verify its genuineness.

While the concept itself was very simple, the work on the details would require time and significant expertise.

69. The representative of the Government of Canada explained that Canada required a notification period of 96 hours before the ship planned to enter its port. He suggested that a standard SID reader might also be used to support access control within ports, as this would benefit seafarers.

Possible amendments to Annex II of Convention No.185

70. The representative of the Government of Canada stated that in general, the issuing authority should limit itself to only informing the seeking authority if the SID at question was valid or non-valid. In Canada, the Transport Canada Centers stored the information but would only share information on the validity. The representative of the Government of France aligned himself with the approach Canada had taken.
71. The representative of the Government of Switzerland explained that his country being landlocked was currently not considering the ratification of the Convention as the few Swiss citizens engaged as seafarers would not justify the investment in the highly expensive equipment required under Annex II to the Convention. He requested clarification whether a biometric passport issued by Switzerland in observation of the ePassport requirement could be referred to in the traditional Swiss Seafarers Books so that the Book together with the passport could fulfil the requirements of Convention No. 185. If this was not possible, he requested the Office to elaborate on the possibility of compliant maritime administrations issuing identity documents for Swiss seafarers on behalf of the Swiss Government.

VI. Other possible problems or challenges in implementation

72. The representative of the Government of Canada recounted that besides the creation of a regulatory framework, when setting up the necessary infrastructure for the issuance of SIDs, his Government faced problems identifying suitable vendors of the equipment and only three bids were received for the tender proposals.
73. The representative of the Government of Switzerland recalled that despite the importance of seafarers for the world economy, they were very few as compared to the total number of people holding passports that would eventually have a biometric chip. He agreed with the representative of the Government of France and questioned whether a barcode and other security features were necessary as the chip would contain all relevant information.
74. The representative of the Government of the Islamic Republic of Iran mentioned that several commercial companies claimed to be able to issue SIDs, or to offer machines capable of reading SIDs, in line with the requirements of Convention No. 185. In order to ensure the interoperability of these documents, he suggested that a certification and supervision system be established.
75. The Deputy Secretary-General explained that based on document ILO SID-0002 vendors were invited to submit their products for testing by the Office assisted by the ISO. In the four test rounds, a total of 12 products submitted by different producing companies were found to meet the requirements of the Convention, including interoperability with the other compliant products. As a result of this process conducted on behalf of the ILO member

States, a list of these products had been published and the Office encouraged member States to select the appropriate equipment.

- 76.** The representative of the Government of Greece recalled his concerns about a possible discrimination of seafarers requiring them to be in possession of a SID in addition to their national passport when going on shore leave whereas passengers on board the same vessel only required their passport. He aligned himself with the questions brought forward by the representative of the Government of Switzerland.
- 77.** The representative of the Government of Canada noted that, under Article 5, paragraph 6, of Convention No. 185, the Governing Body of the International Labour Office shall approve a list of Members which fully meet the minimum requirements specified in Article 5, paragraph 1. He noted that the process of reviewing submissions from Members seeking to be added to the list will require expertise in both information technology security and in administrative policies and procedures. He suggested that different reviewers should be used for different parts of this review process, as it is difficult to find reviewers with both types of expertise.
- 78.** The Deputy Secretary-General responded to the remarks made by Canada concerning how the review process could be conducted under Article 5, paragraph 6, of the Convention. She recalled that the arrangements governing the review had been decided by the Governing Body in 2005 and that the establishment of the bodies responsible for carrying out the review was a matter that was being put before the November 2010 session of the Governing Body. The representative of the Government of Canada had further suggested that the composition of the Article 5 review process should have an administrative and technical component. The Deputy Secretary-General concurred with this suggestion.
- 79.** Turning to the question raised by the Government of Switzerland, she said that one of the challenges of the implementation of the Convention No. 185 had to do with a number of countries that had small numbers of seafarers. In such a case the question was whether it was possible to make economies of scale. She recalled that, as noted in paragraph 6 of the Office's background paper, the Office had given advice in 2006 to a subregional community, with a view to the establishment of an issuance system for its members. She recalled, however, that according to Part B, section 2.1, of Annex III to the Convention, "all operations relating to the issuance process (including the custody of blank, voided and completed SIDs, the implements and materials for completing them, the processing of applications, the issuance of SIDs, the maintenance and the security of databases) should be carried out under the direct control of the issuing authority". She explained that it was recognized that there might be delegation of certain functions to other member States. She recalled the importance that some processes should remain under the direct control of the issuing authority and there were other processes that could be done in cooperation with other member States. She mentioned the example of the South Pacific Islands where the Office helped to prepare a proposal outlining how countries with small numbers of seafarers could share a common infrastructure and then retain authority and control so as to create economies of scale and reduce the cost. She also asked whether the ILO could assist some member States to ensure that there were systems that would be reasonable for small countries. That would not affect the system the countries are already deploying but would only help those who are creating an entirely new system. A number of countries had asked the Office whether they could host systems for others countries.
- 80.** In response to a previous question raised by the representative of the Government of Greece, the Deputy Secretary-General indicated that the ePassport system was not in place when Convention No. 185 was adopted. The replacement of the existing SID provided for in Convention No. 185 with a modified ePassport (using a contactless chip containing biometric data) would require revising the Convention. This would be a very long and complex process, although use might be made of the accelerated amendment procedures

under Article 8. She also reminded the participants that many developing countries did not yet issue ePassports and that seafarers were coming principally from developing countries. Despite this situation, developed countries should recognize seafarers with a valid SID and allow them to take shore leave.

- 81.** The Shipowner spokesperson reported that his group had, in principle, no objections to the four proposals brought forward in the Office's background paper. It was however important that these proposals did not result in difficulties that prevented Governments from ratifying the Convention.
- 82.** The Seafarer spokesperson indicated that in their view most of the items were matters for governments to decide. With respect to the proposed optional chip in SIDs, his group, after considerable reflection, had decided that it would be prepared to accept it, but that this was on the understanding that it would facilitate the admission of seafarers by port States for the purpose of shore leave.
- 83.** The Chairperson of the Government group stated that his group supported the proposals in paragraphs 29–32 of the Office's background paper as long as procurement of SID-related equipment remained at the discretion of each government. He reiterated that, with respect to Article 5, paragraph 6, of Convention No. 185, those involved in the review process should have the ability to review both administrative and technical aspects. Several governments had pointed to the importance of technical assistance. Some governments suggested that the ILO should consider establishing a procedure for the reporting of fraudulent SIDs, perhaps modelled after IMO procedures with respect to fraudulent STCW certificates.
- 84.** Recalling his earlier intervention, the representative of the Government of France clarified that his Government was not suggesting amending Convention No. 185 or abandoning the use of the two-dimensional barcode required by the Convention. He was, in fact, opposed only to the idea of adding a digital signature to the barcode. In this connection, he recommended that a study should be undertaken on the technical and financial implications of the inclusion of such a digital signature. Regarding the proposal to establish a focal point coordination centre, it was important that the types of exchanges foreseen between governments and the centre needed to be thoroughly described and that any procedure established should guarantee the protection of the seafarers' personal information. Within an international context, governments should always have the right to conduct investigations concerning fraudulent use with regard to SIDs. Finally, it was important to know ICAO's official position on the recognition of SIDs and the use of the PKD.
- 85.** The representative of the Government of Greece expressed support for the Convention and did not recommend any immediate amendments. However, he envisaged the possibility that, in the future, seafarers would carry cards that served as identity documents, contained information on professional competencies, medical certification, and perhaps served other purposes as well. In order to explore future technical possibilities while accelerating the ratification process, he proposed the establishment of a joint ILO–IMO working group.
- 86.** Referring to the comments of the representative of the Government of France, the Deputy Director-General stated that the ILO had cooperated, and continued to cooperate closely with ICAO. This had led to ICAO 9303 taking into account seafarers' documents as it did with crew documents for air crew. Having now obtained a positive indication from the ILO's constituents, the Office envisaged pursuing further discussions with ICAO on the use of the PKD.
- 87.** Responding to the proposal made by the representative of the Government of Greece, the Deputy Director-General expressed the view that at present the priority was to obtain widespread ratification of Convention No. 185. In other words, it was important not to lose

the momentum and to send a clear message that would bring governments back on track and focus on ratification.

- 88.** The representative of the Government of France noted that the Convention should be actively promoted but cautioned against any actions or discussions that might delay ratifications. He supported the proposal made by the representative of the Government of Greece for a joint ILO–IMO working group, and stated that it would be important to consider future capabilities and uses of SIDs to simplify seafarers’ lives by including ILO requirements as well as medical certificates and other aspects. There was certainly a need for exchanges and meetings between the two organizations to prepare for the next phase. If a clear message was sent that the Convention could evolve to simplify lives, then there would be greater support for the Convention.
- 89.** The Deputy Secretary-General agreed that there was tremendous potential for the personal identification technology to evolve and indicated that some countries were now interested in using the same technology in the entire transport sector as well as in other sectors such as social security. Thus, the technology acquired in the course of complying with the Convention could have multiple purposes. The only issue was that, presently, the Convention only allowed for certain information to be included, and thus additional information could not be included unless the Convention was to be amended. As she had previously indicated in replying to the representative of the Government of the Philippines, however, separate databases could feasibly be maintained to remain in compliance with the Convention while concurrently taking advantage of the interoperability of the SIDs.
- 90.** The representative of the Government of Indonesia stated that his Government had produced 50,000 blank SIDs without chips. It would be easier to recognize seafarers’ faces, rather than their fingerprint, because the skeleton of the face could not be altered by plastic surgery. After the Convention was amended, it could include items such as radio frequency, and these chip alterations would certainly have to keep pace with technological progress. Accordingly, he expressed his delegation’s support for the proposal of the representative of the Government of Greece.
- 91.** The representative of the Government of the Islamic Republic of Iran noted the complex legal issues involved in this and other similar discussions and suggested that the Office should develop and make available on its website a “Frequently asked questions” section on all maritime Conventions.
- 92.** The Seafarer spokesperson stated that Convention No. 185 was a useful document in its current reading and that if further technical improvements were to be proposed before it was implemented, member States might be scared off from ratifying it. Thus, suggestions such as facial and retina recognition would probably discourage ratification by port States and would thus prove counter-productive.
- 93.** Suggesting that it was not the time to devise new SID technology, the representative of the Government of the Republic of Korea felt that additional requirements would render the document more difficult. The Convention was devised as a stand-alone document, and they should not focus on inserting more into it at the present time.
- 94.** The Chairperson agreed and added that the main function of the Convention was to facilitate shore leave. Accordingly, what was needed was to bring the port States on board with ratifying. Therefore keeping the SID simple and acceptable for port States would be the best way to secure wide ratification and improve the lives of seafarers.
- 95.** The Deputy Secretary-General responded to the representative of the Government of the Islamic Republic of Iran, and stated that the Office would publish a brochure on “Frequently asked questions” on Convention No. 185 and would update its section on the

MLC, 2006. She noted that he was correct in recalling that only the International Court of Justice was mandated to issue formal interpretations of ILO Conventions, but added that this was not much of an option because countries had not demonstrated their wish to use it. The Office would therefore continue to provide informal opinions to member States.

VII. Close of the Consultations

- 96.** The participants in the Consultations reached a consensus on the main points raised in the discussions. A summary of this consensus was approved at the end of the discussions. It is reproduced in Appendix I to this report.
- 97.** In his closing statement, the Shipowner spokesperson hoped that the outcome of the meeting would contribute to the widespread ratification of Convention No. 185. While emphasizing that shipowners fully supported the measures implemented on maritime security, he also stressed the need for the movement of seafarers to be facilitated. He hoped that governments would facilitate the movement of seafarers, when addressing security and immigration concerns. He stated that to make the Convention a success, a seafarer holding a SID based on Convention No. 185 was expected to receive some favourable treatment in practice. In this respect, he hoped that governments would be willing to consider the ratification of Convention No. 185. He also hoped that those governments which might not yet be in a position to ratify, would be prepared to apply the spirit of the Convention.
- 98.** The Seafarer spokesperson concluded by stating that a secure maritime infrastructure was important but at the same time shore leave was vital for the seafarers' well being. The shipping industry should ensure a sustainable future for all concerned and this could not happen without well-trained, properly documented and healthy mariners. The seafarers had high expectations that Convention No. 185 would improve access to shore leave in an uncertain period. Seafarers invested their own resources and time away from their families to meet the ever-increasing demand for skills advancement. It was high time that governments invested some effort in favour of the industry. He expressed concern that Convention No. 185 had not secured ratification by key port States, especially considering that this was supposed to be the "Year of the seafarer". He believed that the Convention deserved to be a success and should succeed. It was for this reason that his group had accepted the idea of introducing an optional chip in the SID.
- 99.** The representative of the Government of the Republic of Korea recalled that his Government had completed the revision of the Seafarers Act in March 2005 and that following the ratification of Convention No. 185 in 2007, a seafarers' identity documents system had been introduced. He indicated that no new SIDs had been issued so far principally because major port States had not ratified the Convention. The Government continued to issue a seafarers' book that could prove seafarers' identity but planned to introduce new SIDs in 2011. He finally urged the ILO to intensify its efforts in order to improve the ratification record of Convention No. 185.
- 100.** The Deputy Secretary-General recalled that the MLC, 2006, and Convention No. 185 were equally important and that the three-day meeting on the MLC, 2006, had been extremely useful. She underlined the importance of moving forward with Convention No. 185, which deserved to get full attention as it contained a good balance of the interests related to human rights, security and the global economy. She hoped that the meeting had allowed the consideration of new elements for guaranteeing port and border security as much as the seafarers' right to shore leave. She expressed the hope that developed countries concerned about security would eventually assist developing countries in establishing their SID systems. Finally, she thanked all the participants for the consensus achieved.

Appendix I

Summary of consensus achieved at the ILO Consultations on the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)

General remarks and concerns

1. Further ratifications and recognition of the seafarers' identity document (SID) to facilitate shore leave are urgently needed, especially among port States.
2. Technical and financial support is needed to enable countries, in particular developing countries, to move ahead with ratification of Convention No. 185 and implementation of SID systems.
3. Several countries, especially in Europe, would prefer that the SID be as interoperable as possible with an ePassport.
4. Protection of seafarers' data and support of all relevant data protection and privacy legislation is important in all aspects of the implementation of Convention No. 185.

Potential Improvements and the ISO 24713-3 document

1. There was no objection to the updating of the technical details of the barcode and its data content to follow the latest revisions of ISO standards, provided that this would not cause existing SIDs to become invalid and provided that the technology for verifying SIDs could support both the old and the new format simultaneously.
2. The addition of a digital signature to the barcode would add cost, and the International Labour Office should investigate the most cost-effective means to distribute the public keys to support verification of the digital signature, including sharing the infrastructure of ICAO's PKD. The extra security provided by the digital signature is welcome and the consensus was that this modification to the barcode should be accepted.
3. A focal point coordination centre resolves the issue of verification authorities seeking to further investigate the validity of a particular SID not knowing if the national focal point they contact is genuine. It would also allow focal points to be comfortable that only genuine authorities with a legitimate right to ask questions about seafarers will be contacting them. We should learn lessons from the experience of the International Maritime Organization with the seafarers' credentials and the infrastructure established to allow them to be checked. The International Labour Office should contact the IMO for more information on the lessons learned from its experience. It appears that a focal point coordination centre is useful and will reduce the cost and effort for individual Members in maintaining their own national focal points and in protecting the privacy of seafarers and security of data when they respond to queries. There is a concern about cost, however, and how the focal point coordination centre will be funded. The Office needs to make inquiries and prepare a budget and a proposal for funding the development and operation of this coordination centre. In particular, should it be hosted by the Office, by another inter-governmental agency or by a private company? Also, assurances regarding the protection of seafarers' data and the prevention of attacks on the security of the system will be needed.
4. The ISO proposal contains three potential modifications to the national electronic database with data elements defined in Annex II of Convention No. 185. There was consensus on the following positions, which means that no amendments to Annex II to Convention No. 185 will be required:
 - (a) Add the data element to indicate if the date contained in the database was a date of expiry or suspension or withdrawal.
 - (b) The fingerprint minutiae template is mandatory, although Members for which this is difficult due to privacy legislation might seek to have their seafarers voluntarily sign an

informed consent permitting the issuing authority to maintain the fingerprint templates in the database.

- (c) Allow the fingerprint images to be stored to simplify re-enrolment of the seafarers, but fingerprint images should never be exchanged with verification authorities and therefore they should be stored in a separate issuance database and not in the national electronic database. This means that element 8 in table 1 and item 4 on page 17 of ISO-IEC 24713-3 would not be supported by the ILO.
5. There was consensus that a mandatory chip would be unacceptable, but that an optional chip would be acceptable, due to its potential benefit in allowing the SID to be supported by the existing infrastructure to read ePassports. Seafarers indicated that, in exchange for accepting this substantial technical improvement, they are hopeful that port States will give significant weight to allowing shore leave for seafarers holding a Convention No. 185 SID.

Problems at the national level

1. Convention No. 185 can be expensive to implement, as it requires a lot of technical and procedural effort to issue secure SIDs. Methods to reduce the cost, particularly for developing countries and for countries with very few seafarers, are urgently needed.
2. One alternative is for groups of countries to share some of the infrastructure for issuing SIDs, provided that each country retains control over the security and decisions made for their own seafarers. Some aspects of this are contemplated in Annex III to the Convention and the Office encourages regional cooperation organizations to consider this option.
3. A second alternative is for the Office to conduct or to facilitate the conduct of an international procurement to establish a list of qualified vendors that can provide all elements of a SID issuance system at low cost. This will include hardware, software, consumables and support services. Various options can be offered for small and large systems and interested Members can then approach the vendor or vendors and acquire the systems at a fixed price without negotiation. This will permit systems of varying sizes to be available at reduced cost, although the procurement of such systems will still be up to individual member States based on their own national procurement processes. No Member will be under any obligation to use the products of these companies, but there may be advantages to using them. Specifically, the components provided on the list would have been demonstrated to be fully compliant with those requirements of Convention No. 185 related to information technology as part of the procurement process, and this would greatly simplify the process of conducting an independent evaluation as required under Article 5 of Convention No. 185 for Members using these products. Further, consideration would be given to including in the procurement a list of companies qualified to conduct independent evaluations so that Members will be able to refer to a list of qualified entities to conduct such evaluations at a fixed cost.

Problems at the international level

1. There are insufficient ratifications of Convention No. 185, especially among port States and there is not enough benefit given to seafarers using this secure identity document.
2. Questions arose concerning how and when the arrangements provided for under Article 5, paragraphs 6–8, of Convention No. 185 will be implemented, and whether the Review Group and the Special Review Board will have the appropriate technical expertise in the field of information technology and administrative procedures. The Office indicated that it would inform the Governing Body of the need to ensure that the members of the Review Group and the Special Review Board have sufficient expertise to enable them to carry out the review.

Appendix II

Final list of participants
Liste finale des participants
Lista final de participantes

Chairperson of the Consultations on the Seafarers' Identity Documents
Convention (Revised), 2003 (No. 185)

President de Consultations sur la Convention n° 185 sur les pieces d'identité
des gens de mer (revisée) 2003

Presidente de las Consultas relativas al Convenio sobre los documentos de
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Mr Joseph J. Cox, President, Chamber of Shipping of America, Washington

Ms Theresa Hatch, Executive Director, Australian Shipowners' Association, Port Melbourne

Mr Joseph Ludwiczak, General Secretary, Liberian Shipowners' Council Ltd, New York

Ms Edith Midelfart, Attorney at Law, Norwegian Shipowners' Association, Oslo

Mr Carlos C. Salinas, Chairman, Philippine Transmarine Carriers, Inc. Filipino Shipowners' Association, Makati City

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Représentants des gens de mer

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International Maritime Health Association (IMA)

Mr Suresh Idnani, President, International Maritime Health Association (IMHA), Indus Seafarers' Welfare & Health Centre, Mumbai

International Confederation of Water Transport Workers' Union (ICWTWU)

Mr Valentin Sirotyuk, International Confederation of Water Transport Workers' Union (ICWTWU) Moscow

International Confederation of Water Transport Workers' Union (ICWTWU)

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International Christian Maritime Association

Mr Domingo González Joyanes, Delegado de la ICMA, Abogado y Director del Centro de los Derechos, del Marino de Barcelona (Organización integrada en STELLA MARIS) International Christian Maritime Association, Madrid

Representatives of United Nations, specialized agencies
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Representants des nations unies, des institutions specialisees
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Representatives of intergovernmental organizations

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