

Date: - 30/06/04

Ministry of Environment and Forest
New Delhi, India

SUB: - End of Life Vessel “Clemenceau” (French Aircraft Carrier) Heading for Alang, India

Dear Sir,

You are well aware of Greenpeace global campaign for clean ship-recycling, demanding that the onus of cleaning-up of hazardous waste on board end-of-life vessel lies with the shipowner and the exporting country and not the breaker in absence of adequate facilities for containment and disposal of the highly hazardous waste in developing nations like India.

We have recently learnt from media that the French defence ministry announced on June 25, 2004 that the above-mentioned ship would be sent to India after the removal of 210 tons of asbestos from the ship. They have also confirmed that the rest of residual asbestos would be removed in India. The ship would yield 22000 tons of metal. Though we welcome very much the steps taken by French Authority to remove asbestos from the ship, Greenpeace has reason to believe that this ship will contain other hazardous wastes, such as, TBT, PCBs, and other hazards such as radioactive substances. This is based on experiences with similar vessels.

This is further to inform you that States like Turkey and Greece have already refused entry in their waters of this Military ship on the grounds that it contains hazardous substances like asbestos, TBT and radio-active substances. You may also be aware about the refusal of “Ghost ships” by UK authorities for recycling in their country. These cases strongly prove that the military ships contain lot of toxics materials and are great threat to environment and health hazards to workers. In this case, Even French authorities have acknowledged the fact that “Clemenceau” contains lot of toxic materials such as asbestos, TBT and others.

India is in a position to ensure that the export of the Clemenceau takes place in line with the obligations and related procedures under the international legal framework for ship recycling like the the Basel Convention Regime¹, (on the control of transboundary movements of

¹ The Basel Regime is the Basel Convention, the Basel Ban Amendment and the Decisions made by the Conference of the Parties (COPs). Also some elements of the EU Waste Shipment Regulation (EEC 259/93) can be considered as being part of that Basel Regime.

hazardous wastes and their disposal) and the orders of the Indian Supreme Court.

The EU Waste Shipment Regulation 259/93 (EU Waste Regulation) obligates the Member States, France in this particular case, to ensure that the notification procedure is followed; to ensure that there is consent in writing; to ensure that the shipment of waste is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes; to not allow the export of hazardous or other wastes if the Member State has reason to believe that the wastes in question will not be managed in an Environmentally Sound Management manner; and if illegally shipped, to take back the waste².

The requirement of written prior consent based on adequate information (Prior Informed Consent or Notification)³ and the requirement that hazardous wastes to be exported are subject to Environmental Sound Management⁴, are two important legal obligations of the Basel Convention to be respected in the case of the export of the “Clemenceau” to France.

For India the orders of the Indian Supreme Court clearly indicate that ships need to be free of hazardous substances before they come onshore for shipbreaking. In addition the Court orders place the responsibility for the hazardous waste on the ship owner. Hence any ship that is sent for breaking must be decontaminated.⁵

Thus, in order to prevent the deemed illegal export of the “Clemenceau” (French Aircraft carrier) to India, it is imperative for India to take the following course of action:

1. Immediately ask France to clarify whether all relevant obligations and procedures of the international regulation on ship recycling (in particular the EU WS Regulation) have been complied with, including obtainment of “non objection certificate from the Indian

Ministry of Defence and Environment and forest.”

2. Check as a matter of urgency and priority full compliance with the requirements under the orders of the Indian Supreme Court, in particular the need for decontamination.

² See Art. 6.-8.; Art. 10.; Art. 16.(3). and (4).; Art. 17.(6)., Art 26.(1). Of the EU WS Regulation.

³ See Art. 4.2.f. of the Basel Convention.

⁴ See Art. 4.8. and Art. 4.10. of the Basel Convention.

⁵ Order of the Supreme Court of India, Civil original jurisdiction, writ petition No 657 of 1995, New Delhi 14 October 2003, page 42-45.: Amongst others: Order no 1 on shipbreaking: “Before a ship arrives at port, it should have proper consent from the concerned authority or the State Maritime Board, stating that it does not contain any hazardous waste or radio-active substances [...]. Order no 2: “The ship should be properly decontaminated by the shipowner prior to the breaking [...].”

3. Inform the Custom department in Bhavnagar and in Mumbai must be informed not to allow the import of such ship if they fail to provide "No objection Certificate from Government of India".

Yours sincerely,



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CC: -

- 1) Ministry of Shipping
- 2) Ministry of Steel
- 3) Ministry of Labour
- 4) Ministry of Defence
- 5) GMB, Gandhinagar, Gujarat
- 6) GMB, Alang
- 7) GPCB, Gandhinagar
- 8) GSBA, Bhavnagar
- 9) Mr. Nagarsheth (President, Shipbreakers Association)