



Responsible Shipping from Shipyard to Scrapyard

Meeting Report
Roundtable, Singapore
December 2019



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Context

1

On 6th November 2019 in Singapore, the Institute for Human Rights and Business (IHRB), the Rafto Foundation for Human Rights, the Danish Institute for Human Rights (DIHR), Anglo American and Maersk co-hosted a multi-stakeholder roundtable, 'Responsible Shipping from Shipyard to Scrapyard'. The event, generously hosted by Anglo American, explored areas of risk and responsibility in ensuring human rights are part of everyday business right across the ship lifecycle. The roundtable was attended by representatives from shipping companies, their business customers, investors, maritime lawyers, Norwegian, Danish and Australian government representatives and civil society organisations. (See Appendix B for participant list). It was conducted under the Chatham House Rule.

This convening was informed by a series of seminars with the maritime industry - a 'Mind the Gap' Tour in five maritime cities in Norway during 2019,¹ and a multi-stakeholder industry roundtable in London in May 2019² convened by the same partners. As one of the world's most important maritime hubs, Singapore was the obvious choice to continue this dialogue with the industry. As the first country in Southeast Asia to build a container port in 1969, Singapore has since become one of the busiest and most connected in the world, with links to more than 600 ports across 120 countries worldwide. More than 130,000 ships call at the port every year. As the world's busiest trans-shipment port, it trans-ships a fifth of the world's shipping containers and half of the world's annual supply of crude oil. Singapore is also one of the largest and most important bunkering ports in the world.

Over 80% of all global trade is maritime. Shipping is a highly fragmented global industry, incorporating flag states, domiciles, port states, countries of raw material production, manufacture and markets, with correspondingly complex supply chains. International and national legal frameworks apply at different stages along the value chain, and where transparency and accountability are lacking, serious human rights risks ensue. Human rights risk and responsibilities apply across the entire lifecycle of a ship – from design, finance and ordering, through building and operation, to breaking/recycling. What are the drivers for change and barriers to progress in raising human rights standards throughout the lifecycle?

Salient Human Rights Risks Around the Ship Lifecycle

These extend far beyond the well-being of seafarers, and include but are not restricted to:

- Recruitment fees paid by migrants to labour brokers leading to debt bondage and risk of forced labour/modern slavery.

1 The events were held in Tromsø, Bergen, Oslo, Trondheim and Stavanger, in early 2019. Meeting report can be found at <https://s3-eu-west-1.amazonaws.com/rafto-documents/Business-Human-Rights/Mind-the-Gap-Report-2019.pdf>

2 Meeting report can be found at: <https://www.ihrb.org/focus-areas/trade/meeting-report-human-rights-in-the-shipping-industry>

- Contracts: sub-contracting; lack of contracts; workers not permitted to change jobs (kafala-style system for shipyard workers).
- Lack of adequate health and sanitary facilities.
- Lack of adequate training and/or HSE equipment.
- Lack of adequate protection while working with hazardous waste.
- Excessive working hours, unpaid overtime, falsifying shift documentation.
- Lack of freedom of association.
- Under-resourced labour inspectors and lack of adequate grievance mechanisms and access to remedy.
- Inadequate and/or poorly enforced regulations/legislation at all stages including flag states, port states.
- Security, including risk of piracy in certain locations.
- Language barriers leading to health and safety risks.
- Isolation, mental health problems.
- Discrimination of all kinds.
- Stranded crew.
- Impacts on coastal communities' livelihoods e.g. pollution, environmental dumping

See Appendix p13 - Ship Lifecycle: Embedding Human Rights from Shipyard to Scrapyard - for further detail.

Key Points of Discussion

2

2.1 Risks of Forced Labour

Bangladeshi shipyard workers are among the most vulnerable in Singapore. Their levels of debt due to recruitment fees paid to brokers (typically US\$3,000-7,000) in Bangladesh mean they effectively arrive in Singapore as bonded labour. Shipyard workers are the lowest paid workers in Singapore where there is no minimum wage. Anecdotal evidence shows that US\$250-550 per month is typical. These workers remain vulnerable to exploitation through wage deduction, contract substitution, and no formal safety net in the case of employment termination due to injury or dispute, and their remittances to family are eroded through debt servicing to money lenders. Migrant workers are not generally permitted to change employer in Singapore, a system akin to kafala³ in the Gulf. Several of these indicators constitute [conditions of forced labour](#).

The [Employer Pays Principle](#) (EPP) states that 'no worker should pay for a job; the cost of recruitment should be borne not by the worker but by the employer.' EPP is increasingly being adopted by global brands such as Walmart, IKEA, Unilever and Coca-Cola, as well as industry associations (electronics, construction, hospitality). It is highly relevant for companies involved in the shipping industry where debt bondage and the risk of forced labour are present in the value chain.

Mandatory annual reporting requirements under the UK Modern Slavery Act (2015) and the Australian Modern Slavery Act (2018) mean that many global shipping companies and their business customers must report on steps taken to identify and mitigate the risk of forced labour in their operations and supply chains. Industry benchmarks such as the [Corporate Human Rights Benchmark](#) and [KnowtheChain](#) include a focus on recruitment fees, and investors are increasingly paying heed of these human rights rankings.

There is a business opportunity in Singapore to advance responsible practice in the employment of shipyard workers by working collectively to tackle recruitment fees charged to the workers. The Singaporean maritime industry, along with the Norwegian and Danish, has the opportunity to show global leadership here.

2.2 Sustainability/ESG⁴ – An Imbalance?

To date, in terms of sustainability, the maritime industry has focused predominantly on environmental challenges, with significantly less attention paid to human rights risks and responsibilities around the ship's lifecycle from shipyard workers to dockers, seafarers to ship-breakers and coastal communities impacted by maritime activities. While most **investors** continue to major on the environmental aspects

³ Under the Kafala system a migrant worker's immigration status is legally bound to an individual employer for their contract period. The migrant worker cannot enter the country, transfer employment or enter or leave the country for any reason without permission from the employer.

⁴ Environmental, social and governance (ESG) criteria are a set of standards for a company's operations that socially conscious investors use to screen potential investments.

of 'ESG', only a minority undertake more sophisticated human rights due diligence in mapping risk and identifying risk mitigation.⁵ Meanwhile, **business customers** have thus far focused on risk mapping and responsible procurement within their supply chain but generally have not extended this to their transport and logistics operations. However, as the trend for mandatory due diligence grows in a number of jurisdictions⁶, this greater scrutiny is emerging and ship owners and operators need to be on the front foot with proactive due diligence and robust policies implemented across business functions.

2.3 The Power of Collective Action

Progress will be driven by (i) a company's own values; (ii) by commercial pressure; and (iii) by government regulation. It is essential for shipping companies to focus on their own policies, due diligence and contractual requirements, but also to work together to see industry standards raised to ensure the dignity and respect of all workers around the lifecycle. Other industries have seen considerable progress in raising human rights standards where stakeholders have come together to collaborate on tackling human rights risks and to engage with government to advocate for better regulation to protect worker rights. Notable among such multi-stakeholder collaborations are the electronics sector in Malaysia, fishing in Thailand and construction in Qatar.

Maritime industry initiatives such as [Ship Recycling Transparency Initiative](#) and [Clean Cargo](#) already represent important platforms for collective action in securing progress on environmental challenges such as reduction of emissions targets. The [Poseidon Principles](#) bring together leading players in ship finance around environmental commitments. There is an increasing recognition that such initiatives also need to integrate a focus on human rights and social impact, and to make a more explicit link between climate change and human rights impact (e.g. risk to housing, access to food and water, health, livelihoods etc, especially for vulnerable coastal communities). Additionally, the [Marine Anti-Corruption Network](#) galvanises collective action across the industry to tackle corruption, and an inclusion of relevant human rights standards within this remit would be valuable.

Government-led initiatives to promote ocean sustainability, such as the Norwegian-led [Ocean Panel](#), must also include explicit reference to the human dignity and human rights of maritime workers and coastal communities within their SDG commitments.

2.4 Points of Leverage

i) Investor perspective:

Reputational risk is a powerful driver for investors. In a high-risk environment such as ship-breaking yards in Chittagong, Bangladesh, the choice is either to walk away, or to

5 The Danish Institute for Human Rights undertook a mapping exercise of the Sustainable Development Goals (SDGs) showing that 90% of the SDGs include human rights dimensions. This illustrates how integral human rights are to the success of the global SDG agenda. <http://sdg.humanrights.dk/>

6 See <http://opiniojuris.org/2019/08/13/emerging-voices-momentum-builds-for-mandatory-human-rights-due-diligence/>

use financial leverage to engage over the long-term to raise standards. A leading bank has engaged with ship-breaking yard owners directly to raise standards of protection for workers, resulting in an 80% seasonal workforce becoming 80% retained employees with benefits, an improved safety culture and better environmental protection. In turn, this allows an investor to put pressure on ship owners to be using responsible ship-breaking yards. There could be a number of financial measures to incentivise this, such as lower rates of interest within loan agreements. Similar leverage with clients could be brought to bear by investors in the ship-building yards too to drive higher recruitment and employment standards.

ii) Corporate perspective:

While respect for human rights is a matter of compliance with legal requirements, it is also a question of corporate values baked into the DNA of a company, a question of 'common humanity'. A number of industry initiatives such as the [Consumer Goods Forum](#), [IPIECA](#), and the [Responsible Business Alliance](#) (formerly the Electronics Industry Citizenship Coalition), have already developed human rights due diligence frameworks and industry codes of conduct including steps to combat forced labour and other forms of labour exploitation. The maritime industry currently lacks a platform for discussing the complex human rights challenges that exist right across the ship's lifecycle and seeking collective approaches to mitigating risk and going beyond legal compliance – discussions around debt bondage and ethical recruitment, seafarers' mental health and increasing rates of suicide for example.

iii) Government Perspective:

Raising environmental and social standards should never be an 'either/or' but action must be taken in an integrated way. ESG targets and frameworks must keep environmental and social/human rights standards in tandem. Ongoing dialogue with port and flag states around the issue of enforcement of international human rights standards should be raised continuously. The essential focus in the maritime industry on climate change and emissions must also take into account the rights of those most impacted by climate change, including coastal communities. The UN Guiding Principles for Business and Human Rights ([UNGPs](#)) and the [OECD Guidelines for Multinational Enterprises](#) are important frameworks for all industries, not least shipping. The UNGPs are helpful for navigating the duty of states vis-à-vis the responsibility of companies to respect human rights in the global maritime sector. Governments need to work with business to improve transparency and accountability, but also look at appropriate penalties for not complying with, for example, modern slavery reporting requirements. A number of governments are still not addressing the fact that many ships are contravening the [Basel Convention](#) by choosing the cheapest yards where environmental and human rights standards are lowest. This needs much more focus. Better harmonisation between the [Hong Kong Convention](#) and [EU Ship-recycling Regulation](#) will allow less room for exploitation of gaps in the regulatory system by unscrupulous ship owners.

Reflections for Progress

3

- i. Major companies can and should play a leading role in Singapore with regard to bringing the human focus up to the same level as environmental within ESG. Narrow margins for shipping companies means endless pressure on pricing but human rights must be seen as a pre-competitive issue. Industry champions are needed to kickstart this process.
- ii. Collective action is essential for sustained progress in raising human rights standards across the industry. In particular, there needs to be more regular sharing of information and dialogue between investors, shipping companies, business customers, governments and civil society organisations to tackle systemic and practical challenges, to share lessons and mainstream good practice.
- iii. Transparency about human rights risk management within the maritime sector is an essential part of ESG due diligence and fulfilling commitments to SDGs. While political leadership is necessary to drive momentum around ocean sustainability, it is the industry itself that must initiate concrete risk mitigation strategies at each stage of the lifecycle.
- iv. Relying merely on regulation and tickbox exercises is not enough. Data is important to understand the scale of risks and abuses, eg. debt bondage from recruitment fees. Data is also a critical persuader when selling internally to the executive team.
- v. Without pressure and consequences from government on business for inadequate human rights due diligence or non-compliance with reporting requirements, the conversation will not move fast enough. The progress of the Marine Anti-Corruption Network over the last decade is evidence of this.
- vi. Leaders are needed within the industry's ecosystem to drive progress on tackling some of the systemic challenges – from banks to ship owners and operators, yard owners and port authorities, regulators and NGOs. Lessons from other industry initiatives can inform this process. As a foremost global maritime hub, Singapore has an opportunity to demonstrate global industry leadership by convening an on-going 'Responsible Shipping dialogue' to address a range of key human rights challenges within the industry, identifying where collective action and leverage with investors, ship-owners/operators, business customers, government and NGOs can drive progress and bring parity to social and environmental standards.

Appendix: Agenda



0830 ARRIVAL, COFFEE

0900 WELCOMES AND CONTEXT

Moderated by: Frances House, Deputy CEO, IHRB

- **ESG overview within the industry: where's the focus on social impact?**
Peter Lye, Global Head of Shipping, Anglo American
- **Managing human rights risk and performance in the industry** - James Wroe, Head of Asia-Pacific Liner Operations Centre, A.P. Moller-Maersk
- **Leadership within the maritime industry – risks, challenges and opportunities** - H.E. Anita Nergaard, Royal Norwegian Embassy

0945 SALIENT RISKS ROUND THE SHIP'S LIFECYCLE: THE HUMAN IMPACT

Moderated by: Guna Subramaniam, South East Asia Regional Advisor, IHRB

- **Singapore shipyard workers** - Debbie Fordyce, President, TWC2
- **Tackling challenges for crew** - Captain Philip Tay, Honorary Treasurer, Singapore Maritime Employers Federation
- **Combating the risks of modern slavery** - Laura Comensoli, Director International Partnerships, Australian Border Force
- *Discussion*

1100 BREAK

1120 WHAT WILL MOVE THE NEEDLE FOR THE MARITIME INDUSTRY? POINTS OF LEVERAGE

Moderated by: Sumi Dhanarajan, Associate Director, APAC, Forum for the Future

The Investor Perspective:

- **Improving worker protection in ship-breaking** - Roger Charles, Director for Environment Social Risk Management, Standard Chartered

The Legal Perspective:

- **Responding to salient risks and strengthening transparency** - Kevin D'Souza, Head of Performance & Development, BP Singapore Pte Ltd

The Government Perspective:

- **Raising both environmental and social standards - legal compliance and voluntary initiatives** - H.E. Dorte Bech Vizard, Royal Danish Embassy
- *Discussion*

1240 REFLECTIONS - DO WE NEED INDUSTRY HUMAN RIGHTS BENCHMARK INDICATORS?

- James Wroe, Head of Asia-Pacific Liner Operations Centre, A.P. Moller-Maersk
- Peter Lye, Global Head of Shipping, Anglo American
- Frances House, Deputy CEO, IHRB

1300 LUNCH AND NETWORKING

1345 END

Appendix: Participating Organisations

B

ABN AMRO Bank

Anglo American

AP Moller Maersk Singapore

ASEAN CSR Network Ltd

Australian Border Force

Australian Embassy Bangkok

BIMCO

BP Singapore Pte Ltd

BSR

Cargill

Clifford Chance

Corporate Citizenship

ELEVATE

Forum for the Future

FTI Consulting

Gard

Glencore - ST Shipping & Transport Pte Ltd

HFW

ICoCA

IHRB

Impactt Consulting

Mission to Seafarers

Rafto Foundation

Rio Tinto

Royal Danish Embassy

Royal Norwegian Embassy

Sembmarine

Simonsen Vogt Wiig

Singapore Maritime Employers' Federation

South32

Standard Chartered

Swire Pacific Offshore Operations/China Navigation Co. Pte. Ltd

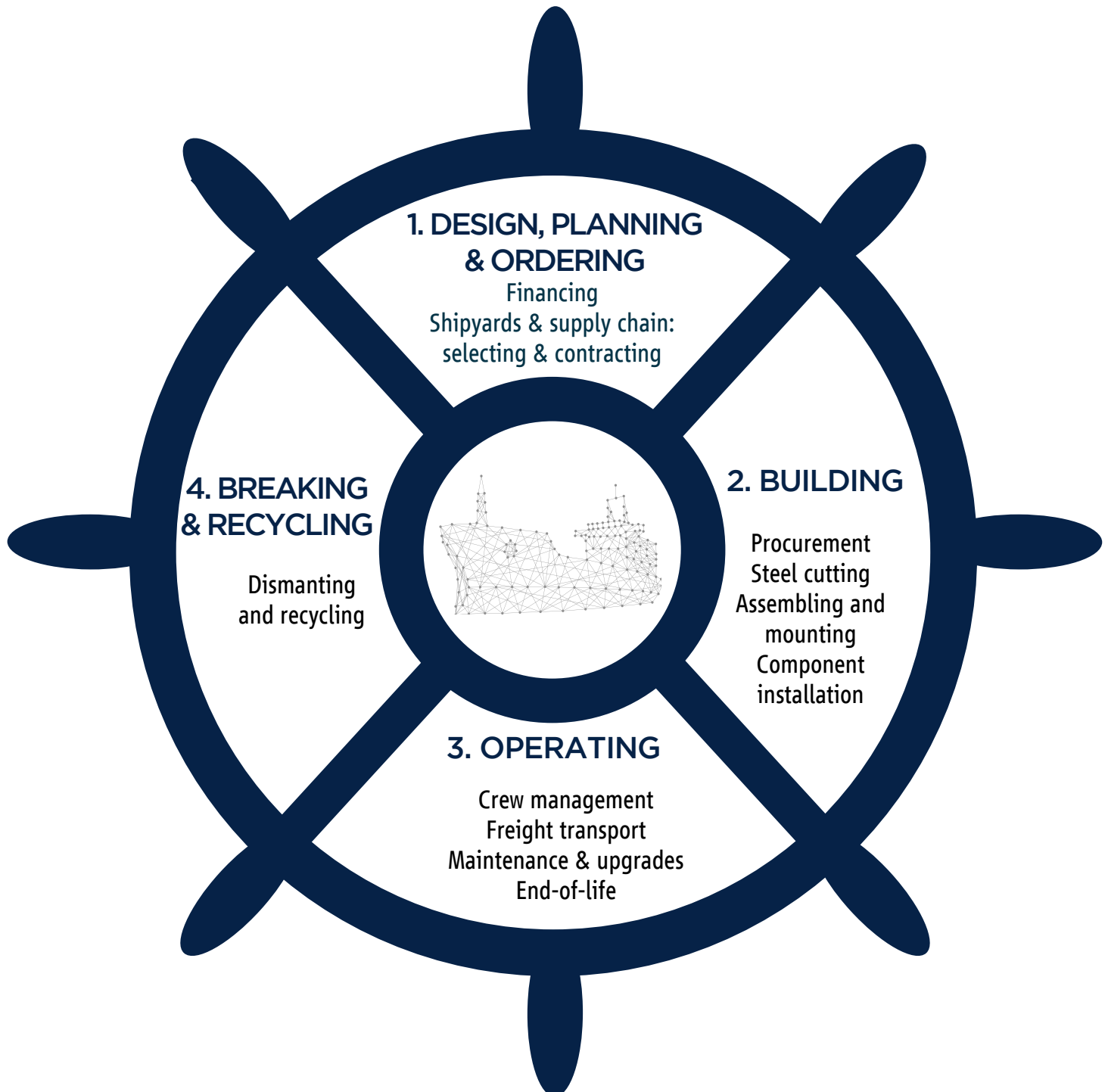
TWC2- Transient Workers Count Too

Wikborg Rein

Wilhelmsen Ship Management

Yara

The Ship Lifecycle: Embedding Human Rights from Shipyard to Scrapyard



Context

Maritime industry sustainability initiatives have generally prioritised environmental issues, with limited focus on human rights. This briefing presents human rights risks that actors involved in ocean transport may face throughout a ship's lifecycle – from planning through to recycling. It provides good practice examples for shipping companies, operators, business customers and investors seeking to align with relevant international standards. The briefing focuses in particular on cargo and bulk ocean transport, and draws on standards set out in the **ILO Maritime Labour Convention (MLC)**, the **UN Guiding Principles on Business and Human Rights (UNGPs)**, the **UN Convention on the Law of the Sea** and the **Hong Kong Convention on the Recycling of Ships**.

The Ship Lifecycle: Salient Risks and Good Practice Steps

POTENTIAL ADVERSE IMPACTS

GOOD PRACTICE STEPS

1. DESIGN, PLANNING & ORDERING

Financing

- Prioritising low cost ship yards / suppliers poses risks of substandard working conditions and weak regulatory compliance.

- Ensure human/labour rights provisions in contracts from outset.
- Require human rights due diligence as part of mortgage terms of ship yards and suppliers, including assessment of recruitment practices and working conditions.

Shipyard – Selecting & Contracting

- Employing large number of temporary /contract workers, increases risks of labour rights violations and exploitation of workers.
- Temporary / contract workers required to pay recruitment fees increases risk of debt bondage and forced labour.

- Require human and labour rights policies and guarantees, including on recruitment, in ship yard selection.
- Work with recruitment/placement agencies regulated according to national law and international standards.
- Implement policies that prohibit charging of recruitment fees, irrespective of where or how workers are recruited.
- Require shipyard planning process and quote to include number of hours needed, expected overtime and related costs.

Supply Chain – Selecting & Contracting

- Globalised and fragmented supply chain present challenges in supplier monitoring, including risks of association with labour and human rights violations.

- Require human and labour rights policies and guarantees in supplier and contractor selection.
- Communicate expectations in contracts that human rights, employment and recruitment standards are respected across the supply chain.
- Carry out ongoing human rights due diligence of suppliers and contractors.

2. BUILDING

Procuring Materials

- Fragmented raw materials supply chain increases risk of labour and human rights abuse (e.g. steel - working and safety conditions in iron ore mines; minerals from conflict areas).

- Map raw materials supply chain to identify key risk areas/regions.
- Train procurement department in identifying key risks associated with production of raw materials.
- Collaborate with other companies and initiatives on responsible sourcing and improved conditions in sourcing regions/industries.

Steel Cutting, Assembling & Mounting Ship Sections, Installing Components

- Poor health and safety standards and procedures in shipyards increase risk of accidents and injuries.
- Tight timeframe increases risk of labour standards being compromised (e.g. excessive overtime; inadequate compensation).
- Recruitment and employment agencies used to hire workers are not effectively monitored.
- Temporary and contract workers are required to pay recruitment fees, increasing the risk of debt bondage and forced labour.

- Monitor health and safety standards; ensure workers in ship yards have appropriate safety equipment and training.
- Implement independent monitoring of working conditions, including interviews with workers.
- Ensure selected recruitment and employment agencies have explicit commitment to no-fees policy ('Employer Pays Principle').



POTENTIAL ADVERSE IMPACTS

GOOD PRACTICE STEPS

3. OPERATING

Crew Management

- Recruitment and manning agencies used to hire workers are not effectively monitored; migrant workers are required to pay recruitment fees, increasing the risk of debt bondage and forced labour.
 - Weak law enforcement and inspection of working conditions on-board increase risks of exploitation of offshore workers.
 - Isolation due to long periods at sea and long working hours affects mental health of seafarers.
 - Migrant workers have difficulty accessing health and safety information due to language barriers.
 - Threat of piracy impacts workers' physical and mental health (e.g. distress; physical violence, captivity and death in case of attacks).
 - Financial difficulties lead to abandonment of seafarers (on-board vessels, without remuneration, access to adequate medical treatment, food and accommodation; or at international ports without the means for repatriation).
- Provide comprehensive guidance on recruitment and employment practices (based on international standards) to recruitment and manning agencies.
 - Include prohibition on the use of informal labour brokers in contracts with suppliers.
 - Ensure selected recruitment agencies have explicit commitment to no-fees policy ('employer pays principle') and ongoing due diligence of agencies is carried out.
 - Monitor health and safety standards; provide workers with appropriate safety equipment and training in a language they understand.
 - Establish grievance mechanisms for workers (including migrant and temporary workers) to raise workplace concerns.
 - Ensure effective monitoring of working conditions onboard ships.
 - Adopt security measures to protect seafarers from threats of piracy.
 - Provide insurance in accordance with international standards to assist seafarers in case of abandonment.

Transport

- Complex freight supply chain poses challenges to monitoring of business partners' practices, increasing risk of association with labour and human rights violations.
 - Carbon emissions, poorly regulated ship traffic and water pollution cause adverse effects on health and livelihoods of communities in coastal and inland regions.
- Conduct mapping of business relationships across freight supply chain as part of due diligence process.
 - Implement collaborative solutions such as investment in alternative fuels, new technology and industry-wide initiatives to reduce harmful emissions and water pollution.

Maintenance & Upgrading

- Poor health and safety standards and procedures increase risk of accidents and injuries.
 - Temporary and contract workers are subjected to less favourable employment conditions than those of regular employees.
- Select a shipyard and/or subcontractor with good health and safety records, policies and procedures.
 - Apply standards / policies on recruitment, employment and human rights to all workers, including temporary and contract workers.

End-of-Life

- Financial difficulties lead to abandonment of seafarers (on-board vessels, without remuneration, access to adequate medical treatment, food and accommodation; or at international ports without the means for repatriation).
- Provide insurance in accordance with international standards to assist seafarers in case of abandonment.

4. BREAKING & RECYCLING

Dismantling & Recycling

- Dismantling is carried out by low skilled workers on beaches or unregulated ship breaking yards, resulting in increased risk of injuries, accidents and fatalities.
 - Ship breaking is carried out in countries with weak regulatory framework and law enforcement, increasing risks of substandard working conditions and worker exploitation.
 - Toxic spills and water pollution cause adverse effects on workers' and local communities' health and livelihoods.
- Carry out ship breaking / recycling in regulated facilities in accordance with international standards.
 - Monitor health and safety standards and working conditions in ship breaking yards; provide workers with appropriate safety equipment and training.
 - Establish grievance mechanisms for workers (including migrant workers) to raise workplace concerns.
 - Restrict ship breaking activities to demarcated areas to reduce potential environmental impacts.
 - Develop monitoring programmes to assess short and long-term environmental impact of shipyards on local livelihoods.

Standards, Resources, and Initiatives

International Standards

- [Universal Declaration of Human Rights, 1948](#)
- [Maritime Labour Convention \(MLC\), 2006](#)
- [ILO Convention 185: Seafarers' Identity Documents Convention, 2003](#)
- [ILO Convention 188: Work in Fishing Convention \(2007\)](#)
- [International Convention on Maritime Search and Rescue \(SAR\) \(1985\)](#)
- [UN Convention on the Law of the Sea, 1982](#)
- [International Convention for the Safety of Life at Sea \(SOLAS\) \(1980\)](#)
- [ISO Standards related to shipbuilding and marine structures](#)
- [Hong Kong Convention, 2009 \(The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships – not yet in force\)](#)

Implementation Frameworks

- [International Transport Workers' Federation and International Chamber of Shipping, Guidelines for Implementing the Welfare Aspects of the MLC \(2018\)](#)
- [Swedbank, Sector Guidelines for Shipping/Maritime Transport \(2018\)](#)
- [Human Rights at Sea, Introduction & Commentary to the 2011 UN Guiding Principles on Business and Human rights & Their Implementation in the Maritime Environment \(2016\)](#)
- [UN Global Compact](#)
 - [Guide for Business Action on Sustainable Development Goals \(SDGs\) \(2015\)](#)
 - [Framework for Implementation \(2010\)](#)

Business and Human Rights

- [UN Guiding Principles on Business and Human Rights \(UNGPs\), 2011](#)
- [OECD Guidelines for Multinational Enterprises, 2011](#)
- [Dhaka Principles for Migration with Dignity, 2011](#)

Sustainable Development Goals

- [SDG 6: Clean water and sanitation](#)
- [SDG 8: Decent work and economic growth](#)
- [SDG 10: Reduced inequalities](#)
- [SDG 12: Responsible consumption and production](#)
- [SDG 14: Life below water](#)
- [SDG 15: Life on land](#)

Initiatives & Organisations

- [Clean Cargo](#)
- [International Maritime Organization](#)
- [Human Rights at Sea](#)
- [Business & Human Rights Resource Centre's Maritime Human Rights Reporting Platform](#)
- [Maritime Anti-Corruption Network](#)
- [NGO Shipbreaking Platform](#)
- [Ship Recycling Transparency Initiative](#)

Host Organisations

- [Danish Institute for Human Rights \(DIHR\)](#)
- [Institute for Human Rights and Business \(IHRB\)](#)
- [Rafto Foundation for Human Rights](#)

