

LAW OPINION

Bangladesh's ship recycling industry at a crossroads

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Bangladesh has missed the critical deadline to implement the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (HKS 2009), which it ratified in June 2023, but enforcement is still pending as of June 2025. A recent article in Maritime Executive suggested that Bangladesh and Pakistan might delay enforcing the Convention by citing their socio-economic challenges and referencing international agreements like the 1992 Rio Declaration. However, experts stress that once a country ratifies an international treaty such as the Hong Kong Convention, it is legally bound under the Vienna Convention on the Law of Treaties to honor its commitments in good faith. The often non-binding language of declarations such as the Rio Declaration cannot override the binding force of ratified conventions.

The ship recycling industry (SRI) in Bangladesh is currently regulated by the Ship Breaking and Recycling Rules 2011 and the Ship Recycling Act 2018, under which the Ship Recycling Board (SRB) holds official authority. Unfortunately, the Board faces a severe manpower shortage, preventing it from effectively managing key responsibilities such as issuing No Objection Certificates (NOCs) and permits for dismantling ships. In practice, these daily administrative tasks are handled by the Ship Recycling Wing of the Ministry of Industry. The country is in a transitional phase, transferring oversight from the Ministry's Wing to the SRB. This bureaucratic shift raises

concerns about whether Bangladesh has enough administrative capacity to monitor and enforce regulations as the HKS 2009's implementation deadline approaches. Since shipbreaking yards make significant capital investments in acquiring ships for dismantling, delays in permits could result in substantial financial losses due to accruing bank interest, threatening the sector's economic viability.

For the compulsion of the HKS 2009, after June 2025, no ship can be legally permitted for dismantling in any yard in Bangladesh that has not attained "green yard" status in compliance with HKS standards. Currently, only seven yards—including PHP, SN Corporation, Kabir Recycling Yard, Arab Recycling Yard, and KR Recycling Yard—have received green certification, while fifteen others are in the process of upgrading. Most operational yards remain non-compliant but together employ thousands of workers directly and support millions more in related industries such as steel manufacturing and furniture production.

Restricting ship imports to compliant yards could jeopardise these workers' livelihoods and threaten the stability of related sectors. Moreover, without enough scrap metal from ship recycling, Bangladesh's steel industry would need to import raw materials, adding pressure on the country's foreign currency reserves. The global ship recycling industry's shift from Europe to Asia was driven by the region's more relaxed regulations and environmental standards. If Bangladesh unilaterally enforces strict rules to meet the Hong

Kong Convention, competing countries like Pakistan, India, and the Philippines could seize the opportunity to attract business, reducing Bangladesh's market share. Another urgent issue is hazardous waste disposal. The Bangladeshi government, with support from Japan, is developing a Treatment, Storage, and Disposal Facility (TSDF) to safely manage hazardous materials from ship recycling. However, delays in land acquisition have hindered progress, making it unlikely the TSDF will be operational by the 2025 enforcement deadline. As a result, safe hazardous waste disposal remains uncertain.

Since its inception, the Hong Kong Convention has faced criticism for disproportionately placing the burden on ship recycling states rather than ship-owning nations. Recycling countries are required to establish safe recycling facilities, maintain TSDFs, prepare Ship Recycling Plans (SRPs), and implement strict occupational health and safety standards. Meanwhile, ship owners often shift responsibility to lesser-known flag states or cash buyers by changing a ship's flag before dismantling, avoiding accountability for the ship's end-of-life impacts despite profits during its operational life. This imbalance raises a key question: is Bangladesh truly prepared to enforce the Hong Kong Convention by the 2025 deadline? Failure by Bangladesh and other major recyclers to comply whether due to unreadiness or socioeconomic

reasons would violate international law.

Ratification shows Bangladesh's commitment to uphold treaty obligations in

good faith, and it is essential to distinguish between legally binding conventions and soft international declarations. More importantly, this issue goes beyond legal obligations; it concerns protecting workers' health and safety, as well as safeguarding marine and terrestrial environments. Since the international community cannot reliably monitor occupational safety or environmental compliance at ship recycling yards, national enforcement is critical. Proper implementation of the Convention would improve working conditions for vulnerable laborers and reduce environmental pollution.

A coordinated and practical approach is needed to address these challenges. First, the International Maritime Organization (IMO) should work with recycling countries to develop tailored mandatory standards within the Hong Kong Convention framework, considering their socio-economic realities. Many yards cannot afford the costs imposed by classification societies like ClassNK, GMS, or Bureau Veritas, which certify facilities based on high MEPC guidelines. Adjusting these standards to be both feasible and effective is essential.

Second, the IMO should strengthen inspection and monitoring efforts in major recycling countries to accurately assess occupational safety and environmental

compliance.

Transparent,

comprehensive evaluations would help the international community recognise progress and identify gaps, encouraging accountability. Third, technical support should be combined with financial aid. Bangladesh benefits from IMO projects like SENSEREC Phase 3, which offers safety training and legislative assistance. However, financial support is also needed to supply safety gear for workers and modern equipment for ship dismantling.

The IMO could establish a fund supported by stakeholders, including ship owners, cash buyers, and industry associations, to ensure the proper disposal of ships in line with international standards. Ultimately, the debate over enforcement delays is unproductive. Bangladesh's ratification signals a commitment to international law, but realising these commitments requires strong administrative capacity, financial investment, and international cooperation. Proper and timely implementation of the Hong Kong Convention will save lives, protect the environment, and help Bangladesh stay competitive in the global ship recycling industry.

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WOMAN AND LAW

The plight of domestic violence

The death of a young woman, Fahmida Tahsin Keya (24), a mother of four children, sparked a spate of debate among the social media netizens. The parents of the deceased alleged that she was strangled to death by her husband, Sifat Ali (30). Her parents also spoke to the media against Sifat's abusive treatment towards Keya throughout their marriage. This tragic death not only narrates the old tale of domestic violence against women afresh, but also unravels the plight in general of Bangladeshi women.



Without recognising the key psychological and socio-religious factors contributing to violence against women, and developing evidence-based strategies to combat them, ensuring women's safety is simply not possible.

TASNIM NUSRAT REZA

The continuing paradigm of domestic violence and other social obstacles taught the women to be empowered, especially financially. Policies were passed for women's education; seats were reserved in many professional sectors and even in parliament. While women's empowerment became another project for every other political party to attract votes in the election, very little was done to successfully put an end to domestic violence.

The untimely death of Keya, along with its social media feedback, only sets an axiomatic example of how it was only the responsibility of Keya and her parents to save her from the inexplicable inhuman abuse of her husband. In the landscape of patriarchal psychological-control and cultural dogma, the women and their families are constantly blamed—either for their own inability, or for their parents' failure to support them

through this abuse. Very little focus is placed on addressing the deeply rooted patriarchy that historically upholds men's domination over women.

Many scholars and theorists, over time, identified patriarchy as a social construct where 'men dominate, exploit and oppress' women. Besides, domestic violence has always been regarded as a consequence of patriarchy, and a systematic attempt to maintain male dominance both in the home and the society. Hence, without understanding the layers of longstanding patriarchy and its intertwined connection with domestic violence, attempting to end domestic violence only by means of empowering women will always remain fruitless.

During the last few decades, significant efforts have been made by the Government of Bangladesh (GoB) in its attempts to promote women's rights and tackle domestic violence. Along with ratifying the International Covenant on

Civil and Political Rights (ICCPR), and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to promote women's rights, the GoB also enacted the Domestic Violence (Prevention and Protection) Act, 2010 to prevent domestic violence and protect women and children.

A victim of domestic violence can apply herself, through an enforcement officer, service provider, or any other person, for remedy in any Court under whose jurisdiction the applicant-victim or respondent resides or the place where the domestic violence occurred or where the victim temporarily resides. Upon such application, the Court may issue a protection order, a residence order, a compensation or a custody order. Unfortunately, many women do not even know about that the law exists, nor do they want to come forward to take action against their own family in apprehension of losing reputation, social stigma, worries regarding children

and financial dependency.

The '2024 Violence Against Women Survey' conducted by the Bangladesh Bureau of Statistics (BBS), in collaboration with the United Nations Population Fund (UNFPA) Bangladesh revealed that intimate partner (current or former husbands) violence remains high at 70%. In comparison, 64% of victims informed nobody about their experiences as they thought such violence was just another routine, faced by every other woman. Even many financially empowered women choose to stay in an abusive household merely because they consider such violence to be normal; all they need is just to 'adjust' to the abusive partner. In a society where such violence is regarded as a private matter and where husbands are given 'authority' to 'discipline' their wives, sharing it in public will only bring shame to the wives. Even some religious preachers endorse such violence, claiming this is permitted. Resultantly,

the enactment of the said Act 2010 could hardly bring any meaningful change in women's fate. Starting from emotional abuse to physical violence to strangulation to death, women continue to remain just as vulnerable as before, despite all the rhetoric around women's empowerment.

In this backdrop, it is imperative to understand that the problem with domestic violence is a socio-psychological problem, and only legal remedies in the court or saving seats in the professional sectors will not suffice to prevent it. Without flagging the key psychological and socio-religious factors contributing to violence against women, and developing evidence-based strategies to combat them, ensuring women's safety is not possible.

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