
Submission by the International Shipping Federation (ISF) to the Consultation Meeting on Improved Security of Seafarers' Identification (9-10 May 2002)

The ISF acknowledges the possibility that a ship could present a terrorist threat, and can therefore support the concept of developing a new ILO instrument, to update the provisions of the existing Seafarers' Identity Documents Convention, 1958 (No. 108), thereby both addressing current concerns about maritime security and facilitating the movement of legitimate international trade.

However, it is important not to lose sight of the principal purpose of seafarers' identity documents as embodied in Article 6 of Convention No. 108. This concerns the provision of a means by which seafarers can avoid the need to apply for visas when entering the territory of a member State, whether for the purpose of temporary shore leave or when passing in transit in order to join a ship or to be repatriated. In the interests of international commerce, and the welfare of seafarers, who often spend long periods of time confined on board ships at sea, it will be important to ensure that any new instrument retains this important principle and continues to acknowledge the special nature of seafarers' employment.

To achieve the purpose of the exercise, it will also be important for member States to acknowledge that any new instrument seeking to address the issue of identity documents in the context of maritime security will be unlikely to achieve its objective unless it is ratified by all of the major maritime nations, including those that have not ratified the current Convention No. 108.

Seafarers are employed from virtually every country in the world. In principle, the ISF agrees that it would be desirable if every seafarer trading internationally were to hold an identity document complying with an agreed international format. However, it has to be recognized that some countries may elect not to become parties to any new instrument. In the absence of the required document, member States should still have discretion to permit entry on the basis of passports alone. Moreover, any new instrument should clearly state that the absence of a seafarer's identity document should not be grounds for port State control detention.

In order to facilitate discussion, the ISF also wishes to comment on the questions raised under paragraph 13 of the briefing paper prepared by the ILO.

(a) What are the advantages of an international seafarers' identity document?

Passports or national identity documents do not always state the profession of the holder. An obvious advantage of a seafarer's identity document is that it provides proof that the holder is a seafarer.

As stated above, the major current advantage of holding a seafarers' identity document (at least with regard to those member States that follow the principle embodied in Article 6 of Convention No. 108) is that it removes the need for seafarers to apply for visas for the purpose of shore leave or transit to and from their ships.

The majority of ships follow an irregular trading pattern and ports of call during a seafarer's tour of duty are often unknown when he or she joins a ship. Seafarers may visit a large number of countries and it is often impractical to obtain visas in advance.

Seafarers' identity documents can also offer seafarers additional advantages with regard to helpful treatment at embassies and consulates, airports, customs and port authorities, as well as access to health care in foreign countries and access to seafarers' welfare services.

At present, however, the exact format of seafarers' identity documents is determined by the competent authorities in member States. An international document, which followed a uniform format regardless of the country of issue, would clearly assist recognition and acceptance of seafarers' identity documents by the relevant authorities around the world. It would also be of benefit to employers who commonly employ seafarers of many different nationalities.

(b) What purposes would an international seafarers' identity document serve? Should the identity document be used for training/certification, medical or other purposes?

If a new ILO instrument is developed, it would presumably have two main purposes:

- to identify the holder as a legitimate seafarer who should be exempt from normal visa requirements because of the nature of his or her employment; and
- to identify holders for security purposes, given that seafarers clearly need to have access to what may be regarded as security-sensitive areas such as ports and terminals.

It might be possible to use such documents to contain information concerning seafarers' qualifications and medical fitness, which are currently contained in certificates issued in accordance with the IMO STCW Convention and ILO Convention No. 73, especially if any document were developed in a machine-readable format. However, the ISF believes that this should only be an optional possibility in any new instrument. A large number of different national agencies might be involved, and the inclusion of such information on a mandatory basis could delay the introduction of identity documents that address immediate concerns about security and proof of identity. Moreover, information concerning qualifications may frequently need to be updated.

In the longer term, however, provided it were technologically and administratively feasible, there might be advantages in combining all the various information which seafarers are required to carry into a single document. It is therefore suggested that the technical specifications of any standardized machine-readable document that might be developed, and of the equipment used for checking it, should be such that additional information such as qualifications could be included if so desired by member States.

(c) What information should be included in the identity document?

With reference to the proposals that have been made by the United States to the 75th Session of the IMO Maritime Safety Committee, the ISF could support the inclusion

of the following information, provided that it is technologically and administratively feasible and acceptable to other member States:

- digital photograph;
- holder's signature;
- issuing authority; and
- statement of nationality.

With regard to the proposal to include positive identification of seafarers' qualifications, for the reasons stated above this should only be an optional requirement. It should also be borne in mind that the under the IMO STCW Convention administrations are not currently required to issue certificates of competence to non-watchkeeping ratings or personnel, such as hotel and catering staff on passenger ships, and they are not required to maintain records of the qualifications held by such personnel.

With regard to the proposal that data concerning "permission to enter other countries" should be included, the ISF would be grateful for clarification of what this would involve. However, if it simply involves confirmation that the seafarer is permitted to visit foreign nations and is entitled to leave his or her home country, this could be supported.

In principle, the ISF has no objection to the inclusion of biometric templates that may assist the positive verification of the holder's identity. However, it will be important to take account of any concerns that member States may have with regard to human rights, data protection laws and difficulties concerning practical implementation. This is of particular concern to shipping companies that could be penalized in the event that the inclusion of particular biometric data made it impossible for certain member States to ratify any new instrument.

**(d) What information should be mandatory?
What information should be optional?**

As stated above, the inclusion of information concerning seafarers' qualifications and medical certificates should be optional.

**(e) In what circumstances 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 in point (b) above?**

In principle, for the reasons outlined above, if a new instrument is adopted and seafarers hold documents meeting internationally agreed criteria, a visa should not be required for the purposes currently mentioned in Article 6 of Convention No. 108. This principle should be clearly stated in any new instrument.

However, in the event that the issue of visas to seafarers is insisted on, the new ILO instrument should clearly determine the manner in which this should be done by any member State that has ratified the instrument.

It is suggested that upon presentation of (or transmission of data contained on) a seafarer's identity document, any such visas must be issued immediately, either on or shortly before arrival.

One possibility is that a visa, i.e. permission to enter a member State, is issued electronically and recorded on the identity document itself. Alternatively, it might be produced electronically using data contained on the identity document. Crew list visas, whereby permission to enter a member State is granted to an entire ship's crew following transmission of a single document to the immigration authorities, are also a possibility.

However, it is important that the issue of such visas should not involve any financial cost to the seafarer or the shipping company. In view of the basic principle that seafarers should not normally be required to be issued with visas, and the vital role that shipping plays in world trade, any compromise of this principle should be for security reasons only and should not be permitted to be used as a revenue-making opportunity.

(f) Should the issuing authority be an international authority or a national authority?

The ISF believes that the issuing authority must be the relevant national authority in the seafarer's country of residence, which will normally be the same as the country that issues the seafarer's passport (often this will be different from the flag State of the ship on which the seafarer is serving).

The national authorities in the labour-supply country will clearly be in the best position to establish and verify the holder's identity and nationality, whether through passport and national identity document records, social security and medical records, electoral roles or registrations of births. Moreover, the authorities concerned should already have procedures in place for doing this. Given that a number of different agencies might be involved, the competent authority in the labour-supply State will be in the best position to coordinate this process.

Apart from the financial and political implications, the ISF can foresee formidable administrative problems in the event that an intergovernmental agency had responsibility for issuing identity documents since it would be dependent on national authorities to verify the identity documents of in excess of a million seafarers. However, it would be advantageous if the documents follow a standard international format agreed by a body such as the ILO. The ILO could also have a useful role in helping to ensure that member States issue identity documents in accordance with criteria and procedures agreed internationally.

(g) What types of positive and verifiable information should be included in the document?

See our comments under question (c).

(h) What format should the identity document take? Regardless of the issuing authority, should the format meet international standards? If so which?

The ISF is open minded as to the exact format that the documents should take. Much will clearly depend on the technological solutions available. But it will be important to ensure that it will be relatively easy for member States to implement the requirements, both with regard to the production of identity documents and installation of the equipment needed to read and verify the information contained on them. Proper account must also be taken of issues such as durability.

As already stated, it will be desirable if all identity documents conform to an internationally agreed standard which should be referred to in the new ILO instrument, though perhaps developed separately. Apart from addressing security concerns, it must be possible to read the information contained on the documents at ports and airports around the world.

At the time of preparing this paper the ISF has insufficient information to comment on existing international standards for identity documents such as those developed (or under development) by bodies such as ISO and ICAO. However, since one of the purposes of seafarers' identity documents is to facilitate easy movement through airports, it would seem logical to consider any standards developed by ICAO for identifying airline staff.

(i) What monitoring mechanism should be introduced to ensure the credibility of the system?

If any new instrument is to succeed in addressing concerns about security, some form of external evaluation of the procedures, established by member States to issue identity documents, would seem to be necessary.

Such a monitoring system, whether coordinated by the ILO or otherwise, would necessitate the involvement of experts in data security and immigration procedures, and might have to overcome sensitivities amongst member States with regard to issues of national sovereignty.

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The ISF hopes that the above comments are helpful, and looks forward to participating in the Consultation Meeting.