

**Statement by the UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes**

**International Maritime Organization  
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Thank you Chair for giving me the floor.

Excellencies, distinguished delegates, colleagues. I speak as the United Nations Special Rapporteur on toxics and human rights.

This is a special procedure of the United Nations Human Rights Council. It was created to monitor and report on the serious adverse impacts on the effective enjoyment of human rights that result from the unsound management of hazardous substances.

One of my predecessors in the mandate prepared a thematic report on ship recycling. He observed that end-of-life vessels sent for dismantling represent one of the major streams of hazardous waste transferred from industrialized countries to the developing world. He noted that shipbreaking has also raised international concern due to the extremely poor working conditions, leading to deaths and damage to human health, as well as the serious environmental pollution it has caused.

I echoed these human rights concerns in the report I presented to the UN Human Rights Council last year regarding my official visit to the International Maritime Organization.

Shipbreaking is not only a local pollution problem, however. Some of the hazardous chemicals released from ship recycling yards are persistent and capable of long-range transport. These releases thus aggravate the global pollution crisis and affect the interests of the international community as a whole.

Some see the entry into force of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, in June of next year, as an important moment in the efforts to regulate the ship-dismantling industry. Others have expressed concern at the insufficiencies of this instrument.

My predecessor in the mandate concluded that the Hong Kong Convention (and I quote) “is not sufficient to bring about the significant and urgently needed improvements to the working practices

prevailing in the shipbreaking yards or the elimination of the serious environmental pollution that shipbreaking yards generate.”

The shortcomings of the Hong Kong Convention have been brought into sharper relief by analyses of its level of control and enforcement, when measured against the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

It is well known that the Basel Convention allows for transboundary movements of hazardous wastes to take place under another agreement that provides for an equivalent level of protection. The Hong Kong Convention does not meet Basel standards, however. I will offer four examples which suffice to make the point.

- Firstly, the Basel Convention establishes mandatory standards on environmentally sound management, such as requiring containment of dismantling facilities. This proscribes the practice of beaching, where end-of-life vessels are dismantled in open beaches and hazardous substances are released to the marine environment. By contrast, the Hong Kong Convention leaves much discretion to host states to take account of voluntary guidelines and does not proscribe beaching.
- Secondly, the Basel Convention requires minimization of transboundary movements of wastes and downstream management of wastes removed from the ship that is recycled. The Hong Kong Convention, however, requires neither.
- Thirdly, the Basel Convention requires explicit consent by the importing state, whereas the Hong Kong Convention allows for tacit approval.
- Fourthly and last, the Basel Convention imposes criminal sanctions for illegal traffic of hazardous wastes and the obligation to reimport wastes transferred illegally. The Hong Kong Convention does neither.

These examples illustrate how the Hong Kong Convention shifts responsibility to the states receiving the hazardous wastes. This has been described as toxic colonialism, whose racialized undertones cannot be ignored.

Since the Hong Kong Convention was negotiated, there have been two major developments relevant to the human rights and environmental harms caused by the ship recycling industry. In 2022, the UN General Assembly recognized the right to a clean, healthy and sustainable environment; and that same year the International Labour Organization recognized “a safe and healthy working environment” as a fundamental principle and right at work.

The report on Shipping, Toxics and Human Rights, that I presented to the UN General Assembly last year, recommends that the Hong Kong Convention be amended. This is important for the Hong Kong Convention to align itself with these newly recognized rights and close its gaps and shortcomings.

By way of precedent, the Basel Convention has been amended several times. For example, the so-called “Basel ban amendment” prohibits the export of hazardous wastes from OECD to non-OECD countries. This is a fundamental obligation to prevent the human rights violations that result when hazardous wastes are transferred to developing countries that lack the capacities to ensure their environmentally sound management.

There is no such ban under the Hong Kong Convention, which thus would allow unscrupulous actors to externalize costs by dumping hazardous wastes in poor countries. This would circumvent the Basel Convention and aggravate the global environmental injustices perpetrated by the shipbreaking industry.

The Basel Convention should also be amended to strengthen its control of ships that become waste. For example, the state of export should include the state where the beneficial owner of the vessel is located. It is the owner of the vessel that makes the decision to dismantle it. This is significant for the definition of waste in the Basel Convention, since the owner’s decision to scrap the vessel signals the moment when hazardous materials in the vessel are intended to be disposed of.

The Hong Kong Convention should have a similar requirement, instead of relying predominantly on the flag state. Also, the Hong Kong Convention should establish mandatory standards that require pre-decontamination of vessels to the fullest extent possible, and total containment of recycling yards, among other standards necessary to ensure occupational and environmental health.

To conclude, Chair,

For many years, the International Maritime Organization has been seen as catering to, and even dominated by, the shipping industry. The opacity of the shipping industry, which often tries to hide the beneficial ownership of vessels, has at times reflected on the image of the International Maritime Organization.

Amending the Hong Kong Convention would highlight the International Maritime Organization’s role as a public regulator and inject the requisite transparency and accountability to the shipbreaking industry.

Thank you very much.