Chapter 1

Introduction

I. Background

The dumping of hazardous wastes in the Third World has long been an intractable issue, despite the international legal regime\(^1\) put in place to protect the victims of this trade. Popularly known as “garbage imperialism”,\(^2\) one of its more sinister forms is the shipbreaking industry wherein ships that have outlived their economic utility are dismantled for scrap steel and other equipment which are recycled and reused. Even though ship recycling is performed in nearly 79 countries,\(^3\) most of the heavy dismantling takes place on the tidal beaches of the South. It is here that there is a huge market for end-of-life ships from the North.

Among the leading shipbreaking nations, the countries on the Indian subcontinent, namely, Bangladesh, India and Pakistan, have been the undisputed leaders.\(^4\) Whether Alang in India, Chittagong in Bangladesh, or Gadani in Pakistan, mention shipbreaking and the first picture that it conjures is that of geriatric ships resting peacefully on these once pristine beaches, awaiting their last rites. However, beneath this deceptive calmness lies a storm. Ever since the industry started functioning in these locations, the sandy beaches have turned

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gooey and black, and the waters of the Arabian Sea and the Bay of Bengal that wash their shores are covered with floating oil globules. The environment in these regions has been scarred and marine biodiversity has been systematically ruined. These yards resemble huge battlefields with metal pieces, asbestos sheets, thermocol, glass bits, equipment from the ship, oil, and other substances strewn all over. Almost everything, from the steel to the fixtures and furniture, to pieces of sanitary ware, kitchen utensils and other items salvaged from the ship, end up in local markets. At certain places, discarded wastes are burnt, sending huge columns of smoke into the atmosphere.

The ship scrapping industry on the Indian subcontinent generates a whole range of economic activities, but it comes at an enormous cost. The job of breaking a ship is extremely hazardous and lethal. The shipbreakers who do these jobs, often without protective gear, are exposed to a series of life threatening substances like asbestos, polychlorinated biphenyls, residual oil, and situations such as explosions and falling steel. Resembling ants that work diligently on carcasses, the undertakers in these yards use their raw power, sledgehammers and torch cutters to rip apart the huge bellies of ships.

From the point of view of safety and environmental protection, shipbreaking happens under totally unacceptable conditions. Consequently, many of the workers in these shipbreaking yards contract lethal diseases and the water, the soil and the coastal habitats are heavily polluted. This industry raises fundamental questions of human rights, environmental justice, and equity.

Theoretically, the ship scrapping industry should be a sustainable enterprise as it removes redundant tonnage by providing a new lease of life to rusty steel and to the fixtures on board a vessel. However, shipbreaking operations contain elements that undermine its sustainability. Why is this situation persisting?

Shipbreaking is symbolic of what emerging and developing economies will continue to encounter in the context of the new economic opportunities afforded by globalisation. The central question is whether these seemingly beneficial

6 The steel re-appears as reinforcing rods which are used in the construction industry. The generators, light fittings and batteries are also reused. Even the hydrocarbons on board are reclaimed to be used as fuel in steel rolling mills and brick kilns. Recycling of Ships: Report of the Correspondence Group, Submitted by the Co-ordinator of the Correspondence Group, IMO/MEPC 46/7, 18 January 2001, ¶ 3.1.2 (KR-CON) [Report of the Correspondence Group].
7 Dodds, supra note 5 at 217–20.