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**FOR DEBATE AND GUIDANCE**

TWENTIETH ITEM ON THE AGENDA

**Report of the Director-General****Second Supplementary Report****Further developments in relation to the drafting of an international instrument on shipbreaking/ship recycling**

1. At its 297th and 298th Sessions,<sup>1</sup> the Governing Body considered developments in relation to the decision by the International Maritime Organization (IMO) to develop a new, legally binding instrument on ship recycling.<sup>2</sup> The proposed instrument, known as the draft International Convention for the Safe and Environmentally Sound Recycling of Ships (“draft convention”), addresses in particular flag State and shipowners’ responsibilities relating to the recycling of their ships, and the responsibilities of governments in regulating the operation of ship recycling facilities.<sup>3</sup> The draft provisions include requirements relating to the safety and health of workers involved in shore-based activities in ship recycling yards.
2. As reported earlier to the Governing Body,<sup>4</sup> the ILO is concerned to ensure that the provisions of the IMO convention complement and do not supplant ILO standards, in particular in relation to occupational safety and health (OSH). If the provisions of the proposed IMO convention resulted in multiple and differing international legal requirements in this area, it could create uncertainty or incoherence at the national level and potentially undermine the ILO’s efforts to protect workers in connection with OSH.

<sup>1</sup> For November 2006, see GB.297/19/3 and GB.297/19/3(Add.); GB.297/PV, paras 261–265; for March 2007, see GB.298/STM/7/1, GB.298/12(Rev); and GB.298/PV, para. 263.

<sup>2</sup> See IMO Assembly resolution A.981 (24) (December 2005). The adoption is fixed tentatively for 2008–09.

<sup>3</sup> The most recent version (July 2007) of the draft convention defines “ship recycling” as ... the activity of complete or partial dismantling of a ship at a ship recycling facility in order to recover components and materials for reprocessing and re-use, taking care of hazardous and other materials, and includes associated operations such as storage and treatment of components and materials on site, but not their further processing or disposal in separate facilities. See IMO doc. MEPC 56/WP.5, Annex 3, Art. 2, para. 11.

<sup>4</sup> See GB.297/19/3 and GB.297/19/3(Add.); GB.298/STM/7/1.

3. There is also concern to ensure that the guidelines to be developed under the IMO convention would recognize and operate consistently with voluntary ILO guidelines, especially those endorsed by the Governing Body in the publication of *Safety and health in shipbreaking: Guidelines for Asian countries and Turkey*.<sup>5</sup> The IMO and the Conference of Parties to the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal (Basel Convention) have also each adopted voluntary guidelines related to shipbreaking.<sup>6</sup> Prior to the IMO decision to develop an IMO convention, the three organizations had established a Joint Working Group on Ship Scrapping (JWG) in order to coordinate their respective guidelines and other efforts. The separate question of the hosting by the ILO of a third meeting of the JWG is before the Committee on Sectoral and Technical Meetings and Related Issues of this Governing Body.<sup>7</sup>
4. At its 297th and 298th Sessions, the Governing Body reviewed the efforts undertaken by the Office to ensure that ILO concerns were taken into account in the drafting of the IMO convention. As discussed,<sup>8</sup> the Governing Body encouraged the Office to continue to participate in the IMO work to develop the draft convention and emphasized the importance of complementarity and effective coordination between different organizations. In particular, it was proposed that the ILO send a high-level delegation to the next meeting of the Working Group<sup>9</sup> and to report on relevant developments. In line with these decisions, the Office represented the Organization as an observer in the Working Group established by the IMO<sup>10</sup> and in particular participated in the IMO Working Group's inter-sessional meeting (May 2007) and the Marine Environment Protection Committee (MEPC) 56 (July 2007).
5. To date, the efforts of the Organization, enhanced by the cooperation of the IMO secretariat, have secured a better understanding and awareness of the relevance of ILO standards and guidelines to the issues to be addressed by the proposed convention. At the 56th Session of the MEPC, significant support was obtained for proposed wording intended to avoid uncertainty at the national level about the relationship between the IMO and ILO regimes. Several proposals that are subject to further discussion would affirm the importance of protecting workers' safety and health in the context of ILO Conventions, and would clarify that nothing in the proposed convention should be understood to prejudice or affect the rights and obligations that States may have assumed under other relevant international conventions.
6. Discussions on the draft convention will continue at a third Inter-sessional Ship Recycling Working Group (ISWG-3) meeting in January 2008, and again at the 57th Session of the MEPC (April 2008). The 58th Session of the MEPC (October 2008) is expected to finalize

<sup>5</sup> See GB.289/205, para. 52 (Mar. 2004).

<sup>6</sup> See *Technical guidelines for the environmentally sound management of the full and partial dismantling of ships*, adopted by the Sixth Meeting of the Conference of Parties to the Basel Convention on 13 December 2002 by Decision VI/24, and the *IMO Guidelines on ship recycling* (2003), resolution A.962 (23), as amended by resolution A.980(24).

<sup>7</sup> See GB.300/STM/5.

<sup>8</sup> Statement of a representative of the Director-General, GB.297/PV, para. 261.

<sup>9</sup> See GB.298/STM/7/1; GB.298/12(Rev.), paras 95–100; GB.298/PV, para. 263.

<sup>10</sup> The development of the draft text for the new convention has been undertaken by an IMO working group under the auspices of its MEPC chaired by the Government of Norway.

the draft convention for proposed adoption at a diplomatic conference, now projected for April 2009.

7. In view of the progress made at MEPC 56, it would appear useful for the Office to continue to work with IMO delegations and ILO constituents who have indicated an interest in proposals for text in the draft convention that could address the concerns noted above. In addition, coordination with the IMO secretariat would continue, particularly with a view to ensuring that legal instruments, when developed, are complementary. It would also be helpful for ILO Members to take steps to ensure that their national delegations participating in the IMO process are aware of the relevant ILO instruments with a view to a coherent and complementary approach to OSH in the context of ship recycling activities.
8. Accordingly, the Governing Body may wish to express its views in relation to the ongoing cooperation with the IMO and in particular the continuing participation by the ILO in the development of the IMO Draft International Convention for the Safe and Environmentally Sound Recycling of Ships.

Geneva, 11 October 2007.

*Submitted for debate and guidance.*