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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL"

Written statement* submitted by the International Federation of Human Rights Leagues (FIDH), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 May 2007]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Toxic Waste in South Asia

The International Federation for Human Rights (FIDH), on behalf of the International NGO Platform on Shipbreaking[1], would like to raise its concerns regarding the negative impact on human rights of the illicit movement of waste linked to the breaking of ships in South Asia.

FIDH welcomes the fact that the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights has been attentive to the issue of shipbreaking as part of his mandate. However, in spite of an increased international awareness on the issue in the past years, no significant improvement of the working conditions on shipbreaking yards has been noted.

None of the sites used for ship dismantling in South Asia (Bangladesh, China, India and Pakistan) where more than 80 percent of today's end-of-life vessels are dismantled, have containment to prevent pollution of soil and water, few have waste reception facilities, and the treatment of waste rarely conforms to even minimum environmental standards. Heavy metals, asbestos, dangerous levels of organotins, and cancer-causing poly-aromatic hydrocarbons (PAHs) onboard end-of-life-vessels contaminate the workplace and surrounding environment. The levels of some of the pollutants in the soil and sediment in and around the shipbreaking yards are high enough to warrant the classification of these soils as hazardous wastes, and because many of the toxics released in the course of shipbreaking are persistent and bioaccumulative in nature, the toxics will remain present in the local environment for very long periods of time. Already, according to inhabitants and fishermen living along and close to the shipbreaking yards in Bangladesh, it is increasingly difficult for fishing communities to maintain their traditional livelihood. However, to date there is no discussion about cleaning up such toxic hot-spots.

At the shipbreaking yards, unions' rights are *de facto* extremely restricted and national legislation on workers' rights is not properly enforced. Low wages correlate to a serious lack of infrastructure and resources to enforce laws, monitor compliance, provide training and education; access to clinics is poor, protective equipment is scarce or inexistent and the workers are thus daily exposed to a deadly cocktail of toxic substances released when dismantling the end-of-life vessels. According to a report submitted to the Indian Supreme Court in September 2006[2], one out of six workers at Alang suffers from asbestosis. Further, the fatal accident rate is said to be six times higher than in the Indian mining industry.

Several reports by the NGO community, DNV[3] and the ILO[4] have documented this unacceptable situation. A report published in 2005 by Greenpeace and FIDH provided an

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[1] The members of the Platform are Ban Asbestos Network India, Basel Action Network, Greenpeace, Bellona Europa, European Federation for Transport and Environment, North Sea Foundation, International Federation for Human Rights, Ban Asbestos, L'Association pour le Paquebot France, Corporate Accountability Desk India, Bangladesh Environmental Lawyers Association and Young Power in Social Action.

[2] Report of the Committee of Technical Experts on Shibreaking activities, Chairman Dr. Prodipto Ghosh, Writ Petition No. 657 of 1995, 30 August 2006.

[3] http://www.ilo.org/public/english/protection/safework/sectors/shipbrk/index.htm

[4] The report can be downloaded fromhttp://www.fidh.org/article.php3?id_article=2910. Several other reports on shipbreaking can be downloaded from http://www.greeanpeace.org/shipbreak

in-depth look into the human cost of today's shipbreaking practises[5]. Causes of death include explosions, fire, suffocation and accidents caused by falling steel beams and plates. Further, most of the occupational toxicity problems involve chronic toxicity which creates debilitating disease and death over the course of many years. Some cancer types and asbestos related diseases will only occur 15 to 20 years later. If one were to include these 'hidden' deaths, Greenpeace and FIDH estimate that the total death toll of shipbreaking practices in the world over the last 20 years might well be in the thousands. Furthermore, apart from casualties, many more workers become severely ill or are permanently handicapped.

Thousands of workers have died and are still dying due to the multiple hazards of shipbreaking as practised today in South Asia, leaving of widows and orphans without resources. The total death toll from shipbreaking will further increase considerably as more inexperienced and unskilled labourers are recruited to deal with the increasing numbers of single-hull tankers and accumulated number of vessels to be scrapped in the coming years.

A ship owner simply chooses to scrap a ship at the shipbreaking yard offering the highest price, without taking into account the disastrous safety and working conditions, at the expense of the workers' health and safety and in violation of international human rights and environmental law. Due to inexistent or not-enforced labour and environmental standards, as well as the cheap labour and the absence of expensive machinery, South Asian shipbreaking yards have extremely low operating costs.

At the end of 2005 the IMO decided that it will develop a new binding Convention for the Safe and Environmentally Sound Recycling of Ships. The NGO Platform on Shipbreaking, while initially applauding and accepting that the IMO bears responsibility to address the issue in an appropriate way and with the required "equivalent level of control" as that found in the Basel Convention, currently finds little evidence that this will take place. There is a clear concern that the IMO Draft Convention is at present so weak that it places no substantial additional legal obligations or financial incentives for shipbreaking countries or shipowners to improve the situation.

Glaringly absent from the IMO Draft Convention is *any* attempt to address the human rights consequences of the global trade in hazardous ships, and the clarion call, made as early as the late 1980s for the minimization of transboundary movements of wastes in particular to developing countries. The IMO effort unfortunately continues to evade this most fundamental issue of concern about shipbreaking practices today – that is, the exploitation of weaker economies and desperate labour forces by those wishing to find cheap disposal routes for high-risk wastes.

The IMO Convention is further not expected to be adopted before 2009 and ratified at the earliest another six years later. This is too late to deal with the single-hull-oil-tanker fleet. Effective measures must be immediately adopted to strengthen the capacity of the countries of destination to deal with end-of-life ships in an environmentally sound manner, respectful of the safety and health of the shipbreaking yards' workers and local communities living nearby. OECD countries should also urgently develop adequate facilities in order that end-

[5]There is an estimated back lag of 15 mill LDT due to the current high freight rates. See COWI…… June 2007

of-life ships be pre-cleaned of their toxic materials before they are sent for dismantling. A fund fed by ship owners and governments supporting the improvement of working conditions at shipbreaking yards and to compensate victims and their families should also be created.

For more than 10 years shipbreaking has been the issue of public debate. However, no real changes to the unacceptable situation on the ground have taken place, instead the "race to the bottom" continues and the polluters, i.e. the shipowners, continue to avoid bearing the costs of protecting human health and the environment.

Recommendations

FIDH and the International NGO Platform on Shipbreaking call on the Human Rights Council:

- **to respect international human rights, including fundamental rights at work in countries where shipbreaking yards are located;**
- **to invite the Special Rapporteur on the Adverse Consequences on the Effects of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights to visit shipbreaking yards;**

FIDH and the International NGO Platform on Shipbreaking call on

- **the Special Rapporteur on the Adverse Consequences on the Effects of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights to take part in the negociations of an International Convention on the Safe and Environmentally Sound Recycling of Ships in order to make sure the protection of human rights of workers and local communities is duly considered.**
