

OEWG-III/4: Proposed decision on the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention

The Open-ended Working Group,

Considering the report of the joint meeting between the International Labour Office, the Secretariat of the International Maritime Organization and the Secretariat of the Basel Convention, held at Geneva on 13 and 14 January 2004 and reproduced in annex I to the present decision;

Taking into account the terms of reference proposed by the joint secretariat meeting for the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention;

Noting that the report of the joint secretariat meeting has been submitted to the Marine Environment Protection Committee of the International Maritime Organization for consideration at its fifty-first session, held from 29 March to 2 April 2004, and to the Sectoral and Technical Meetings Committee of the Governing Body of the International Labour Office, at its session in February and March 2004;

Also noting that the Governing Body of the International Labour Office took note of the report of the joint secretariat meeting;

Further noting that the terms of reference for the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention, as proposed by the joint secretariat meeting, have been approved, with minor editorial amendments, by the Marine Environment Protection Committee of the International Maritime Organization at its fifty-first session;

1. *Agrees* to the terms of reference of the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention, as amended by the meeting to reflect the minor changes agreed upon by the International Maritime Organization, contained in annex II to the present decision.

2. *Also agrees:*

(a) That the Joint Working Group will meet on a regular basis, rotating between the headquarters of the International Labour Organization, the International Maritime Organization and the Secretariat of the Basel Convention, or any other venue agreed upon and that the host organization would assume the role of the secretariat;

(b) That participation in the Joint Working Group should ensure representation of all geographical regions;

(c) That five Parties to the Basel Convention shall be nominated to participate in the Joint Working Group on the understanding that representatives of other Parties, signatories, intergovernmental or non-governmental organizations may participate as observers and that such nominations should be sent to the Secretariat by 30 June 2004;

3. *Invites* the Joint Working Group to propose practical solutions that provide guidance to be considered by the three organizations to promote environmentally sound management for the dismantling of ships;

4. *Considers* that the Joint Working Group shall not be considered as taking precedence over or superseding the work of the Open-ended Working Group or other activities of the Basel Convention regarding the dismantling of ships;

5. *Requests* the Secretariat to report to the Conference of the Parties at its seventh meeting on progress, *including* the possibility of a first meeting of the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention.

Annex I to decision OEWG-III/4*

Report of the meeting between the International Labour Office (ILO), the secretariat of the International Maritime Organization (IMO), and the secretariat of the Basel Convention (SBC) held at ILO Headquarters, Geneva, 13-14 January 2004

Background

1. The sixth meeting of the Conference of the Parties to the Basel Convention (COP 6) requested SBC to explore the possibility of the development of an inter-agency technical assistance project on ship dismantling together with IMO and ILO, and to consider the establishment of a joint working group with IMO and ILO as a means of achieving a common understanding of the problem and character of the required solutions.

2. The ILO responded positively to these initiatives and the IMO Marine Environment Protection Committee (MEPC), at its forty-ninth session, was, in principle, supportive of these proposals and requested the IMO Secretariat to liaise with ILO and SBC in order to prepare draft project objectives for the inter-agency technical assistance project and draft terms of reference for the joint working group, for consideration by the fifty-first session of MEPC.

3. In order to advance the issue of the inter-agency co-operation the Secretariats of IMO, ILO and SBC held a joint meeting at ILO Headquarters in Geneva from 13 to 14 January 2004. The list of participants is attached in appendix I.

Adoption of the agenda

4. The provisional agenda as set out in appendix II was adopted.

Report of the outcome of the ILO Meeting on Safety and Health in Shipbreaking, Bangkok, 7-14 October 2003

5. The representative of ILO informed the meeting that at the Interregional Tripartite Meeting of Experts on Safety and Health in Shipbreaking for Selected Asian Countries and Turkey, held at Bangkok in October 2003, the "Guidelines" were adopted and will be published as "Safety and health in shipbreaking: Guidelines for Asian countries and Turkey". The Guidelines as adopted by the meeting, together with a Report on the Meeting, were in the process of being transmitted to the February-March 2004 session of the ILO Governing Body for endorsement. This would include versions in Spanish and French. A priority was, however, to translate the Guidelines into the languages of the countries where shipbreaking was done: Bengali, Chinese, Hindi, Urdu and Turkish.

Report of the outcome of the 2nd session of the Open-ended Working Group of the Basel Convention

6. The representative of SBC informed the meeting that the second session of the Open-ended Working Group (OEWG2) that met in Geneva in October 2003 considered the legal aspects of the dismantling of ships as well as co-operation with IMO and ILO on this issue. The meeting agreed on the establishment of an intersessional working group that would deliberate on the legal aspects. On the formation of the Joint Working Group, there was an indication that some Basel Convention constituencies may want to be involved in this work once the Terms of Reference have been finalised and agreed upon. On technical assistance projects for States involved in ship dismantling,

* The report is reproduced as submitted, without formal editing.

there is a need for a concerted effort in resource mobilization. Finally, he said that there are great expectations from all stakeholders in having the Joint Working Group playing an active role in ship dismantling.

Report of the outcome of the 23rd session of the IMO Assembly

7. The representative of the IMO Secretariat informed the meeting about the discussions that took place during the twenty-third session of the Assembly on the issue of ship recycling and that the IMO Guidelines on Ship Recycling were finally adopted by resolution A.962(23). The meeting was also informed of the amendments to Annex I of MARPOL 73/78, adopted by MEPC 50, regarding the accelerated phase-out scheme for single-hull tankers and that the Committee, having realized that these new requirements would increase the number of the vessels to be recycled within a specific period of time, adopted resolution MEPC.113(50) on ship recycling for the smooth implementation of the amendments to Annex I of MARPOL 73/78.

Role of the joint ILO/IMO/Basel Convention Working Group

8. The role of the joint ILO/IMO/Basel Convention Working Group (hereafter referred to as the Joint WG) was discussed and it was agreed that this Group should act as a platform for consultation, co-ordination and co-operation in relation to the work programme and activities of ILO, IMO and the Conference of Parties to the Basel Convention with regard to issues related to ship scrapping¹. The Joint WG should pursue a co-ordinated approach to the relevant aspects of ship scrapping with the aim of avoiding duplication of work and overlapping of responsibilities and competencies between the three Organizations.

¹ In view of the fact that the three agencies used breaking/dismantling/recycling in their respective documents, it was agreed for the purposes of this report to use the term “ship scrapping”.

Annex II to decision OEWG-III/4*

Terms of reference for the joint working group

1. The Terms of Reference as proposed by the three Secretariats are as follows:

The Joint WG should:

1. consider the respective work programmes of ILO, IMO and the Conference of Parties to the Basel Convention on the issue of ship scrapping in order to avoid duplication of work and overlapping of responsibilities and competencies between the three Organizations, and identify further needs;
2. facilitate the exchange of views between the three Organizations in order to ensure a co-ordinated approach to all the relevant aspects of ship scrapping;
3. undertake a comprehensive initial examination of the:
 - *Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships*, adopted by the Sixth Meeting of the Conference of Parties to the Basel Convention;
 - *IMO Guidelines on Ship Recycling*, adopted by resolution A.962(23); and
 - *Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey*, developed by ILO, with a view to identifying any possible gap, overlap, or ambiguities;
 - consider mechanisms to jointly promote the implementation of the relevant Guidelines on Ship Scrapping;
 - monitor progress of any jointly organized technical cooperation activities; and
 - submit recommendations and any other relevant information on the above or other pertinent matters to bodies of IMO, ILO and the Basel Convention, as appropriate.

Working arrangements

2. The meeting considered the working arrangements of the proposed Joint WG and it was agreed that the Joint WG should meet on a regular basis, rotating between the Headquarters of ILO, IMO and SBC, or any other venue agreed upon. The host Organization would assume the role of Secretariat.

3. The composition of the Joint WG should consist of representatives appointed by each Organization, the number to be appointed by each being decided by agreement between the three Organizations.¹ The Joint WG should ensure, as appropriate, representation of all geographical regions of the world with an interest in the subject matter. Other interested parties, who express a wish, may be allowed to participate in the discussions of the Joint WG.

4. The Joint WG shall determine its own procedures.

* The terms of reference are reproduced as submitted, without formal editing.

¹ Language drawn from the existing Agreement between ILO and IMO (1959)

Technical cooperation activities on ship scrapping

5. The representatives of each Organization introduced those activities already launched or planned by each Organization.

6. The representative of ILO stated that ILO has secured a new US\$1.3 million UNDP-funded project in Bangladesh on safe and environmental friendly shipbreaking. The project will seek, through a comprehensive approach based on policy dialogue, safety training and public awareness, to align current work practices in the shipbreaking industry with international and national rules and regulations. He also stated that ILO has prepared similar project proposals for India, China, Pakistan and Turkey.

7. The representative of the IMO Secretariat stated that IMO has established an Integrated Technical Co-operation Programme (ITCP), the purpose of which is to assist countries in building up their human and institutional capacities for uniform and effective compliance with the Organization's regulatory framework. Ship Recycling has been included in the revised ITCP thematic priorities for 2004-2005 and a strategy has been developed to achieve the set objectives. The meeting was also informed that two technical co-operation activities, one national workshop in Bangladesh and one regional workshop in Asia, have already been planned for the biennium 2004-5.

8. The representative of the SBC informed the meeting that the OEWG2 has invited the IMO, ILO and Basel Convention to organize a workshop with a view to exchanging of views on the issues included in the Terms of Reference of the proposed Joint WG. He also suggested that such workshop could be held at the regional level and the Basel Convention Regional Centre could be involved in its organization.

9. It was agreed that each Organization would invite the other two Organizations to participate in workshops or seminars.

Interagency technical assistance

National/regional workshop/seminars

10. It was suggested that regional or national workshops and seminars on ship recycling may be organized jointly, or individually by IMO, ILO and SBC. These workshops/seminars should aim at raising awareness on the safety, health and environmental issues associated with ship scrapping and providing guidance on the implementation of the provisions of the respective Guidelines.

Global programme

11. It was acknowledged that for some developing countries the implementation of the relevant guidelines on ship scrapping would necessitate massive investment, e.g. adequate waste reception facilities at the recycling yards, environmentally sound waste management systems and appropriate infrastructure. For this reason, there may be a need for the development of a global programme aiming at resource mobilization (e.g. World Bank, ADB, GEF, UNDP, bilateral donors), in which the three Organizations would participate. The ILO volunteered to prepare a draft background project document for consideration by IMO and SBC.

Work of other bodies on ship scrapping

12. An exchange of information took place with regard to initiatives on ship scrapping taken by intergovernmental or non-governmental organizations. The European Commission had recently written to all three Organizations and the SBC had met with the EU Commissioner for the Environment on this topic.

Any other business

13. There was an exchange of data on the volume of ship scrapping and market characteristics.

Further action

14. This report will be submitted for consideration to the 51st session of the Marine Environment Protection Committee (29 March to 2 April 2004), the Sectoral and Technical Meetings Committee of the ILO's Governing Body (February-March 2004) and the third session of the Open-ended Working Group of the Basel Convention (26-30 April 2004).

15. If the establishment of the Joint Working Group is approved then the first meeting could be held before the end of 2004.