



FACILITATION COMMITTEE
34th session
Agenda item 4

FAL 34/4/2
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ADOPTION OF PROPOSED AMENDMENTS TO THE CONVENTION

Comments on amendments proposed in document FAL 33/3/3 (Netherlands)

Submitted by CLIA, ICS and ISF

SUMMARY

Executive summary: This document discusses the proposed amendments to the FAL Convention with regards to visa requirements and current security practices onboard cruise passenger ships.

Action to be taken: Paragraph 16

Related documents: FAL 32/4; FAL 33/WP.3; FAL 33/3/3; resolutions A.500(XII), A.777(18), and A.900(21)

1 The Committee, at its thirty-third session, discussed a number of amendments to the FAL Convention, including deleting several provisions that facilitate passenger travel by not requiring passengers who are visiting ports for brief visits to have visas (3.24), not requiring visas for passengers who are merely transiting through while remaining onboard a ship (3.40), and permitting shore visits without visas while transiting through a port (3.39). Amendments discussed at FAL 33 would reverse these provisions by requiring visas in all of the above situations except in special circumstances. It was agreed that the Committee would note the draft amendments with a view to approval at FAL 34 and subsequent adoption at FAL 35.

2 The current language in the referenced recommended practices states:

3.24 *If a cruise ship stays in a port for less than 72 hours it should not be necessary for cruise passengers to have visas, except in special circumstances determined by the public authorities concerned.*

3.39 *A passenger in transit who is continuing his journey from the same port in the same ship should normally be granted temporary permission to go ashore during the ship's stay in port if he so wishes.*

3.40 *A passenger in transit who is continuing his journey from the same port in the same ship should not be required to have a visa except in special circumstances determined by the public authorities concerned.*

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3 The amendments proposed by the Netherlands in document FAL 33/3/3 would delete all of these recommended practices with the likely result that nations would begin requiring all cruise ship passengers to obtain visas. As a typical cruise ship will likely call at three or more countries during a regular cruise, the result could be that the thousands of passengers on every cruise ship would be required to obtain multiple visas for every cruise.

4 The proposed amendments to the FAL Convention, while still recommendatory, shift the emphasis away from facilitation of passenger shipping. There can be no doubt that requiring visas to be obtained by thousands of cruise ship passengers for every port call during a multi-country itinerary will discourage rather than facilitate passenger shipping. It will turn what is now a relatively expedited process for embarkation and disembarkation during these transient visits into a process that could take hours and require dozens of customs officials and the added expense of additional shore-side facilities for processing passengers. In so doing, passengers will not only be inconvenienced and frustrated but also will be unable to spend time visiting countries and supporting local communities. As nations are unlikely to be willing to absorb the additional cost of screening, this change in policy would also result in a substantial additional cost to operators. This proposal does not “facilitate” shipping, which we understand is the primary purpose of the Convention.

5 The international passenger shipping industry represented by CLIA is fully appreciative of the need for additional security in today’s environment, and our cruise lines are leaders in implementing proactive security measures. We have been full participants in the development of the ISPS Code and other measures to increase security in all ports. We have participated in and hosted conferences to develop greater awareness of security requirements. Our member vessels have fully trained security staff as well as corporate security officials who interact daily with law enforcement officials throughout the world. Vessels maintain electronic manifests including personal information for each passenger and freely share lists with port officials wherever our vessels operate in the world.

6 Security concerns can best be addressed by providing public authorities with passenger manifests in advance of a port call in a form that will enable the authorities to review the manifest using currently available security threat information and international watch lists. The alternative of addressing security concerns by requiring visas is both less effective as there is minimal time to perform security checks, and significantly more burdensome to passengers.

7 There is no factual record before the Committee that would support a finding that cruise ship passengers use the opportunity of port calls to illegally immigrate into countries. In fact, the CLIA is not aware of any instance of this occurring.

8 The effect of the suggested changes to the FAL Convention would be to potentially expose each and every passenger to the requirement to obtain visas for every port country visited during a cruise or even to deny them shore visits altogether. This requirement could result in passengers being required to obtain visas for two or three port States on a short cruise up to several dozen port States on round-the-world voyages. CLIA agrees that individual countries visited should be able, if they see fit, require visas. We are merely recommending that the FAL Convention should not suggest as a routine course that visas be required.

9 According to the World Travel and Tourism Council (WTTC), travel and tourism is one of the world's most important and fastest growing economic sectors, generating quality jobs and substantial wealth for economies around the globe. Tourism has created over 234.3 million jobs and contributed to over 10.3 per cent of global GDP or 8.7 per cent of total employment. The ten-year annualized growth (2007-2016) forecast is 4.2 per cent per annum.

10 Cruise travel is a significant part of travel and tourism. It provides considerable economic benefit in port countries visited worldwide, countries where these vessels are constructed and countries in which cruise ship companies are headquartered. The industry is projected to carry 11.7 million passengers worldwide in 2007 and has experienced an annual growth rate of over 8.5 per cent during the last two decades. In 2005 – 2006 the cruise industry had a total economic impact of USD 72 billion to the world economy, creating 575,000 jobs and generating USD 22 billion in wages.

11 The current facilitation of travel by governments for cruise ship passengers is a significant reason for this growth. The proposed additional requirement for a traveller to obtain visas for every port country visited (in addition to regular travel documents) will create an unnecessary barrier to travel and will have a negative effect on cruise travel, adversely affecting the desirability of cruising as a vacation option worldwide.

12 The Assembly in its resolution A.900(21) on Objectives of the Organization in the 2000s again reiterated its intent to continue observing resolution A.500(XII) and A.777(18), “the continuing relevance of which has been reaffirmed on many occasions since their adoption.”

13 These resolutions, which have been consistent in their approach for over 25 years, suggest amending IMO instruments only after having regard to the justification as well as the costs to the maritime industry and the burden on the legislative and administrative resources of Member States. CLIA suggests that the mere reference to security and illegal immigration fulfils neither the requirement for a clear justification for an amendment nor a demonstration that the benefit exceeds the cost in light of the justification as envisioned by the objective of the Assembly. The clear justification for this amendment as well as costs versus benefits of these suggested changes need to be understood and debated prior to making these changes.

14 In addition, the above resolutions direct the Committees to focus their attention on avoiding unnecessary regulation. Accordingly, as the proposed amendments will result in additional regulation, and to ensure adherence to resolutions A.500(XII), A.777(18) and A.900(21), CLIA would propose that the costs and inferred added benefit of these additional visa requirements be fully reviewed versus the cost and benefits realized by reviewing manifests against persons on the various criminal and terrorist watch lists.

15 The recommended practices in 3.24, 3.39, and 3.40 of the present FAL Convention serve as reasonable guidance given the special nature of cruise ship passengers and the extensive security practices onboard cruise ships and should remain intact. These practices permit Member States to require visas, or other documentation, in the appropriate circumstances and recognize the facilitation process by not making it compulsory in all circumstances. The current practices achieve the aim of the proposals from the Netherlands without the explicit burden on the facilitation of the cruise ship industry.

Action requested of the Committee

16 The Committee is invited to take note of these concerns and decide accordingly.