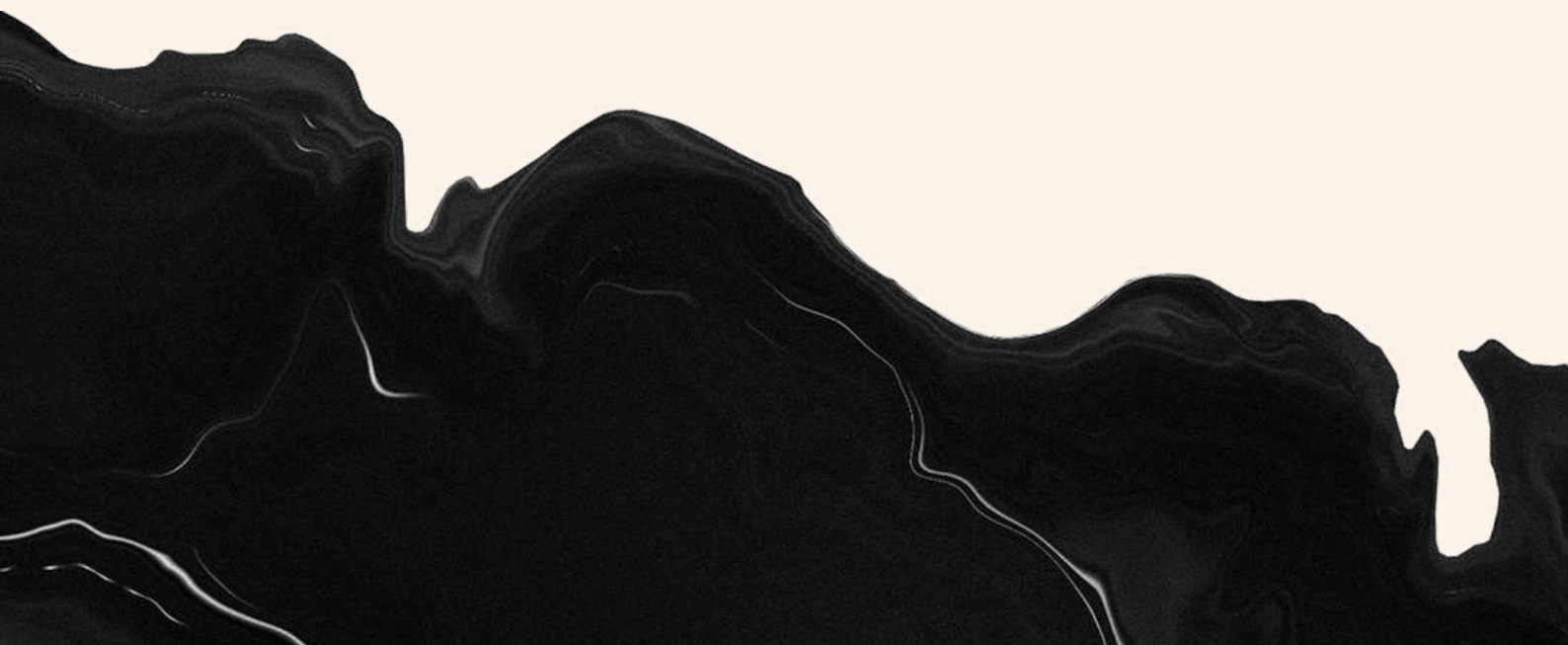


SOUTH ASIA QUARTERLY UPDATE

#38



VISION & MISSION

Vessels are recycled in facilities that ensure clean, safe, and just practices that provide workers with decent jobs. Vessels will be toxic-free and no longer cause harm to workers, local communities, or the environment at end-of-life.

To act as a catalyst for change by effectively advocating for clean, safe, and just ship recycling globally. This necessitates denouncing dirty and dangerous practices, such as the dumping of end-of-life vessels on the beaches of developing countries. Our commitment to finding sustainable global solutions is based on the respect of human and workers' rights and the principles of environmental justice, producer responsibility, 'polluter pays', and clean production.

JULY 2024
SAQU#38

In this quarterly publication, we inform about the shipbreaking practices in South Asia, providing an overview of accidents that took place on the beaches of Bangladesh, India and Pakistan, relevant press media as well as research. We aim to raise public awareness about the many negative impacts of shipbreaking in South Asia as well as developments aimed at the protection of workers' rights and the environment.

*workers suffered an accident
while scrapping ships on
South Asian beaches*

4

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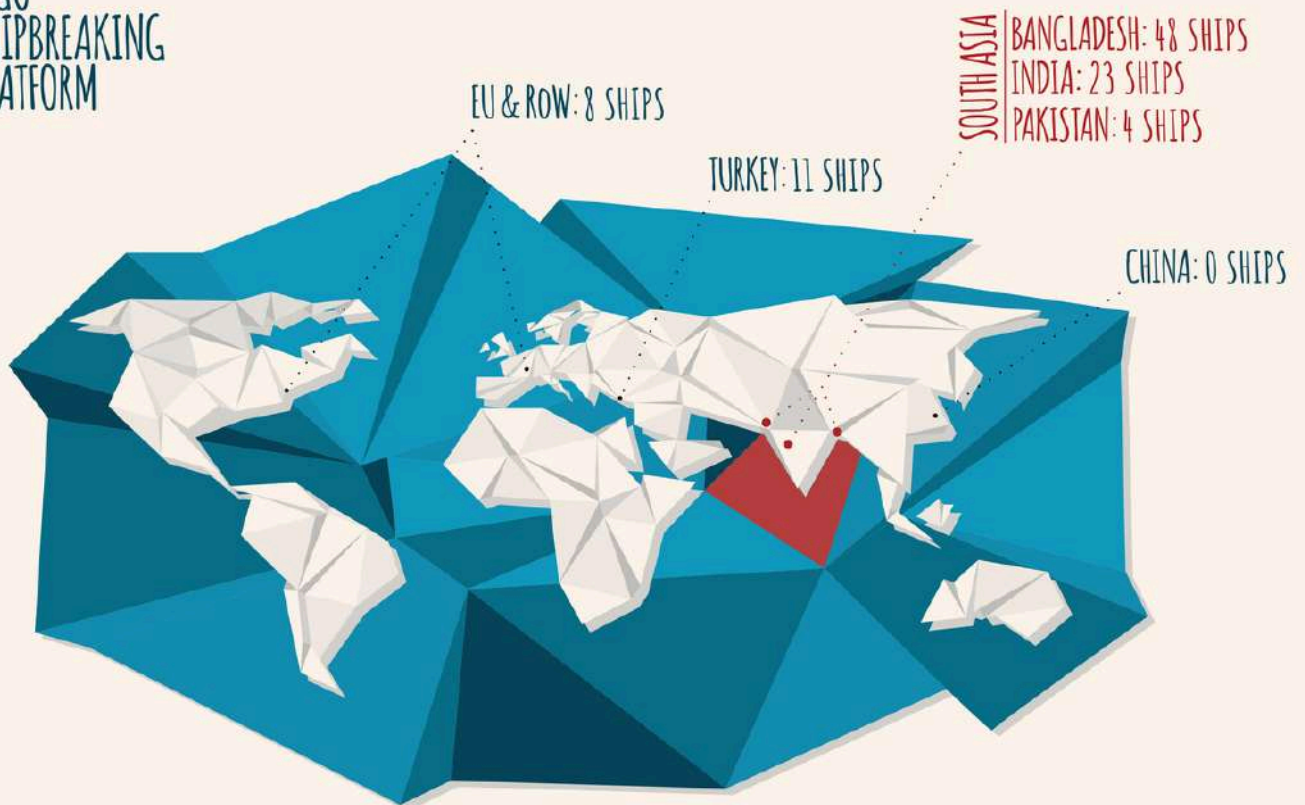


03

SHIPBREAKING RECORDS



NGO
SHIPBREAKING
PLATFORM



TOTAL
94 SHIPS DISMANTLED WORLDWIDE
APRIL - JUNE 2024



ON THE BEACH

OFF THE BEACH

04

ACCIDENTS

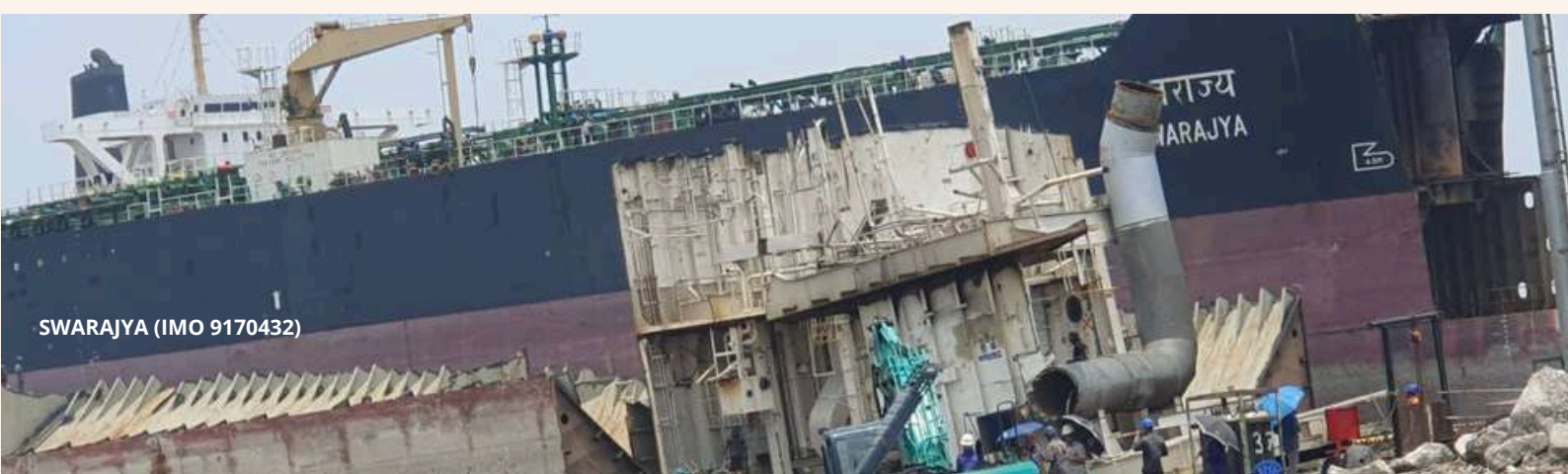
Improving safety and transparency in the shipbreaking sector is crucial to prevent accidents and protect workers' well-being. Currently, accidents are reported by the Platform based on local sources and media reports. However, as the sector suffers from a serious lack of transparency, many incidents likely go unreported, particularly in Bangladesh, India and Pakistan, where authorities and industry fail to publish data. Moreover, the absence of data on occupational diseases, including cancer, further exacerbates the lack of accountability towards workers and leads to the workers being exposed to toxics unknowingly on a daily basis.

BANGLADESH

On 13 May, Md Mizanur Rahman, a cutter man, fell from the top of a ship. He broke his leg and injured his head. The accident took place at APS Corporation onboard the Hong Kong-registered vessel FAR EAST CHEER (IMO 9413509), owned by Wantong International Group. Md Mizanur Rahman's treatment at Chattogram Medical College Hospital (CMCH) was paid by the yard owner.

On 21 May, Md Moslim (50) lost his life for reasons that remain unknown at Prime Trade Corporation. The worker was a helper on the ship SINOKOR HONG KONG (IMO 9146663), owned by South Korean Sinokor.

On 28 May, Bodrul Islam (54) sustained a leg injury while working as a fitter during the dismantling of the ship SWARAJYA (IMO 9170432). The vessel, formerly owned by the Indian government and subsequently sold to the cash-buyer Best Oasis, was beached at SN Corporation. The following day, 29 May, another accident occurred onboard the same ship, injuring Narion (36) on his hand.



SWARAJYA (IMO 9170432)

05

DEVELOPMENTS IN BANGLADESH

FOREST LAND LEASED TO KOHINOOR STEEL

On 14 February, 2022, Kohinoor Steel was granted a lease for five acres of land despite objections from the Forest Department. Forest officials alleged that the lease was secured based on the false claim that the land was located in North Salimpur, and within the shipbreaking industry zone. Hence, Platform's member Bangladesh Environmental Lawyers Association (BELA) issued legal notices to various parties, and filled a contempt of court plea for re-leasing the land. Since then, the lease has been cancelled twice by the High Court. Despite of this, on 26 April, Kohinoor's owner, Abul Kashem, regained the five-acre coastal land in Chattogram's Sitakunda after appealing to the divisional commissioner of Chattogram. The Divisional Commissioner, Md Tofayel Islam, stated that Kohinoor's lease was reinstated after proper review and scrutiny of the documents. This appeal was against the deputy commissioner's office decision to cancel the lease.

SHIP CAUGHT FIRE AT AREFIN ENTERPRISE YARD

On 18 May, a ship that was being scrapped at Arefin Enterprise shipbreaking yard in Bhatiary, Sitakunda in Chattogram caught fire at 4:10pm while workers were cutting the ship. The blaze soon engulfed the engine room of the ship. Since there was oil in the engine room, it took considerable time to extinguish the fire. Fortunately, no casualties were reported.

WORKERS DEMAND MINIMUM WAGES

The Shipbreaking Workers Trade Union Forum organised a human chain in Chattogram to demand the minimum monthly wage of shipbreaking workers to be set at Tk 20,000. The introduction of a minimum wage for shipbreaking workers was announced in 2018, but has never been enforced. Once again, the workers requested that the Eid-ul-Adha bonus, marking a significant Muslim celebration, be paid by 10 June, along with the full salary for May and a partial salary for June. They urged the Directorate of Inspection of Factories and Institutions (DIFE) to ensure these payments are made.

06

INTERNATIONAL LABOUR LAWS ON SHIPBREAKING IN SOUTH ASIA

Shipbreaking, acknowledged by the International Labour Organisation (ILO) as among the most dangerous occupations in the world, is well known for its poor occupational safety and environmental health record. In Bangladesh, India and Pakistan there are a set of rules that govern shipbreaking activities, yet poor enforcement has resulted in a sector allowed to operate in breach of these rules. The three South Asian countries have furthermore not ratified all ILO Conventions aimed at protecting workers and thus leave shipbreaking workers in a vulnerable position.

In 2004, the ILO introduced guidelines entitled "Safety and Health in Ship Disposal for Asia and Turkey," aimed at ensuring safe practices within the shipbreaking industry under the framework of the ILO's Decent Work Agenda. Focused on occupational safety, health, and working conditions, these guidelines are not legally binding and are not intended to replace national laws or regulations. However, they offer valuable guidance to policymakers, aiding in the enhancement of implementation of ILO standards, occupational health and safety measures, and relevant international regulations by ship recycling entities and competent authorities.

None of three South Asian shipbreaking countries have an effective and official monitoring system for the reporting, recording, notification, investigation and compensation of work-related injuries and diseases, ill health, and incidents, nor is there any monitoring of occupational diseases related to this industry such as, for example, asbestosis or lung cancer. There is furthermore often a lack of first aid facilities, adequate emergency response, and rescue operations, exacerbating the risks in the event of an accident.



07

The shipbreaking industry relies mostly on temporary and migrant workers supplied by unscrupulous contractors. Workers in the shipbreaking industry of South Asia thus lack employment contracts, depriving them of essential social protections. These protections should include benefits for injuries, sickness, temporary and permanent disability through workers' compensation for occupational accidents and diseases, and compensation for survivors in the event of work-related deaths. These benefits should be extended to all workers in shipbreaking, regardless of their employment status. In India, for example, payment of gratuity and compensation in case of accidents has been taken up by the union on case by case basis (1).

The surplus labour supply in South Asia, coupled with inadequate awareness of accident risks and the harmful effects of the shipbreaking activities, exposes workers to potentially hazardous environments without adequate protection. Wages do not cover medical expenses necessary to restore workers' health if they fall ill during their employment and the costs of occupational diseases, which usually manifest many years later. Research has shown that 89% of workers leave the workforce before completing ten years of service, primarily due to health deterioration. However, profit-driven shipyard owners in South Asia have continuously exploited minimal legal restrictions to conduct shipbreaking activities on open beaches, foregoing safer and more technically sound dismantling methods to reduce costs and maximize profits, often under the argument of providing employment opportunities for the impoverished.

(1) According to findings from the ILO in November 2022.

08

PHYSICAL, BIOLOGICAL AND PSYCHOLOGICAL HAZARDS

- **Physical Hazards:** Workers are exposed to significant physical dangers such as falling objects, heavy machinery accidents, slips, and falls, which can result in severe injuries or fatalities.
- **Chemical Exposure:** The dismantling process exposes workers to hazardous chemicals, leading to long-term health issues including respiratory problems, cancer, and neurological disorders.
- **Dust Inhalation:** Inhalation of dust particles during shipbreaking activities can cause respiratory problems and other health issues.
- **Noise Pollution:** Torch cutters and workers in the primary and secondary zones of the yard are subjected to high noise levels, which can cause hearing loss and other auditory problems.
- **Non-Ergonomic and Toxic Environment:** Workers are exposed to non-ergonomic conditions and toxic environments, leading to musculoskeletal disorders and other health issues.
- **Mental and Emotional Strain:** The job's physical demands, long working hours, low wages, and lack of job security contribute to significant mental and emotional stress, leading to anxiety, depression, and other psychological issues. These are often ignored.
- **Toxic residues**, carried by tides and humid air, infiltrate entangled coastal ecologies, causing detrimental effects on shipbreaking workers, and surrounding areas and villages.

09

BANGLADESH

In 2011, the Ministry of Industries of Bangladesh introduced a comprehensive regulatory framework known as *The Ship-breaking and Recycling Rules 2011 (SBRR)*. This initiative was complemented by the enactment of another crucial regulation by the Department of Environment (DoE) called the *Hazardous Waste and Ship-breaking Hazardous Waste Management Rule 2011*. Both regulations have been in force since December 2011, aiming to ensure compliance and accountability within the industry. However, and despite the enactment of other laws such as the Labour Act 2006 and the Shipbreaking Act 2018, enforcement has been limited, resulting in ongoing violations of both environmental regulations and labour rights.

In response to a complaint filed by several workers' organisations in Bangladesh to the ILO in 2019, the ILO has established a roadmap for the Bangladeshi government. This roadmap is a time-bound action plan aimed at addressing various issues, including labour law reforms, trade union registration, labour inspection and enforcement, and combating acts of anti-union discrimination, unfair labour practices, and violence against workers.

Fundamental Conventions applicable to the shipbreaking industry ratified and not ratified by Bangladesh include:

Ratified by Bangladesh	Not Ratified by Bangladesh
<ul style="list-style-type: none"> - Right to Organise and Collective Bargaining Convention, 1949, No.98: <i>ratified in 1972</i> - Freedom of Association and Protection of the Right to Organise Convention, 1948, No.87: <i>ratified in 1972</i> - Minimum Age Convention, 1973, No.138: <i>ratified in 2022</i> - Worst Forms of Child Labour Convention, 1999, No.182: <i>ratified in 2001</i> 	<ul style="list-style-type: none"> - Occupational Safety and Health Convention, 1981, No.155 - Promotional Framework for Occupational Safety and Health Convention, 2006, No.187

10

- Scholars and researchers have long advocated for comprehensive legislation to govern the shipbreaking sector in Bangladesh in alignment with ILO guidelines. Furthermore, field surveys reveal that the stringent provisions of the existing law are not consistently adhered to.
- According to the latest Government of Bangladesh report dated 16 February 2024, there is a significant lack of concrete action regarding workers' rights and workplace safety. In 2023, IndustriALL reported that 27 proposed unions, supported by IndustriALL's affiliates, filed for union registration, but only 8 were approved while 19 were rejected. The reason cited by the Department of Labour was that less than 20 percent of the workforce was listed as proposed members, which is incorrect, IndustriALL says.
- It is known that shipbreaking yard owners discourage organising efforts in their yards, often engaging in union busting activities. The absence of unions leaves workers without representation, making it difficult to advocate for better working conditions and social protection.
- Moreover, it was reported that recently the courts have started demanding national identity cards and passport-sized photos for the submission of court cases, which workers find extremely difficult to comply with each time. The courts are time consuming and expensive, and ineffective in aiding workers in the shipbreaking industry.
- Reports indicate that labourers in Bangladesh often lack basic privileges and work long hours without overtime pay or holidays. Moreover, there is typically no formal employment contract with yard management.
- As labour in Bangladesh's shipbreaking industry is largely informal, it is unregulated and rarely subject to occupational health and safety inspections or controls. Bangladesh authorities are ill-equipped to conduct proper inspections of end-of-life ships before approving them for import, so they will often rely on the seller or another offshore third party.

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- There is no overall policy on Occupational, Safety and Health (OSH) and the working environment as required by the Occupational Safety and Health Convention, 1981 (No. 155), not yet ratified by Bangladesh. Safeguarding occupational health and safety, as well as decent working and living conditions, should be the overall responsibility and duty of the employer of the shipbreaking facility, as prescribed by national laws and regulations.
- In Bangladesh, despite consistent denials by yard owners, all interviewed workers reported that secondary cutting areas operate in all yards during the night.

INDIA

In 2013, India's Ministry of Steel issued the Ship Breaking Code, detailing procedures for anchorage, beaching, and recycling, and mandating environmental and occupational safety measures. This Code, based on the beaching method for ship dismantling, was revised in 2017 to address hazardous substance disposal responsibilities, amid compliance issues at Alang shipbreaking yards. In 2019, India adopted the Hong Kong Convention (HKC) and enacted the Recycling of Ships Act 2019, to regulate ship recycling, set standards, and align with international obligations. Despite global concerns about beaching, the Act retains the same methodology as the 2013 Code, focusing on responsibilities of ship owners and recyclers, and preparation of ship recycling plans, without addressing the further processing or disposal of hazardous materials.

Fundamental Conventions applicable to the shipbreaking industry ratified and not ratified by India include:

Ratified by India	Not Ratified by India
<ul style="list-style-type: none"> - Minimum Age Convention, 1973, No.138: <i>ratified in 2017</i> - Worst Forms of Child Labour Convention, 1999, No.182: <i>ratified in 2017</i> 	<ul style="list-style-type: none"> - Freedom of Association and Protection of Right to Organised Convention 1948, No.87 - Right to Organise and Collective Bargaining Convention 1949, No.98 - Occupational Safety and Health Convention, 1981, No. 155 - Promotional Framework for Occupational Safety and Health Convention, 2006, No. 187

12

- There is no overall policy on OHS and the working environment as required by the Occupational Safety and Health Convention, 1981 (No. 155), not yet ratified by India.
- There is a lack of effective labour inspections as thoroughly described in the ILO Guidelines, and confirmed by fieldwork of the ILO in 2022. IndustriALL Shipbuilding-Shipbreaking Action Group Meeting identified serious concerns on OHS and working conditions in the downstream industry.
- In India, the contractors decide who will work and where to place any contracted day labourer at a given day or time. The Recycling of Ships Act 2019 allows yard owners to transfer their legal responsibilities to unidentified and unregistered contractors, perpetuating the exploitation of vulnerable workers to minimize costs. Neither the Ship Breaking Code 2013 (Revised) nor the Recycling of Ships Act 2019 regulates contractor recruitment, and these contractors are often unable to cover financial liabilities for accidents, including serious injuries and casualties.
- In India, access to basic housing amenities such as potable water, sanitation, electricity, drainage systems, and education for their children is poor (2).
- The Recycling of Ships Act 2019 in India does not mandate the use of powerful cranes, heavy machinery, or advanced technology, failing to discourage the reliance on inexpensive manual labour.

(2) According to findings from the ILO in November 2022.

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PAKISTAN

In 1978, the Government of Pakistan announced several measures, including the classification of Gadani as a port, the reduction of import taxes on end-of-life ships, and the establishment of a unit to address infrastructure and logistics matters. The Government of Balochistan under the Balochistan Development Authority (BDA) Act of 1974 created the “*The Balochistan Ship Breaking Industry Rules, 1979*” to regularise the shipbreaking sector as an industry. However, these regulations have not been amended to align with Pakistan's 1997 Environment Act, requiring a thorough review. Additionally, the shipbreaking industry in Pakistan has never been officially declared an industry, and has since then been operating informally. Pakistan's record of compliance with international labour standards remains a challenge, specifically in the context of the ILO Conventions protecting the freedom of association, the right to organise, and the right to collective bargaining.

Fundamental Conventions applicable to the shipbreaking industry ratified and not ratified by Pakistan include:

Ratified by Pakistan	Not Ratified by Pakistan
<ul style="list-style-type: none"> - Freedom of Association and Protection of the Right to Organise Convention 1948, No.87: <i>ratified in 1951</i> - Right to Organise and Collective Bargaining Convention, 1949, No.98: <i>ratified in 1952</i> - Minimum Age Convention 1973, No.138: <i>ratified in 2006</i> - Worst Forms of Child Labour Convention 1999, No.182: <i>ratified in 2017</i> 	<ul style="list-style-type: none"> - Occupational Safety and Health Convention, 1981, No.155 - Promotional Framework for Occupational Safety and Health Convention, 2006, No. 187

14

- There is no overall policy on OHS and the working environment as required by the Occupational Safety and Health Convention, 1981 (No. 155), not yet ratified by Pakistan.
- The industry is not recognised as an official occupation.
- There is a lack of effective labour inspections as thoroughly described in the ILO Guidelines.

RESEARCH & READINGS

2022

Ishtiaque Ahmed

This article provides an in-depth analysis of the Indian legislative framework regarding ship recycling. The author concludes that while India has a rich tradition of environmental jurisprudence fostered by judicial activism, this progress has been significantly undermined by executive apathy and legislative passivity, driven by economic considerations. The principal issue is the lack of political will and enforcement by the executive branch. This conflict between the State's international obligations, breaches of fundamental constitutional provisions, and disregard for Supreme Court directives raises doubts about the new legislative regime's ability to achieve sustainable ship recycling in India. For now, this remains an unfulfilled expectation, the author concludes.

The Origin and Evolution of the Shipbreaking Regime in India: A Critical Perspective

2024

Camelia Dewan and Elizabeth A. Sibilila

The authors investigate how shipbreaking in South Asia involves dismantling toxic vessels that release hazardous materials into coastal communities and wetlands. Drawing from fieldwork with shipbreaking workers and local fishing communities in Bangladesh, they conceptualize "toxic flows" to trace the lived experiences of those exposed to industrial pollution from shipbreaking. The study discusses shipbreaking as a form of "structural violence" and examines the potential of the recently ratified Hong Kong Convention to mitigate these toxic flows. The authors conclude that without state regulatory enforcement and supervision, structural violence, such as reduced life expectancies due to toxic exposure, risks becoming entrenched in the logic of oceanic forms of accumulation.

Global containments and local leakages: Structural violence and the toxic flows of shipbreaking.

OUR REPORTS

NGO Shipbreaking Platform

“Trading Lives for Profit: How the Shipping Industry Circumvents Regulations to Scrap Toxic Ships on Bangladesh’s Beaches” - In collaboration with Human Rights Watch (2023)

Breaking Out: Anchoring Circular Innovation for ship recycling. (2022)

The Toxic Tide - Data and figures (2022)

Contradiction in terms: European Union must align its waste ship exports with international law and green deal (2020)

Study Report on Child Labour in the Shipbreaking Sector in Bangladesh (2019)

Behind the Hypocrisy of Better Beaches (2019)

Recycling Outlook. Decommissioning of North Sea Floating Oil & Gas Units. (2019)



To ensure that safe and clean ship recycling becomes the norm, and not the exception, the Platform will continue to inform policy makers, financial and corporate leaders, as well as researchers and journalists. With a broad base of support both in orientation and geographically, including membership in ship owning as well as shipbreaking countries, the Platform plays an important role in promoting solutions that encompass the respect of human rights, corporate responsibility and environmental justice.

WILL YOU JOIN US?

**IF YOU SHARE OUR VISION PLEASE MAKE A DONATION
TO SUPPORT OUR WORK OR CONTACT US TO FIND OUT
HOW WE CAN WORK TOGETHER!**

**SUPPORT
OUR WORK**



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WE THANK THE EUROPEAN COMMISSION AND THE LIFE PROGRAMME FOR THEIR SUPPORT.