



SOUTH ASIA – QUARTERLY UPDATE NUMBER 1 / 7 APRIL 2014



In this quarterly publication, the NGO Shipbreaking Platform informs about the shipbreaking industry in *Bangladesh, India and Pakistan*. Providing an overview of *vessels broken on the beaches of South Asia, accidents, recent on-the-ground, legislative and political developments including our activities in South Asia* we aim to inform the public about the negative impacts of substandard shipbreaking practices as well as positive steps aimed at the realisation of environmental justice and the protection of workers' rights. In this first edition of the update we inform about the forced eviction of two shipbreaking yards in Chittagong, the results of a public hearing and environmental impact assessment for a proposed new shipbreaking yard in India, and warn ship owners not to fall for the green-washing of the Alang shipbreaking yards. So far this year *195 ships* have ended up on the beaches of South Asia and four major accidents have been reported *killing seven workers*.

OPINION FROM SOUTH ASIA

“My organisation BELA (Bangladesh Environmental Lawyers Association) is part of the global coalition which forms the NGO Shipbreaking Platform. In Bangladesh, shipbreakers break the law every day by importing and beaching ships containing hazardous waste. BELA has brought both the human rights abuses and environmental damage caused by shipbreaking activities in Chittagong to the attention of the judiciary. With the South Asia Quarterly Update the Platform will bring these issues to the attention of policy makers, journalists and researchers, civil society and industry stakeholders. Just last week at least four workers died in an explosion in Chittagong and the data collected by the Platform on ships broken so far this year shows that South Asia remains the favourite dumping ground for hazardous end-of-life vessels.



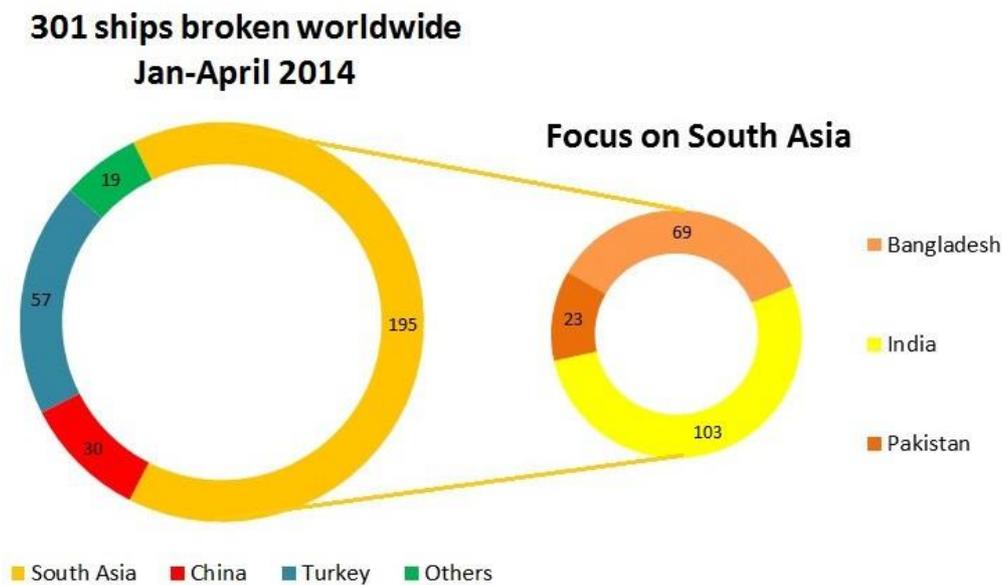
The South Asia Quarterly Update will also provide us with an opportunity to share positive developments and achievements of the Platform in Bangladesh, India and Pakistan. It was a stage victory for our cause when the Forest Department in February evicted two shipbreaking yards that had been set up in protected forest land after illegally chopping thousands of mangrove trees planted to shield the coast from annual cyclones. The Government is finally facing up to its responsibilities and enforcing our environmental law and the Court's decisions! This move gives a clear signal to the industry that it has to operate in accordance with the law – or will be shut down. Sadly, however, the trees which have been replanted will hardly be able to grow on the contaminated soil. We still have a long way to go”.

Syeda Rizwana Hasan, winner of the Goldman Environmental Prize (2009) and the Ramon Magsaysay Award (2012)

OFF THE BEACH !

Out of 301 vessels broken so far this year almost two thirds ended up on the beaches of South Asia. 51 of these ships were owned by European ship owners – German owners alone sold 20 ships, Greek owners 17 ships. German ship owner, *Ernst Komrowski*, topped the list of worst dumper having sold most ships to South Asia this first quarter with a total of 14 containerships - all third party operated by Maersk. Komrowski was closely followed by South Korean *Hanjin Shipping Company* that sold 13 of its containerships to India and Pakistan.

Though the new EU Regulation on Ship Recycling is not yet applicable, its entry-into-force on 30 December last year should have sent a clear signal that substandard shipbreaking is not an acceptable option for ships sailing under the flag of an EU Member State. Still, vessels sailing under the flags of the UK, Malta, Greece and Cyprus were recorded on the beaches this first quarter – more ships also changed their flag from an EU to a non-EU flag just weeks before hitting the beaches. Flags of convenience (FOCs) such as *Comoros, Saint Kitts and Nevis* and *Tuvalu*, that are less favoured during operational use, were excessively popular flags for the end-of-life ships broken in South Asia.



ACCIDENTS

Four major accidents – three in Chittagong and one in Alang - have been reported this year. A major explosion in Chittagong occurred most likely due to the lack of procedures to ensure proper safe-for-hot-work conditions – two workers got severely burnt. Three workers, one in Chittagong and two in Alang, were crushed to death by falling metal plates – a continuous risk workers are exposed to when breaking ships on a beach, and associated to the reliance on gravity to remove cut-off pieces from the ship. Last week, at least four workers died in Chittagong poisoned by toxic gases.

On 19 January, a tank explosion onboard Teekay owned ASPIRE severely injured two workers. Tapan Jaladas, aged 28, and Md Lalu, aged 19, both received major burns on their face and hands and had to be rushed to Chittagong Medical Hospital. The accident was reported in Norwegian press, DN, which pushed the Teekay director, Ingvild Sæther, to announce that her company will change its ship recycling policy.

On 25 January, Babul Das, aged 25, died in Chittagong Medical Hospital after having been crushed by a falling metal plate at Siko Steel shipbreaking yard. Originally a local fisherman, he was temporarily hired to dismantle the Singapore-based NOL containership PRESIDENT 1.

Also crushed by a falling steel plate, workers Benu Pradhan Odiya, aged 20, and Vishwanath Gaud, aged 25, succumbed to their injuries on 11 March. The accident occurred on plot no 20 at Alang shipbreaking yards.

Last week, on 03 April, an explosion killed at least four workers - Jasmin, Faruk, Arif and Gias Uddin - in Chittagong. The workers died after a gas cylinder shattered and they inhaled the toxic gas. Another three workers were rushed to hospital for further treatment. The contractors have been accused of accidental death due to negligence and are currently on the run.

Deadly explosion: The Platform issued a [press release](#) following the fatal accident on 3 April. Bangladeshi newspaper [The Daily Star](#) also reported on the accident.

DEVELOPMENTS

TWO SHIPBREAKING YARDS EVICTED IN BANGLADESH, THOUSANDS OF TREES REPLANTED

In February, the Forest Department and the District Administration in Bangladesh evicted two shipbreaking yards that had been operating illegally for years on the beach in the district of Chittagong. Several shipbreakers, including SK Steel and SK Ship Breaking and Recycling, had been able to lease the land illegally and in 2009 they chopped down more than 15,000 mangrove trees that were part of the coastal green belt planted with the support of the United Nations.



The companies then started to import end-of-life ships for breaking on the beach. Amongst the operators of the illegal yards and those that ordered the cutting of the trees was a Bangladeshi Parliamentarian. Most of the tree-cutting took place during night time, and local communities only found out about it when it was too late. The cutting of the trees raised a public outcry in Bangladesh and was also strongly condemned at the time by the country's Prime Minister who visited the area. The presence of trees along the coastal belt, including mangroves, helps to prevent erosion and to mitigate flooding. Environmental plundering and illegal land grabbing by shipbreaking yards has destroyed the coastal green belt, leaving local villages vulnerable to cyclones, coastal and river erosion as well as floods.

In 2010, the High Court stated that shipbreaking should not take place on beaches nor on forest land, and on 6 October 2013, the Supreme Court of Bangladesh declared the two yards, SK Steel and SK Ship Breaking and Recycling, to be illegal and ordered them to be evicted and to replant the illegally cut trees. In February this year the authorities finally pulled down the buildings and other structures on the yards and thousands of saplings have reappeared where ships had been broken until recently. The NGO Shipbreaking Platform has been closely following the case and welcomes the eviction drive.

ADANI SHIP RECYCLING FACILITY DEFERRED AFTER PUBLIC HEARING in INDIA

In 2013, a first public hearing was held in Tunda village, Gujarat, on the proposal to establish a new ship recycling facility in the adjacent Mundra Port following the provisions of the Indian Environment Impact Assessment Notification of 2006. The project proponent is Adani Ports and Special Economic Zone Ltd, a company of the Adani Group, an Indian business conglomerate. Platform board member Ritwick Dutta, environmental lawyer from LIFE (Legal Initiative for Forest and Environment, New Delhi) followed the hearings and advised the local communities. The issues raised at the public hearing were the possible blockage of a creek, the destruction of vegetation including mangroves, the impact on fisheries and water pollution. In particular, local fishermen strongly voiced concerns that the setup of an industrial site in Mundra Port would pollute the ecologically sensitive coastal area and thus threaten their livelihood.

In January 2014, the Expert Appraisal Committee for Projects related to Infrastructure Development in the Coastal Regulation Zone found that the information given by the project proposer Adani Group regarding measures to prevent the spillage of oil and paint waste on land and sand, as well as the quantity and the method used for the disposal of contaminated soil in case of any accidental spillages was not sufficiently explained. Moreover, the Committee stated that Adani did not provide satisfactory information regarding hazardous waste disposal, detection of radioactive material, transportation of waste water, bilge and slop water to the treatment plant including the treatment of ballast water. Based on these deficiencies, the Committee deferred the project.

The Platform and its members will continue to follow the developments of the Adani project for several reasons: first and foremost in support of the serious concerns expressed by the local population regarding the operation of a hazardous industry in a very sensitive coastal zone and the lack of clear information regarding the environmental soundness of the methods and procedures proposed. The Platform therefore strongly welcomes that the Indian authorities have imposed an Environmental Impact Assessment in accordance with the law including the possibility for the local communities to voice their opinion - a process the existing shipbreaking yards in Alang have never been obliged to go through.

Eviction of two illegal shipbreaking yards in Chittagong: There was extensive media coverage in Bangladesh of the removal of two illegal shipbreaking yards,, including [Dhaka Tribune](#), [Daily Star](#), and [bdnews24](#).

WHAT ELSE?

GREENWASHING INDIAN YARDS

One of the main issues discussed during the TradeWinds Ship Recycling Forum held in Singapore on 4 and 5 March was the question of whether Indian shipbreaking yards would be eligible for the European Commission's list of ship recycling facilities. In the future, this list will specify the facilities that fulfil the requirements of the new EU Regulation on Ship Recycling. In particular, Indian shipbreaking yard operators, who participated in the conference with a sizable delegation, were keen on arguing that Indian facilities will be compliant with the EU Regulation's requirements and should therefore be listed. They held the position that the beaching method is compliant with the IMO Hong Kong Convention and that the EU Regulation should not set higher standards as this would undermine the ratification of the Hong Kong Convention.

Some Alang yards – with the help of closely connected cash buyers – have started strongly lobbying and marketing their “green” ship recycling services to ship owners and policy makers alike. Moreover, ClassNK, the Tokyo-based classification society, is working on a gap analysis for four shipbreaking yards in Alang in order to assess the improvements that need to be made for the yards to be compliant with the Hong Kong Convention and the EU Ship Recycling Regulation. The gap analysis is being carried out at Shree Ram Group of Industries, Leela Ship Recycling, Priya Blue Industries and RL Kalthia Ship Breaking, and is split in four stages: pre-assessment, study on relevant legislation, developing the gap analysis and improvement plan, and the development of a Ship Recycling Facility Plan. So far, ClassNK has not issued any “Statement of Compliance” with the Hong Kong Convention to any Indian yard as they have already done for some yards in China.

The European Commission will not list Indian shipbreaking yards as acceptable facilities because the beaching method does not fulfil the requirements under the European Regulation: in particular with regards to containment and pollution control, drainage and impermeable floors and the use of heavy lifting equipment next to the ship from stable grounds. Poor control of downstream waste management further out-rules the EU approval of current shipbreaking practices in India. It is likewise doubtful that ClassNK will conclude that the Indian yards - without having substantially improved their practices - comply with even the less strict requirements of the Hong Kong Convention, such as the “procedures and techniques which do not pose health risks to the workers” in relation to the use of the gravity method, or the requirements to “prevent spills or emissions” and “to remove hazardous wastes including paints to a maximum extent” when the primary cutting area lies in the intertidal zone and cannot be drained, contained, dredged or decontaminated, but is constantly flooded by the tide.

The NGO Shipbreaking Platform warns ship owners not to fall for the green-washing of shipbreaking in India. Some of the yards, which claim to offer “green” services use a so-called “Green Certificate” to promote their activities. Such certificates however focus mainly on CO2 emissions, which is hardly the only, nor major, concern of hazardous shipbreaking. The yard Priya Blue Industries even posts our Platform ‘OFF THE BEACH !’ standard on their website – a standard they are far from meeting – giving the false impression that the NGOs approve of their practices! Also, ISO Certificates, such as ISO 14001 and ISO 30000, refer only to procedures, and there is a broad consensus amongst experts that these certificates do not provide a guarantee that the actual performance of a yard is acceptable. Beaching facilities cannot provide satisfactory containment of pollutants and leakage control, nor sufficient safety measures for workers



Pictures from Alang shipbreaking yards. Left: Empty blackboard - in breach of Indian law most yards do not keep track of the amount and type of hazardous waste that leaves the yard 2013. Middle: oil spills © googleearth 2009. Right: illegal burning of waste on the beach 2013.

FURTHER READING

PLATFORM'S ANNUAL LIST OF GLOBAL TOXIC SHIP DUMPERS: 1213 end-of-life ships were dismantled last year, according to the Platform's [annual list of toxic ship dumpers](#). Slightly more than half of these ships were beached in South Asia. In terms of tonnage, more than 70 percent were dismantled in beaching yards. Greece remained the worst European toxic ship dumper, closely followed by Germany. Owners in these countries disposed a record-high 80 percent of their end-of-life ships in India, Bangladesh and Pakistan, and included well-known companies such as Danaos and Euroseas (Greece), and Conti, Hapag-Lloyd and Leonhardt & Blumberg (Germany). European media coverage of the Platform listing included amongst many others [NRK](#), [euronews](#), [VRT](#), and [DN](#).

BASEL ACTION NETWORK OPINION PUBLISHED IN TRADEWINDS: Jim Puckett, Director of the Platform's member organisation Basel Action Network (BAN),

wrote an opinion piece for the shipping weekly newspaper Tradewinds titled "[Ship recycling beach holiday is over](#)". The article focuses on the new European Ship Recycling Regulation and underlines that no beaching yards will be accepted under the new European Regulation. Jim wrote that "*Responsible brands will readily understand the four fundamental reasons why a beach can never serve as an intelligent place to manage the world's largest known units of hazardous waste.*"

COMING: A [study](#) by the University of Chittagong is due to be published in the July 2014 issue of *Marine Policy*. It will outline how the shipbreaking industry in Bangladesh is expanding at the cost of the environment and why Bangladesh needs to tighten regulation over its booming ship-breaking industry and bring it in line with international laws and environment standards.

NGO SHIPBREAKING PLATFORM
www.shipbreakingplatform.org
info@shipbreakingplatform.org



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