



FOR DEBATE AND GUIDANCE

NINETEENTH ITEM ON THE AGENDA

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

1. At its 289th Session (March 2004), the Governing Body endorsed the publication of *Safety and health in shipbreaking: Guidelines for Asian countries and Turkey* (ILO Guidelines) addressing the protection of workers in shore-based activities in ship-recycling yards. The Conference of the Parties to the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal (Basel Convention) and the International Maritime Organization (IMO) have also adopted voluntary guidelines related to shipbreaking, each within their respective areas of competence.¹ In 2004, the ILO, IMO and Basel Convention established a Joint Working Group on Ship Scrapping (JWG) to avoid duplication of work and the overlapping of roles, responsibilities and competencies between the three organizations, and to identify further needs.²
2. In December 2005, the IMO Assembly decided to develop a new legally binding instrument on ship recycling (draft Convention) in time for adoption in 2008-09 and commissioned its Marine Environment Protection Committee (MEPC) to do so.³ Within its scope, the draft Convention extends to “the operation of ship recycling facilities,” which includes concern for workers in shore-based activities in ship recycling yards, an area within the mandate and competence of the ILO. This would not necessarily be of concern to the ILO if the Convention would appropriately reflect, and in any event not conflict with

¹ 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; the *IMO Guidelines on Ship Recycling*, adopted on 5 December 2003 at the twenty-third session of the Assembly by resolution A.962 (23). The IMO is primarily responsible in the United Nations system for maritime safety and prevention of pollution from ships.

² For reports on the two meetings of the JWG held so far, see GB.295/STM/6/1 and GB.292/STM/5.

³ See IMO Assembly resolution A.981 (24) (Dec. 2005).

or otherwise create difficulties in relation to the application of relevant international labour standards and the implementation of guidelines adopted by the ILO.

3. In accordance with IMO drafting procedures, the MEPC set up a correspondence group composed of States, international organizations and non-governmental organizations to prepare a draft Convention. As a member of the correspondence group, the Office provided comments on issues within areas of ILO competence, and in particular relating to occupational safety and health, including a suggestion to introduce an explicit reference to the ILO Guidelines in the draft Convention. Despite ILO comments, the draft text of the Convention on matters within the ILO mandate remains inconsistent with ILO standards in certain important respects.⁴ While a full appreciation of the impact that the proposed Convention would have is not possible at this stage, there appears to be a risk that the text will contribute to creating multiple and inconsistent guidance and legal regimes in areas within the ILO mandate relating to shipbreaking.
4. A further development worthy of attention in this regard has been the approval in October 2005 of ship recycling as a proposed work item of the International Organization for Standardization (ISO) and the establishment of a Ship Recycling Working Group under ISO/TC8.⁵
5. On 30 June 2006, the Office wrote to the correspondence group to indicate its concern over the outcome of the group's work so far and calling for a coordinated approach, with each agency working within its respective mandate, based on a clear understanding among the organizations concerned regarding the status of their inputs and the manner in which unresolved issues that may arise can be addressed. The letter has been included in the documents for review by MEPC at its October 2006 session.
6. The ILO's cooperation with the IMO is governed in general by a longstanding agreement between the two organizations.⁶ Under that agreement, the Director-General of the ILO and the Secretary-General of the IMO may enter into supplementary arrangements for the implementation of the agreement as may be found desirable in the light of the operating experience of the two organizations (article VIII). The development of such an arrangement in this context could be considered, particularly in light of the terms of reference and practice of the Joint ILO-IMO-Basel Convention Working Group on Ship Scrapping set up in 2004.
7. Accordingly, the Governing Body may wish to express its views in relation to cooperation with the IMO for purposes of development of the proposed new IMO instrument on ship recycling.

Geneva, 6 October 2006.

Submitted for debate and guidance.

⁴ See MEPC 55/3/2 (July 2006).

⁵ See MEPC 55/3/3 (July 2006).

⁶ The agreement between the International Labour Organization and the Intergovernmental Maritime Consultative Organization, which became the International Maritime Organization in 1982, entered into force in 1959 following approval by the respective governing organs.