

Joint Declaration on Implementing Urgent Global Solutions to the Shipbreaking Crisis

Shipbreaking yards provide the last resting place for End of Life Ships. At these yards, ships are scrapped, primarily for their steel content. Ship scrapping, often referred to as 'shipbreaking', provides employment to thousands of workers in Asia (Bangladesh, India, China and Pakistan) and allows to recycle many of the materials used in the ship's construction. However, it is a dirty and dangerous activity. Almost all of the vessels slated for breaking contain hazardous substances. In addition, extremely poor working and environmental conditions prevail on shipbreaking yards. Shipbreaking involves environmental justice as well as human rights issues¹.

Negotiations are under way at the international level in view of the adoption of a new binding international instrument (IMO) besides the already existing Basel Convention regime regulating the shipping industry and recycling activities for End of Life Ships.

We, the undersigned organisations, endorse in that context the following declaration/resolution:

Recalling, that the Basel Convention's 7th Conference of Parties has recognized that End of Life vessels containing PCBs, asbestos, heavy metals and other hazardous substances may be legally defined as hazardous wastes in international law, and in their decision regarding environmentally sound management of ship dismantling have called for Basel Parties to fulfill their obligations under the Convention;

¹ See joint FIDH/Greenpeace (in cooperation with YPSA) mission report on shipbreaking in Bangladesh and India, "END OF LIFE SHIPS - the human cost of breaking ships", December 2005

Aware, that the vast majority of ships being broken today are scrapped in violation of the spirit, if not the letter of the obligations of the Basel Convention and its decisions to minimize the transboundary movement of hazardous wastes, which *inter alia* provide Prior Informed Consent² for all such shipments, Environmentally Sound Management of ship recycling and prohibit the export of hazardous wastes from developed to developing countries;

Recognizing, that certain “loopholes” whereby ship owners can readily circumvent the obligations and principles of the Basel Convention need to be closed as a matter of urgency to achieve an even playing field, and the effective implementation of the Convention;

Recognizing also, that the system of Flags of Convenience allowing shipowners to operate ships outside the law, needs to be eliminated in order to achieve an effective control on End of Life Ships;

Aware that because there is no pre-cleaning of the end-of life ships by their owner, shipbreaking countries such as India, China, Bangladesh and Pakistan, are currently left with a toxic waste and occupational health management burden in violation of the principles of human rights, environmental justice, the “polluter pays” and producer responsibility;

Recalling that various ILO conventions as well as the International Covenant on Economic, Social and Cultural Rights are relevant to working conditions on shipbreaking facilities and notably guarantee the rights of workers to the enjoyment of just and favourable conditions of work, the right to form and join trade unions of their choice and the right to the highest attainable standard of health;

Very concerned, that this acute exposure to asbestos, persistent organic pollutants and heavy metals, as well as to explosions from residual hydrocarbons, created as a result of these illegal exports, is creating unacceptable levels of death and suffering from occupational disease;

Affirming, that while working conditions and environmental protection in shipbreaking yards are primarily the responsibility of the governments of shipbreaking countries, the burden for resolving the toxic ship-for-scrap crisis must be moved upstream -- by the shipping industry, shipowners and developed countries whose economies derive primary benefit from global shipping.

² The obligation for shipowners to inform the authorities about what they want to do with their End of Life Ship and ask permission for that.

Recalling that under the International Covenant on Economic, Social and Cultural Rights, States parties also have an obligation to cooperate with and assist developing countries for the realization of economic and social rights;

Recognizing, that much of the toxic ship crisis can be resolved by eliminating the use of toxic substances on ships through “clean shipbuilding” and that such greening of design, and “design for recycling” must be a matter of utmost priority;

Recognizing also, that in light of the need for clean steel scrap in developing countries and the immediate need to save human life, there is a special responsibility for the shipping industry and developed countries to arrange for “gas-free-for-hot-work” certification for End of Life Ships and pre-clean ships in developed countries by removing hazardous substances prior to their final voyage to the shipbreaking yards, and consistent with the principles of the Basel Convention, its decisions, and the principles of environmental justice.

Noting, that at least three United Nations bodies including the Basel Convention, the International Maritime Organization, and the International Labour Organisation are looking at various aspects of the issue, and that their endeavours should be complementary and cooperative, in the respect of the existing competencies of each organization.

Noting as well, that the Joint Working Group of ILO, IMO and the Basel Convention on ship scrapping, a platform for consultation, coordination and cooperation, should endeavour to guarantee that existing environmental justice and human right principles and regulations are incorporated in a new global mandatory regime on shipbreaking (watchdog function).

Finally, aware, that despite over 5 years of international work on this matter at the UN level, almost no improvement has been noted on the ground and some of the world’s most impoverished work forces continue to face death and disease on a daily basis due to the international trade in End of Life Ships containing hazardous substances;

The undersigned organisations hereby call upon UN institutions and governments to implement an effective and enforceable mandatory regime, based on the Basel Convention and the existing Guidelines of IMO, UNEP and ILO, which ensures that:

1. The respective responsibilities of all the actors involved in the process from the designer of the ship to the breaker be established;
2. Shipowners and exporting countries are responsible and held liable for the proper handling of hazardous and explosive materials on board of End of Life Ships;
3. Ships are progressively decontaminated of hazardous substances and replaced with non-hazardous material at every opportunity provided such as during dry-docking for repairs;
4. New ships are constructed with a view to minimising hazards at the time of breaking;
5. International standards on labour, safety, health and the environment be respected at shipbreaking yards wherever they may be;
6. A fund fed by the shipowners and governments be created to support the improvement of working conditions at shipbreaking yards and to compensate the victims of accidents on the yards and their family;
7. Such a new legally binding regime on shipbreaking should be “at least as equivalent“ to that found in the Basel Convention. It should develop provisions for full transparency regarding the “intent to dispose” of the ship, for clean shipbuilding and for mandatory substitution of hazardous substances, for pre-cleaning of ships before they are sent to the yards, for absolute transparency regarding the identity of shipowners at all times and for full transparency at any given time on all hazardous substances onboard ships.

In addition, we call upon OECD member States to encourage the development of ship pre-cleaning technology and infrastructure in their territories.

Finally, as the new regime will take years to be effective, we call upon the parties and the members of the Basel Convention and the Joint Working Group of ILO, IMO and the Basel Convention to immediately start enforcement of the existing instruments, like the Basel Convention and the ILO Guidelines, in order to save human life and to protect the environment.

END

Signed by

1. International Federation for Human Rights (FIDH)
2. Greenpeace International
3. Young power in Social Action (YPSA, Bangladesh)
4. International Ban Asbestos Secretariat (IBAS)
5. International & virtual Ban Asbestos Network
6. Union of Harbour, Dock Shipbuilding-Repair Workers (DISK Limter Is, Turkey)
7. International & virtual Ban Asbestos Network for Latin America
8. Ban Asbestos France
9. Basel Action Network (BAN, USA)
10. Corporate Accountability Desk, India
11. Ban Asbestos Network Japan (BANJAN)
12. Brazilian Asbestos Exposed People Association (ABREA: Associação brasileira dos ex-espostos ao amianto)
13. Japan Occupational Safety and Health Resource Center (JOSHRC)
14. Centre of Indian Trade Unions (CITU)
15. Ban Asbestos India
16. European NGO Platform on Shipbreaking (North Sea Foundation, European Federation for Transport and Environment, Greenpeace, Keep it Blue, Bellona)
17. Odhikar (a Bengali word meaning “rights”, is a human rights organisation in Bangladesh and a member organisation of FIDH)
18. UBINIG (Bengali name *Unnayan Bikalper Nitinirdharoni Gobeshona* in English: Policy Research for Development Alternatives; a policy advocacy and research organisation in Bangladesh)
19. Union of Chambers of Turkish Engineers and Architects (UCTEA) Chamber of Environmental Engineers (CEE)
20. Citizens Against Chemicals Pollution, Japan
21. Occupational Health Clinics for Ontario Workers (OHCOW) Sarnia/lambton (Canada)
22. All India Trade Union Congress (AICTUC)

23. Asbestos Exposed People Association from Bahia (ABEA - Associação Bahiana dos Expostos ao Amianto)
24. Ain o Salish Kendra (ASK), Bangladesh
25. New Trade Union Initiative, (NTUI, India)

December 13th, 2005