

David Hammond

Barrister & HRAS Founder

david.hammond@9bedfordrow.co.uk

OUTLINE

- Introduction to business and human rights in the maritime environment through examples of international industry projects, initiatives and emerging legislative trends.
- Review of newly established protections for lawful use of force in the maritime environment.
- Maritime security industry regulatory efforts.

Business and Human Rights

- The Guiding Principles on Business and Human Rights: Implementing the United Nations “**Protect, Respect and Remedy**” Framework are a set of 31 principles that were unanimously endorsed on 16 June 2011 by the Human Rights Council in Resolution 17/4 and that form a comprehensive, global reference point for understanding the respective duties and responsibilities of States and business for addressing business impacts on human rights.
- Since 2011, only one State has ratified the UNGP – UK – Sep 13 as part of the UK National Action Plan on Business and Human rights. This includes, the UK maritime sector.
- The German Federal Government Coalition Treaty agenda has also endorsed the concept and implementation of the UNGP in 2013.
- The UNGP, as soft law, are the only viable option dealing with this subject at this time. There is no reason not to work with them.
- It is unlikely that 193 UN members could be wrong.
- The HRAS initiative has voluntarily taken on the challenge of independently interpreting the UNGP in the maritime environment.



HUMAN RIGHTS AT SEA

AN INDEPENDENT MARITIME HUMAN RIGHTS RESOURCE

Maritime Practice
9 Bedford Row
International Group



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Welcome

“considerations of humanity must apply in the law of the sea, as they do in other areas of international law”

Professor Treves, International Tribunal for the Law of the Sea (ITLOS) M/V Saiga (no.2) (Saint Vincent and the Grenadines v. Guinea) Judgment (1 July 1999), para 155.

“Human Rights apply at sea, as equally as they do on land”

David Hammond, Barrister,
London International Shipping Week
11 September 2013



<https://humanrightsatsea.com>



Human Rights at Sea

- HRAS is a new independent, international initiative with the underlying proposition that “***Human rights apply at sea, as equally as they do on land***”.
- Universal Declaration Art 2 “*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind...*”
- It is a **work-in-progress** and relies upon international support in order to be an effective **web-based platform**.
- HRAS views the **UN Guiding Principles** as being ‘front and centre’ in the on-going development of standards and best practice in business in the maritime sector for **Corporate Social Responsibility** and best practice.
- Human Rights Impact Assessments (HRIAS)

Human Rights at Sea

So what does it mean for maritime related business and states, if at all?

- Need for an implementing framework for the UNGP in the maritime environment
- Reporting and assurance methodologies

Shift

Putting Principles into Practice

WHO WE ARE WHAT WE DO GUIDING PRINCIPLES RESOURCES CONTACT



International
Partnerships



OTHER PROJECTS

Developing a Child Labor Guidance
Tool with the ILO and IOE

Bringing A Human Rights Lens to
Corporate Water Stewardship

Collaborating with the IFC on
Guidance for High-Risk Contexts

Human Rights Reporting and Assurance Frameworks Initiative - RAFI

A. Overview

Today, there are a growing number of regulatory and other requirements for companies to report on their human rights performance. Many of these cite the UN Guiding Principles

PARTNERS:

Mazars

Human Rights Resource Centre for
ASEAN

DOWNLOAD:



UN Working Group Support for
RAFI.pdf



Shift Summary Report -
Evidence of Corporate Human
Rights Reporting 2014 05
12.pdf

PROJECT RESOURCES:



Human Rights at Sea

So what does it mean for maritime related business and states, if at all?

- Need for an implementing framework for the UNGP in the maritime environment
- Reporting and assurance methodologies
- Accountability by technological businesses?
- CSR – focusing on Human Rights with the maritime sector
- Investigations – government and/or independent?
- *“Highest priority is the seafarer”*
- Examples of litigation – are there any?



- **Agriculture/food/beverage**
- **Apparel & textile**
- **Chemicals**
- **Conglomerates**
- **Construction & building materials**
- **Consumer products/retail**
- **Finance**
- **Health**
- **Manufacturing**
- **Metals/plastics/basic materials**
- **Military/weapons/security equipment (5) – KBR Human Trafficking Iraq 2008 Nepal-US military facility**
- **Natural resources**
- **Professional services**
- **Services**
- **Shipping & handling (3) Curacao Drydock Company 2006 Cuban nationals**
- **Sports**
- **Technology – (6) Amesys Lawsuit Libya – surveillance equipment**
- **Transport**
- **Utilities**

CSR

CSR is defined by the European Commission as:

"the responsibility of enterprises for their impacts on society"

The Commission encourages that enterprises:

"should have in place a process to integrate social, environmental, ethical human rights and consumer concerns into their business operations and core strategy in close collaboration with their stakeholders".

CSR - Example

“Transparency is an essential first step to underpin economic reforms, fight corruption and improve companies’ respect for human rights...”

“It is vital to companies social license to operate, especially in contexts that pose risks to severe human rights impacts”

Phil Bloomer, BHRRC Executive Director

Bangkok Post Report 12 May 2014

The Business and Human Rights Resource Centre’s report on Myanmar business and corporate response processes

‘The March of Legislation’

Examples

1 April 2014

European Parliament amending Council Directives 78/660/EEC and 83/349/EEC

‘Disclosure of non-financial and diversity information by certain large companies and groups’ covering Amendments to Directive 2013/34/EU, has inserted new text concerning positive disclosure of non-financial information by large companies and groups (averaging 500 employees), including the *"respect for human rights"*;

Article 19a

Non-financial statement

1. Large undertakings which are public-interest entities exceeding on their balance-sheet dates the criterion of average number of employees during the financial year of 500 shall include in the management report a non-financial statement containing information **to the extent necessary for an understanding of the undertaking's development, performance and position and of the impact of its activity, relating to**, as a minimum, environmental, social and employee matters, **respect for human rights**, anti-corruption and bribery matters, including.....

Examples

Section 135 of India's Companies Act 2013.

Groundbreaking piece of legislation for India imposing legal obligations on companies operating in India (foreign and domestic) to spend 2% of profits on CSR.



100 SeriesTM

Lawful Use of Force at Sea

- [100 Series Rules](#)
- An international model maritime set of lawful Rules for the Use of Force (RUF)
- ‘Necessary and Reasonable’ objective international test
- Published May 2013 - 14,500 downloads
- Developed alongside industry and flag States
- IMO and ISO engagement (potential international standard)
- Daily use by Private Maritime Security companies worldwide
- 17th January MV NAVE ATROPOS attacked transiting from Muscat en route to Suez.

https://www.youtube.com/watch?v=RVnpY8HhTwU&oref=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DRVnpY8HhTwU&has_verified=1

100 Series Rules™ Supporting Entities

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www.seasecurity.org



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DALLAIRE



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INITIATIVE**

port2port

CLYDE & Co

GoAGT | Gulf of Aden Group
Transits Limited



**BERNHARD SCHULTE
SHIPMANAGEMENT**



torchlight
SOLUTIONS



CTA
counter-threat alliance



Titanium Security International



**Maritime
Security
Review**



Edson Tiger
INFORM AND PROTECT



M1 MARINE ONE
WE SERVE YOU BETTER

stent
International Ltd

aspida
MARITIME SECURITY



AdvanFort

BUNKERSPOT

**CARGO SECURITY
INTERNATIONAL**

ATAC OPERATIONS
ADVANCED TACTICS AND COUNTERMEASURES

Globus Intelligence
International forensic investigation consultancy



Regulation

- IMO provides advisory notes for industry in form of MSC circulars
- Increasing focus on regulation in a previously unregulated industry
- New maritime standard – ISO/PAS 28007:2012 Ships and marine technology: “Guidelines for Private Maritime Security Companies (PMSC) providing privately contracted armed security personnel (PCASP) on board ships (and pro forma contract)”.



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Twitter: @hratsea