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JOINT ILO/IMO/BC WORKING GROUP ON  
SHIP SCRAPPING  
1st session  
Agenda item 8

ILO/IMO/BC WG 1/8  
18 February 2005  
ENGLISH ONLY

## REPORT OF THE WORKING GROUP

### 1 INTRODUCTION

#### Opening of the session

1.1 The Joint ILO/IMO/BC Working Group on Ship Scrapping, hereinafter referred to as “Joint Working Group”, held its first session from 15 to 17 February 2005 at the Headquarters of the International Maritime Organization (IMO). The list of participants is attached at annex 5.

1.2 Mr. Jean-Claude Sainlos, Director, Marine Environment Division (IMO), welcomed participants on behalf of the Secretary-General of IMO.

1.3 Mr. Sainlos noted that ship recycling contributes to sustainable development and is the most environmentally friendly way of disposing of ships, however, the reported status of working practices and environmental standards in recycling facilities in certain parts of the world often leaves much to be desired.

1.4 He then stated that in the last few years the relevant bodies of IMO, ILO and the Basel Convention, having noted the growing concerns about environmental safety, health and welfare matters in the ship recycling industry, and the need to minimize the related environmental, safety and occupational health risks related to ship recycling, had taken swift action to tackle this problem.

1.5 Referring to the relevant decisions of the fifty-first session of the IMO Marine Environment Protection Committee (MEPC), the Seventh Meeting of the Conference of the Parties to the Basel Convention (COP 7), and the 291st session ILO Governing Body on the establishment of the Joint Working Group, Mr. Sainlos stressed that the Group had an important task to perform in acting as a platform for consultation, co-ordination and co-operation in relation to the work programme and activities of ILO, IMO and the Conference of Parties to the Basel Convention with regard to issues related to ship recycling. He urged the Group to pursue a co-ordinated approach to the relevant aspects of ship recycling with the aim of formulating suitable recommendations to the pertinent bodies of IMO, ILO and Basel Convention, as appropriate.

1.6 Mr. Sainlos stated that, in accordance with its terms of reference, the Joint Working Group had an important task to perform in considering the respective work programmes of the pertinent bodies of ILO, IMO and the Conference of Parties to the Basel Convention on the issue of ship scrapping with the aim of avoiding duplication of work and overlapping of roles,

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responsibilities and competencies between the three Organizations, and identifying further needs. The Joint Working Group should undertake a comprehensive initial examination of the relevant ILO, IMO and Basel Convention guidelines on ship scrapping, with a view to identifying any possible gaps, overlaps, or ambiguities and it should also consider mechanisms to promote jointly their implementation. It was also mentioned that the consideration of the technical co-operation activities on ship scrapping was a significant task for the Joint Working Group, which should consider ways to strengthen further the assistance provided to developing countries to improve environment and safety levels in ship recycling operations.

1.7 Having highlighted the important work that the Joint Working Group had to undertake, Mr. Sainlos stressed that the co-operation between IMO, ILO and the Basel Convention was instrumental and essential to build the required coherence at the international level in order to improve the protection of human health and the environment at ship recycling facilities and to mobilize the resources to achieve these goals. He further stated that ship recycling would remain a priority on the international agenda and, therefore, this fruitful co-operation should continue in order to meet the challenges ahead for the benefit of people and the environment.

1.8 With regard to the IMO work on ship recycling, Mr. Sainlos stated that the MEPC had given the utmost priority and urgency to this issue and that the Organization is highly committed to contribute towards the development of a realistic, pragmatic, well-balanced, workable and effective solution to the problem of ship recycling, which will take into account the particular characteristics of world maritime transport and the need for securing the smooth withdrawal of ships from trade at the end of their operating lives.

1.9 At the specific request of the Secretary-General, he referred to the tsunami disaster in South Asia and outlined IMO's response to it. From the outset, he said, IMO had joined the rest of the world in expressing its shock and sadness at those dreadful events and he took the opportunity, once again, on behalf of the Secretary-General, to convey the deepest compassion of the IMO Secretariat to those caught up in the tragedy. In the immediate aftermath of the disaster, the Secretary-General had written to the United Nations Secretary-General and to representatives in London of all the countries affected to express the maritime community's sadness at the enormity of the disaster and to offer all available assistance in support of the wider efforts to bring aid and comfort to those in need.

1.10 The Secretary-General had later inaugurated the **Tsunami Maritime Relief Fund**, through which the contributions of the Organization and the shipping industry as a whole could be channelled to the UN disaster relief agency. The Fund was still open and the boxes in the meeting room and elsewhere in the building were still there for any donation participants might wish to make. So far, £61,200 had been collected and the Secretary-General wished to thank all donors, including the staff and interpreters, for their generosity. The Director hoped, by the end of the session, to report a much higher total. It would be unforgivable, he said, for any of us to allow our compassion to wane with every day that passed since the dreadful disaster had occurred.

1.11 Subsequent to those initiatives, the Organization had developed a joint plan for future actions to be undertaken together with the International Association of Marine Aids to Navigation, Lighthouse Authorities and the International Hydrographic Organization. As the crisis moves into the recovery and restoration phases, the three Organizations, together with the World Meteorological Organization, would be focusing their attention principally on ensuring the integrity of the region's maritime navigational infrastructure to ensure the safe navigation of ships, including those carrying urgently-needed relief supplies. IMO had also agreed to a request from the United Nations Environment Programme to send two IMO experts to help set up an

environmental crisis centre in Indonesia, and IMO stood ready to play its role in the development of an early tsunami warning system in the Indian Ocean, similar to that which existed for the Pacific Ocean.

1.12 Mr. Sainlos concluded by wishing the Joint Working Group every success in its deliberations at this first session.

1.13 Ms. Donata Rugarabamu, Senior Legal Officer, Secretariat of the Basel Convention, in her opening remarks, thanked, on behalf of the Executive Secretary of the Basel Convention, the IMO for hosting this first meeting of the Joint Working Group and, in particular, the IMO Secretariat for the extensive efforts made in performing the secretariat functions for the present meeting. She also extended her appreciation to Mr. Sainlos for the excellent overview that he had provided concerning this Joint Working Group, and his identification of the challenges that this Group will have to address over the next few days.

1.14 She pointed out that the Basel Convention recognized the need for co-operation amongst interested Organizations to achieve coherent, practical and effective approaches to the question of ship dismantling, with a view to ensuring, by the appropriate means, the environmentally sound management of this activity. It was also stated that the Basel Convention Secretariat had observed that the benefits derived from co-operation between international Organizations was paralleled by the value of co-operation between the various interested ministries at the national level; normally ministries of environment, transport and labour. Therefore, she welcomed the presence at the Joint Working Group of many delegations comprising representatives from each of these three sectors; noting that collaborative action on the national level will probably be necessary to ensure the achievement of an effective solution at the international level.

1.15 Referring to the forthcoming Fourth Session of the Open-ended Working Group of the Basel Convention (Geneva, 4 to 8 July 2005), Ms. Donata Rugarabamu mentioned that it is anticipated that the issue of ship dismantling would be an important agenda item for that meeting. She informed the participants that the Open-ended Working Group would be considering the practical, legal and technical aspects of the dismantling of ships in the context of achieving a practical approach to the issue of ship dismantling, and any information that had been submitted by Parties regarding the abandonment of ships on land or in ports. Finally, she pointed out that the Open-ended Working Group would receive a report of the first meeting of the Joint Working Group and she expressed her hope that the Joint Working Group would strive to formulate concrete and practical recommendations so that these could be submitted to the Open-ended Working Group session in July and, in that way, the endorsement of the Parties to the Basel Convention for a future programme of work could be secured with minimum delay.

1.16 Taking note of the imminent opportunity to seek the support of the Parties to the Basel Convention, she observed that the matter of participation support, as well as other questions relating to the financing of the activities of the Joint Working Group, could usefully be considered in the context of the future work programme of the Joint Working Group. In this connection, she expressed the appreciation of the Secretariat of the Basel Convention of the generous support provided by the United Kingdom and the Netherlands in connection with the Basel Convention participation at the present meeting.

1.17 With regard to the tsunami disaster in south Asia, she informed the participants that the Secretariat of the Basel Convention and the Basel Convention Regional Centre in Indonesia had sought to make their contribution towards alleviating the great suffering of those affected by this terrible tragedy. In this regard, in co-operation with UNEP, the UN Office for the Coordination of Humanitarian Affairs (OCHA) and other stakeholders, the Secretariat of the Basel Convention

was providing expert services to the environmental risk assessment of the areas of the Indian Ocean affected by this disaster. In addition, the Secretariat had prepared, with the World Health Organization and the Food and Agriculture Organization, a joint guidance manual for the environmentally sound management of hazardous wastes in recovery and restoration operations in response to requests from the region as no such documentation existed. The Basel Convention Regional Centre in Indonesia would be co-ordinating the Basel Convention activities in the region, including the dissemination of the guidance manual.

1.18 Ms. Donata Rugarabamu concluded by wishing the Joint Working Group every success in its deliberations and reassuring the participants of the readiness by the Secretariats to support them in their important work over the next few days.

1.19 Mr. Paul Bailey, Senior Technical Specialist, Sectoral Activities Department (ILO), recalled that ILO was created by the Peace Treaty of Versailles in 1919 along with the League of Nations ILO and he informed the Joint Working Group that, after being headquartered in Montreal during World War II, ILO returned to Geneva as the first Specialized Agency of the UN system. He pointed out that ILO is a unique tripartite body in which country membership is composed of a tripartite delegation that includes Government, Employer and Worker members on an equal footing. Having noticed that ILO and IMO had established in recent years a number of Joint Working Groups, such as those on fishing, the abandonment of seafarers, and safety and security in ports, he stated that ILO welcomed the establishment of the Joint Working Group in which also the Basel Convention would participate.

1.20 He informed the participants that the subject of shipbreaking had been on the agenda of the ILO for quite some time with resolutions on the subject adopted at the Metal Trades Committee in 1988 and again in 1994. It was not, however, until a transport equipment meeting in 2000 requested the development of guidelines that work really got started, in part because of the efforts already underway by that time in IMO and at the Basel Convention. A video was quickly made in August of 2000 and a series of on-site inspections and fact-finding missions were undertaken in 2001 to Chittagong (Bangladesh), the Gadanni Estate (Pakistan), Mumbai (India) and at four sites in China. A further mission was fielded to Aligia (Izmir, Turkey) in 2003. In addition, tripartite workshops (with the various Government Departments, Employers' Associations and Workers' Organizations) were held in each country during which the constituents were able to make their views known and prioritize the actions they would like to see. It was also mentioned that from the very outset, IMO with the Chair of the correspondence group on ship recycling, and the Basel Convention with the Chair of the Technical Working Party participated in the first workshop held in Chittagong.

1.21 Mr. Bailey then added that the result of the above process was the ILO publication entitled *Safety and health in shipbreaking: Guidelines for Asian countries and Turkey*, which was based on a draft prepared by the International Labour Office, adopted by a Tripartite Meeting of Experts in Bangkok in September 2003, and endorsed for publication as a guideline by the Governing Body of the International Labour Office in March 2004.

1.22 Having stated that local language editions of the Guidelines were needed to promote their implementation in the ship breaking countries, Mr. Bailey stressed the importance of technical co-operation and assistance on the issue of ship breaking.

1.23 Mr. Bailey reminded the Joint Working Group that the ILO has many other international instruments that can provide guidance on worker safety and health and that the most recent of these is a revised *Code of Practice on occupational safety and health in the iron and steel*

*industry*, adopted recently at an expert meeting, which contains a chapter on the recycling of iron and steel.

1.24 In concluding his opening remarks, Mr. Bailey wished the Joint Working Group every success in its deliberations during the following days.

### **Election of the Chairman**

1.25 Mr. Jens Henning Koefoed (Norway) was elected as Chairman of the Joint IMO/ILO/BC Working Group. Mr. Koefoed, in accepting his Chairmanship, stated that the Joint Working Group had taken good note of what had been said in the opening remarks by the IMO, Basel Convention and ILO Secretariats and expressed the view that the Joint Working Group had a very important task to fulfil in serving the international effort for the protection of human life and the environment at recycling yards.

### **Adoption of the rules of procedure**

1.26 The Joint Working Group recalled that in accordance with Article III of the existing Agreement between ILO and IMO (1959) any joint ILO-IMO committee shall regulate its own procedure. It was also recalled that COP 7, by its decision VII/25, agreed to this arrangement.

1.27 The representative of the IMO Secretariat introduced document ILO/IMO/BC WG 1/1/2 containing the draft rules of procedure for the Joint Working Group as prepared by the Secretariats of IMO, ILO and the Basel Convention.

1.28 In the ensuing discussion, it was noted that the draft rules of procedure had been drafted to suit the unique character of the Joint Working Group, taking into account the need for the establishment of an effective and efficient working arrangement. However, concerns were expressed on the provisions of draft rule 10 regarding the decision-making process since, as it was pointed out, the Joint Working Group should always strive to take decisions by consensus and voting should only be the last resort.

1.29 Comments were also made on possible amendments to draft rule 4 regarding media access and to rule 6 regarding submission of documents. One observer delegation stated that given the current composition of the Joint Working Group, a clear distinction should be made in the rules of procedure as regards government and non-governmental representatives and their respective roles.

1.30 The Joint Working Group, having considered the draft rules of procedure, and recognizing the need to avoid lengthy discussions on this issue, thus allowing sufficient time for the consideration of the main agenda items of this session, agreed:

- .1 to apply the rules of procedure, as set out at annex 1 of document ILO/IMO/BC WG 1/1/2, on a trial basis for this first session in order to gain feedback from their implementation with a view to their adoption at a future session;
- .2 to invite delegations to submit any written proposals on amendments to the rules of procedure to the second session of the Joint Working Group;
- .3 that the Group's conclusions and report shall be normally adopted by consensus and only when consensus cannot be reached then a decision could be made by voting.

## Adoption of the Agenda

1.31 The Joint Working Group adopted the provisional agenda contained in document ILO/IMO/BC WG 1/1.

## **2 CONSIDERATION OF THE WORK PROGRAMMES OF THE PERTINENT BODIES OF THE ILO, IMO AND THE CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION ON THE ISSUE OF SHIP RECYCLING**

2.1 In accordance with its terms of reference, the Joint Working Group had for consideration the respective work programmes of the pertinent bodies of ILO, IMO and the Basel Convention on the issue of ship scrapping with the aim of avoiding duplication of work and overlapping of roles, responsibilities and competencies between the three Organizations, and identifying further needs.

2.2 In introducing document ILO/IMO/BC WG 1/2, the representative of the IMO Secretariat provided information on the work programme of the IMO Marine Environment Protection Committee on the issue of ship recycling. It was stated that MEPC 52 had made significant progress on several key issues such as, *inter alia*, the mandatory application of certain elements of the IMO Guidelines on Ship Recycling, hereinafter referred to as “the IMO Guidelines”, the development of a reporting system for ships destined for recycling and the preparation of a “single list” of the on board potentially hazardous materials. MEPC 52 had also considered a number of other issues such as the mechanisms to promote the implementation of the IMO Guidelines, the development of criteria for ships to be declared “Ready for Recycling”, the proposed amendments to the IMO Guidelines and the proposed establishment of an International Ship Recycling Fund.

2.3 The representative of the IMO Secretariat also informed the Group that MEPC 52, taking into account the need to progress the work on ship recycling issues in an expeditious manner:

- .1 agreed to the establishment of a correspondence group to further progress the work in the intersessional period;
- .2 approved a three-day intersessional meeting of the Working Group on Ship Recycling during the week before MEPC 53; and
- .3 agreed to re-establish the Working Group on Ship Recycling at MEPC 53.

2.4 The representative of the Basel Convention Secretariat, in document ILO/IMO/BC WG 1/2/1, provided information on the work programme on the issue of ship dismantling adopted at COP 7. It was stated that COP 7, by its decision VII/26 on the environmentally sound management of ship dismantling, mandated the Open-ended Working Group (OEWG) to consider the practical, legal and technical aspects of the dismantling of ships in the context of achieving a practical approach to the issue of ship dismantling. The OEWG was requested to report on developments and to present any proposals, as appropriate, to COP 8 on a legally binding solution, taking into consideration the work of the IMO and the work of the Joint Working Group. It was noted in the Conference that any legally binding solution could be developed under the auspices of IMO, ILO or the Basel Convention.

2.5 The representative of the Basel Convention Secretariat further informed the Joint Working Group that COP 7, in response to a concern expressed by many Parties, in particular

developing countries, decided to initiate work on the question of the abandonment of ships on land or in ports. In this regard, COP 7 requested Parties to the Basel Convention to provide information regarding the abandonment of ships on land or in ports and the OEWG was mandated to consider any such information submitted, “with a view to taking action, as deemed appropriate”. In addition, the Conference directed the Basel Convention Secretariat to consult the IMO Secretariat on this issue.

2.6 The representative of the ILO Secretariat informed the participants that after the endorsement of *Safety and health in shipbreaking: Guidelines for Asian countries and Turkey* by the Governing Body of the International Labour Office in March 2004, the main focus of the ILO would be on promoting the Guidelines in the countries concerned. Having stated that the first step would be translations in the local languages, he mentioned that French, Spanish, Chinese and Hindi versions have already been translated, while translation in Bengali, Turkish and Urdu was in preparation.

2.7 The representative of the IMO Secretariat introduced document ILO/IMO/BC WG 1/2/2, which was prepared in response to decision VII/27 on “abandonment of ships”, adopted at COP 7, providing information on the provisions of various IMO legal instruments and guidelines related to the abandonment of ships. In accordance with the analysis contained in this document, the abandonment of a ship at sea, for the purpose of its disposal, constitutes an uncontrolled dumping operation and, therefore, should be considered a violation of the London Convention/Protocol and subject to enforcement procedures of relevant Parties following investigation. The abandonment of a ship on land or in port, with or without its crew, is not covered by the London Convention/Protocol, but would be a liability matter for the port State to pursue with the flag State and the shipowner. Acts of abandonment in internal waters of a State should therefore be addressed in the national laws of the State concerned. However, if a party has chosen to apply the provisions of the London Protocol to its internal waters under Article 7.2, then dumping of a ship in the internal waters of that State would be covered under the Protocol. It was also stated that the Draft Wreck Removal Convention, currently under negotiation at the IMO Legal Committee, would apply to the abandonment of a ship only if such a ship was abandoned or derelict following upon a maritime casualty.

2.8 The Joint Working Group, having noted the information contained in documents ILO/IMO/BC WG 1/2 and ILO/IMO/BC WG 1/2/1 and the information provided orally by the ILO Secretariat, had a lengthy discussion on the various possible options to fulfil its task under this agenda item in accordance with its terms of reference.

2.9 Following a proposal by the delegation of Norway, the Joint Working Group agreed to establish an informal working group to consider the respective work programmes of the pertinent bodies of ILO, IMO and the Conference of Parties to the Basel Convention on the issue of ship scrapping in order to avoid duplication of work and overlapping of roles, responsibilities and competencies between the three Organizations, and identify further needs. The working group was tasked to:

- .1 take into account the information provided in documents ILO/IMO/BC WG 1/2, ILO/IMO/BC WG 1/2/1 and ILO/IMO/BC WG 1/2/1/Corr.1, and comments made in plenary;
- .2 identify the main items that are under the concurrent consideration of more than one Organization;

- .3 propose recommendations regarding the work programme activity on the above-identified items, including timing of information exchange between the three Organizations; and
- .4 report back to the Joint Working Group by Wednesday, 16 February.

### **Abandonment of ships**

2.10 The delegation of Gambia, supported by a number of delegations, pointed out that the abandonment of ships on land or in ports is of grave concern, particularly for many developing countries that have limited capacities to develop, implement and enforce suitable legal mechanisms and at the same time lack adequate infrastructure for ship breaking.

2.11 The observer delegation of Vanuatu mentioned that this issue is of particular concern, especially with regard to ships engaged in illegal fishing activities and then abandoned on the shoreline.

2.12 The Joint Working Group, having taken into account the information contained in document ILO/IMO/BC WG 1/2/2 and comments raised in plenary agreed that the three Organizations should ensure that the issue of “abandonment of ships on land or in port” would be adequately covered by an international legally binding instrument, as deemed appropriate.

2.13 The Joint Working Group further agreed:

- .1 to urge interested Governments to provide information to the OEWG 4 regarding abandonment of ships on land or in ports, as requested by COP Decision VII/27;
- .2 to recommend to MEPC to invite the Consultative meeting of Contracting Parties to the London Convention 1972 and the IMO Legal Committee to consider, based on the analysis provided in document ILO/IMO/BC WG 1/2/2, the issue of abandonment of ships on land or in ports with the view to assisting in the development of an effective solution to this problem; and
- .3 to recommend to the OEWG 4 to consider the information provided in document ILO/IMO/BC WG 1/2/2.

### **Outcome of the informal working group**

2.14 The co-ordinator of the informal working group, Mr Sveinung Oftedal (Norway), in introducing the report of the group (ILO/IMO/BC WG/WP.1), informed the Joint Working Group that the group had developed, as instructed, a list of main items that are under the concurrent consideration of the Organizations, such as the mandatory requirements, the reporting system for ships destined for recycling, the “single list” of potentially hazardous materials on board, and the abandonment of ships on land or in port. Items such as the promotion of the implementation of the Guidelines and the technical co-operation were not dealt with by the group as they were the subject of agenda items 4 and 5 respectively. For each identified item, a list of work programme activities being carried out or planned by each of the Organizations was developed, and a number of recommendations were proposed to be taken into account by the three Organizations, as appropriate, during their future deliberations on these work items.

2.15 The Joint Working Group, having made a number of editorial amendments, endorsed the outcome of the work of the informal working group, as set out at annex 1, and acknowledged that

this work should be updated at a future time to take into account developments in the work programmes of the three Organizations.

### **3 EXAMINATION OF THE RELEVANT ILO, IMO AND BASEL CONVENTION GUIDELINES ON SHIP SCRAPPING**

3.1 The Joint Working Group recalled that:

- .1 the *Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships* were adopted by the Sixth Meeting of the Conference of Parties to the Basel Convention on 13 December 2002 by Decision VI/24;
- .2 the *IMO Guidelines on Ship Recycling* were adopted on 5 December 2003 at the twenty-third session of the Assembly by resolution A.962(23); and
- .3 the *Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey*, were adopted by the Interregional Tripartite meeting of Experts on Safety and Health in Shipbreaking for Selected Asian countries and Turkey (Bangkok, 7 to 14 October 2003). The Governing Body of the ILO approved the publication of the guidelines at its 289th Session (March 2004).

3.2 The representative of the IMO Secretariat, in document ILO/IMO/BC WG 1/3, provided information on the Guidelines for the development of the ship recycling plan, approved by MEPC 52, and circulated by means of MEPC/Circ.419. It was stated that these Guidelines provided further technical information and guidance for the preparation of a suitable ship recycling plan (SRP), as recommended in section 8.3.2 of the IMO Guidelines on Ship Recycling.

3.3 The Joint Working Group, having noted that the IMO Guidelines for the development of the ship recycling plan (MEPC/Circ.419) are closely associated with and expand on the provisions of the IMO Guidelines, agreed to take them into account in its deliberations under this agenda item.

3.4 The representative of the ILO Secretariat, in introducing document ILO/IMO/BC WG 1/3/1, proposed a methodology to be applied for the initial examination of the relevant ILO, IMO and BC guidelines on ship scrapping, hereinafter referred to as “the Guidelines”. It was suggested that:

- .1 the Group should undertake a comparison analysis of the three Guidelines with the aim of identifying issues/topics upon which two or more of the Guidelines touch on;
- .2 the above task could be achieved by developing a matrix document listing the relevant issues/topics covered by the Guidelines, structured on the timeline of the ship scrapping process, and providing references to any of the three Guidelines;
- .3 in the case of a specific issue/topic having one or more references to two or three Guidelines, then the relevant references of the Guidelines should be carefully reviewed in order to ascertain whether an overlap or an ambiguity exists; and

- .4 if any gaps, overlap or ambiguities are identified then the Group should consider appropriate recommendations to tackle the problem.

3.5 In discussing the proposal contained in document ILO/IMO/BC WG 1/3/1, the Joint Working Group agreed in principle to the proposed methodology for the initial examination of the relevant IMO/ILO/BC guidelines on ship scrapping. However, it was recognized that this was a complex exercise that would require sufficient time and effort and could not be finalized during the current session of the Joint Working Group.

3.6 In this context, the Joint Working Group considered a proposal by the United Kingdom on a general overview of the examination of the Guidelines, providing a preliminary analysis of their respective fields of application and main contents.

3.7 The Joint Working Group, having debated this matter at length, agreed to establish an informal working group with the aim of undertaking an initial examination of the three guidelines in accordance with the methodology proposed in document ILO/IMO/BC WG 1/3/1, taking into account the proposals and comments made by the delegation of the United Kingdom as referred to in the above paragraph. The working group was also tasked to consider and propose recommendations on the way forward including any necessary steps that the Joint Working Group should take so that it could accomplish its task in an efficient and effective way and in accordance with its terms of reference.

3.8 The observer delegation of the Basel Action Network (BAN) invited the Joint Working Group to take into account document ILO/IMO/BC WG 1/7/3, submitted by BAN and Greenpeace International, in its deliberations under this agenda item. In this document, BAN and Greenpeace International provided an analysis in support of their arguments that the IMO Guidelines are in conflict with the requirements of the Basel Convention and the principles and guidelines subsequently developed pursuant to its requirements. Specific reference was made in this document to the issue of prior decontamination, the definition of a ship as a waste and the responsibility of the shipping industry, as the owner or the generator of the waste.

3.9 The Group noted the views expressed by Greenpeace International and BAN in document ILO/IMO/BC WG 1/7/3.

### **Outcome of the informal working group**

3.10 Having received the outcome of the informal working group (ILO/IMO/BC WG 1/WP.2), the Joint Working Group, having made a number of editorial amendments, approved the report in general and took decisions as indicated hereunder.

3.11 The Joint Working Group noted that the informal working group had made a preliminary consideration of the task identified in point 3 of the Terms of Reference of the Joint Working Group, to:

“undertake a comprehensive initial examination of ...(the relevant ILO, IMO and BC Guidelines on ship scrapping (hereinafter referred to as the “Guidelines”))... with a view to identifying any possible gaps, overlaps, or ambiguities”.

The group acknowledged that this will assist in future development and promotion of the Guidelines.

3.12 The Joint Working Group noted that the informal working group had recognized that a comprehensive examination was potentially a large undertaking that required further work, unlikely to be completed at the first Joint Working Group meeting. Initial input has been provided in the form of:

- .1 a table, correlating the issues presented in each of the Guidelines as a matrix (annex 2), which was based on the methodology proposed in document ILO/IMO/BC WG 1/3/1; and
- .2 a draft overview paper, submitted by the United Kingdom, outlining the purpose of each document and identifying some of the perceived differences and deficiencies of each (annex 3).

3.13 The Joint Working Group noted that it was also recognized that the Guidelines could benefit from a strategic overview that could be helpful in explaining how they may be used in conjunction with each other. In this respect, the group was mindful that mechanisms for joint promotion of the implementation of the Guidelines is also an item for consideration by the Joint Working Group.

3.14 The Joint Working Group noted that in considering the way forward, the informal working group had made the following observations:

- .1 the matrix table of topics (annex 2) needs to be reviewed for accuracy and completeness;
- .2 a thematic analysis by chapter would assist understanding of the Guidelines and how they interact and may overlap or duplicate;
- .3 the terminology of each document might differ in some important respects, which may confuse a reader attempting to make use of them;
- .4 gaps in some of the Guidelines may be intentional as each guideline was drafted to address the issues of concern for different organisations, reflecting their differing competencies, and different stakeholders;
- .5 overlaps and ambiguities can be identified to ensure a better fit between the Guidelines, a closer analysis is needed to identify any gaps; and
- .6 some of the order of the topics may be improved to better reflect the timeline of a ship's life from design, through use to final recycling.

3.15 The Joint Working Group noted that in order to fulfil the requirements of the Joint Working Group's terms of reference, the informal working group had decided to begin by combining the draft overview papers set out in annexes 2 and 3. Furthermore, it was noted that the informal working group had not attempted to evaluate these documents which are attached for information purposes. Further development of these texts requires consideration of the drafts and proposals for amendments. It was further noted that the group proposed that this should be carried forward by:

- .1 intersessional correspondence; with

- .2 the assistance of the Secretariats and potentially additional specialist input voluntarily supplied by other interested parties; and
- .3 this should be completed in time for consideration by the next meeting of the Joint Working Group.

3.16 The delegation of the United Kingdom volunteered to undertake to co-ordinate this work and to submit an appropriate document to the second session of the Joint Working Group\*. A number of delegations indicated their willingness to co-operate and assist in this effort.

#### **4 PROMOTION OF THE IMPLEMENTATION OF THE GUIDELINES ON SHIP SCRAPPING**

4.1 In its document ILO/IMO/BC WG 1/4, the representative of the IMO Secretariat provided information on the MEPC's deliberations on the possible mechanisms to promote the implementation of the IMO Guidelines on Ship Recycling. It was stated that the intersessional Correspondence Group on Ship Recycling, established by MEPC 51, had developed a set of possible and suitable mechanisms for the promotion of the implementation of each of the key action items provided for in the IMO Guidelines and MEPC 52, in the light of the progress made on the ship recycling matters at that session, agreed to consider this issue at a future session. MEPC 52 further agreed that a preliminary plan should be developed identifying priorities, achievable deadlines, and input required from other IMO committees and sub-committees and, as a result, a relevant task was included in the terms of reference for the Correspondence Group established by MEPC 52.

4.2 The representative of the ILO Secretariat informed the participants that the English version of *Safety and health in shipbreaking - Guidelines for Asian countries and Turkey* has been produced as a sales publication. It was mentioned that when the Hindi version of the ILO Guidelines was completed, an official launch was organized in Alang, India, in May 2004 to coincide with the World Day for Occupational Safety and Health. It was also stated that workshops are planned in each of the shipbreaking countries: Bangladesh, China, India, Pakistan and Turkey. These workshops would also focus on the Basel Convention and the IMO Guidelines, and therefore the Basel Convention and IMO would be invited to participate.

4.3 The representative of the Basel Convention Secretariat stated that although the Parties to the Basel Convention consider that the implementation of the Guidelines is of paramount importance, concrete plans and structures had yet to be developed and implemented. It was stated that the organization of workshops and seminars should be included in these initiatives and the Joint Working Group was invited to offer any suitable recommendations and suggestions to that effect.

4.4 The Joint Working Group, having noted the information provided by the three Secretariats, agreed that the implementation of the Guidelines is of paramount importance for the minimization of the environmental, occupational health and safety risks related to

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ship recycling and the improvement of the protection of human health and the environment at ship recycling facilities.

4.5 The Joint Working Group had a general discussion and a number of practical suggestions were proposed to promote the implementation of the Guidelines. The ILO employers' representative informed the Joint Working Group on a number of initiatives the shipping industry had taken, such as the development of a guidance document for the implementation of the IMO Guidelines, the preparation of Green Passports for a number of new building ships, the active involvement of the classification societies in the preparation of inventories of potentially hazardous material on board ships and the development of a standard recycling contract covering the sale of the ship from the shipowner to a recycling facility and endorsing the IMO Guidelines.

4.6 The representative of the observer delegation of INTERTANKO highlighted a number of co-ordinated initiatives taken by its members to implement the IMO Guidelines, and pointed out that the momentum developed in the shipping industry should be maintained and further co-operation and assistance should be provided with a view to promoting and facilitating the implementation of the IMO Guidelines.

4.7 The delegation of the Netherlands informed the Group about initiatives taken towards the promotion of the implementation of the Guidelines such as the invitation by the Government of the Netherlands to shipowners associations to apply and implement the IMO Guidelines.

4.8 The delegation of Norway, having pointed out that feedback on the implementation of the Guidelines is of paramount importance in the review of the progress made in achieving their intended purpose, suggested that Governments and all involved stakeholders should report to the three Organizations, as appropriate, on any experience gained in their implementation.

4.9 A number of delegations suggested that the implementation of the Guidelines could be best promoted by making them mandatory. However, other delegations noting that this process might take a substantial amount of time, indicated that attention should focus on short-term practical measures and suggestions.

4.10 The representative of the International Shipping Federation (ISF), introduced document ILO/IMO/BC WG 1/7/2, which provided the shipping industry's views on the work that needs to be undertaken, in the short, medium and long term, in order to address in a practical and pragmatic way the problems that have been identified in relation to ship recycling. The representative of the ISF also identified areas where enforceable regulations applicable prior to withdrawal of a ship from service, and between operation and recycling, might be developed and highlighted the contribution which could be made by industry guidelines and voluntary codes of practice.

4.11 The Joint Working Group, having considered the proposals and comments made in plenary agreed:

- .1 to invite the ship scrapping States to make publicly available information about the point of contact for the competent authorities responsible for issues related to ship scrapping;
- .2 that each Organization should ensure that a user-friendly web page is established providing information on ship scrapping matters and a link to the other two Organizations relevant web-pages and Guidelines;

- .3 that each Organization should consider the translation of its Guidelines into the working languages of the main ship scrapping States;
- .4 to invite Governments and all involved stakeholders to provide information to the three Organizations, as appropriate, on any experience gained in the implementation of the Guidelines; and
- .5 the implementation of the Guidelines should be also promoted through joint technical co-operation activities, an issue which was discussed under agenda item 5.

## **5 JOINT TECHNICAL CO-OPERATION ACTIVITIES**

5.1 The representative of the IMO Secretariat introduced document ILO/IMO/BC WG 1/5 providing information on the technical co-operation activities of the IMO which have either been already planned or are under consideration for inclusion in the Organization's Integrated Technical Co-operation Programme (ITCP), with the aim of assisting developing countries to improve environment and safety levels in ship recycling operations. It was stated that these activities, aimed at promoting the use of the IMO Guidelines on ship recycling, included mainly:

- .1 workshops to sensitize relevant authorities in the main recycling countries on the ship recycling issue and on the implementation of the relevant IMO Guidelines on the matter;
- .2 technical advice and assistance such as feasibility studies on the provision of reception facilities in the vicinity of recycling yards; and
- .3 assistance to maritime authorities in recycling countries to prepare and implement national regulations for acceptance and control of ships arriving for recycling.

5.2 The representative of the IMO Secretariat informed the Joint Working Group that the forthcoming 55th session of the IMO Technical Co-operation Committee (June 2005) would consider, *inter alia*, the inclusion of ship recycling in the ITCP for 2006-2007 and the proposed establishment of an International Ship Recycling Fund, which was agreed in principle by MEPC 52.

5.3 The Joint Working Group was also informed that MEPC 51, in considering the framework of inter-agency technical assistance on the issue of ship recycling, agreed that regional or national workshops and seminars on ship recycling might be organized jointly by the three Organizations and that there might be a need for the development of a global programme on ship recycling aiming at resource mobilization to promote the implementation of the relevant Guidelines.

5.4 The ILO Secretariat informed the Joint Working Group of the initiation by their Dhaka Office of a UNDP-funded project (\$1.3 million) on safe and environmentally friendly ship breaking in cooperation with the Ministry of Labour and Employment, Government of Bangladesh. The project is based in Chittagong but the first inception workshop was held in Dhaka in June 2004. The project became operational with the arrival of the Chief Technical Advisor (CTA) in November 2004.

5.5 The Joint Working Group was further informed that in India, the ILO Sub-Regional Office in New Delhi is preparing training manuals for managers and workers on various aspects

of both the Basel and ILO guidelines. This Canadian International Development Agency (CIDA)-funded project is a small part (\$70,000) of a larger waste management agreement, between Environment Canada and India.

5.6 The representative of the observer delegation of Canada informed that Canada had met with the ILO Regional Office in Delhi in January 2005 to discuss a programme for capacity building and the promotion of environmentally sound management in the ship dismantling industry, and that Canada had agreed to prepare training material which will be used by a Training and Welfare Institute established by the State of Gujarat. The representative of Canada further informed that the Canada/India Environmental Institutional Strengthening Project had allocated Can.\$200,000 to this activity.

5.7 The ILO Secretariat also informed the Group that numerous project documents have been prepared and discussed with World Bank, other UNDP offices and GEF and individual bilateral donors such as NORAD and the US Department of Labour. ILO indicated their willingness to co-operate with IMO and the Basel Convention in the implementation of any of the above activities and pointed out the importance and indeed advantages for the three Organizations in initiating joint project proposals.

5.8 The Joint Working Group, having taken into account the information provided on the technical co-operation activities on ship scrapping launched or planned by the three Organizations, agreed to recommend that each Organization:

- .1 invite the other two Organizations to participate in the workshops or seminars organized by the Organization; and
- .2 include in the programme of these activities a section providing information on the Guidelines of the other two Organizations.

5.9 The Joint Working Group also agreed to invite Governments and other stakeholders to provide information to the three Organizations on any technical co-operation activities or other relevant initiatives already launched or planned so that these activities could be taken into account in the future technical co-operation programmes of the Organizations.

### **Global/regional programme**

5.10 The representative of the ILO Secretariat, in introducing document ILO/IMO/BC WG 1/5/1 on behalf of the IMO, ILO and Basel Convention Secretariats, proposed the development of a global/regional programme aimed at resource mobilization to finance the development/strengthening of the capacity of developing countries in implementing the provisions of the IMO, ILO and Basel Convention Guidelines on ship scrapping. It was proposed that such a programme should:

- .1 identify the needs for technical assistance;
- .2 consider the best ways to satisfy these needs;
- .3 define the technical activities required;
- .4 secure the necessary funding;

- .5 allocate the implementation of the different activities between the three Organizations in accordance with their respective field of competence; and
- .6 monitor their proper implementation.

5.11 The representative of the ILO Secretariat further suggested that ILO, IMO, the Basel Convention or other interested parties should look into the possibility of co-financing the development of such a programme and that once the programme is developed, the Joint Working Group should thereafter consider it and agree upon the various possible alternatives for resource mobilization.

5.12 The Joint Working Group, having considered, with interest, the proposal outlined in document ILO/IMO/BC WG 1/5/1, agreed that the development of a global technical co-operation programme on ship scrapping be further considered by the three Organizations.

5.13 The United Kingdom, supported by a number of other delegations, pointed out that the issue of funding should be considered in its wider context, in having regard to: (i) all potential sources of financing; and (ii) the other priorities of, resource mobilization and capacity building activities being undertaken by each of the three Organizations.

### **Ship recycling fund**

5.14 Document ILO/IMO/BC WG 1/INF.3, submitted by Greenpeace International, provided information on a report commissioned by Greenpeace International for the introduction and setting up of an international eco-dismantling fund with the aim of financing environmentally sound scrapping by raising contributions by the shipowners based on the polluter-pays principle.

5.15 The Joint Working Group, in considering document ILO/IMO/BC WG 1/INF.3 was of the opinion that all efforts should be focused on the further consideration by IMO of the proposal which had been agreed in principle by MEPC 52 for the establishment of an International Ship Recycling Fund to promote the safe and environmentally-sound management of ship recycling through the IMO's technical co-operation activities.

5.16 Although an objection was raised with regard to the language used in the introduction of the report presented by Greenpeace International, a number of delegations expressed the view that this proposal could be regarded as one of the many possible options that could be considered for the working arrangements and funding mechanism of such a Fund. In this context, the representative of the ILO workers' delegation pointed out that all involved parties should strive for a common-sense approach that would benefit the safety and health of the workers.

## **6 ANY OTHER BUSINESS**

6.1 The representative of the IMO Secretariat introduced document ILO/IMO/BC WG 1/7 providing the MEPC 52's views on the proposal under consideration at COP 7 regarding the flag State's responsibility for the purposes of the application of the Basel Convention, as reflected in paragraph 6 of document MEPC 52/3/7.

6.2 The Joint Working Group, having taken into account the outcome of COP 7 on this issue, as reflected in the penultimate preambular paragraph of Decision VII/26, agreed that there was no need for the Group to consider further this document.

6.3 Bangladesh, in its document ILO/IMO/BC WG 1/7/1, presented information on ship recycling activities in Bangladesh, which played a vital role in the country's socio-economic sector, and stressed the importance of appropriate action by the involved stakeholders to develop a realistic, well-balanced and effective solution to the problems of ship recycling. Bangladesh also urged the Joint Working Group to promote an effective and well-co-ordinated technical co-operation with the aim of improving the infrastructure, training and the best working practices in the recycling facilities.

6.4 In commenting on document ILO/IMO/BC WG 1/7/1, several delegations expressed their appreciation to Bangladesh for the information provided. However, it was highlighted that further information could have been included, in particular, on any initiatives taken on workers health and safety and improvement of the environmental performance of ship scrapping facilities.

6.5 The Joint Working Group having noted the information provided in document ILO/IMO/BC WG 1/7/1, agreed:

- .1 that any regulatory measures proposed should aim at the development of a realistic, well-balanced and effective solution to the problems of ship recycling and which at the same time should take into account the need for sustainable ship breaking; and
- .2 to recommend to other ship scrapping countries to submit to the three Organizations, as appropriate, any available information on their ship scrapping activities.

6.6 The Joint Working Group noted the information provided by the Basel Action Network in its document ILO/IMO/BC WG 1/7/4, which contained comments and recommendations for resolving a number of legal issues relating to the implementation of the Basel Convention with regard to ship dismantling, including the response by the Basel Action Network to the questions and issues on the legal aspects of ships dismantling as set out in paragraph 1 of Decision II/4 of the second session of the OEWG.

6.7 At his request, a statement by Mr. Okechukwu Ibeanu, Special Rapporteur of the United Nations High Commission for Human Rights was distributed to the participants of the Joint Working Group on Ship Scrapping (see annex 4 to this document).

## **7 WORK PROGRAMME OF THE JOINT WORKING GROUP**

7.1 The Joint Working Group recalled that:

- .1 MEPC 51, having agreed to the establishment of the Joint ILO/IMO/Basel Convention Working Group on Ship Scrapping, approved its terms of reference, as set out at annex of document ILO/IMO/BC WG 1/6/1;
- .2 COP 7, by its decision VII/25, approved the establishment of the Joint Working Group and its terms of reference. COP 7 made some minor editorial amendments to the terms of reference approved by MEPC 52, which are identified in the annex of document ILO/IMO/BC WG 1/6/1; and
- .3 the Governing Body of the ILO, at its 291st session, also agreed to the establishment of the Joint Working Group.

7.2 The representative of the Basel Convention Secretariat, in introducing document ILO/IMO/BC WG 1/6, provided information on the matters that COP 7, by its Decision VII/25, invited the Joint Working Group to consider in addition to the items contained in the terms of reference. More specifically, COP 7 invited the Joint Working Group:

- .1 to propose a practical approach that provides guidance to be considered by the three Organizations to promote environmentally sound management of ship dismantling;
- .2 to discuss the responsibility of flag States in the context of environmentally sound management of ship dismantling; and
- .3 to consider the development of a reporting system for ships destined for dismantling.

7.3 The Joint Working Group, in considering the invitation of COP 7 with regard to its work programme, had an extensive debate in which the majority of delegations and observers intervened. The main points made in the course of the discussion were as follows:

- .1 a number of delegations were of the opinion that the three additional work items that COP 7 had invited the Joint Working Group to address could be regarded as being within its terms of reference and, therefore should be considered by the Joint Working Group;
- .2 others suggested that further information and clarification was needed for the Joint Working Group to consider these items in an effective and efficient way;
- .3 some delegations suggested that any invitations regarding the future work programme of the Joint Working Group should be considered and agreed by the three parent Organizations, prior to engaging in discussion on such items. However, a number of delegations suggested that this course of action would put unnecessary constraints and would result in delay in the work of the Joint Working Group;
- .4 a number of delegations suggested that, in the interest of making progress, attention should be focussed on short term solutions and practical measures;
- .5 a general discussion took place on issues such as the possible roles of flag States, port States or recycling States in the context of ship scrapping, as well as on possible reporting systems for ships destined for scrapping, but it was agreed that more substantive discussions would require the prior submission of documents and written proposals for consideration by the Joint Working Group.

7.4 Following a proposal by the United Kingdom, the Joint Working Group, in considering its future work programme, agreed that the following issues should be placed on the agenda for a second session of the Joint Working Group:

- .1 overall objectives and priority-setting for the Joint Working Group with regard to ship scrapping;
- .2 concepts such as environmentally sound management and prior informed consent;

- .3 practical approaches that promote occupational health and safety and environmentally sound management of ship scrapping;
- .4 possible roles of concerned States, such as flag States, port States and recycling States in the context of occupational health and safety and the environmentally sound management of ship scrapping;
- .5 requirements of a reporting system for ships destined for scrapping;
- .6 basic principles of an applicable control mechanism;
- .7 pre-cleaning and preparation of ships and its role in sustainable ship scrapping operations;
- .8 adoption of the Rules of Procedure;
- .9 abandonment of ships on land or in ports; and
- .10 potential benefits of a mandatory ship recycling plan.

7.5 Statements issued by the United Kingdom and a joint statement by the Basel Action Network and Greenpeace International are attached at annex 4 to the present report.

#### **Date and venue for next meeting**

7.6 The Joint Working Group, in considering the date and place for its next session, agreed to recommend that the second session of the Joint Working Group should be hosted by the Basel Convention in Geneva, Switzerland, either in December 2005 or January 2006. The delegation of the Netherlands expressed a preference for the next session to be held in October 2005.

7.7 The United Kingdom delegation informed the Joint Working Group that the United Kingdom Government would provide financial assistance for the organization of the second meeting.

### **8 ADOPTION OF THE REPORT**

8.1 The Joint Working Group approved its report for its first session, as contained in the present document.

8.2 This report will be submitted to the 53rd session of the IMO Marine Environment Protection Committee, to the 4th session of the Open-ended Working Group of the Basel Convention and to the 292nd session of the ILO Governing Body.

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## ANNEX 1

## OUTCOME OF THE INFORMAL WORKING GROUP

Issue	Work Programme (Activity)		Recommendation
<p><b>Mandatory requirements</b> (refer to annex 1 of document ILO/IMO/BC WG 1/2)</p>	<p><b>IMO</b></p>	<p><b>MEPC 53 (July 2005)</b> To consider the report of the CG and the intersessional WG.</p> <p>To consider the outcome of the Joint ILO/IMO/BC WG.</p> <p>To consider the outcome of COP 7 and BC/OEWG 4.</p> <p>To decide upon the framework of the development of mandatory requirements.</p> <p>To consider the implementation aspects of mandatory requirements (such as survey, inspection, certification scheme and reporting system).</p> <p>To identify items to be further developed.</p>	<p>The possible development of mandatory requirements on ship recycling in the IMO is of utmost importance. Therefore, the three organizations should:</p> <p>Conduct their work to ensure a positive momentum on this issue;</p> <p>Take into account the relevant decisions of each organization;</p> <p>Ensure good exchange of information between the three organizations;</p> <p>Identify possible issues to be considered by each organization on areas where these organizations have expertise;</p> <p>Streamline the time schedule for the work in the three organizations in order to ensure proper input and reporting on the items under discussion (e.g. it might be advantageous to schedule OEWG 5 to take place prior to MEPC 54).</p>
		<p><b>Assembly 24 (Nov/Dec 2005)</b> To consider the outcome of MEPC 53 and take any action as appropriate.</p>	
		<p><b>MEPC 54 (March 2006)</b> Follow up the outcome of Assembly 24.</p> <p>Identify involvement of IMO sub-committees.</p> <p>Further development of an appropriate mandatory regime.</p>	
		<p><b>BC</b></p>	

Issue	Work Programme (Activity)		Recommendation
		<p><b>BC/OEWG 5 (2006)</b>            To consider the outcome of COP 7/BC OEWG 4.</p> <p>To consider the outcome of the Joint ILO/IMO/BC WG.</p> <p>To consider the outcome of MEPC 53/54 and formulate its proposals, as appropriate, to the COP 8 on a legally binding solution, taking into consideration the work of the IMO and the work of the Joint ILO/IMO/Basel Convention Working Group.</p> <hr/> <p><b>BC/COP 8 (2006)</b>            To consider the outcome of the Joint ILO/IMO/BC WG.</p> <p>To consider the proposals by the OEWG 5 and take action as appropriate.</p>	
<p><b>Reporting system for ships destined for recycling</b></p>	<p><b>ILO</b> <b>IMO</b></p>	<p><b>MEPC 53 (July 2005)</b>            To consider the report of the CG and the intersessional WG.</p> <p>To consider the outcome of COP 7/BC OEWG 4.</p> <p>To consider the outcome of the Joint ILO/IMO/BC WG.</p> <p>To continue the work and further develop the outline of the reporting system as an integrated part of the mandatory requirements.</p>	<p>The three organizations should:</p> <p>Take into account the relevant decisions of each organization;</p> <p>Ensure that experience gained from different reporting systems used in various regimes under the auspices of the organizations are considered in the development of a reporting system;</p> <p>Acknowledge that reporting requirements in a new regime on ship recycling has to establish its own principles taking into account the experience gained from different reporting systems;</p> <p>Ensure that the system should be workable, effective and protecting human health and the environment, with the minimum required</p>
		<p><b>MEPC 54 (March 2006)</b>            To continue the work and further develop the reporting system.</p>	

Issue	Work Programme (Activity)		Recommendation
	<b>BC</b>	<p><b>BC/OEWG 4 (July 2005)</b> To consider the outcome of the Joint ILO/IMO/BC WG.</p> <p><b>BC/OEWG 5 (2006)</b> To consider the outcome of COP 7/BC OEWG 4.</p> <p>To consider the outcome of the Joint ILO/IMO/BC WG.</p> <p>To consider the outcome of MEPC 53/54.</p> <p>To give input to the work at the MEPC on this issue.</p>	<p>administrative burden and catering for the particular characteristics of world maritime transport;</p> <p>Ensure that the system should be developed in such a way as to facilitate the control and enforcement of any mandatory provisions on ship recycling to be developed by IMO.</p>
	<b>ILO</b>		
<p><b>“Single list” of the potentially hazardous materials on board</b></p>	<b>IMO</b>	<p><b>MEPC 53 (July 2005)</b> To consider the report of the CG and the intersessional WG.</p> <p>To consider the outcome of the Joint ILO/IMO/BC WG.</p> <p>To develop a “Single list” of potentially hazardous materials, which replaces the appendices 1 to 3 of the IMO Guidelines.</p> <p>To continue the work.</p>	<p>The three organizations should ensure that the expertise of the Basel Convention, IMO and ILO is included in the work.</p>
		<p><b>MEPC 54 (March 2006)</b> To finalize the “single list” taking into account any comments from BC/OEWG 4/5.</p>	
	<b>BC</b>	<p><b>BC/OEWG 4 (July 2005)</b> To consider the outcome of the Joint ILO/IMO/BC WG.</p> <p><b>BC/OEWG 5 (2006)</b> To consider the outcome of COP 7/BC OEWG 4.</p> <p>To consider the outcome of the Joint ILO/IMO/BC WG.</p> <p>To consider the outcome of MEPC 53/54.</p> <p>To comment on the draft “single list” of hazardous materials as developed by the MEPC.</p>	
	<b>ILO</b>		

Issue	Work Programme (Activity)		Recommendation
<p><b>“Abandonment of ships on land or in port”</b></p>	<p><b>BC</b></p>	<p><b>BC/OEWG 4 (July 2005)</b>            To consider the outcome of the Joint ILO/IMO/BC WG.             To consider any information submitted by Parties to the Basel Convention on this issue.             To consider the issue of abandonment of ships on land or in ports with a view to taking action, as deemed appropriate.</p>	<p>The three organizations should ensure that the issue of “abandonment of ships on land or in port” would be adequately covered by an international legally binding instrument as deemed appropriate;</p> <p>Interested Governments should be urged to provide information to the OEWG regarding abandonment of ships on land or in ports, as requested by COP Decision VII/27;</p> <p>MEPC should invite the Consultative meeting of Contracting Parties to the London Convention 1972 (the 27th session will take place from 24 to 28 October 2005) and the IMO Legal Committee to consider and advise on, based on the analysis provided in document ILO/IMO/BC WG 1/2/2, the issue of abandonment of ships on land or in ports with the view to assisting in the development of an effective solution to this problem; and,</p> <p>Document ILO/IMO/BC WG 1/2/2 should be submitted to OEWG 4.</p> <p>Invite parties to the LC to consider the application of the London Convention in their internal waters.</p>
	<p><b>IMO</b></p>	<p><b>MEPC 53 (July 2005)</b>            To consider the outcome of COP 7/BC OEWG 4.             To consider the outcome of the Joint ILO/IMO/BC Working Group.</p>	
	<p><b>ILO</b></p>		

Issue	Work Programme (Activity)	Recommendation
<p><b>Promotion of the implementation of the Guidelines on Ship Scrapping</b></p>	<p>See the Group’s deliberations under agenda item 4.</p>	

Issue	Work Programme (Activity)	Recommendation
<p><b>Technical Co-operation</b></p>	<p>See the Group’s deliberations under agenda item 5.</p>	

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## ANNEX 2

## COMPARISON OF THE ILO, IMO AND BC GUIDELINES ON SHIP SCRAPPING

(The numbers in the columns “IMO”, “ILO” and “BC” refer to the relevant paragraphs/sections of the respective Guidelines)

*(This annex is subject to further development to confirm accuracy and completeness.)*

**1 General provisions**

	<b>Issue/Topic</b>	<b>IMO</b>	<b>ILO</b>	<b>BC</b>
1.1	Application/Scope	1; 2	1.2	2.4
1.2	Introduction/Industry characteristics/Background	1	2	2.2; 3.4
1.3	Definitions/Glossary	3	pp. X-XV	Appendix A
1.4	Acronyms			Appendix A
1.5	References/Bibliography		pp. 141-146	8/p.95; Appendix C
1.6	Current practices and standards on ship scrapping			3.4.2 – 2.4.6

**2 Role of stakeholders and other bodies**

	<b>Issue/Topic</b>	<b>IMO</b>	<b>ILO</b>	<b>BC</b>
2.1	Role of the flag State	9.2		
2.2	Role of the port State	9.3		
2.3	Role of the recycling State	9.4		
2.4	Role of the national competent authority		3.1; 3.2	
2.5	Duties of labour inspectorates		3.3	
2.6	Responsibilities of employers	9.9	3.4; 3.9	
2.7	Duties and rights of workers		3.5; 3.6	
2.8	Responsibilities and rights of contractors		3.8; 3.9	
2.9	International Maritime Organization (IMO)			2.3/pp. 14-17;
2.10	Basel Convention (BC)	9.5		3.1
2.11	Role of UNEP	9.6		2.3/p. 14
2.12	International Labour Organization (ILO)	9.7		2.3/pp. 17-18
2.13	The London Convention 1972/1996 Protocol	9.8		
2.14	Role of the shipping industry	9.9		2.3/pp. 18-19
2.15	Role of the ship recycling industry			

### 3 Design and construction of ships

	<b>Issue/Topic</b>	<b>IMO</b>	<b>ILO</b>	<b>BC</b>
3.1	Minimization of hazardous substances used in the construction of new ships and their equipment	6.1		
3.2	Design of ships and ships' equipment to facilitate recycling and removal of hazardous materials	6.2		
3.3	Preparation of the Green Passport	5; 6.3; Appendix 3	2.3.5.1	

### 4 Operation and maintenance of ships

	<b>Issue/Topic</b>	<b>IMO</b>	<b>ILO</b>	<b>BC</b>
4.1	Preparation of the Green Passport	5; 7.1; Appendix 3	2.3.5.1	
4.2	Minimization of the use of potentially hazardous substances	6.4; 7.2		
4.3	Minimization of waste generation	6.5; 6.1.5; 7.3		

### 5 Preparations for ship recycling

	<b>Issue/Topic</b>	<b>IMO</b>	<b>ILO</b>	<b>BC</b>
5.1	Selection of recycling facility	8.1	2.3.5	
5.2	Ship recycling sale and purchase contract	9.8.2		3.4.1/pp. 30-31
5.3	Delivery of the ship to the recycling facility	8.2		
5.4	Ship recycling plan	8.3.2; MEPC/Circ.419	2.3.5.1; 4.3; 7.1.1; 7.1.3 - 7.1.4; 7.1.9; 7.2	
5.6	Preparation of a ship for recycling to prevent pollution	8.3.1; 8.3.3	7.2.2; 7.3.5	4.1; 5.2
5.7	Preparations of a ship for recycling to protect occupational health and safety	8.3.1; 8.3.4	2.3.5; 7.2.2	4.1; 5.2

## 6 Occupational safety and health (OSH) in ship scrapping operations

	Issue/Topic	IMO	ILO	BC
6.1	Sequential chain of shipbreaking operations		7.1; 7.2	3.4; 4.1
6.2	Disposal and recycling			3.4
6.3	Hazard identification and risk assessment, exposure assessment	4.2; 4.4.1	4.4; 7.3	4.2; 4.4
6.4	Review of risk assessments		4.3; 7.4	
6.5	Preventive and protective measures		4.4; 7.5; 8	4.4
6.6	Occupational hazards		2.4; 7.3	
6.7	Potentially hazardous materials (general)	Appendix 1; Appendix 2	2.3.2; 7.2.2; 9 Annex IV, p.173 IMO Inventory	4.2
6.8	Processes of removing metals, oil and fuel, bilge and ballast water, paints and coatings, asbestos, PCBs, other waste streams and other chemicals			4.2; 4.1
6.9	OSH management system		4	
6.10	Reporting, recording and notification of work-related injuries and diseases, ill-health and incidents		5	4.5
6.11	Occupational health services		6	
6.12	General preventive and protective measures: <i>means of access and egress; means of escape in case of fire or other dangers; roadways, quays, yards and other places; housekeeping; scaffolds and ladders; precautions against the fall of persons and materials; fire prevention and fire-fighting; signs, notices and colour codes; prevention of unauthorized entry</i>		7.1.7; 7.1.8; 7.2.1.2; 7.2.2.6; 8.2; 8.3; 8.4; 8.5; 8.6; 8.7; 8.8; 8.10	4.1.3
6.13	Safe working practices and procedures for hot work (hot work safe certification), entry into enclosed spaces onboard ships (gas-free certificate) and for avoiding accidental structural collapses	9.4.3.2	7.2.2.6; 7.2.3; 8.9; 13.4	4.2.1

6.14	Recommendations for entering enclosed spaces aboard ships	Appendix 5	7.2.2.7; 8.9	4.1
6.15	General provisions for the management and assessment of hazardous substances			4.2
6.16	Monitoring in the workplace for chemical hazards		9.3	4.3; 4.4
6.17	Preventive and protective measures against chemical hazards		9.4	4.4; 9.2
6.18	Chemical safety data sheets		9.5	
6.19	Workers' health surveillance		6.5; 7.1.3; 9.6 10.2.6; 10.3.3; 10.4.2; 10.5.2; 10.6	4.4
6.20	Surveillance of the work environment		6.6; 7.1.5	
6.21	Measures against physical hazards: <i>noise, vibration, optical radiation, heat stress and wet conditions, lighting, electricity</i>		10; 10.2; 10.3; 10.4; 10.5; 10.6; 10.7	4.3
6.22	Measures against biological hazards		11	4.2
6.23	Ergonomic and psychosocial hazards		12	
6.24	Safety requirements for tools, machines and equipment: <i>hand and electrical tools, flame-cutting and other hot work, gas cylinders, power generators, lifting appliances and gear, lifting ropes, transport facilities</i>		6.7; 13.1; 13.2; 13.3; 13.4; 13.5; 13.6; 13.7; 13.8; 13.9	
6.25	Competence and training: <i>qualification of managers, supervisors, workers, contractors and other third parties</i>		8.8; 10.7.7; 11; 14; 14.2; 14.3; 14.4	
6.26	Personal protective equipment and clothing		15	5.2
6.27	Contingency and emergency preparedness: <i>first aid, rescue</i>		4.6; 16	4.5
6.28	Special protection: <i>employment and social insurance, working hours, night work, child labour, alcohol- and drug-related problems, HIV/AIDS</i>		17; 17.2; 17.3; 17.4; 17.5; 17.6	

6.29	Welfare: <i>drinking water, sanitary and washing facilities, cloakrooms, shelters and facilities for food and drink, living accommodation (housing)</i>		18	3.4.2 – 3.4.6
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## 7 Environmentally Sound Management (ESM) at ship scrapping facilities

	Issue/Topic	IMO	ILO	BC
7.1	Definition			1; 3.2
7.2	Waste stream		7.2.4	2; 3.3; 3.4; 4.2
7.3	Hazardous substances and other substances of general concern to the environment (types of release)			4.2; Appendix B
7.4	Monitoring programme for the surrounding ground/groundwater, seawater/sediments and air, noise and vibrations			4.3
7.5	Achieving environmentally sound management ESM	9.5.1		6; 7.2
7.6	Gap analysis and recommendations			7

## 8 Design, construction and operation of ship scrapping facilities

	Issue/Topic	IMO	ILO	BC
8.1	Principle types of ship-dismantling facilities			3; 4.1; 5.1
8.2	Model ship-breaking yard, ship-breaking facility zones and associated activities and hazards		7.2	1; 3;
8.3	Principle hazards and their recurrence and prevention			3.3; 4.2; 5.1; 5.2
8.4	Measures for the prevention or reduction of identified hazards due to oil and fuels, bilge and ballast water, paints and coatings, asbestos, PCBs	9.4.4.2		4.2.2; 5.2
8.5	Design and construction of ship-breaking facility zones			5.3
8.6	Possible environmental, health and safety problems for ship-breaking facility zones		Table 1, pp 8-9	5.3;

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## ANNEX 3

### **EXAMINATION OF THE GUIDELINES OF THE INTERNATIONAL MARITIME ORGANIZATION (IMO), THE INTERNATIONAL LABOUR ORGANIZATION (ILO) AND THE BASEL CONVENTION (BC)**

#### **Introduction**

#### **Respective roles of the International Maritime Organization (IMO), the International Labour Organization (ILO) and the Basel Convention (BC)**

Brief sentence on the role and purpose of each (Secretariats)

#### **An Overview of the Guidelines**

The IMO, the ILO and the Basel Convention have each produced guidelines on ship scrapping. One of the key tasks of the Joint ILO/IMO/Basel Convention Working Group is to undertake a comprehensive initial examination of the three sets of guidelines with a view to identifying any possible gaps, overlap or ambiguities. This process is expected to develop joint understanding and provide a means of considering mechanisms jointly to promote the implementation of the relevant guidelines on ship scrapping.

The guidelines themselves are currently freestanding and are not yet deliberately drawn together.

The following text provides examples of potential areas of difference in the Guidelines.

#### **A. IMO – Guidelines on Ship Recycling**

##### Audience

All stakeholders in the ship recycling process.

##### Content

The IMO adopted the Guidelines on Ship Recycling at the 23rd Assembly in London, England, November-December 2003. The Guidelines were developed to give advice to all stakeholders in the recycling process, including administrators of shipbuilding and maritime equipment supplying countries, flag, port and recycling States, as well as inter-governmental organisations and commercial bodies such as shipowners, repairers and recycling yards.

The Guidelines suggest practical measures for all stages of the ship recycling process including:

- New ship and equipment design, in particular to minimise the use of hazardous substances and waste generation and to facilitate recycling and the removal of hazardous materials;
- Preparation of a Green Passport for new and existing ships;
- Selection of a recycling facility and preparation of a ship for recycling, including a Ship Recycling Plan;

- Roles for primary stakeholders including the flag, port and recycling States, the Basel Convention, the ILO and the shipping industry.

#### Gaps, Overlaps and ambiguities

- Section 9.5.2 refers to the Basel Convention principles of notification and prior written consent but does not consider how these principles might be incorporated into the ship recycling process detailed in the Guidelines;
- Guidance is provided on selection of the recycling facility although no specific guidance is provided to ensure ESM of ship recycling facilities;
- Most responsibility is placed on the importing/shipbreaking State.

### **B. Basel Convention – Technical Guidelines for the Environmentally Sound Management (ESM) of the Full and Partial Dismantling of Ships**

#### Audience

Countries which have or wish to establish facilities in ship dismantling.

#### Content

The Technical Guidelines were adopted by the sixth Conference of the Parties to the Basel Convention in Geneva, Switzerland, in December 2002. The Guidelines provide information and recommendations on procedures, processes and practices that must be implemented to attain ESM at facilities for ship dismantling. Specifically, the provide guidance on:

- The process of ship decommissioning for disposal and identification of potential contaminants and prevention of releases;
- Suggested good practice in the design, construction and operation of ship dismantling facilities;
- The principles of ESM of ship dismantling and how to achieve ESM of ship dismantling facilities.

#### Gaps, Overlaps and ambiguities

- No guidance is provided on how to reduce hazardous materials onboard a ship;
- The Guidelines primarily address matters of environment.

The Guidelines set out the concept of a “model facility” and suggest step changes for existing facilities to move towards best practice. In reality, however, concepts such as ‘containment zones’ will be difficult for existing facilities to realistically implement, both now and in the future.

### **C. ILO – Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey**

#### Audience

Those who have responsibility for occupational safety and health in shipbreaking operations, i.e. shipbreaking employers, workers and competent authorities.

## Content

The ILO Guidelines were adopted at an Interregional Tripartite Meeting of Experts on Safety and Health in Shipbreaking for Selected Asian Countries and Turkey, held in Bangkok, Thailand, in October 2003 and endorsed by the Governing Body of the ILO in March 2004. The Guidelines were drafted to contribute to:

- The protection of shipbreaking workers from workplace hazards and to the elimination of work-related injuries, ill health, diseases, incidents and deaths;
- Assisting and facilitating the improved management of occupational safety and health issues in or about the workplace.

The Guidelines suggest a national framework defining general responsibilities and rights for employers, workers and inspectorates with regard to shipbreaking. In addition, the Guidelines provide recommendations on safe shipbreaking operations including the management of hazardous substances, protection and preventative measures for workers against hazards and suggestions for a competence and training programme.

The ILO approach is to facilitate a step by step improvement of the hazardous practice of dismantling ships on beaches. This can be achieved by:

- Ensuring there is an inventory of hazardous materials onboard;
- Decontamination and gas-freeing;
- Planning for safe demolition;
- Recycling;
- Safe waste management.

## Gaps, Overlaps and ambiguities

- The Guidelines propose a national framework setting out rights and responsibilities for stakeholders related to the shipbreaking facility but omit to mention shipowner responsibilities;
- The suggested Model Shipbreaking Schedule makes reference to concepts such as a Certificate for Dismantling and the Green Passport but does not address the interaction between a shipowner and recycling facility in ensuring these requirements are met;
- The suggested model shipbreaking schedules and zoning of shipbreaking areas only refers to beach facilities.

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**ANNEX 4****STATEMENT ISSUED BY MR. OKECHUKWU IBEANU, SPECIAL RAPPORTEUR OF THE UNITED NATIONS HIGH COMMISSION ON HUMAN RIGHTS****Distinguished Delegates and Participants of the Joint ILO/IMO/BC Working Group on Ship Scrapping,**

Allow me to congratulate the Secretariats of the International Maritime Organization, the Basel Convention, and the International Labour Organization, for their efforts in organizing this meeting, the State Parties for their support of this work, and the civil society members present who are intimately involved with the issue.

The constitution of this working group presents a positive and encouraging step toward addressing the issue of shipbreaking at the global level.

The United Nations Commission on Human Rights has long considered the issue of illicit dumping of toxic and dangerous products and wastes in developing countries to adversely affect the human rights to life and health of individuals. In 1995, the practice of dumping of hazardous and other wastes in Africa and other developing countries by transnational corporations and other enterprises from industrialized countries gave rise to the adoption of a resolution [resolution 1995/81] by the Commission, which created the mandate of the Special Rapporteur adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.

The Special Rapporteur has examined several waste phenomena of concern to human rights. In 2004, the Special Rapporteur issued a report [E/CN.4/2004/46] containing an analysis of the human rights implications of hazardous ship dismantling enterprises, especially in developing countries. Of particular concern to the Special Rapporteur were the potential threats to human rights when an obsolete ship containing asbestos, PCBs and other toxic substances in its structure is allowed to be exported for recycling to countries where precautions are inadequate to prevent toxic substances being released into the soil, the sea and rivers, and where workers and communities are exposed to workplace and environmental poisons.

The enjoyment of human rights and the state of the environment are closely interlinked. This inter-relationship is clearly illustrated in cases of transboundary movements of hazardous wastes from developed to developing countries, whether in the form of obsolete ships or in barrels that are transported to our beaches in the night. The net effect is the same – a transfer of pollution, often from strong economies and powerful industries, to weaker economies and disempowered communities.

Regrettably, I am unable to be present in this meeting. Nevertheless, in your deliberations this week and in future meetings it is my hope that you will endeavor not to forget the human rights aspects of this type of trade which, in its extreme form, could become a means of exploiting hapless people desperate for any kind of wage. I am delighted by the gathering today which includes the International Maritime Organization, the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal, the International Labour Organization, representatives from the shipping industry, and non-government organizations. There can be no better platform for finding sustainable and just solutions to this multifaceted issue than this

gathering. My best wishes in your important task goes out once more to all the Participants and the Secretariats, and good luck in the work ahead of you this week.

Yours sincerely,

Mr. Okechukwu Ibeanu

Special Rapporteur of the Commission on Human Rights on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

**STATEMENT ISSUED BY THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

“The United Kingdom

Has listened with interest to these proceedings and made a number of observations throughout. We recognize that a start has been made. We appreciated that such a wide ranging agenda would not be likely to result in discussions of substance leading to recommendations for effective action on all the issues at the first such meeting. We believe a significant amount of work remains to be done to fulfil the expectations of the IMO, the ILO and the Basel Convention and that it is vital that further meetings are held, as was originally envisaged.

In particular, we consider that the following issues at least should be placed on the agenda for the second meeting:

A consideration of the overall objective and priority setting for the Joint Working Group with regard to ship scrapping;

A practical approach that provides guidance to promote environmentally sound management of ship scrapping;

To discuss the responsibility of flag States and other concerned States such as port States and recycling States in the context of the environmentally sound management of ship scrapping;

Consider the development of a reporting system for ships destined for scrapping;

The basic principles of an applicable control mechanism;

Pre-cleaning of ships and its role in sustainable ship scrapping operations;

Understanding of concepts such as environmentally sound management and prior informed consent;

Further elaboration of the funding mechanisms that may be needed.

In order to maintain momentum and make progress we also consider that a next meeting should be held later this year.

We are not at this stage concerned with making recommendations on which, if any, of the relevant bodies should eventually implement any mechanism, but what the mechanism should set out to achieve.

In the interest of making progress, we should focus on short term solutions that will assist now pending the development of any longer term ones.

The United Kingdom, with the Western group of nations from a Basel Convention viewpoint and as an IMO member, will consider bringing forward papers to deal with some of the key substantive issues that we have outlined above.”

#### **STATEMENT ISSUED BY GREENPEACE INTERNATIONAL AND THE BASEL ACTION NETWORK (BAN)**

“Thank you Chairman,

On behalf of Greenpeace and BAN, I would like to express the observation that two key elements are necessary if we are to move forward and solve the problems associated with ship breaking: 1) a substantive discussion and exchange of views on the issues (identified by the United Kingdom in their statement paper on agenda item 6; and 2) a change of atmosphere and attitude among the Working Group’s delegations.

As stakeholders sincerely concerned with ensuring ship breaking is transformed into a clean sustainable industrial sector that respects the environment and human rights, as has been noted in this last hour, we are not alone in being highly disappointed with the present meeting, and the absolute lack of substantive discussion on issues given to us.

The dynamic and attitude in the meeting is reminiscent of the London Dumping Convention holding meetings in this very room, in the mid-late 1980s. The London Dumping Convention was at that time considered a club of dumpers protecting narrow interests of dumpers, rather than protecting the global commons, marine ecosystems, and future generations. But fortunately by the early 1990s, the London Dumping Convention Parties made a significant shift in attitude and cooperation to establish the objective and law to *end* industrial waste dumping and moving toward sustainable waste disposal practices and actually banned industrial waste dumping, nuclear waste dumping and incineration at sea. Now it is no longer called the London Dumping Convention but the London Convention.

We urge a similar shift in attitude by the shipping industry representatives and those institutions and governments intent on protecting those interests at the expense of human health and

environment, human rights, and sustainable development. The issue of ship breaking is a test case in this respect. This is particularly true in 2005, the year of the Head of State Millennium Development Summit where it is recognized that this is the world's chance to significantly change the status quo of poverty, unsustainable development, and global security. Indeed global security is well recognized today as being dependent upon sustainable development and environmental protection.

Unfortunately our meeting this week has been a failure. It has failed to achieve its terms of reference. And it has failed to discuss issues of substance and make the all important attitudinal shift to move beyond narrow self interests and protect the health of the planet and all its inhabitants. There was no discussion of our overarching goals, i.e., where do we want to be in 5 years to make the ship breaking industrial sector truly sustainable and respectful of human rights?

There has been no discussion on the mandate given to us by over 160 Parties to the Basel Convention to minimize transboundary movements of hazardous wastes, ensure prior informed consent and environmentally sound management. There has been no discussion on closing the special loopholes in the Basel legal regime, nor any discussion on the all important issue of pre-cleaning prior to export to ensure that Asian countries do not receive a disproportionate burden of the world's hazardous waste from ships in their territories simply because of their economic status.

We hope that all of the delegates take the time to read the letter written by Mr. Okechukwu Ibeanu, the Special Rapporteur of the Commission on Human Rights on the Adverse Effects of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights. That letter, presented to this meeting and distributed today, begs the participants not to forget that this issue is not only an issue of technology and chemicals but of human rights – a fundamental objective that was not mentioned once this week. It is a fundamental principle of human rights that no peoples should be disproportionately burdened by the environmental impacts simply because they are poor. It is known as the principle of environmental justice. But that is precisely what is happening in the current situation where 98% of the world's ships are dumped in but 3-4 of the poorest countries of Asia, impacting some of the world's most desperate labourers. The Basel Convention's Ban and call for minimization of transboundary movements sprung from this human rights context from the beginning and yet this meeting has completely ignored those fundamental principles and obligations of the Basel Convention.

The meeting, due to special interests to protect the status quo of the shipping industry, has not agreed to any measure to actually reduce the damage done each day on the beaches. Instead the illegal activity of ship breaking is continuing, illegal activity which under the Basel Convention has been declared criminal. The court decisions in India, Turkey and the Netherlands has confirmed that this activity is illegal and criminal so the lack of discussion about real and its on-the-ground implementation was alarming.

Clearly, the solution to the ship breaking issue will not be found in this Working Group *unless and until* there is a shift in attitude and a sincere cooperative atmosphere whereby special interests can rise above promoting their profit margins, to promote objective sustainable development for this industrial sector that is so important for a number of developing countries and the entire world. Without such an attitudinal change, the solution in future will have to come from the Basel Convention Parties that have already a clear mandate on this issue which is well rooted in fundamental principles of human rights and the environment. The Basel Convention has already reiterated that the Basel Convention can apply to ships destined for recycling, and

that Parties need to fulfil their Basel Convention obligations. We were hoping to get assistance in this endeavour from this meeting but it appears that this assistance is being withheld.

Lets hope that in future the spirit of cooperation will prevail. Until then we have work to do.”

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## **ANNEX 5**

### **LIST OF PARTICIPANTS**

Chairman: Mr. Jens H. Koefoed (Norway)

#### **MEMBERS OF THE GROUP NOMINATED BY ILO**

##### **EMPLOYER MEMBERS**

Mr. Brian Parkinson, Trade and Operation Adviser, International Shipping Federation (ISF)

Mr. Torben Strand, Senior Manager, the Baltic and International Maritime Council (BIMCO)

Mr. Bernard J.M. Veldhoven (Netherlands)

Mr. Zafar Alam, President, Bangladesh Ship Breakers Association

Mr. Showkat Chowdhury, Vice-President, Bangladesh Ship Breakers Association

##### **WORKER MEMBERS**

Mr. Rob Johnson, Director, International Metalworkers' Federation (IMF)

Mr. Vidyadhar V. Rane, International Metalworkers' Federation (IMF, India)

Mr. John Bainbridge, International Transport Workers' Federation (ITF)

Mr. John Quigley, International Metalworkers' Federation (IMF, AMICUS, UK)

#### **MEMBER GOVERNMENTS NOMINATED BY IMO**

##### **BANGLADESH**

###### **Representatives**

Mr. Md. Taiyebur Rahman, Joint Secretary, Ministry of Shipping

Captain Mohammed Habibur Rahman, Principal Officer, Mercantile Marine Department

Ms. Shahnaz Gazi, First Secretary, Bangladesh High Commission, London

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**Advisers**

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Mr. Jens Koefoed, Adviser, Norwegian Maritime Directorate

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### **Advisers**

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## **UNITED STATES**

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Mr. Franck Lauwers, Environment Protection Officer, Malta Environment and Planning Authority

## **MARSHALL ISLANDS**

### **Representative**

Captain David J.F. Bruce, Senior Deputy Commissioner of Maritime Affairs

## **MOROCCO**

### **Representative**

M. Mohammed Saïd Oualid, Ministre Plenipotentiaire, Embassy of the Kingdom of Morocco, London

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Mr. Adem Simsek, Turkish Ship Breakers Association

Mr. Bariş Sivri, Turkish Ship Breakers Association

Mr. Kadir Özkara, Turkish Ship Breakers Association

Mr. Bilgehan Acarer, Turkish Ship Breakers Association

Mr. Oktay Sunata, Manager, Turkish Ship Breakers Association

Mr. Ioannis Ayvatoğlu, Turkish Ship Breakers Association

Mr. Dimitris Ayvatoğlu, Turkish Ship Breakers Association

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**VENEZUELA**

**Representatives**

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Captain Jesús Maritn Acevedo, Alternate Permanent Representative of Venezuela to IMO

\* \* \*

## **OBSERVERS FROM INTERGOVERNMENTAL ORGANIZATIONS**

### **EUROPEAN COMMISSION (EC)**

Mr. Thomas Ormond, Administrator

\* \* \*

## **OBSERVERS FROM NON-GOVERNMENTAL ORGANIZATIONS**

### **INTERNATIONAL CHAMBER OF SHIPPING (ICS)**

Mr. John Stawpert

Mr. Andrew Finn

### **INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)**

Mr. António A. Vieira

### **INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)**

Mr. Antony Nunn, Special Liaison Officer to IMO

### **INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)**

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### **OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)**

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Mr. Andrew Dogherty, Senior Adviser

### **GREENPEACE INTERNATIONAL**

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Mr. Martin Besieux, Shipbreaking Campaigner

Mr. Kevin Stairs, Adviser

**BASEL ACTION NETWORK (BAN)**

Mr. James Puckett, Coordinator

**INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS  
(INTERTANKO)**

Mr. Tim Wilkins, Environmental Manager

**INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS (INTERCARGO)**

Mr. Xianyong Zhou, Technical Manager

**INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)**

Ms. Janet Strode

**WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)**

Mr. Trevor Dixon

Mr. Tom Pearce, Adviser

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**JOINT SECRETARIAT**

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Mr. Du Dachang	Senior Deputy Director, Marine Environment Division
Mr. Javier Llorens	Senior Technical Officer, Marine Environment Division
Mr. Malamine Thiam	Technical Officer, Marine Environment Division
Mr. Sokratis Dimakopoulos	Implementation Officer, Marine Environment Division
Mr. James Paw	Programme Co-ordination Officer, Marine Environment Division
Mr. Edward Kleverlaan	Technical Programme Officer, Marine Environment Division
Mr. Yuzo Hirakawa	Technical Officer, Marine Environment Division
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Mr. G. Librando	Head, Treaties and Rules Section, Legal Affairs and External Relations Division
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Mr. Moin Ahmed	Head, Asia and Pacific Section, Geographical Focal Points, Technical Co-operation Division
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Mrs. M.N. Mbanefo	Director, Conference Division
Mr. A. Garofalo	Deputy Director/Head, Conference Section, Conference Division
Mr. F. van Tongerlooy	Head, Documents Section, Conference Division

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