

Connecting IMO assembly resolution A.987(24) and IFSMA's draft guidelines (3rd draft -19.August 2005) on the Fair Treatment of Seafarers

Resolution (key words from each consecutive paragraphs only used)	Guidelines (references are to number of the paragraph and to relevant words in the text)
Detention for prolonged Periods	1.3 - seamen are exposed to public law sanctions and risk being stranded in foreign ports
Criminal proceedings	3.7 - 3.7.20
Familiarity with laws	3.7.9 - 3.7.12
Financial dispute	1.2 and 3.2 - unforeseen contingency/holding seafarers as human instruments
Ground of detention	3.2 - object of inquiry is to discover facts relating to a maritime accident
Human rights	3.1 and 3.7 - 3.7.20 and 4.1
Moral and mental health	3.1 and 3.7.13 - 3.7.15
Human rights instruments	4.1 - 4.3
Right to work	4.1
Law of the Sea	No specific reference - but refer to paragraph 4.1
MARPOL	No specific reference - but refer to paragraph 4.1
ILO instrument/s	1.3 and 1.3 - 1.3.5 and reference to Consolidated Maritime Labour Convention
Investigations	No special reference but see paragraph 4.1

States' rights to prosecute crimes	2.1 and 2.2 and 3.9 and 3.10
State's duties to investigate maritime accidents	2.1 and 3.8 - object of paragraph (last sentence)
Coastal, flag, resident States	No specific reference but duties/obligations of States may be inserted between 'application' and 'implementation' sections of the guidelines
Recommendatory guidelines	2.3 - the words and language of the guidelines are recommendatory
Special protection	1.3 and 2.1 - all sectors of maritime administrations, judicial authorities and law enforcement agencies...of any State
Moral and wellbeing	3.12 -welfare, and 3.1 - 3.3 and 3.4 - 3.6and 3.7.1 - 3.7.20
1. Respect the basic human rights of seafarers	2.1 and 3.1 and 3.5 - 3.6 and 3.8 - 3.11 and 3.12 - 3.12.1 and 3.7 - 3.20
2. expeditious investigation	3.3 and 3.4 and 3.5 - 3.6 and 3.8 - 3.8.11
3. repatriation/re-embarkation	1.3.4 and 3.3 - 3.6
4. request for data	no reference
7. keep problem under review	no reference

Assembly Resolution A.987(24) is the result of the Legal Committee's consistent and expert effort to progress the fair treatment of seafarers issue, a brief history of which is contained in the report from the committee to the assembly (A24/10-5.October 2005). Referring to the first session of the Joint IMO/ILO Working Group, the report notes that "there had been insufficient time for the Group to complete... [guidelines]", and calls "for the adoption of guidelines as matter of priority." The draft resolution was annexed to report.