

**HAZARDOUS MATERIALS IN SHIPBREAKING**  
**- WHERE DO THE LIABILITIES LIE?**

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## HAZARDOUS MATERIALS IN SHIPBREAKING

### WHERE DO THE LIABILITIES LIE?

#### ABSTRACT

The parlous state of shipbreaking came to public attention in the late 1990s, when the realities of this heavy and polluting industry were exposed. The increasingly vociferous campaign of environmental NGOs prompted a growing international move to address and ameliorate the conditions that the industry engendered; it also resulted in important case law.

Most of the world's end-of-life ships are scrapped on the beaches of the Indian sub-continent by a large, migrant labour force which, to date, has received little in the way of training, representation, financial compensation and basic amenities. As well as cargo residues and operational wastes, ships contain high levels of hazardous materials that have been released into the sea, the air, the beaches and ground waters. The result has been an extensive accumulation of pollution, affecting not only the workers themselves, but also the surrounding populations and ecology. Elsewhere, shipbreaking may be somewhat more controlled, but it is still polluting. The scrapping process is labour intensive and very manual. Injuries and death are common place.

Attempts to regulate this industry via the provisions of the *Basel Convention* led to a strong polarization of opinion as to its applicability with (most of) the shipping and the shipbreaking industries denying its relevance. The proponents of *Basel* – especially the European Union – have finally conceded that it is essentially unenforceable with regard to end-of-life ships. Similarly, the production of various international guidelines has failed because of their voluntary nature and the overall absence of liability for the hazardous wastes produced has impacted severely upon those involved in demolition.

The adoption of the *Hong Kong Convention* in 2009 was a serious attempt to bring international control over this industry through a series of inspections and certifications of both the ships ready for scrapping and the facilities where this is to take place. Responsibilities and liabilities have been defined for all involved in the production, operation and demolition of ships and the global ratification of the Convention is being promoted through interim European legislation and commercial initiatives to coordinate and supervise the demolition process at specific locations through 'facilitated demolition.'

**Key words:** Alang, Basel Convention, Hong Kong Convention, liability, pollution, shipbreaking

## DECLARATION

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# DEDICATION

## **To the shipbreakers..**

We shall not flag nor fail.

We shall go on to the end.

We shall scrap them on the beaches,

We shall scrap them at the ocean's edge,

and on the intertidal zones.

We shall scrap them through fires and explosions

We shall strip them of PCBs and asbestos,

We shall break them into pieces.

We shall never surrender.