



NGO
SHIPBREAKING
PLATFORM

Norwegian Agency for Development Cooperation

Ms Villa Kulild

Director General

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(A copy is sent to the IMO's Secretary General and the Secretariat of the Basel Convention).

Concerning: Project "Safe and Environmentally Sound Ship Recycling in Bangladesh"

Brussels, 27 June 2014

Dear Villa Kulild,

The NGO Shipbreaking Platform is a coalition of 19 environmental and human rights organisations from 10 different countries promoting clean and safe ship recycling globally. We seek to prevent harmful shipbreaking practices that endanger the health and safety of workers and local communities in developing countries – in particular in India, Bangladesh and Pakistan, and result in severe environmental degradation. Our membership represents both ship-owning countries – such as Bellona Foundation from Norway – as well as shipbreaking countries, with nine members from South Asia.

Today I am writing to you regarding the NORAD-funded project "Safe and Environmentally Sound Ship Recycling in Bangladesh – Phase 1" for which the International Maritime Organisation (IMO) has signed an agreement with the Government of Bangladesh in April. We have been following the development of this project over several years, including a meeting with NORAD in Oslo in 2011 with several of our members, both from Norway and Bangladesh, as well as discussions with the Bangladesh Ministry of Industry and the Norwegian Embassy in Dhaka in 2013. Moreover, we have been in constant contact with the other involved organisations – the IMO as well as the Secretariat of the Basel Convention (SBC). Last but not least, some of our members from Bangladesh were part of an Advisory Committee that was active in an earlier phase during the development of the project.

We are glad that IMO and NORAD have finally found an agreement with the Government of Bangladesh to realise this project. However, we would like to raise two concerns and would be glad to receive your opinion on these matters:

- **The project does not foresee any civil society involvement.**

Civil society organisations (CSO) are not included in the project despite the fact that **NORAD has a clear policy to support civil society in the global South** and to involve CSOs in development projects. The 2009 "Principles for Norad's Support to Civil

Society in the South” emphasizes the inherent value of civil society and its important role as a development factor. NORAD explains the key goal to let civil society actors in the South take the lead in development projects. Furthermore, the principles consider CSOs as a complement to democratically elected institutions and civil society as a premise for democratic development.

Also the **UN gives a key role to CSOs as “indispensable partners for UN efforts”** and consults civil society for its policies and programme matter. Bangladeshi NGOs working on shipbreaking have been recognized by the UN, for instance, Bangladesh Environmental Lawyers’ Association (BELA) has received the Global 500 Roll of Honors of the United Nations in 2003 for its contribution to the promotion of environmental justice in Bangladesh.

What is more, **CSOs have played a significant role in addressing the harm** the shipbreaking industry has caused in Bangladesh: they have researched and documented labour rights violations and environmental degradation, have put the issue into the headlines and onto the agenda of International Organisations and governments, have successfully pursued judiciary action against illegal practices, and have been directly helping workers with trainings and counselling, free medical treatment, legal assistance in compensation claims and support for local trade unions. This commitment and expertise must be taken into account by any international development project in this field.

We therefore ask NORAD and the IMO to re-establish an advisory committee for the implementation phase with representatives from CSOs, trade unions and independent experts in order to assist the Executive Committee and to allow for transparency and dialogue.

- **The project should promote best practice and not legitimise substandard practices**

The first phase of the project aims at gathering information through several studies, mapping of hazardous wastes and a review of the legal framework as well as training materials. However, it must be clear from the outset that neither NORAD nor the IMO (or any other involved institution such as the SBC and the EU) support the current substandard practices in shipbreaking yards where ships are broken down on beaches, and that all stakeholders strive for a fundamental shift in the methods and procedures used to dismantle ships.

According to international environmental law (Basel Convention), end-of-life vessels constitute hazardous waste (unless they are built without any hazardous material which is not the case so far) and must be recycled following Environmentally Sound Management (ESM) of hazardous wastes. Ships coming to Bangladesh for demolition containing hazardous waste are in violation of the Basel Convention decision III/1. All Parties are obliged to adhere to this decision even if the Basel Ban Amendment is not yet in force. Furthermore, the Basel Technical Guidelines calls for managing end-of-life vessels on impermeable flooring and for a transition from the beaching method to clean and safe methods. Last but not least, the Supreme Court of Bangladesh has ruled that the import of any vessel containing hazardous waste or materials, which has not been decontaminated, has to be prohibited. Any international development

project in this field cannot ignore international environmental law or ruling of domestic courts interpreting it.

We therefore ask NORAD and the IMO to state publicly that the long-term objective of any such project is the transition away from shipbreaking on the beaches towards clean and safe methods in modern facilities off the beach which comply with international standards, in particular with international environmental law, and methods which can guarantee accordance with principles such as the polluter pays principle, ESM and the minimization of the transboundary movement of hazardous waste.

We are looking forward to further discussing the project with you and to re-establishing a fruitful dialogue on shipbreaking in Bangladesh.

We would be pleased to meet with you in Oslo. Our board member Svend Søyland from Bellona Foundation will contact your office for a possible date.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Patrizia Heidegger', with a long horizontal flourish extending to the right.

Patrizia Heidegger
Executive Director

NGO Platform on Shipbreaking