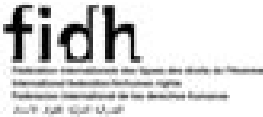


# END OF LIFE SHIPS

THE HUMAN COST OF BREAKING SHIPS

# GREENPEACE

**Greenpeace** is an international non-governmental organisation founded in 1971, working on global environmental problems. Greenpeace started its shipbreaking campaign by highlighting this environmental and human rights disaster in 1998. Since then the environmental organisation has been working for a global solution be it through the UN Basel Convention (Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal), the IMO (International Maritime Organisation) and/or the ILO (International Labour Organisation) as well as in the shipbreaking countries such as India and Turkey.



**FIDH**, the International Federation for Human Rights, was created in 1922. It now includes 141 national human rights NGOs from all regions of the world. FIDH has a generalist mandate and consequently works on all human rights be they civil, political, economic, social, or cultural rights. FIDH carried out fact-finding missions on shipbreaking in India and Bangladesh, which resulted in the publication of a mission report in 2002 entitled 'Labour Rights in Shipbreaking Yards in South Asia, Where do the floating dustbins end up?'



**YPSA** (Young Power in Social Action) is a youth led and youth managed social development organisation that started in 1985 in Bangladesh. It aims at promoting sustainable development through a holistic approach. YPSA follows the issues related to workers rightsworkers rights, tries to get improved working conditions at Chittagong shipbreaking yards and does advocacy for a policy to ensure human rights in the shipbreaking industry. In addition to awareness raising activities and publications about the subject, YPSA also provides instant help to injured shipbreaking workers.



SHIPBREAKING YARDS, BANGLADESH, NOVEMBER 2004 ©GP/DEHOMMEL



WORKERS AT SHIPBREAKING YARDS IN BANGLADESH, FEBRUARY 2002 ©RUBEN DAO/FIDH

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Last but not least, many thanks to the shipbreaking workers and to the families of dead workers who were willing to give us time and to share with us the painful memories of a friend, a husband, a son or a father who died at work.



# EXECUTIVE SUMMARY

'End of Life Ships – the human cost of breaking ships –' is a joint report by Greenpeace and FIDH, that aims to shed light on the extremely poor working and environmental conditions that are still prevailing at shipbreaking yards all over the world. We illustrate this by using the specific examples of the two biggest shipbreaking countries: India and Bangladesh.

Shipbreaking involves environmental justice as well as human rights issues. This is why, for the first time, Greenpeace and FIDH decided to bring together their expertise in these respective fields and publish this joint report.

Shipbreaking yards provide the last resting place for End of Life Ships. At these yards, ships are scrapped, primarily for their steel content. Ship scrapping, often referred to as 'ship-breaking', provides employment to thousands of workers in Asia and allows the recycling of many materials used in the ship's construction. However, it is a dirty and dangerous business. Almost all of the vessels condemned for breaking contain hazardous substances such as asbestos, oil sludge, paints containing lead, other heavy metals like cadmium and arsenic, poisonous biocides as well as PCBs and even radioactive substances.

People who lose their lives due to shipbreaking activities are hardly ever mentioned and when they are reported, it is mostly as 'numbers' and 'statistics', whether it is in governmental or intergovernmental fora or in the media. Greenpeace and FIDH delegations went to the working and living places of these workers in India and Bangladesh. We wanted to learn more about the real stories behind these statistics. The present report is the fruit of both desk and field research. From the beginning it became immediately clear that there are serious discrepancies between these 'numbers' and the witness stories.

It is extremely difficult to gather comprehensive data about the shipbreaking workers. Most of the time there simply are no records kept by the authorities and if these records do exist, they often do not reflect the reality. Gujarat Maritime Board in India records 372 casualties due to accidents from the beginning of shipbreaking activities in 1983 up to mid 2004. But, when compared to eyewitness statements, these official 'figures' about deaths by accidents seem largely underestimated. In Bangladesh there are no records kept, neither by yard owners, nor by the authorities. The only written sources are the reports of local media. We estimate that at least 1,000 people have died in Chittagong due to accidents over the last decades<sup>1</sup>.

In addition, the official and estimated figures do not include casualties as a result of diseases: the 'hidden' deaths. Greenpeace and FIDH estimate that the total death toll of shipbreaking practices in the world over the last twenty years might be thousands. In spite of international attention on the issue it seems that things have not changed for the better.

It is striking that only on the second day of their visit to one of the Bangladeshi yards, the Greenpeace/FIDH researcher witnessed a serious accident in which three workers died and one was severely injured. They also found out that two other workers died three weeks earlier. Only nine days later they learned that one man was killed in a new accident.

Many die or get handicapped on the spot because of accidents like explosions due to ship tanks not freed from gas and accidents due to a lack of safety measures. Yet others die slowly because of illnesses related to the toxic fumes and materials they are exposed to the whole day. Some cancer types and asbestos related diseases will only occur 15-20 years later. There is no record of death due to diseases. One thing is clear, however: hundreds of workers have died and are still dying due to shipbreaking, and they leave hundreds of widows and orphans without resources.

One of the main characteristics of the working force in the yards is that those workers migrate to Alang in India and to Chittagong in Bangladesh from the poorest parts of these countries. They are totally unqualified workers, having very little education and are thus easy to exploit. Workers are being provided neither with the adequate training nor with the equipment to work in such a dangerous and toxic environment, although shipbreaking is considered by the International Labour Organisation as one of the heaviest and most hazardous occupations in the world. Their general living conditions after migrating to the yards are extremely bad. Yet those workers cannot generate income in their home places. An Indian worker from Khaling village summarizes why they keep migrating: *'If I go to Alang maybe one person will die, but if I stay five people will die.'*

The current system of sending ships for scrap without taking preliminary precautionary measures continues to ruin the lives of thousands of people in Asia. National governments of the countries where the yards are situated hold prime responsibility for protecting the rights of the workers. However, the other operators along the chain cannot be exonerated: e.g. the shipowners, the yard owners, governments from industrialised countries.

<sup>1</sup> We were able to make this estimation after three visits to Chittagong over the last five years, after lots of cases collected and after talking to most of the people involved in one way or the other with shipbreaking in Bangladesh. This figure is also confirmed by media reports. According to media figures, 500 people died during the last fifteen years (Daily Azadi, 1 June 2000) or 200 during the last five years (Ittefaq, 30 September 2003) which in both cases amounted to roughly 1,000 to 1,200 over the last three decades, assuming that the annual loss of life of shipbreaking workers is more or less the same each year.



SHIPBREAKING YARDS, BANGLADESH, NOVEMBER 2004 ©GP/DEHOMMEL

The producers currently escape their responsibilities and the 'polluter pays' principle is not being applied. Ship owners in the northern hemisphere, yard owners and governments are ignoring their international human rights and environmental commitments. Poor and vulnerable people are the first victims.

Greenpeace and FIDH acknowledge that closing the yards or returning the shipbreaking activity to industrialised countries in which the business would be more regulated is not the solution, since the activity is an important source of income for the countries concerned and provides jobs for many workers. However urgent action is needed to address the current situation at the yards.

Greenpeace and FIDH consequently call upon UN institutions and governments to implement an effective and enforceable mandatory regime, based on the existing Basel Convention and on the ILO, IMO and Basel Guidelines on shipbreaking. Such a mandatory regime must ensure the following:

- The respective responsibilities of all participants involved in the process must be established, from the designer of the ship to the breaker.
- Ship owners and exporting countries are responsible and held liable for the proper handling of hazardous and explosive materials on board of End of Life Ships.
- International standards on labour, safety, health and the environment should be respected at shipbreaking yards all over the world.
- A fund fed by the ship owners and governments must be created, that supports the improvement of working conditions at shipbreaking yards and compensates the victims and their families.

With a view to the need for clean steel scrapping in developing countries and the immediate need to save human lives, Greenpeace and FIDH also urge the shipping industry and developed countries to arrange for gas free for hot work certification for End of Life Ships and to pre-clean ships in developed countries.

In addition, Greenpeace and FIDH urge the yard owners and the governments of countries where the yards are situated, possibly in cooperation with ILO, to keep a precise and publicly available record of workers that die, fall ill or get injured in relation to their work on the yards.

Finally, the national governments of shipbreaking countries such as India and Bangladesh, but also China, Pakistan and Turkey, should endeavour to guarantee the full implementation of their domestic legislation and their international commitments to protect workers and the environment.



# INTRODUCTION

*'The voice of the poor doesn't reach far'*, said a shipbreaking worker in Chittagong to a Greenpeace delegation in 2002. By publishing this report Greenpeace and FIDH give a voice to the poorest of the poor in India and Bangladesh: the shipbreaking workers. We want to picture the lives and work of people that seem statistically non-existent, workers that break the world's End of Life Ships with their bare hands. Yet we can only tell their stories thanks to the ready cooperation of the injured workers and of the families and friends of those who died.

## DIRTY JOBS

India, Bangladesh, Pakistan, China and Turkey are the homes of the world's shipbreaking facilities. Every year the shipping industry sends around 600 ships of all types to be dismantled on their beaches. The yards provide work, directly and indirectly, to thousands of people. Yet working at a shipbreaking yard is a dirty and dangerous job. Every worker knows that. Still they keep coming, from thousands of miles away, to apply for a job. They don't have a choice: it is impossible to earn a living in their home village and they have to support their families.

## DEADLY ACCIDENTS

Every year hundreds of workers are the victims of deadly accidents at the yards of India, Bangladesh and other shipbreaking countries. The working conditions are extremely bad and safety measures hardly exist. If the shipbreaking workers don't die or get seriously injured because of an accident, they suffer a big risk of falling ill or dying from toxic waste-related diseases. At the yard and in their sleeping quarters they breathe toxic fumes and asbestos dust. Toxic waste that is being transferred as part of the structure of the End of Life Ships.

## REPLACEABLE WORKERS

No enforceable international regime on End of Life Ships and shipbreaking protects these workers and the shipping community continues to send its ships for scrap, contain-

ing hazardous and explosive materials, to the beaches of developing countries. Day by day the workers dismantle the ships without any training or protection and when they die in a gas explosion or get injured by a falling steel plate, they simply 'disappear' from the statistics. The dead or injured worker is being replaced by another poor man coming from far away to risk his life for a small handful of money.

## FACES AND FAMILIES

FIDH and Greenpeace, in cooperation with local organisations such as YPSA in Bangladesh, conducted this research to give a real face to the people who are losing their lives every day due to the inhumane conditions at the shipbreaking facilities. These people are not only 'numbers' or 'statistics'. They have names, families and friends who mourn them. They had a life, but they lost it due to the carelessness of the shipping industry and the yard owners, and due to the negligence of governments. Governments that allow these ships to be sent to developing countries without any precautionary measures, thereby ignoring international law. And governments that do not ensure safe working conditions at the yards.

## ENVIRONMENTAL JUSTICE...

This research is a joint initiative of Greenpeace and FIDH, because the international trade of End of Life Ships is an environmental justice as well as a human rights issue. The illicit transfer and dumping of toxic waste to developing countries in the form of old vessels is a blatant breach of the UN Basel Convention Regime that was carefully designed precisely to protect developing countries.

## ...AND HUMAN RIGHTS

In addition, the International Covenant on Economic, Social and Cultural Rights (ICESCR) imposes upon states the obligation to respect and fulfil the rights contained in the Covenant, but also to prevent violations by third parties. One of these rights is the enjoyment of just and favourable conditions of work. Another right is that to an adequate

standard of living for oneself and one's family. The ICESCR also declares as a right to everyone the enjoyment of the highest attainable standard of health. Furthermore there are various conventions of the International Labour Organisation (ILO) that are relevant to the working conditions at the shipbreaking yards.

## URGENT NEED

FIDH and Greenpeace tried to trace the stories of some dead and injured workers. We went out to the yards and the villages and searched for witnesses of their lives, their work and their death. This report tells some of these stories - examples of the stories of all shipbreaking workers. Stories that confront the international community with the human tragedies behind the shipbreaking practices. This report intends to send a clear message to the shipping industry and to governments: there is an urgent need to respect and include the environmental justice and human rights principles when negotiating a more effective global regime on End of Life Ships and shipbreaking.



# 1. OBJECTIVE AND METHODOLOGY

## 1.1 OBJECTIVE

Most press reports on accidents at shipbreaking yards only inform us about the number of people involved: ‘an accident happened, three workers died and three were injured’. The dead and injured people are reduced to statistics, the destroyed lives don’t seem to count that much and if it comes to workers who died of diseases related to exposure to toxic substances at the yards, there are not even any numbers or statistics. Therefore the main focus of this report is on the ‘deaths by accidents’.

### FACT-FINDING MISSIONS

The principal objective of FIDH and Greenpeace by publishing the present report was to give a face to those victims, shed some light on their lives and break the silence surrounding their fate. In order to do so, we sent fact-finding missions to India and Bangladesh to gather information about these workers who lost their lives due to shipbreaking: their names, the cause of their death, their age, personal stories and if possible some photos.

### TIP OF THE ICEBERG

It was clear from the start that it would be a very difficult task as no official or scientific comprehensive records are being kept by the relevant authorities and institutions in these countries, nor in UN bodies. During the research, it became obvious that it would only be possible to unveil the tip of the iceberg. Therefore the stories and the information gathered in this report should be seen as a glimpse of what is happening in shipbreaking countries.

## 1.2 METHODOLOGY

The research focused on India and Bangladesh, as these two countries have been the leaders of the shipbreaking industry in the last decade, both in numbers and tonnage of ships broken<sup>2</sup>. However it is important to note that the

conditions in other shipbreaking countries such as Pakistan, China and Turkey do not differ very much from India and Bangladesh<sup>3</sup>.

### SOURCES IN BANGLADESH

In Bangladesh, there is no governmental body keeping records of the shipbreaking accidents or the diseases related to shipbreaking. In this country an important source of information were the press clippings that reported accidents and mentioned the names of people who died. The local non-governmental organisation YPSA significantly contributed in gathering the initial information about the victims. Several shipbreaking workers were interviewed by the Greenpeace/FIDH delegate. The delegation also visited some of the villages where many workers come from, in Northern Bangladesh, and interviewed families and friends of the victims.

### SOURCES IN INDIA

In India, the local press does not report the names of the victims after an accident. The Gujarat Maritime Board, a governmental body, keeps numbers of ‘deaths by accident’, classified by the type of accident. But, when compared to eyewitness statements, these official ‘statistics’ turn out to be very much incomplete (see 1.5).

Both the local police and the hospitals did not want to reveal the cases of accidents that occurred in shipbreaking yards. Therefore the main sources of the research in India are the testimonies of workers and their families. The Greenpeace/FIDH delegate visited their living quarters at Alang shipbreaking yards and also some of their home villages in Orissa, a state in Eastern India, thousands kilometres away from where they work. In many cases it turned out to be impossible to get the exact date and cause of death. Also it was difficult to lay hands on a photo of the victim, as the families tend to burn the belongings of their beloved, to put an end to a painful episode.

## 1.3 SCOPE AND LIMITATIONS

Greenpeace and FIDH tried to establish a comprehensive list of shipbreaking workers who died or got handicapped as a result of accidents at the yards in India and Bangladesh. This turned out to be extremely difficult, for the following reasons:

- There is no complete registration of workers by the yard owners nor existing reliable statistics by the authorities. In India alleged false reports of numbers and causes of death prepared by the yard owners remain the only official documents available. In Bangladesh the reports in the local press are the only source. In general workers are reluctant to talk, as they fear losing their jobs.
- Authorities are not willing to cooperate, either at a local or national level. They try to protect the status quo, which is mainly benefiting the local economy.
- Workers are seasonal, they come and go. It is often difficult to find anybody who can remember the stories of people who died due to accidents or diseases.
- Workers at the shipbreaking yards are not represented because the yard owners don’t tolerate trade unions. This is in violation of domestic legislation and international law.

<sup>2</sup> Total historical ship scrapping volumes (all types) by region and year (1994-2003) as reported in the EU Assessment report: Oil tanker Phase Out and the Ship Scraping Industry, EC-DG-TREN COWI, June 2004. Bangladesh scrapped a total of 603 ships (9,6 mLDT) and India a total of 2,638 ships (21,7 mLDT).

<sup>3</sup> See Greenpeace reports on shipbreaking in China and Turkey and ILO report on shipbreaking in Asia.



CHILD CLEANING THE MUD FROM AN IRON PIECE TO BE CUT AT SHIPBREAKING YARDS, BANGLADESH, FEBRUARY 2002 ©RUBEN DAO/FIDH

- Ministries of Labour in India and Bangladesh generally close their eyes to what is happening, notably because of corruption at various levels.
- Ministries in Exporting Countries are closing their eyes to what is happening with the End of Life Ships. They do not comply with their obligation<sup>4</sup> under the Basel Convention Regime, to assess the dismantling facilities in the importing countries.

#### LIST OF VICTIMS

In spite of those obstacles we were able to draw a list of victims who died or were severely injured during their work at the yards. We collected individual stories: testimonies of victims and their families and friends that form the basis of this report. Clearly they illustrate a more general pattern of deaths and injuries among workers of all shipbreaking yards in developing countries.

#### INJURED WORKERS

Though the main focus of this report were the 'deaths by accidents', during our research we encountered several workers that were injured and handicapped due to shipbreaking work. We included some of their stories in this report. Yet there must be many more injured and disabled workers. To give one clear indication: in Bangladesh we found more than sixty cases of injured workers in just one day in one village (Saria Kandi).

#### 1.4 FUTURE DISEASES

*'We have breathing problems due to the dangerous chemical wastes that are burnt in the shipbreaking yards. We have to cover our noses all the time, even inside our homes.'*

An important cause of death among shipbreaking workers is no doubt the toxic waste-related diseases they suffer from. This part of the story should be inside our report, but

unfortunately we had to leave it out. It turned out to be virtually impossible to get any data about the people who died because of diseases related to the exposure to toxic materials.

#### FUTURE DEATHS

There is no medical monitoring programme for the workers and nobody keeps track of former workers. In addition, asbestos related illnesses such as asbestosis and mesothelioma appear 15 to 20 years after the exposure. One may fear that many other workers will die in the future because they are constantly being exposed to a deadly cocktail of toxic fumes and materials. These circumstances contributing to future illness are merely another aspect of the general bad working and living conditions at the yards.

#### SIGNIFICANT STATEMENTS

Where medical statistics are absent, some significant statements from doctors provide an indication of the real impact of the toxic environment in which the shipbreaking workers do their dirty jobs. According to a doctor at the Red Cross Hospital in Alang, working one day at the shipbreaking yard is equal to smoking 10-15 packs of cigarettes<sup>6</sup>.

<sup>4</sup> Art 4.2 (e) Each Party shall take the appropriate measures to not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organization that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner.

<sup>5</sup> Testimony of women of one of the villages of Sitakunda, situated along the Chittagong shipbreaking yards, May 2002.

<sup>6</sup> Statement of a doctor in the documentary 'SHIPBREAKERS', a co-production of the National Film Board of Canada and Storyline Entertainment, 2004.

A German occupational health officer stated that due to the lack of safeguards in handling the various contaminants, every fourth worker in Alang must be expected to contract cancer<sup>7</sup>.

#### RISE OF DISEASES

Dr Rupa Abdi summarizes in her report<sup>8</sup> about Alang ship-breaking yards: 'The labourers in Alang live in poor housing and sanitary conditions and little attention is paid to their health and safety concerns. According to the physicians in and around Alang who treat numerous Alang patients, the combination of hazardous working conditions, congested and unhygienic living conditions, poor quality drinking water, (...) and rampant prostitution have given rise to a number of skin, gastrointestinal, and liver diseases besides tuberculosis, leprosy, malaria, malnutrition, cancer, HIV-AIDS, and other sexually transmitted diseases (STD).'<sup>9</sup>

#### ASBESTOS

Greenpeace sampling in 2000 in Alang showed that workers were exposed to deadly asbestos fibres 24 hours a day. Asbestos fibres were found not only at the yards, in the living quarters and in the waste dump (200 meters inside) but even in the Hindu temple where the workers were praying. This poses a serious health risk not only to the shipyard workers, but also to the roadside sellers that trade in ship parts. Furthermore the Gujarat Maritime workers stationed at the shipbreaking yard as well as the neighbouring communities of peasants are in danger of getting asbestos-related diseases<sup>9</sup>.

#### POISON AND RUST

No medical check-up to assess the prevalence of asbestos-related ailments is being done on the workers or on other people frequenting the shipbreaking yards in Alang and Chittagong. Despite the absence of hard data it wouldn't be too farfetched, given the prevailing conditions, to assume that the afflictions could be of serious proportions. Hasan, a shipbreaking worker in Turkey, put it in very plain words to a



Greenpeace delegation in 2001: '*You need not have any illusions. This is not earth you are standing on. This is a mixture of poison and rust.*'

<sup>7</sup> Public statement of Dr. Frank Hittmann, the occupational health officer of the German state of Bremen in an interview with ARD-TV, Nov. 23, 1998.

<sup>8</sup> India's Ship-Scraping Industry: Monument to the Abuse of Human Labour and the Environment, By Rupa Abdi, IIAS Newsletter, November 2003.

<sup>9</sup> Ship for scrap III: Steel and toxic waste for Asia, Greenpeace 2001.



SHIPBREAKING YARDS, BANGLADESH, NOVEMBER 2004 ©GP/DEHOMMEL

## 1.5 OFFICIAL FIGURES

When FIDH and Greenpeace compared their findings and the testimonies they collected, with the official figures - when there are some - it became clear that the real numbers of workers who are losing their lives or are becoming handicapped due to accidents and diseases in the yards, may be several times higher than the official numbers.

### INCOMPLETE

In India for example, according to the figures of the Gujarat Maritime Board, seven workers lost their lives due to explosions and fire in 2003. However, eyewitnesses from a Greenpeace delegation found at least twenty people dead in two explosions in 2003. Furthermore five big accidents involving deaths happened that year. This indicates that the official 'statistics' are very much incomplete.

### DISAPPEARED

The information collected by Greenpeace and FIDH is only the tip of the iceberg. The people for whom no records are available have simply 'disappeared' - at least from the statistics. Yet one just needs to read the stories of some of them to know that all these shipbreaking workers did have a life and that somewhere friends and families are still mourning their death.







MOTHER HOLDING PICTURE OF MOHIDUL (BOY ON THE LEFT), SEE STORY PAGE 19, BANGLADESH, OCTOBER 2005 ©RUBEN DAO/GP/FIDH



## 2. VICTIMS OF SHIPBREAKING IN BANGLADESH

### 2.1 SHIPBREAKING IN BANGLADESH

On average one shipbreaking worker dies at the yards in Bangladesh every week and every day one worker gets injured. These are shocking numbers that can never be found in any official statistics. It seems like nobody really cares: shipbreaking workers are just replaceable instruments for the yard owners and the governments. One is lost, so another replaces him.

#### BIG INDUSTRY

Shipbreaking is a major industrial activity in Bangladesh and an important source of revenue to the Government<sup>10</sup>. More than thirty years ago the first vessel was dismantled on the shore near Chittagong in Southern Bangladesh. Now this industry is a big supplier of second-hand machineries, diverse materials and millions of tons of steel to be recycled. In Bangladesh, ship scrapping provides about eighty percent of the country's steel needs and contributes to the production of, for instance, cement and construction materials. According to various interviews carried out locally, it employs directly an average of 30,000 workers and indirectly between 100,000 and 200,000<sup>11</sup>.

#### CLOSED DOORS

Despite the size of this recycling industry, there is a distinct lack of figures, especially regarding the accidents that kill and wound hundreds of workers every year. Unlike other industrial sectors in the country, the government of Bangladesh has no statistics, no serious records, detailing this dangerous activity. Yard owners generally consider themselves to be above the law and do not give any information. They try to keep the doors of their yards closed at all costs, especially when it comes to the matter of working conditions and accidents. They don't want to suffer bad publicity or pay for compensation.

#### EYEWITNESS

Although no statistics are available, it is possible to assess that at least a thousand workers died on the Bangladeshi yards these last decades. That assumption is based on discussions with various persons involved in shipbreaking in the years 2000, 2002 and 2005. However the same conclusion can be drawn from comparison of the available information with the witness stories we collected. This is reflected by a recent experience. On the second day of their visit to the Bangladeshi yards in October 2005 the Greenpeace/FIDH researcher witnessed a serious accident. Three workers died and one was severely injured when collecting sludge in a tank in the MT Dia. They also found out that two other workers died three weeks earlier. Only nine days later they learned that one man was killed and another was severely injured in another accident.

#### BUSINESS AS USUAL

Only when an explosion on a shipwreck is big enough to alert local journalists and outside observers such as NGOs will the news spread out. Then the authorities might feel obliged to investigate the case and force the ship breakers to promise better working conditions. That is exactly what happened after the explosion on the tanker TT Dina in May 2000 that killed dozens of workers. Yet five years later, the situation still remains the same. The government continues to close its eyes to a dirty business controlled by very well connected businessmen, collecting taxes and bribes and unable - or unwilling - to implement existing laws. The promise made in 2000 by the BSBA (Bangladesh Ship Breakers Association) to build a hospital near the yard was only aimed at answering critics and pressures after deadly explosions. In Chittagong, the shipbreaking business continues to be as dangerous and dirty as usual.

<sup>10</sup> Shipbreaking activities in Bangladesh, document submitted by Bangladesh, ILO/IMO/BC WG 1/7/1, 23 January 2005, para. 6.

<sup>11</sup> It should be noted that the government of Bangladesh claims that about three million people are directly or indirectly employed in the industry, although that number seems largely overestimated – see Shipbreaking activities in Bangladesh, document submitted by Bangladesh, ILO/IMO/BC WG 1/7/1, 23 January 2005, para. 9.

**TRAVEL FAR**

Around the yards, from shed to shed, workers talk about explosions and accidents that kill a fellow worker, a cousin or a brother. But to get a bit closer to this reality one must travel to the North, to the poorest districts of Bangladesh, to villages like Nandail (north of Kishor-ganj), Saria Kandi (near Bogra on the river side) or Chandan Baisha, Dac Bangla and Kolni Bari (south of Saria Kandi). From there the farmers leave to work at the Chittagong ship-breaking yards, to be able to feed their families.

There, from village to village, day after day, the stories emerge: families remembering their killed son, brother or father. Disabled workers detailing what happened at the yards and describing their lives after the accident. Many wounded workers showing their scars, explaining what the accident means to them. They tell about the lives they lived as a farmer, often without land, and why they were forced to go to Chittagong's yard and do this risky shipbreaking work.



Map No. 3711 Rev. 2 UNITED NATIONS  
January 2004

Department of Peacekeeping Operations  
Cartographic Section

## 2.2 DEATH OF A SHIPBREAKING WORKER: THREE STORIES

### TAIBOER KHAN

Fulera is the widow of Taiboer Khan. She tells her story and the story of her dead husband.

Taiboer was a small farmer. More than six years ago Taiboer, Fulera and their four children lost their entire land and house in a flood. Their home was inundated and their land had disappeared in the new river bed for years to come, if not forever. Niju, a neighbour, was the first to talk to Taiboer about the shipbreaking in Chittagong. Taiboer Khan felt he had no other choice than to migrate to the south and start working at the breaking yards.

Taiboer worked at the Chittagong yards for five years, without major problems. He was regularly sending money home and returned to his village every year. But in December 2003 he was loading a heavy iron plate together with other workers. The plate fell and Taiboer's legs and chest were severely injured. He was superficially treated in Chittagong and then the authorities of the yard convinced him to travel back to his village. They didn't want to pay for any serious treatment and refused to give him any compensation after the accident.

After Taiboer returned to his home, his wife sold their water pump for 1,000 takas (around 13 euros) so that they could take him to the hospital in Bogra, the main city two hours away from the village. In Bogra they met a doctor, but 1,000 takas were not sufficient to pay for the necessary treatment that could save him. So the gangrene slowly killed him. He died at the beginning of December 2004, one year after he had returned home.



'What could we do?' his widow Fulera asks, as tears flow down on her face. She is now living with three of her four children. Her oldest daughter got married but after she faced problems with her husband she had to return home. The youngest one is of an age to get married, tells Fulera, but the family is too poor to find her a husband. The two sons are rickshaw pullers. One is in Dhaka and the other one, Belal, works in the village.

Belal tried to work at the yards in Chittagong as well. But after 15 days he came back. He was too scared after the

death of his father. As a rickshaw puller he manages to earn 30 or 40 takas a day (around 50 cents). This is the only income for the entire family.

Taiboer's brother Khan is also at home and shows a wound on his hand. He was breaking ships in Chittagong too and was injured in 2004. Luckily the wound didn't need any special or expensive medical treatment.

'What can we do?', repeats Fulera over and over again. 'All our land was lost in the flood.'



MOTHER OF MOHIDUL, BANGLADESH, OCTOBER 2005 ©RUBEN DAO/GP/FIDH

## MOHIDUL

Mohidul's mother and his brother tell us the story of Mohidul's life and death.

Mohidul started working at Chittagong's shipbreaking yards in 1991, a few months after his family's home had been destroyed by a tornado. Mohidul's seven family members could rebuild a house but were not able to survive without land. Mohidul's elder brother was the first to leave for Chittagong. Later he came to take his brothers Mohidul and Aminur.

Mohidul, 25 years old, was planning to return to his village Kolni Bari for the Eid el-fitr festival, together with his two brothers Ashadul and Aminur. He was coming back to get married. For months he had been talking about his wedding with his fellow workers and he had already bought presents for his future wife. Yet before the fasting month of Ramadan had even started, his plans turned into a nightmare.

On 26 September 2005, as he was working on the ship-breaking yard with his brother Ashadul, he slipped and was badly injured. He was carrying a plate with his fellow loaders but when they threw it away the huge iron piece fell on his chest.

His other brother Aminur was not working when the accident occurred but quickly informed he rushed to the yard. 'Mohidul had a broken leg, he was bleeding a lot', he recalls. 'I tried to clean his injuries with water. Then, with Ashadul and other workers, we took him to the hospital as fast as possible. The accident happened around 9 am and one hour later we arrived at the hospital. He was conscious but very weak. He could move his eyes and fingers.'

The yard authorities visited him at Chittagong Medical College Hospital on the first evening. Before he was hospitalised, they also provided a local 'doctor'<sup>12</sup>. Then they allowed

him access to a shop to get free medicines but they refused to reimburse the 20,000 takas (around 260 euros) Ashadul spent at the hospital for treatment and food.

Mohidul was kept at the intensive care unit in a critical but stable situation. The hospital told the yard authorities that Mohidul needed an urgent operation to survive. But they refused to pay the costs of the surgery. At the poorly equipped Chittagong Medical College Hospital lacking medical tools, expertise and employees, Ashadul and Aminur were the main ones taking care of Mohidul. YPSA, a local NGO, was also supporting the injured labourer.

Mohidul died at the hospital at 3 am on 16 October. The yard paid the transport of Mohidul's body to his village and gave 5,000 takas (around 65 euros) to cover the costs of the funeral and religious ceremony. No compensation was given to the family. On 26 October Mohidul's father and Ashadul went back to Chittagong to meet the yard's authorities and talk about a possible compensation. At the end of October Mohidul's mother and Aminur had not heard anything from Chittagong.

<sup>12</sup> He was not trained as a doctor but, as often occurs in Bangladesh, he was running a small shop selling medicines and dealing with small first aid treatments. ILO/IMO/BC WG 1/7/1, 23 January 2005, para. 9.





## NADDU

The rainy season is over when we visit Nasima in her village Chandan Baisha. The flow of the Jamuna river seems far away. Greenish rice fields are covering the low land at the foot of the embankment. The village spreads behind the earth-made dyke, but some houses are squatting on the other side where they would be the first to disappear in any serious flood.

Nasima's house is in one of these squatted places. She moved here with her family because they were pushed out from another land they were renting. At least here nobody will claim the land. But the water could easily take all their belongings. The 12 years old girl never smiles. She seems extremely serious for a child about to become a teenager. Nasima explains that her mother went to visit her older sister who is working as a servant near Bogra. Her three other brother and sisters are not at home either.

When asked about her father Naddu, her expression gets even gloomier. She has trouble when she tries to remember dates and to recall what happened to her father. When she does speak she utters with a shy voice and murmurs about a period of time that she seems to avoid. She quickly disappears in the house made of corrugated iron and comes back with a voting card dated 9 April 1999. That was for the last general elections and it seems to be the only material trace of her father: a small picture and a voter number.

Nasima keeps the card in her hands. When her father's cousin arrives, he helps her with this painful past. Naddu, her father, died less than four years ago, most likely in 2002. He was working on Z.N. Enterprise Yard owned by the businessman Showkat Ali Chowdhury. One day Naddu was carrying a heavy piece of iron that crashed on his chest. He was taken to the Chittagong College Medical Hospital but he died when doctors tried to operate on him. The cousin believes that Naddu could have been saved if he had been treated earlier. No serious first-aid treatment was available inside the yard and too many hours had passed before he was finally attended by doctors.

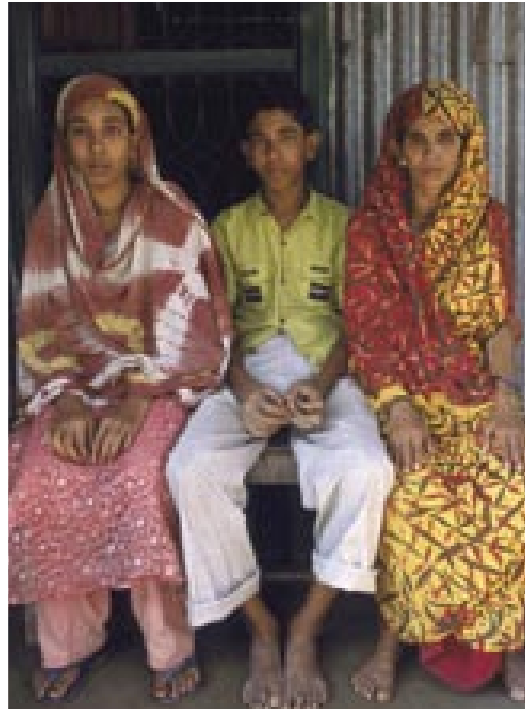
There are no medical facilities near the yard, despite the dangerous recycling activities carried out there. In fact the injured workers have to suffer, most often in a simple auto-rickshaw, one hour on the overcrowded Dhaka-Chittagong highway before they reach the hospital located downtown.

One year after Naddu died, Nasima's thirteen years old brother Mitu had no other choice than to leave for the shipbreaking yards. Mitu was the only male left in the family and he had to take care of them. So he tried his luck on the shore north of Chittagong. Now, two years later, he is still working at the shipbreaking yards.



### 2.3 DEADLY ACCIDENTS: LIST OF VICTIMS

- Mofadjal was killed in 1993 at the age of 40 when the wire broke that is used to lift big pieces of a ship to the shore. His throat was cut and he died on the spot. Mofadjal had only been working for two months at Chittagong's shipbreaking yards.



FAMILY OF MOFADJAL, BANGLADESH, OCTOBER 2005 ©RUBEN DAO/GP/FIDH

- Jahirul died in 1996 at the age of 25. He had been working at the yards for eight years. Jahirul was carrying a plate when he slipped. The family (parents, widow and children) did not get any compensation from the yard authorities.



PARENTS OF JAHIRUL, BANGLADESH, OCTOBER 2005 ©RUBEN DAO/GP/FIDH

- Shorab died in July 1998 while he was lifting up an oxygen bottle, used for gas cutting, onto a ship. The rope broke and the bottle fell on his chest. He fell in the muddy water. Two hours later his fellow workers found his dead body.



FAMILY OF SHORAB, BANGLADESH, OCTOBER 2005 ©RUBEN DAO/GP/FIDH

- Azgar died in 1998 of a heart attack as he was carrying an iron piece, together with other workers.



FAMILY OF AZGAR, BANGLADESH, OCTOBER 2005 ©RUBEN DAO/GP/FIDH



FAMILY OF WAHUD, BANGLADESH, OCTOBER 2005 ©RUBEN DAO/GP/FIDH

- Wahud was electrocuted in June 2000. He was trying to load a pipe on his own, when he got an electric shock that killed him instantly. His widow Ashafun got 10,000 takas (128 euros) as compensation. One of her sons, Ashadul, is now working at the shipbreaking yards.



MOTHER AND BROTHER OF SHAFIQL, OCTOBER 2005 ©RUBEN DAO/GP/FIDH

- Shafiqul was injured by an iron plate that he was loading with other workers, in July 2004. He was declared dead when he arrived at the hospital. The family did not receive any compensation.



WIDOW AND DAUGHTER OF ANCHAR ALI, BANGLADESH, OCTOBER 2005



GRAVE OF SHAMIM, BANGLADESH, OCTOBER 2005 ©RUBEN DAO/GP/FIDH



LALMIA, THE ONLY SURVIVOR OF THE FIRE-ACCIDENT ON 17 OCTOBER 2005, BANGLADESH, OCTOBER 2005 ©RUBEN DAO/GP/FIDH

- Anchar Ali died at home seven months after his chest was severely injured in January 2005. After the accident he was not sent to the hospital, because the foreman thought it was a minor injury. After he returned home, Anchar visited the nearby hospital of Gabtali several times. But he died because he was lacking proper treatment.

- Shamim (22), Mohamed Hobi and Kanshon burned to death on 17 October 2005, when a fire broke out in a tank of the MT Dia, where they were collecting sludge. Before entering the tank, the workers had clearly requested that no flame work should be done during their collection. But later a cutter started his job and provoked the fire with his torch cutter. Lal Mia was the only worker who managed to escape the burning tank. He was hospitalised with burns on his face, arms and legs. He survived and went back to his village. He did not receive any compensation. The yard only paid 3,000 takas (39 Euro) for his trip back home to Nandail, north of Dhaka. A few days after he reached his village, he ran out of money and could not afford the medicines anymore that he needed to treat his burns.



- Abul Alam died on 30 May 1998 on the MT Sea Royal as they were cutting an aperture on the steel plate of a ballast tank, with an LP gas flamer. An explosion took his life. The most likely cause of the blast was the presence of sludge in the tank. The owner of the yard did not have a gas-free certificate from the Department of Explosives.
- Abdul Alim was working together with Abul Alam. He died due to the same explosion.
- Mohamed Atahar was working as a gas fitter, when on 4 June 1998 he was trapped inside a tank on the MT Tesheron. Mohamed died of suffocation.
- Alhaj died together with Mohamed Atahar, he suffocated in the same tank.
- Sugimal was killed in 1998 by an iron piece that fell from a ship. His widow received 12,000 takas (154 euros) for transportation and 10,000 takas (128 euros) for compensation.
- Allal Din and eight other workers died on 14 September 1999. Workers were cutting an angle of the 1st tank of the MT Uetina with flame cutters, when an explosion occurred in the 3rd and the 4th tanks, where Allal Din and his fellow labourers worked. Others were injured, including Allal Din's brother who fell from the boat. The ship had not obtained a gas-free certificate that allows hot work.
- Didar (cutter), Zaman (cutter helper) and Mujibor (cutter helper) died on 10 October 1999 on board the MT Mega Sun. The remaining sludge inside the tank produced hydrocarbon gas. As they were cutting, the gas caused fire and an explosion. The tank they were working in had not got a gas-free certificate that allows human entry and hot work.
- Sumon Mallik (22), Hannan Sarkar (25), Habibur Rahman, Salim, Hanif Akand, Rafique, Kuddus (32), Kishore Kumar (25), Azam (20), Gias Uddin (18), Monir (30), Khaer (40), Aslam (22) and Jamal Uddin were killed during a major explosion on the TT Dina oil tanker. In the disaster, occurring at the ZN Enterprise Yard on 31 May 2000, officially 16 workers were killed and another 40 were injured. Journalists and NGOs declared that the number of dead people was much higher, up to 50, but the owners of the yard managed to get rid of the bodies. Some workers were cutting an aperture when the explosion occurred. The cause - again - was gas released by the sludge in the tank. Most of the dead and injured workers were engaged on the deck of the ship. According to its gas-free certificate, the tank that exploded had been declared unsafe for hot work.
- Abdul Mannan (30) and Shah Ali (28) died in another accident on the tanker TT Dina on 27 July 2001. Abdul and Shah fell down on a hot, freshly cut plate as they were climbing up. They planned to hook the upper part of a half cut plate, so that it could be pulled down. They were severely burned and ultimately died.
- Didarul Alam was working as a cutter helper when he died on 15 January 2001. He was cutting steel rails on the MV Allegra. When the rubber pipe of the LP gas cylinder exploded, the cutter fell down on the hatch fifteen meters below. Didarul died at the hospital.
- Azahar Mia, a cutter, and Rashed and Jashim, both cutter helpers, were cutting a plate on the MT Yaya in January 2002. An explosion occurred and they fell from the top inside the tank. They burned to death. The tank that contained a large quantity of sludge had got a gas-free certificate declaring it unsafe for hot work.
- Shopon and Babul were killed in March 2003 by the blast of a cylinder they were cutting in the engine room of the ship. Their fellow worker Wuruddin, who was resting, was 'only' burned on one ear. Eight days later, in the same room on the same ship, another explosion injured two workers.

- Zainal Abadin was working as a cutter when he died on 3 November 2003 at New Ambia Yard.
- Mohamed Dulu was working as a security guard at Habib Steel-Yasin Yard. He fell from a ship and died on 6 June 2004.
- Shahin was cutting a plate that fell on him at Mohib Yard. He died at the hospital on 6 June 2004.
- Sohel fell from a ship on 16 June 2004. He died on the way to the hospital.
- Bodiul Alam was 55 years old and working as a foreman of a loading group at the S-Trading Yard. In the evening of 16 October 2004 he fell from a ship. He was badly wounded by iron pieces that lay on the ground and he died.
- Shah Alam, 35 years old and loader at New Ambia Yard, was fatally injured by a plate that fell on his chest on 21 October 2004.
- Aslam Hussein died 25 years old when a piece of iron fell on his head on 24 October 2004. He worked as a cutter at ZN enterprise Yard.
- Mojnu (25), Kajal (22) and Sekander (45) worked as cutters at the ZN Enterprise Yard. On 9 November 2004 they were cutting an oil pipe on the MT Prasad, to remove the generator from the ship. The vessel caught fire and an explosion killed all three of them. Two other workers, Bidhan Chandra Das and Mannan, were severely injured.
- Mohamed Ali died at the age of 35 because of electrocution at the Mannan Steel Yard on 17 August 2005.
- Shagahan was only 20 years old when he died at the Raza Kasem Yard in August 2005.
- Yusuf also died at the age of 20, two days after a piece of iron fell on his head. He died at the Chittagong Medical College Hospital on 28 September 2005.
- Bimol Chandra was 22 years old and working as a cutter at the Old Ambia Yard, when he died on 27 September 2005 after a piece of iron fell on his head. He was on the shore cutting a big piece of iron, while another cutter above him was cutting the same iron plate. Bimol thought that it would take the upper worker some time to finish cutting the piece. At the same time the upper worker thought that Bimol knew he was about to be finished and that the piece would fall. The misunderstanding, lack of communication and lack of organisation killed Bimol. He died four days later at Chittagong Medical College Hospital. Bimol did not have a helmet on when he was killed.
- Sumon from Bogra was 25 years old when he died at the Lucky Star Yard on 26 October 2005. He had finished work and was chatting near the ship when an iron plate fell on him. Shaju, a fellow worker, was severely injured.

## 2.4 INJURED SHIPBREAKING WORKERS: FIVE SHORT STORIES

### NUR NOBI

In March 2005, Nur Nobu was badly wounded by a heavy iron plate that fell on his foot. Even though his foot only remained attached to his leg by a small strip of flesh, he was not operated at the Chittagong hospital but just bandaged. Twelve days later the doctors told Nur it was not possible to save the foot and they amputated it. He stayed in his shed for five weeks. Then his contractor forced him to go home, so that he wouldn't have to pay for Nur's daily needs and treatment anymore. Back in his village Shamol Bari, Nur has no income to feed his family.



## SHAFIQU L ISLAM

In February 2002, Shafiqu l Islam was trying to load a heavy iron plate with fifteen other workers, but it fell on his back. He was hospitalised for seven days and then returned to his shed. Nobody took care of him. Yard authorities refused to provide the proper treatment. Shafiqu l decided to return to his village Saria Kandi. He lost the use of his legs. All the doctors I have met told me that with an operation and a belt I could walk again, but it's too expensive. I can't find that money.' Shafiqu l received a wheelchair from an NGO and is now begging in the streets of Saria Kandi.



## SHARIF

As Sharif was working at the yard on 14 September 2004, a huge pipe fell on his leg. He was hospitalised and the same day doctors decided to amputate his leg to save his life. The family spent 100,000 takas (1,282 euros) but received only 22,000 takas (282 euros) from the yard. They had to mortgage their house (60,000 takas) in their village to cover the expenses. The whole family moved to Chittagong where they are still living, near the yards. They hope that one day they can move back to their village.





MUHUN, BANGLADESH, OCTOBER 2005 ©RUBEN DAO/GP/FIDH



## MUHUN

This 36-year old cutter from Sylhet was injured during the major explosion on the TT Dina oil tanker on 31 May 2000 in Chittagong. This explosion killed 16 workers and left 40 people injured. Muhun escaped death on that occasion, but three years later he suffered another blast that left him paralysed.

## SHAJU

Shaju was severely injured by a plate that fell from a ship at the Lucky Star Yard on 26 October 2005. He had finished work and was chatting with another worker, Sumon, not far from the ship when the iron plate fell. Sumon died.

Shaju survived, but was hospitalised in critical condition at the Chittagong Medical College Hospital. He lost a lot of blood from wounds on his head and his arm. Finally he was transferred to Dhaka for better treatment.





## 3. VICTIMS OF SHIPBREAKING IN INDIA

### 3.1 SHIPBREAKING IN INDIA

Half of the world's ocean-going ships end their sailing lives in India<sup>13</sup>. Most of these vessels land on the shipbreaking beaches of Alang (Bhavnagar district, Gujarat) on the country's west coast. After the beaching of the MV Kota Tenjong in 1983, this once pristine beach turned into the world's leading shipbreaking yard, and inevitably, into a toxic hotspot.

#### ABSENCE OF PRECAUTIONS

In Alang, worker's safety is jeopardized by a near-total absence of precautions and planning. Accidents are common and many workers have lost their lives due to accidents and explosions. According to the workers that Greenpeace and FIDH talked with, every month four to five people die at the yards. Since Gujarati workers consider the shipbreaking jobs too risky and hazardous, most of the labourers are migrants from states as far away as Orissa, Bihar, West Bengal or Uttar Pradesh.

#### STATISTICS

There is no complete registration of workers by the yard owners nor existing reliable statistics by the authorities. The Gujarat Maritime Board (GMB) keeps numbers of 'deaths by accident'. But these official statistics are at least very much incomplete. For example, according to the figures of the GMB, seven workers lost their lives due to explosions and fire in 2003. However, eyewitnesses from a Greenpeace delegation found at least twenty people dead in two explosions in 2003. Furthermore five big accidents involving deaths happened that year.

#### NO HELMETS OR GUMBOOTS

This migrant workforce does not get any formal training to deal with toxic materials. There is a clear-cut shortage of personal protective equipments (PPE) in general and appropriate PPE in particular. Labourers are not provided with safety facilities and working equipments such as helmets and gumboots. These tools only appear in sufficient quantities and of proper quality when there is an inspection or a

safety audit. There is no work plan and there are no fixed working hours. Sometimes labourers work in the yard for 24 hours without getting any wages for overtime. Workers get no compensation for the loss of fingers, toes or even hands.

#### TOXIC FUMES

The migrants are mainly very poor people, living in inadequate makeshift facilities on the site or in the immediate vicinity. There is a clear lack of basic minimum requirements like community sanitation, medical or recreation facilities, or even safe drinking water. Day and night they inhale the toxic fumes, in the yard and in their sleeping quarters.

STATEMENT SHOWING THE CAUSE, YEAR AND HEADLINE NUMBER OF DEATHS DUE TO ACCIDENTS AT ALANG SHIPBREAKING YARD  
(upto 1994)

Cause of Accidents	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	TOTAL
Utility Machinery	2	1	1	1	-	2	-	-	1	2	1	1	-	-	-	1	2	1	2	2	-	21
Transport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	1	-	1	-	-	3
Explosion	-	-	-	-	-	-	-	-	1	-	-	-	-	10	-	-	-	-	-	7	-	18
Fire	1	1	1	1	-	1	1	2	-	1	1	-	1	1	1	-	1	2	4	-	1	14
Slipping	2	-	1	-	-	-	-	-	2	2	2	1	2	7	1	-	-	-	2	2	-	27
Struck by falling loads	2	1	1	2	2	1	-	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14
Fallen from height	-	1	1	-	-	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14
Fallen from	-	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14
Fallen in pits	-	1	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-	-	1	-	-	3
Struck by machinery etc	-	1	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-	-	1	-	-	3
Struck against steel	-	-	1	1	-	-	-	-	1	-	1	1	1	1	1	1	1	1	-	-	1	11
Struck by	-	-	-	-	-	1	-	-	-	1	1	1	-	-	-	-	1	1	1	-	1	10
Other	-	1	-	1	-	-	-	1	-	1	-	-	-	-	-	-	1	-	-	1	1	10
<b>Total</b>	<b>10</b>	<b>6</b>	<b>11</b>	<b>7</b>	<b>11</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>100</b>

<sup>13</sup> The total number of ships scrapped between 1994 and 2003 is 4,658. Of these ships 2,640 have been scrapped in India respectively representing 48,7 mLDt and 21,7 mLDt (EU Assessment report: Oil tanker Phase Out and the Ship Scrapping Industry, EC-DG-TREN COWI, June 2004.).



JEMA PALLI, MOTHER OF RAGHU PALLI IN ADAPADA VILLAGE, INDIA, OCTOBER 2005 ©SHAILENDRA YASHWANT/GP

### ORISSA

For more than half a century many migrant workers have come from the state of Orissa. They leave villages in the Khurda, Nayagath and Ganjam districts of Orissa, where they can't earn a living and feed their families. Orissa is frequently hit by cyclones and other natural disasters. Furthermore there has been substantial reduction in forest production and a lack of employment opportunities, resulting in heavy debt. So the men leave their homes to work in various parts of India, including the important industry centres of Mumbai, Calcutta and Gujarat. Rough estimates put the figure of migrant Orissa labourers in Gujarat at about 800,000. About ninety percent find a job in hazardous production sectors like shipbreaking or the chemical industry.

### GANJAM

Ganjam is very rich in natural resources. It has got highly fertile land for paddy cultivation with adequate irrigation facility. But the feudalistic structure has resulted in a huge number of landless workers. According to government data, almost half of the Ganjam district labourers are landless<sup>14</sup>. Most of the people from Ganjam district migrate to the western part of the country, to the states of Gujarat and Maharashtra, in search of job opportunities. In fact Ganjam is basically known as the district of migration. In the villages of Ganjam district, at least one man left each household in search for a job.

In a specific area in Ganjam, in the area around the city of Berhampur, many people go to Alang to look for a job. A lot of ship-breaking victims live in the Ganjam district villages Adapada and Khaling Panchyat: here every alternate household knows its own victims of the shipbreaking work. The village of Adapada has got as many as 22 shipbreaking widows. Walking in Adapada one encounters many signs and indications of the shipbreaking. Khaling is another big village of 5,000 inhabitants. Just as from the village of Adapada, people have migrated from Khaling to Alang in search of a job. Many of them work at the shipbreaking yards of Alang as loaders.

<sup>13</sup> Orissa district data.



### 3.2 DEAD SHIPBREAKING WORKERS: TWO STORIES

#### MANUBHAI MOHANBHAI GHASIYA

The father of Manubhai testifies about his life and death:

'It was the start of the summer, in 2003. I was about to have my siesta after lunch, when a most horrible message reached me: a local man told me about the death of my eldest son. I got shocked and fainted. I couldn't bear to report this story to my wife and daughter-in-law. The sudden death of my son had taken away the support that I had been dreaming of for years. It was as if someone had removed the oxygen from my family. When I finally had the courage to tell his mother and wife, they both fainted. It took me almost three hours to calm them. But what could we do?'

'My son Manubhai, 32 years old, had told me in the morning of the accident that he would bring one small tulu (water) pump to install in our field. But he never came back. I still remember that day and I have decided not to cultivate anything there. My son used to buy equipment from the ships and had a small shop in Alang. On that day he had gone to the yard to take a look at some equipments on the ships. As he was getting down from the ship again, there was a big explosion. It took the life of seven people. My son also caught fire and lost his life on the spot. I was a most unfortunate father that day. I could not even see the face of my son, as he was totally burnt.'

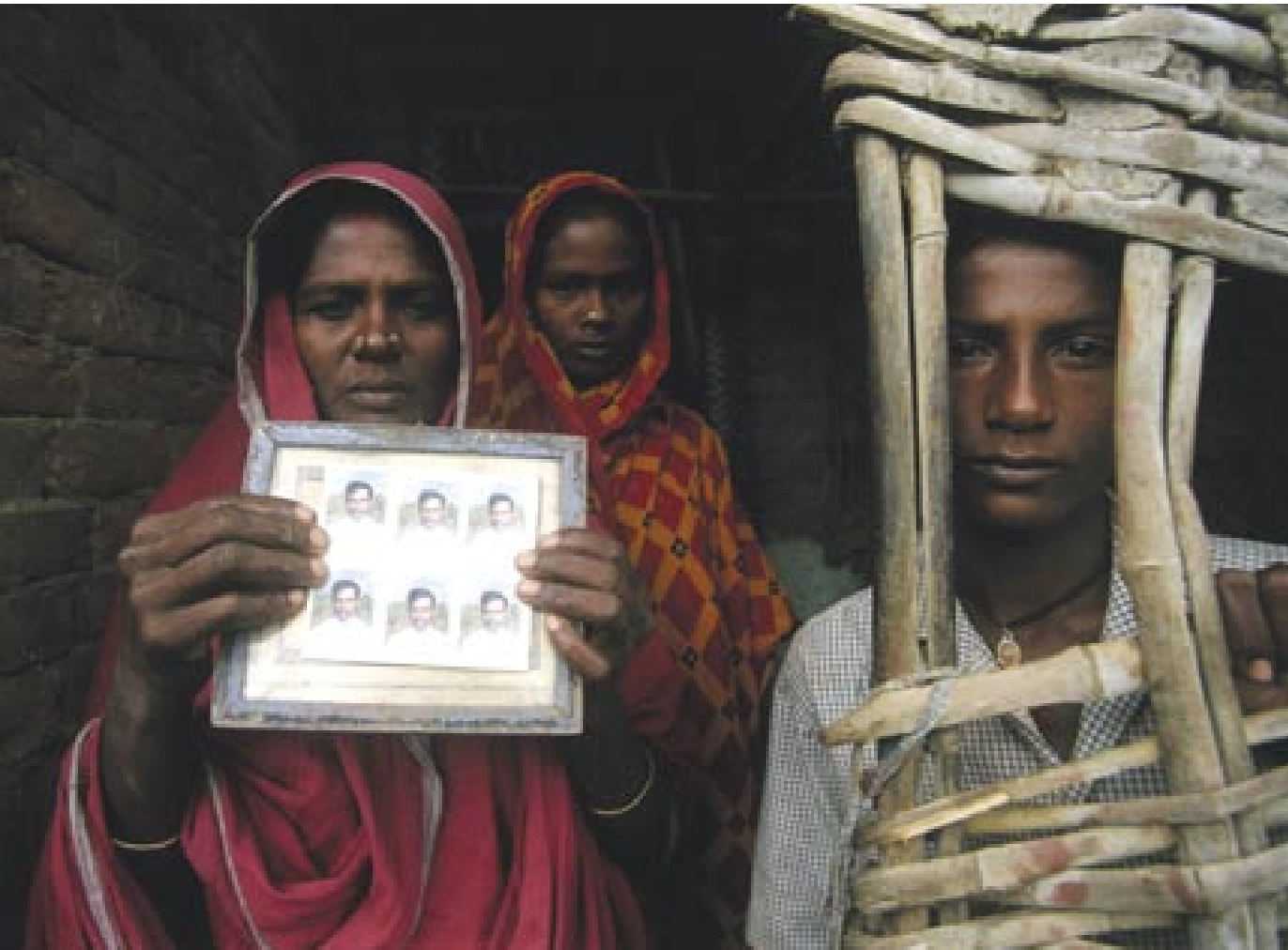
'We had a very happy family. His two other brothers are in the diamond business in Surat. Manubhai leaves behind two children and a wife. What will happen to them? I have sent them to Surat so that at least my grandchildren can study. There is nothing in this village. Now we have a very tough life. As you can see I have not much to eat. My wife has become ten years older after the death of our son. She



is very weak and doesn't want to live anymore. I have a miserable life. Getting education for my grandchildren is my big challenge. We don't have much land and no means of regular sustenance. What can we do? I just pray to God for the well being of all the people who work in Alang.'

'We didn't get a single penny as a compensation. At first the shipbreaker assured me that he would give me some money, but then later he changed his mind. Maybe because

we are poor, because we can't fight people like him. Who cares for poor people? I went to the local municipality, to the police station, to the shipbreaker for help. But nobody helped me. The shipbreaker told me that my son had committed that nobody would be responsible in case of an accident. This may be one of the reasons why we were denied any compensation, but I don't believe that. The shipbreakers are no good people.'



## SURENDRA SETHI

Sashi Sethi is the widow of Surendra Sethi. She tells their story, sometimes crying:

'My name is Sashi Sethi and I live in Khaling village. I am 35 years old and the only earning member of my family. My

four children don't have a future. In fact we are considered of no use after the death of my husband. I earn 15 rupees a day and with that money I somehow go on, with much difficulty.'

'On the suggestion of his friends, my husband went to Alang in 1996. I really don't know what kind of work he was doing. I always got information about his illness from my village folks who also used to work in Alang. One year ago, I got a phone call from someone about my husband's death. I fell unconscious immediately. What can I tell you about this tragic incident? People informed me that he died due to a serious illness and that he had been in hospital for a long time.'

'Even though one year has already passed, we have not got any compensation from the shipbreaker. I don't see any future for my children, we survive from day to day. Nowadays, I don't even earn anything because of the tormenting rain, which has played havoc in my life. I really don't know how to feed my children, when there is no work.'

'I feel isolated and relatively helpless now, my problem has further been compounded due to social curbs on women. Many times I have requested my village folks not to go to Alang, but of no avail. They say: 'If we go to Alang only one man dies, but if we don't five will die.' What can I say to this?'

'Even the local government doesn't take care of anything. Employment is so scarce, that even those with Below Poverty Line cards cannot afford to buy grain. I have even mortgaged my BPL card to moneylenders for 100 rupees. Many poor people neither have money nor grain. That's why they migrate to places like Alang, in search of jobs.'



FAMILY OF CHITRESEN SETHI, INDIA, OCTOBER 2005



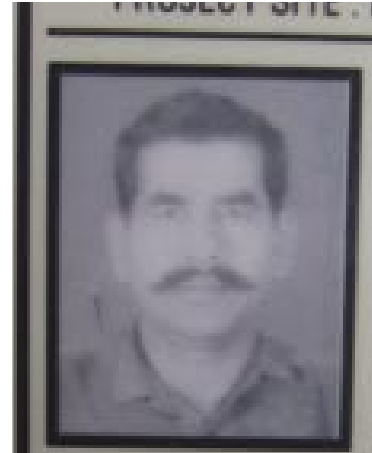
SUKUM PALLAI, WIDOW OF BHASHKAR PALLAI, INDIA, OCTOBER 2005



WIDOW OF DANDASI MALIK, INDIA, OCTOBER 2005 ©SHAIENDRA YASHWANT/GP

### 3.3 DEADLY ACCIDENTS: LIST OF VICTIMS

- Chitresen Sethi died at the age of 23 after steel plate fell on his body at a shipbreaking yard in August 2005. He had left Khaling to work in Alang because his father, Bankiya Sehti, was in debt and he wanted to help him repay the money. The family did not receive any compensation.
- Bhashkar Pallai died at the age of 32 after a heavy metal part fell on his head in 1995 in Alang. He was working as a loader at the shipbreaking yards since 1994 when he migrated from Adapada. The yard owner did not allow his colleagues to bring his body to his hometown and organised a funeral without informing his family. The family did not receive any compensation.
- Dandasi Malik died in Alang, where he migrated from Adapada village. The date of his death is unknown.



- Bhaskar Swain died 15 years ago, when he was 30 years old. A round iron ball fell on his head in plot no. 21 in the Alang shipbreaking yards. No compensation was offered to his family.
- Kailash Barada was 24 years old when he died due to an accident in 1994. Kailash came from Pendramundi. His family received no compensation.
- Surendra Sethi died in an accident at the yard in 2004, 35 years old. He came from Khaling village in Orissa. No compensation was given to his family.





- Bhalu Pradhan was injured by an accident at the yards, at the age of 50 years. Bhalu returned to his village Nuashai where he died two months later. The exact date of his death is unknown. No compensation was given to his family.
- Raghu Pallai died in 2001 at the age of 25. A pipe fell on him at plot no. 36. His family in Adapada, Orissa did not receive any compensation.
- Surendra Barada fell seriously ill and died in 1994, after working three years at plot no. 18. He was from Pendramundi, Adapada and was 22 years old. Surendra was only married for one month when he died. His wife had to remarry his brother, who is also working in Alang.
- Jagu Paino was 28 years old when he died due to an accident at plot no. 33. His family in Nuashai village in the state of Orissa did not get any compensation.
- Bhaskar Zena was 35 when he was burnt alive at plot no. 17. His family in Nuashai did not get any compensation.
- Bhaskar Zena (not the same person) died of illness in October 2005. He had been working in Alang for 17 years. No information is available about his illness. Bhaskar migrated from Pendraundi village in Orissa.
- Prakash Das died at the age of 25 due to an accident. It's not known when this accident occurred. His family in Nuashai did not get any compensation.
- Brindaban Bhola was 50 years old when he returned ill to his village Nuashai and died. His family did not receive any compensation.
- Sanyasi Barad died in 1998 due to a crane accident when he was 32 years old. His family in Pendramundi did not receive any compensation.
- Bansi Pradhan, a man of 22 years old from Ballia, died due to a marine snake bite in Alang in 2002. His family received no compensation.
- Santosh Swain was 35 years old when he died due to an accident in 2005. His family in Balia did not receive any compensation.
- Gaji Lenka was 30 years old when he died in 1998 due to an accident. His family in Khaling did not receive any compensation.
- Nelachal Pradhan died in an accident in 2000, at the age of 30 years. Nelachal had left Khaling to work in Alang. No compensation was received by his family.
- Sahadev Sehti was 28 years old when he died due to an accident in 1998. His family in Khaling did not receive any compensation.
- Kashinath Pradhan was 22 years old when an accident brought an end to his life in 2000. No compensation was given to his family in Khaling.
- Baganahak was aged 25 in 1990, when he died due to an accident. He came from Khaling, where the family he left behind did not receive any compensation.
- Prahlad Bola died when he was 32 years old. The exact date of death of this worker from Adapada village in South Orissa is unknown.

## WARNING!

THE PICTURE YOU ARE ABOUT TO SEE ON THE NEXT PAGE IS  
A SHOCKING IMAGE OF SHIPBREAKING ACCIDENTS.

In the year 2003 two major explosions occurred at the shipbreaking yards of Alang. Eight people died in February on the Greek tanker 'Amina' in plot no. 42. The other explosion was on the container ship 'Invalle' on 19 May, resulting in the death of twelve workers in plot no. 5. Greenpeace eye witnessed both accidents.

We recall the names of the shipbreaking workers that died in these two explosions:

- Suresh Madhawbhai Tiwari, 38 years old, from Uttar Pradesh
- Ramakant Shinde from Maharashtra
- Mithailal, 28 years old, from Uttar Pradesh
- Rajmangal Badri, 32 years old, from Uttar Pradesh
- Shaitan Singh from Uttar Pradesh
- Rambriksh from Uttar Pradesh
- Bhawan Singh
- Keshar Singh
- Raghupati Yadav from Uttar Pradesh
- Manubhai Mohanbhai Vasiya, 32 years old, from Gujarat
- Maunik Yadav, 19 years old, from Uttar Pradesh
- Harilal Ikolal, 36 years old
- Bhubaneswar Shingh, 25 years old, from Uttar Pradesh
- Hitas Singh, 22 years old, from Uttar Pradesh
- Hanuman Singh, 34 years old, from Uttar Pradesh
- Chota Yadav, 31 years old, from Jharkhand
- Chetan Jhalawadi, 39 years old, from Gujarat
- Mohmad Idris Bakridin, 40 years old
- Lalchand, 40 years old, from Uttar Pradesh
- Rajkumar, 40 years old, from Uttar Pradesh





### 3.4 INJURED SHIPBREAKING WORKERS: TWO STORIES

#### RAMHARI DAS

'My name is Ramhari. I am 53 years old and I have lived in Dudurapada hamlet of Adapada village all of my life, except for the four black months in Alang. There are about 3,000 households in my village and about 1,000 young people have migrated to Alang looking for a job. Out of sheer poverty I also left for Alang in search of work. I was desperate after one of my sons died of a snakebite.'

'I stayed in Alang for a few months, not aware of what could happen to me. One morning a major catastrophe struck me and my family. I was working on the deck of a ship beached at plot no. 49. Somebody dropped a big iron ball, which struck my head. I fell unconscious and was brought to the hospital, but I do not know how long I stayed there. Maybe two or three months. I wasn't aware of my condition, but gradually I found out that my left arm was fully paralysed.'

'I encountered a great hardship together with my family and was compelled to start begging. Our lives have become extremely miserable. Since the accident I have lost six children due to various illnesses. I tried my best to obtain some kind of treatment for them, but it didn't work as I didn't have enough money. I undertook several things, basically washing plates in small hotels, to feed my family.'

'My wife couldn't bear all this and she has since become mentally ill. How could one bear so much loss? I don't remember everything clearly, because I was grief stricken. My mind was in one place and my body somewhere else.'

'After the incident, they paid me 3,000 rupees (60 euros) plus some money for medical treatment. I knew that the money given to me was meagre, but I couldn't do anything.



How can I fight in an alien place where I know nothing and nobody? The money didn't last long. Now I am forced to beg, due to the shipbreaking work.'

'In the last 15 to 16 years life has given me nothing but sorrow, pain and suffering. At present I earn 500 to 600 rupees per month by washing plates in a hotel at Kunkudaakhandi.

My wife has been ill for a long time. Yes, quite often I remember my lost children, and this brings tears to my eyes. But what can I do? I always curse the time I was forced to go to Alang. I call on my fellow villagers not to go to Alang.'



KOREA SWAI, INDIA, OCTOBER 2005 ©SHAIENDRA YASHWANT/GP

## KOREA SWAI

'My name is Korea Swai and I am 43 years old. I was working in Alang at the Sosiya yard. One day a plate struck my leg and I was hospitalised in Bhavnagar for four months. When they told me that I was okay, I got released from the hospital and returned to my village. But my leg was hurting so much! I did not want to go back to Alang. The hunger forced me to move to Surat, looking for work. In Surat, I eventually worked for two years.'

'My leg was not completely cured. When I came back from Surat and worked as an agricultural labourer, the wound in my leg started to hurt again and the infection spread very fast. In vain I tried to find a treatment for my leg. I went to the Berhampur medical college, but I had to sell my house for 20,000 rupees (400 euros) to meet the expenses of the treatment. I even borrowed and begged money from other people. In a couple of months time I spent 40,000 rupees (800 euros) on medical treatments.'

'I was treated in the medical college for four months. But eventually the doctor had no hope of curing me and left the matter to the mercy of god. Next step was amputating the infected part, as you can see. There was a bandage on the left half of my leg when I was released from the hospital. As I had no money to buy the necessary medicines, I used some local remedies like putting oil and ghee on the wound to heal it.'

'In Alang, the shipbreaker paid only 3,000 rupees (60 euros) for me and my caretaker to cover the costs of conveyance, so that I could reach my village. I didn't get any other compensation, not a single penny. But even when I was working in Alang we never got full remuneration. I used to work for twelve hours without extra payment. Life was very hard in Alang. How could I fight? I was helpless, lonely and penniless.'

'I have my mother, my wife and children. My father died last year. My eldest son is almost 16 years old. I don't do anything, as we don't have a house anymore. We stay in a rented house. I am at the mercy of my wife and my mother, who work as daily wage labourers. Life has become a curse to me. And there is no one to fight for our lives and livelihood.'

### 3.5 INJURED SHIPBREAKING WORKERS: LIST OF VICTIMS

- Karpura Bradhan was working in Alang when his eyes were damaged at plot no. 40. He is currently back in his village Nuashai.



KARPURA PRADHAN, INDIA, OCTOBER 2005 ©SHAIENDRA YASHWANT/GP

- Janardan Nahak did not receive any compensation after a heavy plate fell on his leg in 1993 at plot no. 43. Janardan is a 32 years old man from Ballia village, and is jobless now.
- Abhi Bhola is 28 years old and from Adapada village in Orissa. He had an accident at plot no. 49 that fractured his left leg. Currently he is working in Gandhinagar.
- Pandava Bhola went back to Adapada village, following an ulcer operation after working in Alang. He is 23 years old.
- Brindavan Bradhan is 70 years old and has a fractured hand. He is currently living in his village Nuashai.
- Santhosh Pradhan returned to Nuashai after his right foot got fractured.
- Habuli Behera from Adapada was 60 years old when a plate fell on him at plot no. 1. His collarbone was fractured, but Habuli did not receive any compensation.
- Akhaya Pradhan has a stitched right arm after it was severely cut during his shipbreaking work. The 29 year old worker is currently back in Adapada village. Akhaya did not receive any compensation.
- Kalu Pally was 21 years old when both his legs got seriously burned in plot no. 84. He did not receive any compensation and is currently back in Adapada village.
- Panch Nahak from Ballia is aged 40 and didn't receive any compensation for the damage to his right eye.
- Mahswar Siya, a 35 year old worker from Ballia has a right leg damage. No compensation has been given.
- Santosh Sehara is 23 years old and lives in Dudrapadra village. His ring finger has been cut in 2001 at plot no. 53.
- Kakka Pradhan's left eye got damaged when he was working at plot V-1 in 2004. Kakka is 45 years old and from Dudrapadra. He received 100,000 rupees (2,000 euros) as a compensation.
- Satru Lenka is a 40 years old worker from Khaling, who was working at plot no. 23. His right hand had to be amputated, but he did not receive any compensation.
- Purna Sehti left Alang with a fracture in his right leg. He is currently in Surat and did not get any compensation.
- Uchhabay Nahak is a shipbreaking worker whose left leg got fractured.



## 4. NATIONAL AND INTERNATIONAL LEGAL FRAMEWORK

### 4.1 INTERNATIONAL LEGAL FRAMEWORK

The international regulatory framework for shipbreaking is evolving rapidly. Several United Nations organisations are looking at various aspects of the issue. These organisations include the Basel Convention, the International Maritime Organisation (IMO) and the International Labour Organization (ILO).

#### SHIPBREAKING WORKERS

For more than five years international discussions on this matter were held at UN-level. Unfortunately, almost no improvement has been registered by our mission on the ground regarding the working and environment conditions at shipbreaking yards, be it in India or in Bangladesh. Some of the world's most impoverished work forces continue to face death and disease on a daily basis. Their miserable fate is a result of the international trade in End of Life Ships containing hazardous substances and of the poor working conditions at the yards.

#### ENFORCING REGULATIONS

How can this situation be so bad? Firstly because most developments in this field over the past years have a non-binding character. Secondly because of the 'policy of tolerance' by all authorities - of exporting and importing countries - with respect to the enforcement of existing national and international regulations on this matter.

#### 4.1.1 BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTE AND THEIR DISPOSAL (1989)

The Basel Convention has been ratified by 166 state parties, including Bangladesh and India. The overall goal of the convention is to protect human health and the environment against the adverse effects which may result from the

generation, transboundary movement and management of hazardous wastes. It rests on two main pillars:

- A control system for the transboundary movement of wastes, aiming at the reduction of these movements.
- The Environmentally Sound Management of wastes, aiming at the minimisation of the quantity of wastes.

#### IMPORTANT DECISION

In 2002, Technical Guidelines<sup>15</sup> about shipbreaking were adopted. In 2004, an important decision<sup>16</sup> was adopted, declaring that End of Life Ships are subject to the provisions and principles of the Basel Convention. This decision also reminded the Basel Parties to fulfil their obligations with regard to End of Life Ships. It becomes clear from our field research that this commitment is not implemented at all in the every day practices of exporting End of Life Ships for shipbreaking.

#### OBLIGATIONS

These provisions include the obligation for ship owners to inform the authorities about their plans for the End of Life Ships and request the necessary permission: the Prior-Informed-Consent mechanism. Another provision controls whether the facility that will dismantle the end-of-life ship is able to do deal with the waste in a proper way: the Environmentally Sound Management mechanism. And the obligation not to allow the export of hazardous wastes from developed to developing countries (the Basel Ban).

#### 4.1.2 INTERNATIONAL MARITIME ORGANISATION (IMO)

The IMO with 166 Parties is the international governmental organisation regulating global shipping matters and has been working on shipbreaking since 1999. In 2003 Guidelines<sup>17</sup> were adopted on this issue. The Guidelines give guidance, among other things, for the preparation of a Green Passport<sup>18</sup> and a shiprecycling plan.

#### MANDATORY REGIME

In December 2005 an important decision was taken during the IMO Assembly (24<sup>th</sup> session) meeting: the IMO will develop a new global mandatory regime on shipbreaking. Such a development is welcome, provided it will include the environmental justice and human right principles. Furthermore it should build on the existing Basel Convention Regime that was designed to protect developing countries. The instrument will notably include regulations for the design, construction and preparation of ships so as to facilitate safe and environmentally sound recycling.

#### SHIP RECYCLING FUND

Following a proposal by Bangladesh in 2004 the parties also agreed on the need, in principle, for the establishment of an International Ship Recycling Fund. This fund should promote the safe and environmentally sound management of ship recycling, through the IMO's technical cooperation activities.

<sup>15</sup> The 6th Meeting of the Conference of Parties to the Basel Convention adopted the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships on 13 December 2002.

<sup>16</sup> The Basel Convention's 7th Conference of Parties recognised in October 2004 that end-of-life ships containing PCBs, asbestos, heavy metals and other hazardous substances may be legally defined as hazardous wastes in international law, recognising that the vast majority of ships being broken today are scrapped in violation of the spirit, if not the letter of the obligations of the Basel Convention and its decisions to minimise the transboundary movement of hazardous wastes.

<sup>17</sup> The IMO Guidelines on Ship Recycling adopted on 5 December 2003.

<sup>18</sup> The Green Passport for ships is an inventory of hazards.



### 4.1.3 INTERNATIONAL LABOUR ORGANISATION (ILO)

The ILO also adopted Guidelines<sup>19</sup> on shipbreaking in 2003. These Guidelines aim at contributing to the protection of shipbreaking workers from workplace hazards and the elimination of work related injuries, diseases and incidents.

#### GUIDELINES

The ILO Guidelines are not compulsory. They aim at assisting states in establishing a coherent national policy and principles on occupational safety, health and welfare of persons employed in shipbreaking facilities but also on the protection of the general environment. Furthermore the Guidelines want to assist states in establishing the respec-

tive duties and responsibilities of the authorities, employers, workers and further bodies involved, and make arrangements for a structured cooperation between them. These Guidelines have been adopted with a view to considerably improve the working conditions at the shipbreaking yards.

#### CONVENTIONS

In addition, a number of ILO conventions are relevant to shipbreaking activities:

- C87, Freedom of Association and Protection of the Right to Organise Convention, 1948 (ratified by Bangladesh).
- C98, Right to Organise and Collective Bargaining Convention, 1949 (ratified by Bangladesh).
- C1, Hours of Work (Industry), 1919 (ratified by India and Bangladesh).
- C18, Workmen's Compensation (Occupational Diseases) Conventions, 1925 and 1934 (ratified by India and Bangladesh).
- C118, Equality of Treatment (Social Security) Convention, 1962 (ratified by Bangladesh and India).
- C148, Working Environment Convention (Air, pollution, Noise and Vibration), 1977.
- C155, Occupational Safety and Health Convention, 1981.
- C161, Occupational Health Services Convention, 1985.
- C170, Chemicals Convention, 1990.

<sup>19</sup> The 'Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey' was adopted by the Interregional tripartite meeting of Experts in Safety and Health in Shipbreaking for Selected Asian countries and Turkey, in October 2003.





WORKER IN CHARGE OF COLLECTING SLUDGE AT SHIPBREAKING YARDS, BANGLADESH, FEBRUARY 2002 ©RUBEN DAO/FIDH

#### 4.14 JOINT ILO/IMO/BASEL CONVENTION WORKING GROUP

The three above mentioned UN organisations decided to work together. They established a Joint Working Group on Ship Scrapping (JWG) which met for the first time in February 2005. The JWG is a platform for consultation, coordination and cooperation between the three organisations. This body should endeavour to guarantee that environmental justice and human rights principles are incorporated in the upcoming new global mandatory regime on shipbreaking.

#### 4.15 OTHER HUMAN RIGHTS OBLIGATIONS

The Universal Declaration of Human Rights adopted in 1948 is legally binding on all states. Its articles 20, 22, 23, 24 and 25 are relevant to the working conditions at shipbreaking facilities<sup>20</sup>. The International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by both India and Bangladesh, also includes a number of relevant articles, notably articles 7, 8, 9, 11 and 12<sup>21</sup>.

<sup>20</sup> Freedom of Assembly and Association (art. 20); right to social security and to the realisation of the economic, social and cultural rights indispensable for his dignity (art. 22); to just and favourable conditions of work and remuneration, and right to form and to join trade unions (art. 23); reasonable limitation of working hours (art. 24); right to a standard of living adequate for the health and well-being of himself and of his family (art. 25).

<sup>21</sup> Art. 7: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
  - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Art. 8 regards the right to form and join trade unions; art. 11 concerns the right of everyone to an adequate standard of living; art. 12 regards the right to the highest attainable standard of physical and mental health.



### INTERNATIONAL COOPERATION

'Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant' it says in art. 2.1 of the ICESCR. The drafters of the Covenant intended to refer to two resources when they added the phrase 'to the maximum of its available resources'. These are the resources existing within a state and those available from the international community, through international cooperation and assistance. International cooperation for development and thus for the realisation of economic, social and cultural rights is an obligation of all states. It is particularly incumbent upon those states that are in a position to assist others in this regard<sup>22</sup> (western states in particular).

### ENSURING RIGHTS

Even where the available resources are demonstrably inadequate, a state party is still obliged to strive to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances. Moreover, the obligation to monitor to what extent the economic, social and cultural rights are (not) realised, is not in any way eliminated as a result of resource constraints. The same counts for the obligation to devise strategies and programmes for the promotion of these rights<sup>23</sup>.

<sup>22</sup> CESCR General Comment n°3, The nature of States parties obligations (Art. 2, par.1), 14/12/90, para. 14.

<sup>23</sup> Id., para. 11.



### SPECIAL RAPPORTEUR

The UN Commission on Human Rights established a Special Rapporteur on the Adverse Effects on the Enjoyment of Human Rights, of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes in 1995. Within his mandate he can investigate the effects of this dumping in developing countries on the enjoyment of human rights. He can also make recommendations on adequate measures to control, reduce and eradicate that illicit traffic. Furthermore he can produce an annual list of the countries and transnational corporations that are engaged in the illicit dumping of toxic and dangerous products and wastes in developing countries. In addition he can produce a census of human persons killed, maimed or otherwise injured in the developing countries as a result of such practices.

The Special Rapporteur has clearly identified shipbreaking as a new aspect of waste trafficking. He stated that such ships must be considered as hazardous waste.

### NON-STATE ACTORS

Under international human rights law, states have the primary responsibility of upholding human rights. However it is now widely recognised that non-state actors, including corporations, bear a responsibility with regard to human rights within their sphere of influence. It can thus be argued that ship owners have the obligation to take steps to ensure respect of human rights, and in particular of labour rights on ship breaking yards.



## 4.2 NATIONAL LEGAL FRAMEWORK

### 4.2.1 BANGLADESH

30 years after the first yards opened, there are still no laws in Bangladesh specifically relating to ship recycling. However, many of the existing laws relating to industry, the environment and petroleum as well as the workforce, do apply to recycling yards. Amongst the most important of these are the Factory Act (1965), texts about petroleum dating from the 1930's, (Petroleum Act, 1934 and Petroleum Rules, 1937) and more recently an environmental protection law (Bangladesh Environment Protection Law, 1995 and the Environment Protection rule, 1997). The Employment Standing Orders Act (1965) and The Workmen Compensation Act (1923) are also relevant regarding workers' rights.

Workers in Chittagong are in a very precarious situation as they don't have a work contract and are unable to freely organise or join trade unions for fear of being laid off. The working days are very long (sometimes until 14 hours a day) and there are no paid holidays.

### 4.2.2 INDIA

The shipbreaking industry in India does not fall under the responsibility of one Ministry. A multitude of administrative bodies (Ministry of Steel, Ministry of Environment and Forest, Ministry of Labour,...) each have their partial responsibilities. There is no coordinated approach towards the industry.

#### SUPREME COURT

The Supreme Court of India gives the needed guidance in the shipbreaking area but consequently has difficulties to get its directions and judgements enforced<sup>23</sup>. In her Judgement of 14 October 2003 the Indian Supreme Court judged,

amongst others:

- Before a ship arrives at a port, it should have proper consent from the concerned authority or the State Maritime Board, stating that it does not contain any hazardous waste or radio-active substances.
- The ship should be properly decontaminated by the ship owner prior to breaking.

#### RESPONSIBILITY

According to the Factory and Labour Act in India, shipbreakers and the Gujarat Maritime Board are responsible for ensuring basic facilities and safety measures for workers. Yet none of them have taken on the responsibilities for the implementation of rules and regulations seriously.

#### NO PRECAUTIONS

Worker's safety is being jeopardised by a near-total absence of precautions and planning. At Alang, the migrant work force from Bihar, Orissa, West Bengal and Uttar Pradesh does not have any formal training to deal with toxic materials. According to estimates only ten percent of the total workforce (40,000 workers are working in the yards) have received any training. Past research clearly indicates that workers are exposed to toxins day and night. The sediments in Alang were found to be more contaminated than the most heavily industrialised port area.

#### LACK OF EQUIPMENT

There is a clear-cut shortage of PPE (personal protective equipment) in general and appropriate PPE in specialised areas. Labourers are not provided with safety facilities and working equipment such as helmets or gumboots. There is no equipment for machine safety, fire safety, chemical safety and water safety. What equipment does exist, is poorly maintained, which increases the risk of accidents.

#### WORKING HOURS

Lack of coordination for work procedures and the absence of safety controls for available tools (including cutting

tools) put workers at risk of bodily harm and injuries. There is no work plan, no fixed working hours. Sometimes labourers work in the yard for 24 hours without getting any wages for overtime.

#### TRADE UNIONS

In practice, workers on the shipbreaking yards do not have the right to collective bargaining or to be represented because of the threat of losing their job. A climate of intimidation prevails, strengthened by the fact that there are no formal work contracts, and consequently no security of employment.

<sup>24</sup> The Supreme Court Direction of 1998 based on the Writt Petition 657 of 1995 in its Judgement of 14 October 2003.



SHIPBREAKING YARDS, BANGLADESH, NOVEMBER 2004 ©GP/DEHOMMEL



WOMAN FILTERING ASBESTOS INTO POWDER IN WORKSHOP OUTSIDE THE SHIPBREAKING YARDS, BANGLADESH, FEBRUARY 2002 ©RUBEN DAO/FIDH

## 5. CONCLUSIONS

There have been no significant changes in Bangladesh or in India since FIDH/Greenpeace did the first investigative mission in Chittagong and Alang, back in 1998/2000. It becomes painfully clear from our field research that governments of exporting countries and ship owners turn a blind eye when it comes to implementing and enforcing the international environmental agreements on End of Life Ships as laid down in the Basel Convention.

In *Bangladesh*, the shipbreakers just use a softer public approach to answer the critics and please the people involved and the observers. The government has not adopted concrete measures to ensure the respect of domestic legislation and its international obligations on working conditions at the yards, including union rights. No efficient and reliable labour inspection procedures involving elected workers' representatives have been put in place.

No progress has been achieved regarding the building of a hospital close to the yards. There is still no systematic inspection of the whole yard before a certificate of compliance is issued by the Department of Environment. Last but not least, there are still no multi party commissions of enquiry with the effective participation of elected workers' representatives in case of accidents occurring in the yard.

The government of Bangladesh launched a programme on shipbreaking in November 2003 entitled 'Safe and Environment Friendly Ship Recycling Project', supported by UNDP and ILO. This three-year programme aims at regulating shipbreaking in the country and includes the establishment of an office in Chittagong and safety training for the workers. However, Greenpeace and FIDH learned that ILO teams working with the governments might not be able to really change the situation because of limited access to the yards and due to collaboration with a highly corrupted government<sup>25</sup> that directly suffers under the pressures made by the powerful shipyard owners.

In *India*, although the general situation is better, it is far from preventing future casualties or accidents. Workers continue to work on the yards without proper protection and training. They have no sanitation or infrastructure in their living places in the vicinity of the yards. The only hospital (Red Cross) is inadequate to deal with serious accidents. The new hospital building is not operational yet.

ILO Conventions 87 (Freedom of Association) and 98 (Right to Organise and Collective Bargaining) have still not been ratified by the Indian government. An effective and reliable system of labour inspections, with the participation of elected workers' representatives, has still not been put in place. The government did not take concrete measures to ensure respect of domestic legislation and the Supreme Court Orders. The same counts for India's international human rights commitments in the field of labour rights, including union rights, on the yards.

Although more than five years international discussions on this matter were held at UN-level, almost no improvement has been registered by our mission on the ground regarding the working and environment conditions at shipbreaking yards, be it in India or in Bangladesh. Some of the world's most impoverished work forces continue to face death and disease on a daily basis. Their miserable fate is a result of the international trade in End of Life Ships containing hazardous substances and of the poor working conditions at the yards.

The current system of sending ships for scrap without taking preliminary measures continues to ruin the lives of hundreds of people in Asia every year. These people are left with a toxic waste and occupational health burden. These practices are clearly in violation of environmental justice and 'polluter pays' principles and in breach of international human rights laws. Rich ship owners in the northern hemisphere, yard owners and governments are ignoring international human rights and environmental agreements,

while poor people are the victims of the trade in End of Life Ships.

The vast majority of the shipbreaking workforce in Bangladesh and India migrates from the poorest regions towards the yards of Chittagong and Alang. Injured workers or relatives of dead workers are in most cases not compensated. In some cases the disabled worker only gets funds for his ticket to return home. In other cases, injured workers get compensation for short medical treatment. We found no case where compensation costs were paid for losing the ability to work or for long medical treatment. Yard owners in most cases give just enough money to get rid of the worker. When a worker gets injured or sick due to the exposure to toxic materials, the family has to spend every penny or even sell the house to cover the costs of the medical treatment of their father, husband or son.

Nobody seems to really care about the workers and their families. Neither the ship owners, nor the exporting countries, the shipbreakers or the local governments. They are simply numbers that can be replaced.

There is an urgent need to interconnect the reality on the ground, the dominating economic interests of the shipping industry and the discussions taking place at the international level, in order to change the working and environmental conditions on the yards.

<sup>25</sup> Bangladesh is among the last countries on the Corruption Perceptions index 2005 of Transparency International, see <http://www.transparency.org/cpi/2005/2005.10.18.cpi.en.html#cpi>





WORKER AT SHIPBREAKING YARDS, BANGLADESH, NOVEMBER 2004 ©GP/DEHOMMEL

In the report we have collected the faces and stories of 110 workers who died as a result of shipbreaking activities in India and Bangladesh. This is only the tip of the iceberg. There are strong indications that the number of accidental deaths linked to shipbreaking in India, Alang and in Bangladesh might be more than one hundred of people every year, although the absence of reliable statistics makes any assessment quite difficult. Yet when we add the number of people who died from toxic waste-related illnesses to the workers who died or got injured, the magnitude of the human cost of shipbreaking becomes even more dramatic.





SHIPBREAKING YARDS, BANGLADESH, NOVEMBER 2004 ©GP/DEHOMMEL



SHIPBREAKING YARDS IN BANGLADESH, OCTOBER 2005 ©RUBEN DAO/GP/FIDH

## 6. RECOMMENDATIONS

### TO THE INTERNATIONAL COMMUNITY

Greenpeace and FIDH consequently call upon UN institutions and governments to implement an effective and enforceable mandatory regime, based on the existing Basel Convention and the existing Guidelines of IMO, UNEP and ILO. Such a mandatory regime must ensure the following:

- The respective responsibilities of all participants involved in the process must be established, from the designer of the ship to the breaker.
- Ship owners and exporting countries are responsible and held liable for the proper handling of hazardous and explosive materials on board of End of Life Ships.
- International standards on labour, safety, health and the environment should be respected at shipbreaking yards all over the world.
- A fund fed by the ship owners and governments must be created, that supports the improvement of working conditions at shipbreaking yards and compensates the victims and their families.

In addition, the Joint ILO/IMO/Basel Convention Working Group should endeavour to guarantee that environmental justice and human right principles are incorporated in the global mandatory regime on shipbreaking.

### TO SHIPPING INDUSTRY, EXPORTING AND DEVELOPED COUNTRIES

With a view to the need for clean steel scrapping in developing countries and the immediate need to save human lives Greenpeace and FIDH urge the shipping industry to arrange for gas free for hot work certification of End of Life

Ships and to pre-clean ships in developed countries. The ship owners should also inform the authorities about their plans for the End of Life Ships and ask permission for this (the Prior-Informed-Consent mechanism as required under the Basel Convention).

The governments of exporting countries should, without any delay, start enforcing the Basel Convention for End of Life Ships, in particular with respect to the following obligations: prior informed consent, minimisation of transboundary movement of hazardous wastes and environmentally sound management. In addition they should encourage the establishment of pre-cleaning facilities in OECD-countries.

### TO GOVERNMENTS IN SHIPBREAKING COUNTRIES

The national governments of shipbreaking countries such as India and Bangladesh, but also China, Pakistan and Turkey, should endeavour to guarantee the full implementation of their domestic legislation and their international commitments to protect the workers and the environment. In particular, FIDH and Greenpeace urge the governments to guarantee freedom of association and the right to collective bargaining. Just as important are the rights to just and favourable conditions of work (minimum salary, overtime payment, working hours, holidays and benefits, weekly rest), adequate compensation for victims of accidents and their families, and social security. These governments should set up an effective and reliable system of labour inspections, with the participation of elected workers' representatives. Greenpeace and FIDH also urge India to ratify the ILO Conventions 87 (Right to freedom of association) and 98 (Right to Organise and Collective Bargaining).

### TO YARD OWNERS

Greenpeace and FIDH urge the yard owners and the governments of countries where the yards are situated, possibly in cooperation with ILO, to keep a precise and publicly available record of all workers, including those who died, fell ill or got injured in relation to their work on the yards. They should ensure the right of the workers or their family to be fully and properly compensated in case of injuries or deaths at the yards. Greenpeace and FIDH urge yard owners to use all appropriate means to ensure the full respect of all relevant national and international instruments covering labour rights.



RESEARCHERS TALKING TO AN INJURED WORKER IN HIS VILLAGE, ORISSA, INDIA, OCTOBER 2005 ©SHAIENDRA YASHWANT/GP

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A WOMAN WEAVING AT THE KHALING VILLAGE, INDIA, OCTOBER 2005 ©SHAIENDRA YASHWANT/GP



SHIPBREAKING YARDS, BANGLADESH, NOVEMBER 2004 ©GP/DEHOMMEL



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BARRELS WITH OIL SLUDGE BROUGHT TO SHORE ON HIGH TIDE, OCTOBER 2005 ©RUBEN DAO/GP/FIDH

