

Bangladesh succumbs to shipping industry pressure

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Bangladesh temporarily allows toxic ships pending final ruling

9 March 2011 - In a judgment on Monday 7 March 2011, the Bangladesh High Court has granted temporary permission to Bangladesh shipbreaking yard owners to resume importing toxic ships for breaking on the beaches near Chittagong, Bangladesh. This temporary lifting of the beaching ban for toxic ships was taken as the Supreme Court still needs to rule on the pre-cleaning of toxic ships and frame the rules that will apply to shipbreaking, reports the NGO Shipbreaking Platform. The High Court ruled in March 2009 that only toxic waste-free ships would be able to lawfully enter Bangladesh due to that country's obligations as Party to the Basel Convention. The Basel Convention places strict controls on all imports of hazardous waste. In August 2010, the Court once again reaffirmed its judgment and most shipbreaking activities came to a standstill. The unlawful entry of ships containing toxic materials into Bangladesh was exposed by the Bangladesh Environmental Lawyers Association (BELA), a member of the NGO Shipbreaking Platform who took the matter to court. As a result, BELA won the groundbreaking rulings acclaimed by environmentalists worldwide. In January and February, the Bangladesh Shipbreakers Association (BSBA) went to court to allow the import of ships for breaking. Today, their appeal was accepted by the Court under certain conditions. The Court ordered all workers to be trained and for all shipbreaking activities to be monitored by a team of experts. But these conditions are considered merely aesthetic by the NGO Shipbreaking Platform because they do not bring any real changes to the business model of the shipbreaking industry in Bangladesh that is currently polluting the country's coastal zones and putting the workers and the surrounding communities' lives in danger. Though the training of the workers is important, breaking ships directly on beaches can never be done in a safe and environmentally sound way. (See www.offthebeach.org) "It is clear that the court is under a lot of pressure from the shipbreakers and the government of Bangladesh as well. Declaring shipbreaking as an industry last month, the government seems to be pressured by monied interests that are in favor of the industry reopening with no necessary changes first taking place", said Rizwana Hasan, attorney for BELA. BSBA rested its case on a series of completely erroneous information filed with the court, including assertions that toxic substances PCBs, asbestos and TBT were no longer found on ships currently being sent for scrap. In fact, maritime experts around the world have calculated that significant amounts of asbestos and TBT will likely be found in recycling operations at least until 2045, and PCBs at least until 2015. Asbestos, PCBs and TBT cause severe chronic or acute toxicity and occupational disease such as mesothelioma. An unknown number of workers succumb to long-term exposures of such hazardous materials. More well documented are the frequent deaths in the Bangladeshi shipbreaking yards due to fire and explosions caused by flammable gases and oily residues left in the tankers. In fact, since August 2010, even when most shipbreaking yards have been closed and only a minimum amount of breaking has been taking place, ten workers were killed in accidents. The greater case that will decide on the pre-cleaning of ships issue is still pending in the Appellate Division of the Supreme Court. "The NGO Shipbreaking Platform believes that Bangladeshi courts will yet find the courage of conviction and uphold established law. The courts must distinguish between exploitation and employment, profiteering from the long-term welfare of Bangladesh," said NGO Shipbreaking Platform Director, Ingvild Jenssen. "In any case, the matter will never rest in the greater court of public opinion, as long as such a devastating affront to human rights and the environment is allowed to continue in South Asia." [Download the PDF of the press release here](#)