

Approved for tabling in the House.



REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY

Bl  
SNA  
22/9/2021


**TWELFTH PARLIAMENT – FIFTH SESSION**

THE DEPARTMENTAL COMMITTEE ON  
TRANSPORT, PUBLIC WORKS AND HOUSING

**REPORT ON-**

**RATIFICATION OF:**

1. THE 2014 AND 2018 AMENDMENTS TO THE MARITIME LABOUR CONVENTION, 2006;
2. THE INTERNATIONAL LABOUR ORGANIZATION CONVENTION C185 (AMENDED CONVENTION ON SEAFARERS IDENTITY DOCUMENTS, 2003);
3. THE INTERNATIONAL LABOUR ORGANIZATION CONVENTION C188 (WORK IN FISHING CONVENTION, 2007);
4. THE INTERNATIONAL CONVENTION ON THE STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR FISHING VESSEL PERSONNEL, 1995; AND
5. THE CAPE TOWN AGREEMENT OF 2012 ON SAFETY OF FISHING VESSELS

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
<b>DATE: 23 SEP 2021</b>	
<b>DAY: THURSDAY</b>	
<b>TABLED BY:</b>	CHAIR, DC - TRANSPORT, PUBLIC WORKS & HOUSING HON. DAVID PKOSING MP
<b>CLERK-AT THE-TABLE:</b>	Maimah Wanjiku


DIRECTORATE OF DEPARTMENTAL COMMITTEES  
CLERK'S CHAMBERS - NATIONAL ASSEMBLY  
PARLIAMENT BUILDINGS  
NAIROBI

SEPTEMBER 2021



## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	3
<b>1.0 PREFACE.....</b>	<b>4</b>
Mandate of the Committee.....	4
Membership of the Committee .....	5
Committee Secretariat.....	6
<b>2.0 INTRODUCTION.....</b>	<b>7</b>
Outline of the Conventions .....	7
a. The 2014 and 2018 Amendments to The Maritime Labour Convention, 2006;.....	7
b. Convention on seafarers Identity Documents, 2003, as amended (C185).....	8
c. Work in Fishing Convention, 2007(C188); .....	8
d. International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel, 1995 (1995 STCW-F Convention).....	8
e. Cape Town Agreement of 2012 on Safety of Fishing Vessels .....	9
<b>3.0 SUMMARY OF THE PROCESS LEADING TO THE ADOPTION OF THE CONVENTIONS.....</b>	<b>10</b>
<b>4.0 CONSIDERATION OF THE CONVENTIONS .....</b>	<b>12</b>
<b>5.0 COMMITTEE'S OBSERVATIONS .....</b>	<b>14</b>
<b>6.0 COMMITTEE'S RECOMMENDATION .....</b>	<b>15</b>

 <b>THE NATIONAL ASSEMBLY</b> <b>PAPERS LAID</b> <b>DATE: 23 SEP 2021</b> <table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="padding: 2px 10px;"><b>DAY.</b></td> </tr> <tr> <td style="height: 20px;"></td> </tr> </table>		<b>DAY.</b>	
<b>DAY.</b>			
<b>TABLED BY:</b>			
<b>CLERK-AT THE-TABLE:</b>			

## ANNEXURES LIST

- (i) Minutes of sittings of the Committee
- (ii) List of Members present during adoption of the report
- (iii) Newspaper advertisement inviting the public to make representations on the Conventions
- (iv) Explanatory Memorandum on the Conventions
- (v) The Conventions
- (vi) Submission from the State Department for Shipping and Maritime
- (vii) Submission from the Ministry for Interior



## **EXECUTIVE SUMMARY**

On 23<sup>rd</sup> February 2021 five Conventions from the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works were laid before the National Assembly for consideration by the House. These are:

1. The 2014 And 2018 Amendments to The Maritime Labour Convention, 2006;
2. The International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);
3. The International Labour Organization Convention C188 (Work in Fishing Convention, 2007);
4. The International Convention on The Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and
5. The Cape Town Agreement of 2012 on Safety of Fishing Vessels.

Pursuant to section 8 of the Treaty Making and Ratification Act, 2012, they were committed to the Departmental Committee on Transport Public Works and Housing for consideration and report to the House. Once ratified, the Conventions shall become part of our Kenyan laws as provided for in Article 2(6) of the Constitution which provides that *"any treaty or convention ratified by Kenya shall form part of the Law of Kenya under this Constitution"*.

In line with Article 118 (1) (b) of the Constitution on public participation in law making process and section 8(3) of the Treaty Making and Ratification Act of 2012, the Committee placed advertisements in two local daily newspapers of 1<sup>st</sup> of April 2021, requesting for submission of memoranda by the public on the subject matter. There was no response.

On 1<sup>st</sup> July 2021, the Committee met the Principal Secretary, State Department for Shipping and Maritime, Secretary, Internal Security, Director General, Kenya Coast Guard Services, Director General for Immigration among other government officials. They unanimously recommended the ratification of the Conventions while outlining various benefits especially on protection of seafarers and employment.

The Committee wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the guidance and technical support accorded to it during consideration of these Conventions.

On behalf of the Committee, it is therefore my pleasant duty and privilege, to lay this report on The Ratification of the 2014 and 2018 amendments to the Maritime Labour Convention, 2006; the International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003); the International Labour Organization Convention C188 (Work in Fishing Convention, 2007); the International Convention on The Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and the Cape Town Agreement of 2012 on Safety of Fishing Vessels; for consideration and approval by the House Pursuant to Section 8(4) of the Treaty Making and Ratification Act, 2012 and Standing Order 199.

**HON. DAVID L. PKOSING, C.B.S., M.P.**

**Chairperson -Departmental Committee on Transport Public Works and Housing**

## 1.0 PREFACE

### Mandate of the Committee

1. The Departmental Committee on Transport, Public Works and Housing is mandated, pursuant to the Standing Order 216 (5), to;
  - a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
  - b) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
  - c) *study and review all legislation referred to it;*
  - d) *study, access and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - e) *investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
  - f) *to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
  - g) *examine treaties, agreements and conventions;*
  - h) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - i) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - j) *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
  - k) *Examine any questions raised by Members on a matter within its mandate.*
2. Further, the Second Schedule to the Standing Orders mandates the Committee to consider matters relating to the following subjects: -
  - a) Transport;
  - b) Roads;
  - c) Public works;
  - d) Construction and maintenance of roads, rails and buildings;
  - e) Air and seaports; and
  - f) Housing.
3. In executing this mandate, the Committee oversights various State Departments, namely:
  - a) The State Department of Transport;
  - b) The State Department of Infrastructure;
  - c) The State Department of Housing and Urban Development;
  - d) The State Department of Public Works; and
  - e) The State Department of Shipping and Maritime Affairs.

## Membership of the Committee

4. The Departmental Committee on Transport, Public Works & Housing was constituted by the House on Thursday 14<sup>th</sup> December 2017. It was further re-constituted by the House on 15<sup>th</sup> July 2020 and currently comprises of the following Members: -

### Chairperson

Hon. David Pkosing, C.B.S., M.P.  
Pokot South Constituency  
Jubilee Party

### Vice-Chairperson

Hon. Gathoni Wamuchomba, H.S.C., M.P.  
Kiambu County  
Jubilee Party

Hon. Abdul Rahim Dawood, M.P.  
North Imenti Constituency  
**Jubilee Party**

Hon. David Njuguna Kiaraho, M.P.  
Ol Kalou Constituency  
**Jubilee Party**

Hon. Johnson Many Naicca, M.P.  
Mumias West Constituency  
**Orange Democratic Movement Party**

Hon. Omar Mwinyi Shimbwa, M.P.  
Changamwe Constituency  
**Orange Democratic Movement Party**

Hon. Peris Tobiko, C.B.S., M.P.  
Kajiado East Constituency  
**Jubilee Party**

Hon. Samuel Arama, M.P.  
Nakuru Town West  
**Jubilee Party**

Hon. Ahmed Abdisalan Ibrahim, M.P.  
Wajir North Constituency  
**Orange Democratic Movement Party**

Hon. Ahmed Bashane Gaal, M.P.  
Tarbaj Constituency  
**Peoples Democratic Party**

Hon. Ali Wario Guyo, M.P.  
Garsen Constituency  
**Orange Democratic Movement Party**

Hon. Dominic Kipkoech Koskei, M.P.  
Soitik Constituency  
**Jubilee Party**

Hon. George Aladwa Omwere, M.P.  
Makadara Constituency  
**Orange Democratic Movement Party**

Hon. Gideon Mutemi Mulyungi, M.P.  
Mwingi Central Constituency  
**Wiper Democratic Party**

Hon. Kulow Maalim Hassan, M.P.  
Banisa Constituency  
**Economic Freedom Party (EFP)**

Hon. Mercy Wanjiku Gakuya, M.P.  
Kasarani Constituency  
**Jubilee Party**

Hon. Janet Wanyama Nangabo, M.P.  
Trans-Nzoia County  
**Jubilee Party**

Hon. Shadrack John Mose, M.P.  
KitutuMasaba Constituency  
**Jubilee Party**

Hon. Tom Mboya Odege, M.P.  
Nyatike Constituency  
**Orange Democratic Movement Party**

## **Committee Secretariat**

5. The Committee is serviced by the following secretariat staff:-

Ms. ChelagatTungo Aaron  
**First Clerk Assistant**  
Head of Secretariat

Mr. Ahmed Salim Abdalla  
**Second Clerk Assistant**

Mr. Ronald Walala  
**Legal Counsel I**

Mr. AbdinasirMoge Yusuf  
**Fiscal Analyst I**

Mr. Eric Kariuki  
**Research Officer III**

Ms. ZainabuWario  
**Serjeant-at-Arms**

Mr. Yeziel Jilo  
**Serjeant-at-Arms**

Mr. Yaqub Ahmed  
**Media Relations Officer**

Mr. Collins Mahamba  
**Audio Recording Officer**

## 2.0 INTRODUCTION

6. The International Maritime Organization (IMO), the International Labour Organization (ILO) and the Food and Agriculture Organization (FAO) are specialized agencies of the United Nations. Kenya is a member State of all the three UN organizations.
7. Seafarers and fishers work on-board vessels which are socio-technical and complex systems existing inside a hostile environment. They are captive to the work environment as they live and work on-board, are exposed to ever practical risky situations, cultural diversity, as well as hostile internal and external work environments which are incomparable to land. All these factors affect their occupational safety and health (OHS). The State therefore has a duty to secure OHS as either a flag or state, port state or labour supplying state.
8. Pursuant to a Cabinet Memorandum of October 2020, the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works submitted five Conventions for consideration by the House. These are:
  - a) The 2014 And 2018 Amendments to The Maritime Labour Convention, 2006;
  - b) The International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);
  - c) The International Labour Organization Convention C188 (Work in Fishing Convention, 2007);
  - d) The International Convention on The Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and
  - e) The Cape Town Agreement of 2012 on Safety of Fishing Vessels
9. The Outline of the Conventions is provided for as hereunder.

### Outline of the Conventions

- a. **The 2014 and 2018 Amendments to The Maritime Labour Convention, 2006;**
10. The Maritime Labour Convention (MLC) sets out seafarers' rights to decent working and living conditions for the world's seafarers and to establish a system of fair competition among ship owners. The MLC has a total of 96 ratifications. Kenya ratified the MLC on 31st July, 2014.
11. The 2014 amendments to the MLC relate to the financial security of seafarers in case of abandonment, and contractual claims for compensation in the event of seafarer's death or long-term disability due to an operational injury, illness or hazard. These amendments enter into force on 18 January 2017. They have been adopted by 105 states, 18 being African.
12. The 2018 amendments to MLC 2006 aim to improve protection of seafarers. The amendments:
  - a) guarantee full payment of seafarers' wages and entitlement during the entitlements during the entire period of captivity and until the seafarers in released and duly repatriated. If the seafarers dies while in captivity, wages and entitlement should be paid until the date of death as determined in accordance with applicable national laws; and
  - b) give guidance on eliminating shipboard harassment and bullying.

**b. Convention on seafarers Identity Documents, 2003, as amended (C185)**

13. This convention facilitates the entry of seafarers and fishers into the territory of member states, for the purpose of shore leave, transit, transfer or repatriation.
14. After the 9/11 attacks in USA, there was a global change on the general attitude towards border security. This led to the revision of the Seafarers' Identity Convention of 1958 to the Seafarers' Identity Documents Convention No 185 in 2003, which led to the introduction of biometrics aimed at facilitating shore leave, transfers and transit at maritime borders while respecting the security requirements of port states.
15. The convention prescribes the Content, Form and Systems requirements of the Seafarers' Identity Document (SID). Thus, the SID serves as an alternative to the passport and a stand-alone document to facilitate access to shore and transit of seafarers (exempts seafarers from holding a visa).
16. This Convention:
  - a) provides seafarers and fishers an opportunity to go ashore provide a mental and physical break from routine and contributes to good health and better attitudes towards their job;
  - b) enable seafarers and fishers to travel without visa requirement; and
  - c) enables seafarers and fishers to access employment opportunities.

**c. Work in Fishing Convention, 2007(C188);**

17. The Convention 188 was designed to ensure the fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board, conditions of service, fishers' work agreement, repatriation, recruitment and placement, accommodation and food, occupational safety and health protection, medical care and social security, protection in case of work-related sickness injury or death. It entered into force on 16 November 2017. It has a total of 18 ratification, 6 being African.
18. The Convention establishes minimum labour standards to improve the safety, health and medical care for workers on board fishing vessels, ensuring a minimum age for fishers, payment of minimum wages, and enforcing limits on working hours as well as ensuring they have the protection of a written work agreement and the same social security protections as workers on land. These provisions are vital in preventing workers from being exploited by unscrupulous employers who pay less than the recommended minimum wages, refuse to ensure overtime is voluntary and compensated, and engage in debt bondage and forced labour. Further, ensuring fishers are included fully in the social security system in critical especially if they suffer and occupational accident or illness.

**d. International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel, 1995 (1995 STCW-F Convention)**

19. The STCW-F Convention applies to personnel serving on board seagoing fishing vessels entitled to fly the flag of the party. It sets the regulatory framework for the training and certification of personnel employed in fishing vessels with view to improving the safety of life and property at sea in the fishing industry. It entered into force on 29<sup>th</sup> September 2012.
20. The STCW-F Convention contributes to the reduction of casualties and brings considerable benefits and advantages to the fishing industry i.e., improving the quality

of education and training provided to personnel employed in fishing vessels; and enhancing the standards of training and safety in the fishing industry and fishing vessel fleets.

21. The Convention is currently under review. The amended version will be adopted in 2022, and will establish two levels of skippers' dependent on tonnage and length of the fishing vessel.

**e. Cape Town Agreement of 2012 on Safety of Fishing Vessels**

22. This is an international binding agreement which will control the rogue fishing industry, an area which has largely been unregulated over the years, through the control of fishing vessel safety by flag, port coast and states. It will also contribute to the fight against illegal, unprotected and unregulated (IUU) fishing.
23. It sets internationally agreed standards on the design, construction, and equipment of seagoing fishing vessel which are 24 meters or 300 gross tonnage (GT) and above. The requirements are aimed at ensuring that vessels safety by flag, port and coastal states. It will also contribute to the fight against illegal, unreported and unregulated (IUU) fishing.
24. The agreement currently has 14 contracting states. It requires 15 states to enter into force. 2 African states are party to the agreement. It is expected to enter into force on 20th October 2022.

### 3.0 SUMMARY OF THE PROCESS LEADING TO THE ADOPTION OF THE CONVENTIONS

#### a. The number of States that are party to the Treaty

25. Amendments of 2014 and 2018 to the Maritime Labour Convention, 2006 has a total of 96 ratifications. Kenya ratified the MLC on 31<sup>st</sup> July, 2014. These amendments entered into force on 18<sup>th</sup> January 2017. They have been adopted by 105 States, 18 being African. The amendments entered into force in Kenya tacitly on 26<sup>th</sup> December 2020. The Convention on Seafarers Identity Documents, 2003, as amended (C185) was entered into force on 8<sup>th</sup> June 2017. It has a total of 35 ratifications, 5 being African countries. Work in Fishing Convention, 2007 (C188) was entered into force on 16<sup>th</sup> November 2017. It has a total of 18 ratifications, 6 being African. The International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 was entered into force on 29<sup>th</sup> September 2012. It has a total ratification of 32 States, 9 being African. It is currently under review. The amended version will be adopted in 2022. The amendments will enter into force under the tacit amendment procedure. The Cape Town Agreement of 2012 on Safety of Fishing Vessels currently has 14 Contracting States. It requires 15 States to enter into force. 2 African States are party to the Agreement. It is expected to enter into force on 20<sup>th</sup> October 2022.

#### b. The views of the public on the ratification of the Conventions

26. In view of the restrictions in place due to the COVID-19 pandemic, the Ministry undertook public participation via various fora including newspaper notice, letters to stakeholders and virtual meetings. The Ministry submitted that the following entities presented their views:
- i. State Department for Shipping and Maritime
  - ii. Ministry of Foreign Affairs
  - iii. The National Treasury and Planning
  - iv. The Office of the Attorney General and Department Justice
  - v. State Department for Transport
  - vi. State Department for Transport
  - vii. State Department for Interior and Citizen Services
  - viii. State Department for Fisheries, Aquaculture and Blue Economy
  - ix. State Department for Vocational and Technical Training.
  - x. State Department for University Education and Research
  - xi. Kenya Maritime Authority
  - xii. Kenya National Qualification Authority
  - xiii. Kenya Ships Agents Association
  - xiv. International Transport Workers Federation
  - xv. Seafarers Union of Kenya

27. The Ministry explained that all the entities showed strong support for the ratification and the acceptance of the above-mentioned Conventions, noting their importance in advancing the protection of safety and labour interests of the country's seafarers and fishers.

---

#### c. Whether the Agreements sought to be ratified permit reservations and any recommendations on reservations and declarations

---

28. The Conventions do not permit reservations. However, they permit denunciation as provided for under each Convention.



**d. Implications on matters relating to Counties**

29. The obligation imposed on Kenya upon ratification relate to its status as a flag state, port state, labour-supplying state. A flag state is a state of a ship's nationality. A port state verifies whether foreign ships comply with international rule and standards. A labour-supplying state is a state that plays a major role in the global maritime labour market, as a significant source of seafarers/fishers. Those form part of the National Government Maritime Administration obligations as under part 1 (3.13, 15,16,18) of the Fourth Schedule of the Constitution, and do not occasion County obligations.

**e. Whether expenditure of public funds will be incurred in implementing the Treaties and an estimate, where possible, of the expenditure**

30. The implementation and enforcement of the Conventions is anticipated to have financial implications over and above Ministry's current budgetary allocations, partially in the areas of:
- i. Cost of ratification and amending the law
  - ii. establishment of adequate training facilities;
  - iii. training of trainers;
  - iv. training of the Maritime Administration personnel to facilitate proper implementation and enforcement;
  - v. adequate equipment for issuance of SID;
  - vi. linkage of the Immigration and Kenya Maritime Authority Databases;
  - vii. establishment of quality control and evaluation procedures
  - viii. modification of certification process in line with the Standards;
  - ix. technical assistance and cooperation on implementation and enforcement; and
  - x. expounding the scope of Recognized Organizations inspections and certifications.

#### 4.0 CONSIDERATION OF THE CONVENTIONS

31. On 1<sup>st</sup> July 2021, the Departmental Committee held a meeting with the Principal Secretary in the State Department for Maritime, the Secretary for Internal Security and other officials from the Ministry. The meeting was interactive with the Committee members having a better understanding of the Conventions and the benefits expected for the country.
32. In her submissions, the Principal Secretary for Shipping and Maritime explained that one of the key mandates of the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works is the development of skills and competencies necessary for the development of Kenya's maritime sector as a necessary prerequisite to the growth of the Blue Economy. Towards fulfilment of various aspects of this mandate, the Ministry therefore commenced the process towards the ratification of the five key Conventions that support capacity building as well as ensure the safety of the seafarers while employed on board the ship.
33. The PS explained that the Conventions protect the rights, occupational safety, health and welfare of persons while in their work environment on board foreign going ships. She submitted that the Conventions have all been universally adopted through the joint action of two specialised agencies of the United Nations, namely: -
- a) the International Maritime Organization (IMO), charged with setting global standards for safety, security of shipping and marine environmental protection; and
  - b) the International Labour Organization (ILO), charged with improving labour conditions and standards throughout the world.
34. The Principal Secretary observed that Kenya is a member of both the IMO and ILO, but while we have ratified the MLC 2006, we are yet to ratify its later amendments. This therefore exposes Kenyan seafarers and fisher-folk to risk arising from the fact that they live and work on-board sea-going ships that are mostly foreign-owned or registered. Being captive to the work environment also exposes them to risky situations, cultural diversity, as well as potentially hostile internal and external work environments, all of which are incomparable with what their compatriots working on land, face.
- a) Ratification of the Conventions will help therefore make it possible for Kenya to achieve the following specific benefits:
- a) Protection of Seafarers;
  - b) Facilitate the access to shore facilities as well as transit to Seafarers and Fishers;
  - c) Protection of Fishers;
  - d) Training and Certification of Fishing Vessel Personnel; and
  - e) Safety of Fishing Vessels.
35. The Committee however sought further clarifications, from the Ministry of Interior, regarding the Seafarers' Identification Document (SID) as provided for in the Convention on seafarers Identity Documents, 2003, as amended (C185). The Committee wanted to know whether the SID was replacing visa and if not, which other documents will be used together with the SID. The Committee also wanted to know which other documents protect seafarers, as well as the features of the SID. The Committee further wanted clarification on whether there was an interlinkage between

the SID database and immigration data base; especially for security purposes. The Committee therefore directed the Ministry of Interior to submit a written report responding to the issues raised by the Committee.

36. On 10<sup>th</sup> August 2021 the Committee confirmed the receipt of the Report from the Principal Secretary for Interior on the Seafarers' Identification Document (SID). The Committee considered the same and noted that the report by the Ministry of Interior was comprehensive and addressed all issues that the Committee had raised when considering the Maritime Conventions and in particular, the International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003).
37. The Committee, being satisfied with the submissions by the Ministry of Interior and Co-ordination of National Government on the Seafarers' Identity Documents (SID), resolved to recommend to the House, the ratification of the following Conventions:
  - 1) Amendments to the Maritime Labour Convention, 2006 (2014 and 2018 Amendments);
  - 2) International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);
  - 3) International Labour Organization Convention C188 (Work in Fishing Convention, 2007);
  - 4) International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and
  - 5) Cape Town Agreement of 2012 on Safety of Fishing Vessels.
38. In its meeting held on 14<sup>th</sup> August 2021, the Committee therefore adopted this Report, recommending the ratification of all the five Conventions.


## 5.0 COMMITTEE'S OBSERVATIONS

39. The Constitution in Article 2 (6) provides for the entrenchment of these Conventions into the laws of Kenya.
40. The Conventions are in line with the spirit of the Constitution of Kenya, as they address protection and the well-being of Kenyans in recognition of the essential values of human dignity, human rights and equality. The Conventions also promote access to quality education, the well-being of maritime labour; and the employment of Kenyans.
41. The 2018 amendments to MLC 2006 aim to provide protection to seafarers. The amendments will guarantee full payment of seafarers' wages and entitlements during the entire period of captivity and until the seafarer is released and duly repatriated. If the seafarer dies while in captivity, wages and entitlements should be paid until the date of death as determined in accordance with applicable national laws. These amendments will also give guidance on eliminating shipboard harassment and bullying.
42. The Convention on Seafarers Identity Documents, 2003, as amended (C185) facilitates the entry of seafarers and fishers into the territory of Member States, for the purposes of shore leave, transit, transfer or repatriation. This Convention provides seafarers and fishers an opportunity to go ashore and provides a mental and physical break from routine and contributes to good health and better attitudes towards their job. The Convention also enables seafarers and fishers to travel without the visa requirement; and therefore, enables seafarers and fishers to access numerous employment opportunities.
43. Work in Fishing Convention, 2007 (C188) establishes minimum labour standards to improve the safety, health and medical care for workers on board fishing vessels and provides for the minimum age for fishers. The Convention also provides for the payment of minimum wages, limits on working hours and a written work agreement and social security protections for fishers.
44. The International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 contributes to the reduction of casualties and brings considerable benefits and advantages to the fishing industry, i.e., improving the quality of education and training provided to personnel employed in fishing vessels; and enhancing the standard of training and safety in the fishing industry and fishing vessel fleets.
45. The Cape Town Agreement of 2012 on Safety of Fishing Vessels aims to guarantee the safety of fishing vessels through flag and port State controls. The agreement will also contribute to the fight against illegal, unreported and unregulated fishing.
46. Ratification of the five Conventions will assist Kenya in realizing her Blue Economy aspirations, the Big Four Agenda, as well as the United Nations Sustainable Development Goals.
47. The Conventions as presented satisfy the requirements of the Treaty Making and Ratification Act, 2012 as provided for in section 7 and section 8 of the Act.

## 6.0 COMMITTEE'S RECOMMENDATION

48. The Committee recommends that the House **approves** the ratification of the following Conventions as the approvals are in Kenya's national interest:

- 1) Amendments to the Maritime Labour Convention, 2006 (2014 and 2018 Amendments);
- 2) International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);
- 3) International Labour Organization Convention C188 (Work in Fishing Convention, 2007);
- 4) International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and
- 5) Cape Town Agreement of 2012 on Safety of Fishing Vessels.


Signed ..... 

**Hon. David L. Pkosing, C.B.S., M.P.**

**Chairperson**

**DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS &  
HOUSING**

Date ..... 22/9/2021 .....

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
<b>DATE: 23 SEP 2021</b>	
<b>TABLED BY:</b>	<b>DAY.</b>
<b>CLERK-AT THE-TABLE</b>	



# Minutes

of sittings of the Committee






# **Explanatory Memorandum**


on the Conventions



SECRET

SECRET

		REPUBLIC OF KENYA	
THE NATIONAL ASSEMBLY		PAPERS LAID	
DATE: 23 FEB 2021		DAY: TUESDAY	
TABLED BY:	LOM		
CLERK-AT THE TABLE:	Nanah Wanjiku		



CABINET MEMORANDUM ON THE  
ACCEPTANCE OF AMENDMENTS TO MARITIME LABOUR  
CONVENTION, 2006;

ACCEPTANCE OF ILO CONVENTION C185;  
ACCEPTANCE OF ILO CONVENTION C188;  
ACCEDING TO THE STCW- F CONVENTION; AND  
RATIFICATION OF THE CAPE TOWN AGREEMENT

BY

THE MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING,  
URBAN DEVELOPMENT AND PUBLIC WORKS

OCTOBER 2020

SECRET

SECRET



# SECRET

## 1.0 OBJECTIVE

1.1 The purpose of this Cabinet Memorandum is to:

- (i) Apprise the Cabinet and seek its approval for the ratification and acceptance of the following International Labour Organization (ILO) and International Maritime Organization (IMO) Conventions:

- Amendments of 2014 and 2018 to the Maritime Labour Convention (MLC), 2006;
- Convention on Seafarers Identity Documents, 2003, as amended (C185);
- Work in Fishing Convention, 2007 (C188);
- International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention); and
- Cape Town Agreement of 2012 on Safety of Fishing Vessels.

## 2.0 BACKGROUND

- 2.1 The IMO is a specialized agency of the United Nations (UN). It is the global standard-setting authority for safety, security and environmental performance of international shipping. Owing to the global nature of shipping, its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and implemented.
- 2.2 The ILO is a specialized agency of the UN dedicated to improving labour conditions and living standards throughout the world. One of the functions of the ILO is the development and promotion of standards for national legislation to protect and improve working conditions and standards of living. The ILO is devoted to promoting social justice and internationally recognized human and labour rights, through a decent work agenda.
- 2.3 The Food and Agriculture Organization (FAO) is a specialized agency of the UN that leads international efforts aimed at defeating hunger. With respect to the fishing sector, FAO plays a foremost role in development and improvement of international fisheries policies to benefit State's food security and nutrition, economic growth, alleviation of poverty and employment opportunities.
- 2.4 Kenya is a member State of the IMO since 1973; a member State of the ILO since 1965; and a member State of FAO since 1964.
- 2.5 The IMO and ILO, with inter-agency cooperation with FAO, jointly adopted the above listed Conventions aimed at improving the work and living conditions of maritime labour, which comprises of both seafarers and fishers. A Seafarer is any person who is employed,

## SECRET

engaged or works in any capacity on-board a ship. Conversely, a Fisher is any person employed, engaged or carrying out an occupation on-board a fishing vessel, including persons working on-board who are paid on the basis of a share of the catch.

- 2.6 Seafarers and fishers work on-board vessels which are socio-technical and complex systems existing inside a hostile environment. They are captive to the work environment as they live and work on-board, are exposed to ever practical risky situations, cultural diversity, as well as hostile internal and external work environments which are incomparable to land. All these factors affect their occupational safety and health (OSH). A State has a duty to secure OSH as either a flag State, port State or labour supplying State.

### 3.0 THE OBJECTS AND SUBJECT MATTER OF THE CONVENTIONS

#### 3.1 Amendments of 2014 and 2018 to the Maritime Labour Convention, 2006

The Maritime Labour Convention (MLC) sets out seafarers' rights to decent working and living conditions. Its primary purpose is to ensure decent working and living conditions for the world's seafarers and to establish a system of fair competition among ship owners. The MLC has a total of 96 ratifications. Kenya ratified the MLC on 31<sup>st</sup> July, 2014.

The 2014 amendments to the MLC relate to financial security of seafarers in cases of abandonment, and contractual claims for compensation in the event of a seafarer's death or long term disability due to an operational injury, illness or hazard. These amendments entered into force on 18 January 2017. They have been adopted by 105 States, 18 being African.

The 2018 amendments to MLC 2006 aim to provide protection to seafarers. The amendments:

- i) guarantee full payment of seafarers wages and entitlements during the entire period of captivity and until the seafarer is released and duly repatriated. If the seafarer dies while in captivity, wages and entitlements should be paid until the date of death as determined in accordance with applicable national laws; and
- ii) give guidance on eliminating shipboard harassment and bullying.

The end of their formal disagreement period is 26 June 2020. The amendments will enter into force on 26 December 2020. Three (3) African States have accepted the amendments.

#### 3.2 Convention on Seafarers Identity Documents, 2003, as amended (C185)

This Convention facilitates the entry of seafarers and fishers into the territory of Member States, for the purposes of shore leave, transit, transfer or repatriation.

After the 9/11 attacks in USA, there was a global change on the general attitude towards border security. This led to the revision of the Seafarers' Identity Convention of 1958 to the Seafarers' Identity Document Convention No 185 in 2003, which led to the



## SECRET

introduction of biometrics aimed at facilitating shore leave, transfers and transit at maritime borders while respecting the security requirements of port States.

The Convention prescribes the Content, Form and System requirements of the Seafarers' Identity Document (SID). Thus, the SID serves as an alternative to the passport and a stand-alone document to facilitate access to shore and transit of seafarers (exempts seafarers from holding visa).

The Convention entered into force on 8 June 2017. It has a total of 35 ratifications, 5 being African.

This Convention:

- i) provides seafarers and fishers an opportunity to go ashore provides a mental and physical break from routine and contributes to good health and better attitudes towards their job;
- ii) enables seafarers and fishers to travel without the visa requirement; and
- iii) enables seafarers and fishers to access employment opportunities.

### 3.3 Work in Fishing Convention, 2007 (C188);

Fishing is one of the most dangerous professions in the world, accounting for over 32,000 deaths yearly. This is because most fishers operate dangerous equipment and are exposed to long working hours without adequate rest times. Furthermore, most fishing vessels that have limited space, space being allocated to accommodation facilities and equipment and machinery used in fishing operations. The rates of injury are therefore high.

Convention 188 was designed to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board, conditions of service, fishers' work agreement, repatriation, recruitment and placement, accommodation and food, occupational safety and health protection, medical care and social security, protection in case of work related sickness injury or death. It entered into force on 16 November 2017. It has a total of 18 ratifications, 6 being African.

The Convention establishes minimum labour standards to improve the safety, health and medical care for workers on board fishing vessels, ensuring a minimum age for fishers, payment of minimum wages, and enforcing limits on working hours as well as ensuring they have the protection of a written work agreement and the same social security protections as workers on land. These provisions are vital in preventing workers from being exploited by unscrupulous employers who pay less than the recommended minimum wages, refuse to ensure overtime is voluntary and compensated, and engage in debt bondage and forced labour. Further, ensuring fishers are included fully in the social security system is critical especially if they suffer an occupational accident or illness.



## SECRET

### 3.4 International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention)

Just like workers aboard other vessels whose training certification and watchkeeping provisions are hinged on the already ratified STCW Convention, workers in fishing equally need similar provisions and protections hinged on law.

The STCW-F Convention applies to personnel serving on board seagoing fishing vessels entitled to fly the flag of a Party. It sets the regulatory framework for the training and certification of personnel employed on board fishing vessels with a view to improving the safety of life and property at sea in the fishing industry. It entered into force on 29<sup>th</sup> September 2012. Has a total ratification of 32 States, 9 being African.

The STCW-F Convention contributes to the reduction of casualties and brings considerable benefits and advantages to the fishing industry i.e. improving the quality of education and training provided to personnel employed in fishing vessels; and enhancing the standard of training and safety in the fishing industry and fishing vessel fleets.

The Convention is currently under review. The amended version will be adopted in 2022, and will establish two levels of skippers' dependent on tonnage and length of the fishing vessel.

### 3.5 Cape Town Agreement of 2012 on Safety of Fishing Vessels

This is an internationally binding agreement which will control the rogue fishing industry, an area which has largely been unregulated over the years, through the control of fishing vessel safety by flag, port and coastal States. It will also contribute to the fight against illegal, unreported and unregulated (IUU) fishing.

It sets internationally agreed standards on the design, construction, and equipment of seagoing fishing vessels which are 24 meters or 300 gross tonnage (GT) and above. The requirements are aimed at ensuring that vessels remain watertight, weather-tight, strong, and stable, even under adverse conditions such as ice and extreme weather.

The Agreement currently has 14 Contracting States. It requires 15 States to enter into force. 2 African States are Party to the Agreement. It is expected to enter into force on 20 October 2022.

## 4.0 ANALYSIS OF THE PROBLEM

### 4.1 Amendments of 2014 and 2018 to the Maritime Labour Convention, 2006

In as much as Kenya has employment laws in place that serve to generally protect the rights of workers, work aboard vessels is of a peculiar kind and the existing employment laws do not sufficiently cater for the interests of workers aboard vessels

## SECRET

Kenyan seafarers face untold difficulties in the event that there is need for their repatriation or need for compensation in case of injury on board for lack of funds to facilitate such, occupational accidents, harassment and bullying and capture by pirates.

### 4.2 Convention on Seafarers Identity Documents, 2003, as amended (C185)

The current document that Kenyan seafarers and fishers are issued for identification and recording sea service does not meet the requirements of Convention C185 and therefore Kenyan seafarers are often denied the right of shore leave or passage unless they have a valid visa for the countries the ship is passing through.

### 4.3 Work in Fishing Convention, 2007 (C188);

Kenya has ratified MLC 2006 that generally provides for the protection of seafarers' rights. The MLC 2006 however excludes fishing vessels from the application of the MLC Convention. A gap therefore does exist for Kenyan seafarers have the protection of law but fishers remain exposed in spite of working under hazardous conditions. The Work in Fishing Convention, 2007 (C188) fills this gap.

Fifty per cent of Kenyan citizens working at sea work in the fishing sector, but Kenya has not ratified the ILO Convention 188 which means that there is a gap in regulation to protect the fishers.

### 4.4 International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention);

Kenya has ratified the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended that generally provides the requisite training, safe manning and health fitness standards for seafarers but does not provide for workers on fishing vessels. The STCW-F sets the regulatory framework for the training and certification of personnel employed on board fishing vessels with a view to improving the safety of life and property at sea in the fishing industry.

To successfully drive the Blue Economy Agenda, Kenya requires qualified employees to work on-board fishing vessels. The country currently has not developed a standard education programme for fishers. In order to attract employment of Kenyan fishers onboard Kenyan as well as international fishing vessels, Kenyans should be trained in accordance to the international standards and therefore ratification of STCW-F will enable Kenya churn out fishers from fishing institutions with internationally recognized qualifications.

### 4.5 Cape Town Agreement of 2012 on Safety of Fishing Vessels

Although Kenya has ratified the Safety of Life at Sea Convention (SOLAS), the Convention does not adequately provide for safety of fishing vessels. CTA covers areas of fishing vessel safety compliance not covered by SOLAS.



## **SECRET**

Furthermore, Kenya faces food insecurity and also loses billions as a result of IUU fishing.

### **5.0 CONSTITUTIONAL IMPLICATION**

5.1 The Conventions are in line with the spirit of the Constitution of Kenya, 2010. They neither propose any amendment to the Constitution, nor are they contrary to the Constitutional values and objectives.

5.2 The Conventions are committed to protecting the well-being of Kenyans and recognises the essential values of human dignity, human rights and equality.

### **6.0 NATIONAL INTERESTS THAT MAY BE AFFECTED BY RATIFICATION**

6.1 The Conventions intend to promote the well-being of maritime labour; the employment of Kenyans; and the access to quality education, thus promote sustainable development; and food security and economic growth of Kenya. In essence, the Conventions will aid Kenya realize her 8<sup>th</sup> economic pillar of the Third Medium Term Plan of the Kenya Vision 2030 that is the Blue Economy, the Big Four Agenda, as well as the United Nations Sustainable Development Goals.

### **7.0 OBLIGATIONS IMPOSED ON KENYA BY THE TREATIES**

#### **7.1 Amendments of 2014 and 2018 to the Maritime Labour Convention, 2006**

As a Labour-Supplying State, Kenya will have an obligation to review the legislation and regulations in place to require shipping companies to provide financial security in P&I Clubs; ensure dispute resolution procedures are present onboard and onshore and to require seafarers to undertake the Life Skills Training.

Kenya will also have to ensure effective implementation and enforcement of the Regulations.

#### **7.2 Convention on Seafarers Identity Documents, 2003, as amended (C185)**

To implement this Convention, the Government will need to:

- i) provide adequate equipment for issuance of SID;
- ii) define the implementation and enforcement procedures;
- iii) link the Immigration and Kenya Maritime Authority Databases;
- iv) establish a focal point for issue of SIDs and for enquiries;
- v) increase capacity for issuing SIDs; and
- vi) establish quality control and evaluation procedures.

#### **7.3 Work in Fishing Convention, 2007 (C188)**

There will be need for legislation to implement the provisions of this convention. There will also be need to establish mechanisms for coordination between relevant stakeholders as well as establishment a robust licensing regime for private recruitment agencies.

## SECRET

The Government will also need to increase its capacity for implementation and enforcement as flag, port and labour supplying State.

### 7.4 International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention)

To implement this Convention, the Government will need to:

- i) establishing adequate training facilities;
- ii) train the trainers;
- iii) modify certification processes in line with the Standards;
- iv) monitor and inspect the training institutions;
- v) enact legislation to domesticate requirements 'left to the satisfaction of the Administration';
- vi) seek technical cooperation on implementation and enforcement;
- vii) negotiate Memoranda of Understanding for endorsement and recognition of certificates for fishers;
- viii) establish a Cabotage regime for fishers; and
- ix) monitor future amendments due to tacit amendment procedures.

### 7.5 Cape Town Agreement of 2012 on Safety of Fishing Vessels

Implementing the CTA requires:

- i) expounding the scope of Recognized Organizations inspections and certifications.
- ii) formulation of national legislation, regulations and guidelines for standards left to the 'satisfaction of the Administration'.
- iii) development of a progressive implementation plan.
- iv) training of the Maritime Administration personnel to facilitate proper implementation and enforcement; and
- v) training of crew on safety issues.

## 8.0 POLICY AND LEGISLATIVE CONSIDERATIONS

8.1 These Conventions are not self-executing in nature and they require transposition into national laws.

8.2 The Government will therefore have to review and/or enact legislation to implement and enforce the:

- i) Amendments of 2014 and 2018 to the Maritime Labour Convention, 2006;
- ii) Convention on Seafarers Identity Documents, 2003, as amended (C185);
- iii) Work in Fishing Convention, 2007 (C188);
- iv) International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention); and
- v) Cape Town Agreement of 2012 on Safety of Fishing Vessels.

## SECRET

8.3 This will be done taking into consideration the objectives of the Integrated National Transport Policy, 2009 which requires the Government to:

- a) develop the maritime transport sector in support of the economy in general and Kenya's international trade in particular;
- b) enhance the legal framework within which to ensure safety and security of life and property, the prevention and control of pollution of the sea and of the inland waters;
- c) ensure provision of globally competitive, quality maritime education and training for seafarers and other workers in the maritime industry.

### 9.0 WHETHER THE CONVENTIONS PERMIT RESERVATIONS

The Conventions do not permit reservations. However, they permit denunciation as discussed hereunder.

#### 9.1 Maritime Labour Convention, 2006

The MLC permits a Member to denounce the Convention after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

A Member who does exercise the right of denunciation shall be bound for another period of ten years and, thereafter, may denounce the Convention at the expiration of each new period of ten years.

#### 9.2 Convention on Seafarers Identity Documents, 2003, as amended (C185)

The C185 permits a Member to denounce the Convention after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

A Member who does exercise the right of denunciation shall be bound for another period of ten years and, thereafter, may denounce the Convention at the expiration of each new period of ten years.

#### 9.3 Work in Fishing Convention, 2007 (C188)

The C188 permits a Member to denounce the Convention after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

A Member who does exercise the right of denunciation shall be bound for another period of ten years and, thereafter, may denounce the Convention at the expiration of each new period of ten years.



## SECRET

### 9.4 International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention)

The STCW-F Convention may be denounced by a Party at any time after the expiry of five years from the date on which the Convention enters into force for that Party. The denunciation is effected by notification in writing to the Secretary-General of the International Maritime Organization.

The denunciation takes effect 12 months after receipt of the denunciation by the Secretary-General or after the expiry of any longer period which may be indicated in the notification.

### 9.5 Cape Town Agreement of 2012 on Safety of Fishing Vessels

The Cape Town Agreement may be denounced by a Party at any time after the expiry of five years from the date on which the Convention enters into force for that Party. The denunciation is effected by notification in writing to the Secretary-General of the International Maritime Organization.

The denunciation takes effect 12 months after receipt of the denunciation by the Secretary-General or after the expiry of any longer period which may be indicated in the notification.

## 10.0 VIEWS OF THE PUBLIC ON RATIFICATION OF THE TREATIES

10.1. In view of the restrictions in place due to the COVID-19 pandemic, the Ministry undertook public participation via various fora including newspaper notice, letters to stakeholders and virtual meetings.

10.2. The following entities presented their views:

- i. State Department for Shipping and Maritime
- ii. Ministry of Foreign Affairs
- iii. The National Treasury and Planning
- iv. The Office of the Attorney General and Department of Justice
- v. State Department for Transport
- vi. State Department for Labour
- vii. State Department for Interior and Citizen Services
- viii. State Department for Fisheries, Aquaculture and the Blue Economy
- ix. State Department for Vocational and Technical Training
- x. State Department for University Education and Research
- xi. Kenya Maritime Authority
- xii. Kenya National Qualification Authority
- xiii. Kenya Ships Agents Association
- xiv. International Transport Workers Federation
- xv. Seafarers Union of Kenya



## SECRET

- 10.3. All the entities showed strong support for the ratification and acceptance of the above-mentioned conventions, noting their importance in advancing the protection of safety and labour interests of the country's seafarers and fishers.

### 11.0 MINISTERIAL RESPONSIBILITY

- 11.1 The Ministry of Foreign Affairs being the custodian of all International Treaties where Kenya is a Party will be responsible for the ratification and depositary of the Conventions to the relevant international organization.
- 11.2 The Ministry of Transport which oversees the country's shipping and maritime affairs will be responsible for overseeing effective implementation and enforcement of the Conventions.
- 11.3 The Ministry Agriculture which oversees the country's Fisheries, Aquaculture and the Blue Economy State Department will oversee the capacity building of fishers in close collaboration with the Ministry of Transport.
- 11.4 The National Treasury and Planning being charged with the responsibility of mobilizing domestic and external resources for financing national and county government budgetary requirements, will tailor adequate resources to enable the realization of the additional obligations that will be imposed on Kenya.

### 12.0 IMPLICATIONS ON MATTERS RELATING TO COUNTIES

The obligations imposed on Kenya upon ratification relate to its status as a flag State, port State, labour-supplying State. A flag State is the State of a ship's nationality. A port State verifies whether foreign ships comply with international rules and standards. A labour-supplying State is a State that plays a major role in the global maritime labour market, as a significant source of seafarers/fishers. These form part of the National Government maritime administration obligations as under Part 1(3,13,15,16,18) of the Fourth Schedule of the Constitution, and do not occasion County obligations.

### 13.0 FINANCIAL IMPLICATIONS AND EXPENDITURE OF PUBLIC FUNDS TO BE INCURRED IN THE IMPLEMENTATION OF THE PROJECT

- 13.1 The implementation and enforcement of the above-mentioned conventions is anticipated to have financial implications over and above Ministry's current budgetary allocations, particularly in the areas of:

- (i) Cost for ratification and amending the law
- (ii) establishment of adequate training facilities;
- (iii) training of trainers;
- (iv) training of the Maritime Administration personnel to facilitate proper implementation and enforcement;

## SECRET

- (v) adequate equipment for issuance of SID;
- (vi) linkage of the Immigration and Kenya Maritime Authority Databases;
- (vii) establishment of quality control and evaluation procedures;
- (viii) modification of certification processes in line with the Standards;
- (ix) technical assistance and cooperation on implementation and enforcement; and
- (x) expounding the scope of Recognized Organizations inspections and certifications.

13.2 Initial estimates indicate that approximately Kshs 146 Million will be required in the first financial year to finance start-up activities. This is explained hereunder:

ACTIVITIES	ESTIMATE FOR FIRST FINANCIAL YEAR KSHS 000'
Cost for Ratification of the IMO & ILO Conventions	5,000
<b>2014 AND 2018 AMENDMENTS TO THE MARITIME LABOUR CONVENTION</b>	
➤ Review of the legislation and regulations in place in light of international standards	500
<b>ILO C185 CONVENTION ON SEAFARERS IDENTITY DOCUMENTS</b>	
➤ Acquiring state-of-the-art equipment for the issuance of SID;	20,000
➤ Linking the KMA and Immigration databases;	4,000
➤ Establishment of quality, control and evaluation procedures	500
<b>C188 WORK IN FISHING CONVENTION</b>	
➤ Develop legal framework to domesticate requirements of the Convention 'left to the satisfaction of the Administration'	500
<b>STCW - F CONVENTION</b>	
➤ Develop legal framework to domesticate requirements of the Convention 'left to the satisfaction of the Administration'	500
➤ Acquisition of state-of-the-art training equipment and facilities;	50,000
➤ Conduct audits of approved Fishers' Training Institutions	300



## SECRET

➤ Training of Trainers (TOT) programmes for instructors	3,000
<b>CAPE TOWN AGREEMENT</b>	
➤ Develop legal framework for requirements of the Convention 'left to the satisfaction of the Administration'	500
➤ Development of a progressive implementation plan	300
<b>Grand Total</b>	<b>85,100</b>

### 14.0 REQUEST TO THE CABINET

#### 14.1 The Cabinet is invited to:

- (i) Take note of the contents of this Memorandum;
- (ii) Approve the ratification, accession or acceptance of:
  - Amendments of 2014 and 2018 to the Maritime Labour Convention, 2006;
  - Convention on Seafarers Identity Documents, 2003, as amended (C185);
  - Work in Fishing Convention, 2007 (C188);
  - International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention); and
  - Cape Town Agreement of 2012 on Safety of Fishing Vessels.
- (iii) Direct the Ministry of Foreign Affairs to ratify and deposit the Conventions to the Secretary General of the International Maritime Organization and the Director General of the International Labour Organization.
- (iv) Direct the National Treasury and Planning to allocate resources for the realization of the obligations arising from the ratification, accession and acceptance of the five (5) Conventions.
- (v) Direct the Ministry of Transport to oversee the implementation and enforcement of the Conventions.
- (vi) Direct the Ministry of Agriculture, Livestock and Fisheries to oversee the capacity building of fishers in close collaboration with the Ministry of Transport.
- (vii) Direct the Office of the Attorney General and Department of Justice to Review and/or enact legislation to implement and enforce the Conventions.



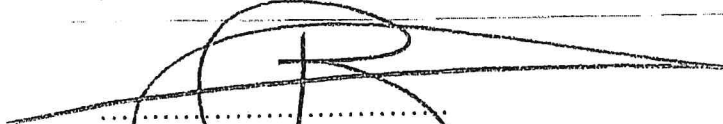
**SECRET**

**SIGNED BY:**

  
James W. Macharia, EGH  
CABINET SECRETARY


MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN  
DEVELOPMENT AND PUBLIC WORKS

14/10/2020  
DATE


  
Hon. Peter Munya, MGH  
CABINET SECRETARY

MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES

21/10/2020  
DATE

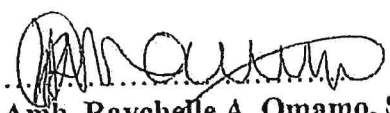
  
Hon. (Amb.) Ukur Yatani Kanacho, EGH  
CABINET SECRETARY  
NATIONAL TREASURY & PLANNING

12/11/2020  
DATE

  
Hon. P. Kihara Kariuki, EGH  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE

2<sup>nd</sup> November  
DATE 2020


  
Amb. Raychelle A. Omamo, SC, EGH  
CABINET SECRETARY  
MINISTRY OF FOREIGN AFFAIRS

29/10/2020  
DATE

**SECRET**



**International Labour Organization Convention C185  
(Amended Convention on Seafarers Identity  
Documents, 2003)**

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
<b>DATE: 23 SEP 2021</b>	
<b>DAY.</b>	
<b>TABLED BY:</b>	
<b>CLERK-AT THE-TABLE:</b>	



**SECRET**

INTERNATIONAL LABOUR CONFERENCE

Convention 185

**CONVENTION REVISING THE SEAFARERS' IDENTITY  
DOCUMENTS CONVENTION (Revised),  
2003, as amended,**

**Adopted by the International Labour Conference  
at its 91st Session (2003)**

**Amended by the International Labour Conference  
at its 105th Session (2016)**

The General Conference of the International Labour Organization,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office, and having met in its Ninety-first Session on 3 June 2003, and  
Mindful of the continuing threat to the security of passengers and crews and  
the safety of ships, to the national interest of States and to individuals, and  
Mindful also of the core mandate of the Organization, which is to promote  
decent conditions of work, and  
Considering that, given the global nature of the shipping industry, seafarers need  
special protection, and  
Recognizing the principles embodied in the Seafarers' Identity Documents  
Convention, 1958, concerning the facilitation of entry by seafarers into the  
territory of Members, for the purposes of shore leave, transit, transfer or  
repatriation, and  
Noting the Convention on the Facilitation of International Maritime Traffic,  
1965, as amended, of the International Maritime Organization, in particular,  
Standards 3.44 and 3.45, and  
Noting further that United Nations General Assembly Resolution A/RES/57/219  
(Protection of human rights and fundamental freedoms while countering  
terrorism) affirms that States must ensure that any measure taken to combat  
terrorism complies with their obligations under international law, in particular  
international human rights, refugee and humanitarian law, and  
Being aware that seafarers work and live on ships involved in international  
trade and that access to shore facilities and shore leave are vital elements  
of seafarers' general well-being and, therefore, to the achievement of safer  
shipping and cleaner oceans, and  
Being aware also that the ability to go ashore is essential for joining a ship and  
leaving after the agreed period of service, and  
Noting the amendments to the International Convention for the Safety of Life  
at Sea, 1974, as amended, concerning special measures to enhance maritime  
safety and security, that were adopted by the International Maritime  
Organization Diplomatic Conference on 12 December 2002, and  
Having decided upon the adoption of certain proposals with regard to the  
improved security of seafarers' identification, which is the seventh item on  
the agenda of the session, and

**SECRET**

Having decided that these proposals shall take the form of an international Convention revising the Seafarers' Identity Documents Convention, 1958, adopts this nineteenth day of June of the year two thousand and three, the following Convention, which may be cited as the Seafarers' Identity Documents Convention (Revised), 2003.

### *Article 1*

#### SCOPE

1. For the purposes of this Convention, the term "seafarer" means any person who is employed or is engaged or works in any capacity on board a vessel, other than a ship of war, ordinarily engaged in maritime navigation.
2. In the event of any doubt whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined in accordance with the provisions of this Convention by the competent authority of the State of nationality or permanent residence of such persons after consulting with the shipowners' and seafarers' organizations concerned.
3. After consulting the representative organizations of fishing-vessel owners and persons working on board fishing vessels, the competent authority may apply the provisions of this Convention to commercial maritime fishing.

### *Article 2*

#### ISSUANCE OF SEAFARERS' IDENTITY DOCUMENTS

1. Each Member for which this Convention is in force shall issue to each of its nationals who is a seafarer and makes an application to that effect a seafarers' identity document conforming to the provisions of Article 3 of this Convention.
2. Unless otherwise provided for in this Convention, the issuance of seafarers' identity documents may be subject to the same conditions as those prescribed by national laws and regulations for the issuance of travel documents.
3. Each Member may also issue seafarers' identity documents referred to in paragraph 1 to seafarers who have been granted the status of permanent resident in its territory. Permanent residents shall in all cases travel in conformity with the provisions of Article 6, paragraph 7.
4. Each Member shall ensure that seafarers' identity documents are issued without undue delay.
5. Seafarers shall have the right to an administrative appeal in the case of a rejection of their application.
6. This Convention shall be without prejudice to the obligations of each Member under international arrangements relating to refugees and stateless persons.

### *Article 3*

#### CONTENT AND FORM

1. The seafarers' identity document covered by this Convention shall conform – in its content – to the model set out in Annex I hereto. The form of the document and the materials used in it shall be consistent with the general specifications set

out in the model, which shall be based on the criteria set out below. Provided that any amendment is consistent with the following paragraphs, Annex I may, where necessary, be amended in accordance with Article 8 below, in particular to take account of technological developments. The decision to adopt the amendment shall specify when the amendment will enter into effect, taking account of the need to give Members sufficient time to make any necessary revisions of their national seafarers' identity documents and procedures.

2. The seafarers' identity document shall be designed in a simple manner, be made of durable material, with special regard to conditions at sea and be machine-readable. The materials used shall:

- (a) prevent tampering with the document or falsification, as far as possible, and enable easy detection of alterations; and
- (b) be generally accessible to governments at the lowest cost consistent with reliably achieving the purpose set out in (a) above.

3. Members shall take into account any available guidelines developed by the International Labour Organization on standards of the technology to be used which will facilitate the use of a common international standard.

4. The seafarers' identity document shall be no larger than a normal passport.

5. The seafarers' identity document shall contain the name of the issuing authority, indications enabling rapid contact with that authority, the date and place of issue of the document, and the following statements:

- (a) this document is a seafarers' identity document for the purpose of the Seafarers' Identity Documents Convention (Revised), 2003, of the International Labour Organization; and
- (b) this document is a stand-alone document and not a passport.

6. The maximum validity of a seafarers' identity document shall be determined in accordance with the laws and regulations of the issuing State and shall in no case exceed ten years, subject to renewal after the first five years.

7. Particulars about the holder included in the seafarer's identity document shall be restricted to the following:

- (a) full name (first and last names where applicable);
- (b) sex;
- (c) date and place of birth;
- (d) nationality;
- (e) any special physical characteristics that may assist identification;
- (f) digital or original photograph; and
- (g) signature.

8. Notwithstanding paragraph 7 above, a template or other representation of a biometric of the holder which meets the specification provided for in Annex I shall also be required for inclusion in the seafarers' identity document, provided that the following preconditions are satisfied:

- (a) the biometric can be captured without any invasion of privacy of the persons concerned, discomfort to them, risk to their health or offence against their dignity;
- (b) the biometric shall itself be visible on the document and it shall not be possible to reconstitute it from the template or other representation;

- (c) the equipment needed for the provision and verification of the biometric is user-friendly and is generally accessible to governments at low cost;
- (d) the equipment for the verification of the biometric can be conveniently and reliably operated in ports and in other places, including on board ship, where verification of identity is normally carried out by the competent authorities; and
- (e) the system in which the biometric is to be used (including the equipment, technologies and procedures for use) provides results that are uniform and reliable for the authentication of identity.

9. All data concerning the seafarer that are recorded on the document shall be visible. Seafarers shall have convenient access to machines enabling them to inspect any data concerning them that is not eye-readable. Such access shall be provided by or on behalf of the issuing authority.

10. The content and form of the seafarers' identity document shall take into account the relevant international standards cited in Annex I.

#### *Article 4*

##### NATIONAL ELECTRONIC DATABASE

1. Each Member shall ensure that a record of each seafarers' identity document issued, suspended or withdrawn by it is stored in an electronic database. The necessary measures shall be taken to secure the database from interference or unauthorized access.

2. The information contained in the record shall be restricted to details which are essential for the purposes of verifying a seafarers' identity document or the status of a seafarer and which are consistent with the seafarer's right to privacy and which meet all applicable data protection requirements. The details are set out in Annex II hereto, which may be amended in the manner provided for in Article 8 below, taking account of the need to give Members sufficient time to make any necessary revisions of their national database systems.

3. Each Member shall put in place procedures which will enable any seafarer to whom it has issued a seafarers' identity document to examine and check the validity of all the data held or stored in the electronic database which relate to that individual and to provide for correction if necessary, at no cost to the seafarer concerned.

4. Each Member shall designate a permanent focal point for responding to inquiries, from the immigration or other competent authorities of all Members of the Organization, concerning the authenticity and validity of the seafarers' identity document issued by its authority. Details of the permanent focal point shall be communicated to the International Labour Office, and the Office shall maintain a list which shall be communicated to all Members of the Organization.

5. The details referred to in paragraph 2 above shall at all times be immediately accessible to the immigration or other competent authorities in member States of the Organization, either electronically or through the focal point referred to in paragraph 4 above.

6. For the purposes of this Convention, appropriate restrictions shall be established to ensure that no data - in particular, photographs - are exchanged, unless a mechanism is in place to ensure that applicable data protection and privacy standards are adhered to.



7. Members shall ensure that the personal data on the electronic database shall not be used for any purpose other than verification of the seafarers' identity document.

## *Article 5*

### QUALITY CONTROL AND EVALUATIONS

1. Minimum requirements concerning processes and procedures for the issue of seafarers' identity documents, including quality-control procedures, are set out in Annex III to this Convention. These minimum requirements establish mandatory results that must be achieved by each Member in the administration of its system for issuance of seafarers' identity documents.

2. Processes and procedures shall be in place to ensure the necessary security for:

- (a) the production and delivery of blank seafarers' identity documents;
- (b) the custody, handling and accountability for blank and completed seafarers' identity documents;
- (c) the processing of applications, the completion of the blank seafarers' identity documents into personalized seafarers' identity documents by the authority and unit responsible for issuing them and the delivery of the seafarers' identity documents;
- (d) the operation and maintenance of the database; and
- (e) the quality control of procedures and periodic evaluations.

3. Subject to paragraph 2 above, Annex III may be amended in the manner provided for in Article 8, taking account of the need to give Members sufficient time to make any necessary revisions to their processes and procedures.

4. Each Member shall carry out an independent evaluation of the administration of its system for issuing seafarers' identity documents, including quality-control procedures, at least every five years. Reports on such evaluations, subject to the removal of any confidential material, shall be provided to the Director-General of the International Labour Office with a copy to the representative organizations of shipowners and seafarers in the Member concerned. This reporting requirement shall be without prejudice to the obligations of Members under article 22 of the Constitution of the International Labour Organisation.

5. The International Labour Office shall make these evaluation reports available to Members. Any disclosure, other than those authorized by this Convention, shall require the consent of the reporting Member.

6. The Governing Body of the International Labour Office, acting on the basis of all relevant information in accordance with arrangements made by it, shall approve a list of Members which fully meet the minimum requirements referred to in paragraph 1 above.

7. The list must be available to Members of the Organization at all times and be updated as appropriate information is received. In particular, Members shall be promptly notified where the inclusion of any Member on the list is contested on solid grounds in the framework of the procedures referred to in paragraph 8.

8. In accordance with procedures established by the Governing Body, provision shall be made for Members which have been or may be excluded from the list, as well as interested governments of ratifying Members and representative shipowners'

and seafarers' organizations, to make their views known to the Governing Body, in accordance with the arrangements referred to above and to have any disagreements fairly and impartially settled in a timely manner.

9. The recognition of seafarers' identity documents issued by a Member is subject to its compliance with the minimum requirements referred to in paragraph 1 above.

## *Article 6*

### **FACILITATION OF SHORE LEAVE AND TRANSIT AND TRANSFER OF SEAFARERS**

1. Any seafarer who holds a valid seafarers' identity document issued in accordance with the provisions of this Convention by a Member for which the Convention is in force shall be recognized as a seafarer within the meaning of the Convention unless clear grounds exist for doubting the authenticity of the seafarers' identity document.

2. The verification and any related inquiries and formalities needed to ensure that the seafarer for whom entry is requested pursuant to paragraphs 3 to 6 or 7 to 9 below is the holder of a seafarers' identity document issued in accordance with the requirements of this Convention shall be at no cost to the seafarers or shipowners.

#### *Shore leave*

3. Verification and any related inquiries and formalities referred to in paragraph 2 above shall be carried out in the shortest possible time provided that reasonable advance notice of the holder's arrival was received by the competent authorities. The notice of the holder's arrival shall include the details specified in section 1 of Annex II.

4. Each Member for which this Convention is in force shall, in the shortest possible time, and unless clear grounds exist for doubting the authenticity of the seafarers' identity document, permit the entry into its territory of a seafarer holding a valid seafarer's identity document, when entry is requested for temporary shore leave while the ship is in port.

5. Such entry shall be allowed provided that the formalities on arrival of the ship have been fulfilled and the competent authorities have no reason to refuse permission to come ashore on grounds of public health, public safety, public order or national security.

6. For the purpose of shore leave seafarers shall not be required to hold a visa. Any Member which is not in a position to fully implement this requirement shall ensure that its laws and regulations or practice provide arrangements that are substantially equivalent.

#### *Transit and transfer*

7. Each Member for which this Convention is in force shall, in the shortest possible time, also permit the entry into its territory of seafarers holding a valid seafarers' identity document supplemented by a passport, when entry is requested for the purpose of:

- (a) joining their ship or transferring to another ship;
- (b) passing in transit to join their ship in another country or for repatriation; or any other purpose approved by the authorities of the Member concerned.



8. Such entry shall be allowed unless clear grounds exist for doubting the authenticity of the seafarers' identity document, provided that the competent authorities have no reason to refuse entry on grounds of public health, public safety, public order or national security.

9. Any Member may, before permitting entry into its territory for one of the purposes specified in paragraph 7 above, require satisfactory evidence, including documentary evidence of a seafarer's intention and ability to carry out that intention. The Member may also limit the seafarer's stay to a period considered reasonable for the purpose in question.

#### *Article 7*

##### CONTINUOUS POSSESSION AND WITHDRAWAL

1. The seafarers' identity document shall remain in the seafarer's possession at all times, except when it is held for safekeeping by the master of the ship concerned, with the seafarer's written consent.

2. The seafarers' identity document shall be promptly withdrawn by the issuing State if it is ascertained that the seafarer no longer meets the conditions for its issue under this Convention. Procedures for suspending or withdrawing seafarers' identity documents shall be drawn up in consultation with the representative shipowners' and seafarers' organizations and shall include procedures for administrative appeal.

#### *Article 8*

##### AMENDMENT OF THE ANNEXES

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

2. Any Member that has ratified this Convention may give written notice to the Director-General within six months of the date of the adoption of such an amendment that it shall not enter into force for that Member, or shall only enter into force at a later date upon subsequent written notification.

#### *Article 9*

##### TRANSITIONAL PROVISION

Any Member which is a party to the Seafarers' Identity Documents Convention, 1958, and which is taking measures, in accordance with article 19 of the Constitution of the International Labour Organisation, with a view to ratification of this Convention may notify the Director-General of its intention to apply the present Convention provisionally. A seafarers' identity document issued by such a Member shall be treated for the purposes of this Convention as a seafarers' identity document issued under it provided that the requirements of Articles 2 to 5 of this Convention are fulfilled and that the Member concerned accepts seafarers' identity documents issued under this Convention.

## FINAL PROVISIONS

### *Article 10*

This Convention revises the Seafarers' Identity Documents Convention, 1958.

### *Article 11*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### *Article 12*

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

### *Article 13*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General for registration. Such denunciation shall take effect twelve months after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, shall be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

### *Article 14*

1. The Director-General shall notify all Members of the registration of all ratifications, declarations and acts of denunciation communicated by the Members.

2. When notifying the Members of the registration of the second ratification of this Convention, the Director-General shall draw the attention of the Members to the date upon which the Convention shall come into force.

3. The Director-General shall notify all Members of the registration of any amendments made to the Annexes in accordance with Article 8, as well as of notifications relating thereto.

### *Article 15*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications, declarations and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

#### Article 16

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part, taking account also of the provisions of Article 8.

#### Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### Article 18

The English and French versions of the text of this Convention are equally authoritative.

## Annex I

### *Model for seafarers' identity document*

1. Subject to the overriding requirements of Article 3 of this Convention, the seafarers' identity document (SID), whose form and content are set out below, shall – with respect to the materials used for it and the presentation and storage of the data that it contains – conform to the mandatory requirements for an electronic machine-readable travel document contained in International Civil Aviation Organization (ICAO) Doc 9303 on machine-readable travel documents, with full consideration being given to any relevant recommendations or advice in that document.

2. The term "Doc 9303" shall be understood as referring to the Seventh Edition, 2015, as published by ICAO and as it may subsequently be amended in accordance with the related procedures of ICAO. References in this Annex to particular provisions of Doc 9303 refer to the Seventh Edition, but shall be understood as also referring to the corresponding provisions of any subsequent edition. The Director-General of the International Labour Office may from time to time, as requested by the Governing Body, prepare guidance for Members as to the specific provisions of Doc 9303 to be taken into account.

3. The SID shall be an electronic machine-readable identity document with physical characteristics as described in Section 2 of Part 3 of Doc 9303, "Specifications Common to all Machine Readable Travel Documents". The printing and typefaces used in both the visual-inspection zone and the machine-readable zone shall be as described in Sections 3 and 4 respectively of Part 3 of Doc 9303.

4. The SID shall include a contactless integrated circuit, with a data storage capacity of at least 32 kilobytes, encoded and digitally signed in accordance with Parts 9, 10, 11 and 12 of Doc 9303. The contactless integrated circuit shall meet all the requirements for the Logical Data Structure (LDS) set out in Part 10 of Doc 9303 but shall contain only the mandatory data elements required in that Part. The privacy of seafarers' data stored in the contactless integrated circuit shall be protected by a Chip Access Control mechanism as described in Part 11 of Doc 9303. Data stored in the LDS shall be limited to the metadata and files required for the operation of the chip and its security features, as well as the following data elements, which are already visible, in the sense of eye-readable, in the visual-inspection and machine-readable zones of the SID:

- (a) in data group 1 of the LDS: a duplication of the machine-readable zone data, referred to below;
- (b) in data group 2 of the LDS: the biometric representation required by Article 3, paragraph 8, of this Convention, which shall comply with Part 9 of Doc 9303 for the "Primary Biometric: Facial Image". This facial image of the seafarer shall be a copy of the photograph referred to in (c) below, but compressed to a size in the range of 15–20 kilobytes; and
- (c) the Document Security Object that is needed to validate the integrity of data stored in the LDS using the ICAO Public Key Infrastructure defined in Part 12 of Doc 9303.

5. The SID shall be protected from tampering, photograph substitution or other fraudulent activity by adherence to the requirements of Part 2 of Doc 9303, "Specifications for the Security of the Design, Manufacture and Issuance of MRTDs". It shall be protected by at least three physical security features from the list contained in Appendix A to Part 2 of Doc 9303. Examples of such security features are:

- optically variable features<sup>1</sup> in the substrate or laminate of the identity document;
- tactile features<sup>2</sup> in the substrate of the identity document;
- laser-perforated features<sup>3</sup> in the substrate;

<sup>1</sup> An optically variable feature is an image or feature whose appearance in colour or design changes depending on the angle of viewing or illumination.

<sup>2</sup> A tactile feature is a surface feature giving a distinctive "feel" to the document.

<sup>3</sup> Laser perforation is a process whereby numbers, letters or images are created by perforating the substrate with a laser.

- two-colour guilloche design<sup>4</sup> in the background of the identity document;
- microprinted text<sup>5</sup> in the background;
- ultraviolet fluorescent ink;
- ink with optically variable properties;
- steganographic image<sup>6</sup> incorporated in the identity document.

6. The data elements to be contained in the identity document and their placement within the various zones described in Doc 9303 are given below and no other information shall be contained in the SID:

- (a) issuing State: name in full, in Zone I, with no field caption;
- (b) document type: "SID", in Zone I, with no field caption;
- (c) "chip inside" symbol described in Section 2.3 of Part 9 of Doc 9303: in Zone I, with no field caption;
- (d) full name of seafarer as a single field consisting of the primary identifier followed by a comma, then a space and then the secondary identifier, as defined in Doc 9303: in Zone II, with a field caption;
- (e) sex of seafarer as a single letter, "F" for female, "M" for male or "X" for unspecified: in Zone II, with a field caption;
- (f) nationality of seafarer, as a three-letter International Organization for Standardization country code in accordance with Section 5 of Part 3 of Doc 9303: in Zone II, with a field caption;
- (g) date of seafarer's birth, in the format DDbMMbYYYY, where "b" is a single blank space (for example, 23 03 1982): in Zone II, with a field caption;
- (h) place of seafarer's birth: in Zone II, with a field caption;
- (i) any special physical characteristics that may assist in the identification of the seafarer: in Zone II, with a field caption. If the issuing authority chooses not to record any identifying characteristics, or if the seafarer has no particular identifying characteristics, then this field shall be filled with either the word "None", or "Aucun", or "Ninguna";
- (j) unique document number assigned to the SID by the issuing authority of no more than nine characters: in Zone I for TD3 size documents, with a field caption; or, in Zone III for TD1 and TD2 size documents, with a field caption;
- (k) date of issue of the SID, in the format DDbMMbYYYY, where "b" is a single blank space (for example, 31 05 2014): in Zone III, with a field caption;
- (l) date of expiry of the SID, in the format DDbMMbYYYY, where "b" is a single blank space (for example, 31 05 2019): in Zone III, with a field caption;
- (m) place of issue of the SID: in Zone III, with a field caption;
- (n) signature or usual mark of the seafarer: in Zone IV, without a field caption;
- (o) photograph of the seafarer, conforming to the specifications for photographs set out in Part 3 of Doc 9303: in Zone V, without a field caption;
- (p) the following statement in English, French or Spanish, in Zone VI, without a field caption: "This document is a seafarers' identity document for the purpose of the Seafarers' Identity Documents Convention (Revised), 2003, of the International Labour Organization. This document is a stand-alone document and not a passport.";
- (q) name of the issuing authority, and contact details (telephone number including country code or URL of website or both) of the focal point under Article 4, paragraph 4, of this Convention: in Zone VI, with the following field caption in English, French or Spanish: "Issuing authority contact details"; and

<sup>4</sup> A guilloche design is a pattern of continuous fine lines, usually computer generated, forming a unique image that can only be accurately re-originated by access to the equipment, software and parameters used in creating the original design.

<sup>5</sup> Microprint is printed text or symbols smaller than 0.25 mm/0.7 pica points.

<sup>6</sup> Steganography is the use of an image or information that is encoded or concealed within a primary visual image.

- 
- (r) machine-readable zone printed in Zone VII as specified in Section 4 of Part 3 of Doc 9303, containing all the mandatory data elements specified in Section 4.2 of Part 4 (for TD3 size) or Part 5 (for TD1 size) or Part 6 (for TD2 size). The first two characters of the machine-readable zone shall be "IS" for TD1 or TD2 size, or "PK" for TD3 size.

7. The following additional data elements shall be contained only in TD3 size documents:

- (a) document code: the letters "PK" in Zone I, with a field caption;
- (b) issuing State, as a three-letter International Organization for Standardization country code in accordance with Section 5 of Part 3 of Doc 9303: in Zone I, with a field caption; and
- (c) name of the issuing authority: in Zone III, with a field caption.

## **Annex II**

### ***Electronic database***

The details to be provided for each record in the electronic database to be maintained by each Member in accordance with Article 4, paragraphs 1, 2, 6 and 7 of this Convention shall be restricted to:

#### ***Section 1***

1. Issuing State as written in the visual-inspection zone of the seafarers' identity document (SID).
2. Full name of seafarer as written in the visual-inspection zone of the SID.
3. Unique nine-character document number assigned to the SID.
4. Date of expiry, or suspension, or withdrawal of the SID, written in the format DDbMMbYYYY, where "b" is a single blank space (for example, 31 05 2019).

#### ***Section 2***

1. Compressed facial image of the seafarer as stored in the contactless integrated circuit of the SID.
2. Photograph of the seafarer as printed in the visual-inspection zone of the SID.
3. Details of all inquiries made concerning the SID.



## **Annex III**

### ***Requirements and recommended procedures and practices concerning the issuance of seafarers' identity documents***

This Annex sets out minimum requirements relating to procedures to be adopted by each Member in accordance with Article 5 of this Convention, with respect to the issuance of seafarers' identity documents (SIDs), including quality-control procedures.

Part A lists the mandatory results that must be achieved, as a minimum, by each Member, in implementing a system of issuance of SIDs.

Part B recommends procedures and practices for achieving those results. Part B is to be given full consideration by Members, but is not mandatory.

Notwithstanding the above, each Member shall observe all relevant mandatory requirements in International Civil Aviation Organization (ICAO) Doc 9303. The term "Doc 9303" shall be understood as referring to the Seventh Edition, 2015, as published by ICAO and as it may subsequently be amended in accordance with the related procedures of ICAO. Members shall also give full consideration to the relevant recommendations or advice contained in Doc 9303, especially in Part 2 of that document and its appendices.

#### **Part A. Mandatory results**

##### **1. Production and delivery of blank SIDs**

*Processes and procedures are in place to ensure the necessary security for the production and delivery of blank SIDs, including the following:*

- (a) all blank SIDs are of uniform quality and meet the specifications in content and form as contained in Annex I;*
- (b) the materials used for production are protected and controlled;*
- (c) blank SIDs are protected, controlled, identified and tracked during the production and delivery processes;*
- (d) producers have the means of properly meeting their obligations in relation to the production and delivery of blank SIDs;*
- (e) the transport of the blank SIDs from the producer to the issuing authority is secure.*

##### **2. Custody, handling and accountability for blank and completed SIDs**

*Processes and procedures are in place to ensure the necessary security for the custody, handling and accountability for blank and completed SIDs, including the following:*

- (a) the custody and handling of blank and completed SIDs is controlled by the issuing authority;*
- (b) blank, completed and voided SIDs, including those used as specimens, are protected, controlled, identified and tracked;*
- (c) personnel involved with the process meet standards of reliability, trustworthiness and loyalty required by their positions and have appropriate training;*
- (d) the division of responsibilities among authorized officials is designed to prevent the issuance of unauthorized SIDs.*

##### **3. Processing of applications; suspension or withdrawal of SIDs; appeal procedures**

*Processes and procedures are in place to ensure the necessary security for the processing of applications, the completion of the blank SIDs into personalized SIDs by the authority and unit responsible for issuing them, and the delivery of the SIDs, including:*

- (a) processes for verification and approval ensuring that SIDs, when first applied for and when renewed, are issued only on the basis of:*
  - (i) applications completed with all information required by Annex I,*



- (ii) proof of identity of the applicant in accordance with the law and practice of the issuing State,
  - (iii) proof of nationality or permanent residence,
  - (iv) proof that the applicant is a seafarer within the meaning of Article 1,
  - (v) assurance that applicants, especially those with more than one nationality or having the status of permanent residents, are not issued with more than one SID,
  - (vi) verification that the applicant does not constitute a risk to security, with proper respect for the fundamental rights and freedoms set out in international instruments.
- (b) the processes ensure that:
- (i) the particulars of each item contained in Annex II are entered in the database simultaneously with issuance of the SID,
  - (ii) the data, photograph, signature and biometric gathered from the applicant correspond to the applicant, and
  - (iii) the data, photograph, signature and biometric gathered from the applicant are linked to the application throughout the processing, issuance and delivery of the SID.
- (c) prompt action is taken to update the database when an issued SID is suspended or withdrawn;
- (d) an extension and/or renewal system has been established to provide for circumstances where a seafarer is in need of extension or renewal of his or her SID and in circumstances where the SID is lost;
- (e) the circumstances in which SIDs may be suspended or withdrawn are established in consultation with shipowners' and seafarers' organizations;
- (f) effective and transparent appeal procedures are in place.
4. Operation, security and maintenance of the database
- Processes and procedures are in place to ensure the necessary security for the operation and maintenance of the database, including the following:*
- (a) the database is secure from tampering and from unauthorized access;
  - (b) data are current, protected against loss of information and available for query at all times through the focal point;
  - (c) databases are not appended, copied, linked or written to other databases; information from the database is not used for purposes other than authenticating the seafarers' identity;
  - (d) the individual's rights are respected, including:
    - (i) the right to privacy in the collection, storage, handling and communication of personal data; and
    - (ii) the right of access to data concerning him or her and to have any inaccuracies corrected in a timely manner.
5. Quality control of procedures and periodic evaluations
- (a) *Processes and procedures are in place to ensure the necessary security through the quality control of procedures and periodic evaluations, including the monitoring of processes, to ensure that required performance standards are met, for:*
    - (i) production and delivery of blank SIDs,
    - (ii) custody, handling and accountability for blank, voided and personalized SIDs,
    - (iii) processing of applications, completion of blank SIDs into personalized SIDs by the authority and unit responsible for issuance and delivery,
    - (iv) operation, security and maintenance of the database.
  - (b) Periodic reviews are carried out to ensure the reliability of the issuance system and of the procedures and their conformity with the requirements of this Convention.
  - (c) Procedures are in place to protect the confidentiality of information contained in reports on periodic evaluations provided by other ratifying Members.

## **Part B. Recommended procedures and practices**

### **1. Production and delivery of blank SIDs**

- 1.1. In the interest of security and uniformity of SIDs, the competent authority should select an effective source for the production of blank SIDs to be issued by the Member.
- 1.2. If the blanks are to be produced on the premises of the authority responsible for the issuance of SIDs ("the issuing authority"), section 2.2 below applies.
- 1.3. If an outside enterprise is selected, the competent authority should:
  - 1.3.1. check that the enterprise is of undisputed integrity, financial stability and reliability;
  - 1.3.2. require the enterprise to designate all the employees who will be engaged in the production of blank SIDs;
  - 1.3.3. require the enterprise to furnish the authority with proof that demonstrates that there are adequate systems in place to ensure the reliability, trustworthiness and loyalty of designated employees and to satisfy the authority that it provides each such employee with adequate means of subsistence and adequate job security;
  - 1.3.4. conclude a written agreement with the enterprise which, without prejudice to the authority's own responsibility for SIDs, should, in particular, establish the specifications and directions referred to under section 1.5 below and require the enterprise:
    - 1.3.4.1. to ensure that only the designated employees, who must have assumed strict obligations of confidentiality, are engaged in the production of the blank SIDs;
    - 1.3.4.2. to take all necessary security measures for the transport of the blank SIDs from its premises to the premises of the issuing authority. Issuing agents cannot be absolved from the liability on the grounds that they are not negligent in this regard;
    - 1.3.4.3. to accompany each consignment with a precise statement of its contents; this statement should, in particular, specify the reference numbers of the SIDs in each package.
  - 1.3.5. ensure that the agreement includes a provision to allow for completion if the original contractor is unable to continue;
  - 1.3.6. satisfy itself, before signing the agreement, that the enterprise has the means of properly performing all the above obligations.
- 1.4. If the blank SIDs are to be supplied by an authority or enterprise outside the Member's territory, the competent authority of the Member may mandate an appropriate authority in the foreign country to ensure that the requirements recommended in this section are met.
- 1.5. The competent authority should inter alia:
  - 1.5.1. establish detailed specifications for all materials to be used in the production of the blank SIDs; these materials should conform to the general specifications set out in Annex I to this Convention;
  - 1.5.2. establish precise specifications relating to the form and content of the blank SIDs as set out in Annex I;
  - 1.5.3. ensure that the specifications enable uniformity in the printing of blank SIDs if different printers are subsequently used;
  - 1.5.4. provide clear directions for the generation of a unique document number to be printed on each blank SID in a sequential manner in accordance with Annex I; and
  - 1.5.5. establish precise specifications governing the custody of all materials during the production process.

2. Custody, handling and accountability for blank and completed SIDs

- 2.1. 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.
- 2.2. The issuing authority should prepare an appraisal of all officials involved in the issuance process establishing, in the case of each of them, a record of reliability, trustworthiness and loyalty.
- 2.3. The issuing authority should ensure that no officials involved in the issuance process are members of the same immediate family.
- 2.4. The individual responsibilities of the officials involved in the issuance process should be adequately defined by the issuing authority.
- 2.5. No single official should be responsible for carrying out all the operations required in the processing of an application for a SID and the preparation of the corresponding SID. The official who assigns applications to an official responsible for issuing SIDs should not be involved in the issuance process. There should be a rotation in the officials assigned to the different duties related to the processing of applications and the issuance of SIDs.
- 2.6. The issuing authority should draw up internal rules ensuring:
  - 2.6.1. that the blank SIDs are kept secured and released only to the extent necessary to meet expected day-to-day operations and only to the officials responsible for completing them into personalized SIDs or to any specially authorized official, and that surplus blank SIDs are returned at the end of each day; measures to secure SIDs should be understood as including the use of devices for the prevention of unauthorized access and detection of intruders;
  - 2.6.2. that any blank SIDs used as specimens are defaced and marked as such;
  - 2.6.3. that each day a record, to be stored in a safe place, is maintained of the whereabouts of each blank SID and of each personalized SID that has not yet been issued, also identifying those that are secured and those that are in the possession of a specified official or officials; the record should be maintained by an official who is not involved in the handling of the blank SIDs or SIDs that have not yet been issued;
  - 2.6.4. that no person should have access to the blank SIDs and to the implements and materials for completing them other than the officials responsible for completing the blank SIDs or any specially authorized official;
  - 2.6.5. that each personalized SID is kept secured and released only to the official responsible for issuing the SID or to any specially authorized official;
    - 2.6.5.1. the specially authorized officials should be limited to:
      - (a) persons acting under the written authorization of the executive head of the authority or of any person officially representing the executive head, and
      - (b) the controller referred to in section 5 below and persons appointed to carry out an audit or other control;
  - 2.6.6. that officials are strictly prohibited from any involvement in the issuance process for a SID applied for by a member of their family or a close friend;
  - 2.6.7. that any theft or attempted theft of SIDs or of implements or materials for personalizing them should be promptly reported to the police authorities for investigation.
- 2.7. Errors in the issuance process should invalidate the SID concerned, which may not be corrected and issued.

3. Processing of applications; suspension or withdrawal of SIDs; appeal procedures
  - 3.1. The issuing authority should ensure that all officials with responsibility concerning the review of applications for SIDs have received relevant training in fraud detection and in the use of computer technology.
  - 3.2. The issuing authority should draw up rules ensuring that SIDs are issued only on the basis of: an application completed and signed by the seafarer concerned; proof of identity; proof of nationality or permanent residence; and proof that the applicant is a seafarer.
  - 3.3. The application should contain all the information specified as mandatory in Annex I to this Convention. The application form should require applicants to note that they will be liable to prosecution and penal sanctions if they make any statement that they know to be false.
  - 3.4. When a SID is first applied for, and whenever subsequently considered necessary on the occasion of a renewal:
    - 3.4.1. the application, completed except for the signature, should be presented by the applicant in person, to an official designated by the issuing authority;
    - 3.4.2. a digital or original photograph and the biometric of the applicant should be taken under the control of the designated official;
    - 3.4.3. the application should be signed in the presence of the designated official;
    - 3.4.4. the application should then be transmitted by the designated official directly to the issuing authority for processing.
  - 3.5. Adequate measures should be adopted by the issuing authority to ensure the security and the confidentiality of the digital or original photograph and the biometric.
  - 3.6. The proof of identity provided by the applicant should be in accordance with the laws and practice of the issuing State. It may consist of a recent photograph of the applicant, certified as being a true likeness of him or her by the shipowner or shipmaster or other employer of the applicant or the director of the applicant's training establishment.
  - 3.7. The proof of nationality or permanent residence will normally consist of the applicant's passport or certificate of admission as a permanent resident.
  - 3.8. Applicants should be asked to declare all other nationalities that they may possess and affirm that they have not been issued with and have not applied for a SID from any other Member.
  - 3.9. The applicant should not be issued with a SID for so long as he or she possesses another SID.
    - 3.9.1. An early renewal system should apply in circumstances where a seafarer is aware in advance that the period of service is such that he or she will be unable to make his or her application at the date of expiry or renewal;
    - 3.9.2. An extension system should apply in circumstances where an extension of a SID is required due to an unforeseen extension of the period of service;
    - 3.9.3. A replacement system should apply in circumstances where a SID is lost. A suitable temporary document can be issued.
  - 3.10. The proof that the applicant is a seafarer, within the meaning of Article 1 of this Convention should at least consist of:
    - 3.10.1. a previous SID, or a seafarers' discharge book; or
    - 3.10.2. a certificate of competency, qualification or other relevant training; or
    - 3.10.3. equally cogent evidence.
  - 3.11. Supplementary proof should be sought where deemed appropriate.
  - 3.12. All applications should be subject to at least the following verifications by a competent official of the issuing authority of SIDs:
    - 3.12.1. verification that the application is complete and shows no inconsistency raising doubts as to the truth of the statements made;

- 3.12.2. verification that the details given and the signature correspond to those on the applicant's passport or other reliable document;
- 3.12.3. verification, with the passport authority or other competent authority, of the genuineness of the passport or other document produced; where there is reason to doubt the genuineness of the passport, the original should be sent to the authority concerned; otherwise, a copy of the relevant pages may be sent;
- 3.12.4. comparison of the photograph provided, where appropriate, with the digital photograph referred to in section 3.4.2 above;
- 3.12.5. verification of the apparent genuineness of the certification referred to in section 3.6 above;
- 3.12.6. verification that the proof referred to in section 3.10 substantiates that the applicant is indeed a seafarer;
- 3.12.7. verification, in the database referred to in Article 4 of the Convention, to ensure that a person corresponding to the applicant has not already been issued with a SID; if the applicant has or may have more than one nationality or any permanent residence outside the country of nationality, the necessary inquiries should also be made with the competent authorities of the other country or countries concerned;
- 3.12.8. verification, in any relevant national or international database that may be accessible to the issuing authority, to ensure that a person corresponding to the applicant does not constitute a possible security risk.
- 3.13. The official referred to in section 3.12 above should prepare brief notes for the record indicating the results of each of the above verifications, and drawing attention to the facts that justify the conclusion that the applicant is a seafarer.
- 3.14. Once fully checked, the application, accompanied by the supporting documents and the notes for the record, should be forwarded to the official responsible for completion of the SID to be issued to the applicant.
- 3.15. The completed SID, accompanied by the related file in the issuing authority, should then be forwarded to a senior official of that authority for approval.
- 3.16. The senior official should give such approval only if satisfied, after review of at least the notes for the record, that the procedures have been properly followed and that the issuance of the SID to the applicant is justified.
- 3.17. This approval should be given in writing and be accompanied by explanations concerning any features of the application that need special consideration.
- 3.18. The SID (together with the passport or similar document provided) should be handed to the applicant directly against receipt, or sent to the applicant or, if the latter has so requested, to his or her shipmaster or employer in both cases by reliable postal communication requiring advice of receipt.
- 3.19. When the SID is issued to the applicant, the particulars specified in Annex II to the Convention should be entered in the database referred to in Article 4 of the Convention.
- 3.20. The rules of the issuing authority should specify a maximum period for receipt after dispatch. If advice of receipt is not received within that period and after due notification of the seafarer, an appropriate annotation should be made in the database and the SID should be officially reported as lost and the seafarer informed.
- 3.21. All annotations to be made, such as, in particular, the brief notes for the record (see section 3.13 above) and the explanations referred to in section 3.17, should be kept in a safe place during the period of validity of the SID and for three years afterwards. Those annotations and explanations required by section 3.17 should be recorded in a separate internal database, and rendered accessible: (a) to persons responsible for monitoring operations; (b) to officials involved in the review of applications for SIDs; and (c) for training purposes.



- 3.22. When information is received suggesting that a SID was wrongly issued or that the conditions for its issue are no longer applicable, the matter should be promptly notified to the issuing authority with a view to its rapid withdrawal.
- 3.23. When a SID is suspended or withdrawn the issuing authority should immediately update its database to indicate that this SID is not currently recognized.
- 3.24. If an application for a SID is refused or a decision is taken to suspend or withdraw a SID, the applicant should be officially informed of his or her right of appeal and fully informed of the reasons for the decision.
- 3.25. The procedures for appeal should be as rapid as possible and consistent with the need for fair and complete consideration.
4. Operation, security and maintenance of the database
  - 4.1. The issuing authority should make the necessary arrangements and rules to implement Article 4 of this Convention, ensuring in particular:
    - 4.1.1. the availability of a focal point or electronic access over 24 hours a day, seven days a week, as required under paragraphs 4, 5 and 6 of Article 4 of the Convention;
    - 4.1.2. the security of the database;
    - 4.1.3. the respect for individual rights in the storage, handling and communication of data;
    - 4.1.4. the respect for the seafarer's right to verify the accuracy of data relating to him or her and to have corrected, in a timely manner, any inaccuracies found.
  - 4.2. The issuing authority should draw up adequate procedures for protecting the database, including:
    - 4.2.1. a requirement for the regular creation of back-up copies of the database, to be stored on media held in a safe location away from the premises of the issuing authority;
    - 4.2.2. the restriction to specially authorized officials of permission to access or make changes to an entry in the database once the entry has been confirmed by the official making it.
5. Quality control of procedures and periodic evaluations
  - 5.1. The issuing authority should appoint a senior official of recognized integrity, loyalty and reliability, who is not involved in the custody or handling of SIDs, to act as controller:
    - 5.1.1. to monitor on a continuous basis the implementation of these minimum requirements;
    - 5.1.2. to draw immediate attention to any shortcomings in the implementation;
    - 5.1.3. to provide the executive head and the concerned officials with advice on improvements to the procedures for the issuance of SIDs; and
    - 5.1.4. to submit a quality-control report to management on the above. The controller should, if possible, be familiar with all the operations to be monitored.
  - 5.2. The controller should report directly to the executive head of the issuing authority.
  - 5.3. All officials of the issuing authority, including the executive head, should be placed under a duty to provide the controller with all documentation or information that the controller considers relevant to the performance of his or her tasks.
  - 5.4. The issuing authority should make appropriate arrangements to ensure that officials can speak freely to the controller without fear of victimization.
  - 5.5. The terms of reference of the controller should require that particular attention be given to the following tasks:

- 5.5.1. verifying that the resources, premises, equipment and staff are sufficient for the efficient performance of the functions of the issuing authority;
  - 5.5.2. ensuring that the arrangements for the safe custody of the blank and completed SIDs are adequate;
  - 5.5.3. ensuring that adequate rules, arrangements or procedures are in place in accordance with sections 2.6, 3.2, 4 and 5.4 above;
  - 5.5.4. ensuring that those rules and procedures, as well as arrangements, are well known and understood by the officials concerned;
  - 5.5.5. detailed monitoring on a random basis of each action carried out, including the related annotations and other records, in processing particular cases, from the receipt of the application for a SID to the end of the procedure for its issuance;
  - 5.5.6. verification of the efficacy of the security measures used for the custody of blank SIDs, implements and materials;
  - 5.5.7. verification, if necessary with the aid of a trusted expert, of the security and veracity of the information stored electronically and that the requirement for 24 hours a day, seven days a week access is maintained;
  - 5.5.8. investigating any reliable report of a possible wrongful issuance of a SID or of a possible falsification or fraudulent obtention of a SID, in order to identify any internal malpractice or weakness in systems that could have resulted in or assisted the wrongful issuance or falsification or fraud;
  - 5.5.9. investigating complaints alleging inadequate access to the details in the database given the requirements of paragraphs 2, 3 and 5 of Article 4 of the Convention, or inaccuracies in those details;
  - 5.5.10. ensuring that reports identifying improvements to the issuance procedures and areas of weakness have been acted upon in a timely and effective manner by the executive head of the issuing authority;
  - 5.5.11. maintaining records of quality-control checks that have been carried out;
  - 5.5.12. ensuring that management reviews of quality-control checks have been performed and that records of such reviews are maintained.
- 5.6. The executive head of the issuing authority should ensure a periodic evaluation of the reliability of the issuance system and procedures, and of their conformity with the requirements of this Convention. Such evaluation should take into account the following:
- 5.6.1. findings of any audits of the issuance system and procedures;
  - 5.6.2. reports and findings of investigations and of other indications relevant to the effectiveness of corrective action taken as a result of reported weaknesses or breaches of security;
  - 5.6.3. records of SIDs issued, lost, voided or spoiled;
  - 5.6.4. records relating to the functioning of quality control;
  - 5.6.5. records of problems with respect to the reliability or security of the electronic database, including inquiries made to the database;
  - 5.6.6. effects of changes to the issuance system and procedures resulting from technological improvements or innovations in the SID issuance procedures;
  - 5.6.7. conclusions of management reviews;
  - 5.6.8. audit of procedures to ensure that they are applied in a manner consistent with respect for fundamental principles and rights at work embodied in relevant ILO instruments.
- 5.7. Procedures and processes should be put in place to prevent unauthorized disclosure of reports provided by other Members.
- 5.8. All audit procedures and processes should ensure that the production techniques and security practices, including the stock control procedures, are sufficient to meet the requirements of this Annex.

Header Information		Metadata	
Item ID	Description	Category	Status
001	Item 1 Description	Category A	Active
002	Item 2 Description	Category B	Inactive
003	Item 3 Description	Category A	Active
004	Item 4 Description	Category B	Inactive
005	Item 5 Description	Category A	Active
006	Item 6 Description	Category B	Inactive
007	Item 7 Description	Category A	Active
008	Item 8 Description	Category B	Inactive
009	Item 9 Description	Category A	Active
010	Item 10 Description	Category B	Inactive
011	Item 11 Description	Category A	Active
012	Item 12 Description	Category B	Inactive
013	Item 13 Description	Category A	Active
014	Item 14 Description	Category B	Inactive
015	Item 15 Description	Category A	Active
016	Item 16 Description	Category B	Inactive
017	Item 17 Description	Category A	Active
018	Item 18 Description	Category B	Inactive
019	Item 19 Description	Category A	Active
020	Item 20 Description	Category B	Inactive
021	Item 21 Description	Category A	Active
022	Item 22 Description	Category B	Inactive
023	Item 23 Description	Category A	Active
024	Item 24 Description	Category B	Inactive
025	Item 25 Description	Category A	Active
026	Item 26 Description	Category B	Inactive
027	Item 27 Description	Category A	Active
028	Item 28 Description	Category B	Inactive
029	Item 29 Description	Category A	Active
030	Item 30 Description	Category B	Inactive
031	Item 31 Description	Category A	Active
032	Item 32 Description	Category B	Inactive
033	Item 33 Description	Category A	Active
034	Item 34 Description	Category B	Inactive
035	Item 35 Description	Category A	Active
036	Item 36 Description	Category B	Inactive
037	Item 37 Description	Category A	Active
038	Item 38 Description	Category B	Inactive
039	Item 39 Description	Category A	Active
040	Item 40 Description	Category B	Inactive
041	Item 41 Description	Category A	Active
042	Item 42 Description	Category B	Inactive
043	Item 43 Description	Category A	Active
044	Item 44 Description	Category B	Inactive
045	Item 45 Description	Category A	Active
046	Item 46 Description	Category B	Inactive
047	Item 47 Description	Category A	Active
048	Item 48 Description	Category B	Inactive
049	Item 49 Description	Category A	Active
050	Item 50 Description	Category B	Inactive
051	Item 51 Description	Category A	Active
052	Item 52 Description	Category B	Inactive
053	Item 53 Description	Category A	Active
054	Item 54 Description	Category B	Inactive
055	Item 55 Description	Category A	Active
056	Item 56 Description	Category B	Inactive
057	Item 57 Description	Category A	Active
058	Item 58 Description	Category B	Inactive
059	Item 59 Description	Category A	Active
060	Item 60 Description	Category B	Inactive
061	Item 61 Description	Category A	Active
062	Item 62 Description	Category B	Inactive
063	Item 63 Description	Category A	Active
064	Item 64 Description	Category B	Inactive
065	Item 65 Description	Category A	Active
066	Item 66 Description	Category B	Inactive
067	Item 67 Description	Category A	Active
068	Item 68 Description	Category B	Inactive
069	Item 69 Description	Category A	Active
070	Item 70 Description	Category B	Inactive
071	Item 71 Description	Category A	Active
072	Item 72 Description	Category B	Inactive
073	Item 73 Description	Category A	Active
074	Item 74 Description	Category B	Inactive
075	Item 75 Description	Category A	Active
076	Item 76 Description	Category B	Inactive
077	Item 77 Description	Category A	Active
078	Item 78 Description	Category B	Inactive
079	Item 79 Description	Category A	Active
080	Item 80 Description	Category B	Inactive
081	Item 81 Description	Category A	Active
082	Item 82 Description	Category B	Inactive
083	Item 83 Description	Category A	Active
084	Item 84 Description	Category B	Inactive
085	Item 85 Description	Category A	Active
086	Item 86 Description	Category B	Inactive
087	Item 87 Description	Category A	Active
088	Item 88 Description	Category B	Inactive
089	Item 89 Description	Category A	Active
090	Item 90 Description	Category B	Inactive
091	Item 91 Description	Category A	Active
092	Item 92 Description	Category B	Inactive
093	Item 93 Description	Category A	Active
094	Item 94 Description	Category B	Inactive
095	Item 95 Description	Category A	Active
096	Item 96 Description	Category B	Inactive
097	Item 97 Description	Category A	Active
098	Item 98 Description	Category B	Inactive
099	Item 99 Description	Category A	Active
100	Item 100 Description	Category B	Inactive