

A CONTENT ANALYSIS OF LAWS AND JURISPRUDENCE ON MARITIME LAWS:
IMPLICATIONS TO THE SECURITY AND WELFARE
OF FILIPINO SEAFARERS

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ABSTRACT

The humane treatment of seafarers has been a long standing issue synchronic with the evolution of seafaring. Their categorisation as a special group of maritime workers was borne out of the distinctive nature of their work on board the ship.

The far reaching expanse of the sea made them isolated and inaccessible from the protection of a legal system that normally cease or change at every border of a territorial State. This is where the seafarer's human rights and welfare becomes vulnerable, in the face of legal complexities and uncertainties.

Having in mind the disadvantaged position of the lowest members in the shipping society, and the rampant violation of their rights brought about by the rising trend in the criminalisation of seafarers in the event of maritime accident, denial of shore leave and abandonment of seafarers, various international laws and legal instruments were formulated and

instituted by the different international bodies and entities to address the above stated problems.

This paper, therefore, undertook a critical analysis of the different legal regimes that are relevant to the rights of seafarers, for the purpose of determining their efficacy in protecting the rights and interests of the seafarers.

This is in the light of the fact that among the numerous international instruments existing today, nothing ever dealt specifically at protecting the seafarer's human rights and welfare while at the same time the violation and disregard of their fundamental rights continue.

The inevitable effect from the unrelenting ill-treatment of seafarers is being manifested by the occurring shortage of ship officers and the waning interest in the seafaring career which will undoubtedly hamper the efficiency of the world's fleet that is being manned and operated through the unrivalled skills of the seafarers.