

Media Alert – Exxon Valdez Prompts India's Supreme Court to Blow Whistle on Toxic Shipbreaking Beaches

2012-08-01 12:08:32 Shipbreaking

EXXON VALDEZ PROMPTS INDIA'S SUPREME COURT TO BLOW WHISTLE ON TOXIC SHIPBREAKING BEACHES

No More Toxic Ships to Sail to India from USA or Europe 1 August 2012 (Brussels) – Faced with a petition from Indian-based ToxicsWatch Alliance, a leading environmental organization, India's Supreme Court ruled on 30 July 2012 that end-of-life ships containing hazardous materials, such as asbestos or PCBs, must follow the Basel Convention rules on global movements of hazardous wastes. This ruling means that India can no longer accept ships from Europe or the United States. It also means that India must first be notified as to all hazardous materials contained on-board and must approve of ship importation from all sources for scrapping prior to vessel arrival in India. Previous to this decision and despite India being a Party to the Basel Convention, India has long ignored its Basel legal obligations with respect to ships. "Finally, the Supreme Court in India has dragged its government to face the fact that India for a long time has been violating international law with respect to its uncontrolled imports of toxic ships for scrapping on its beaches. It will no longer be able to do so," said Basel Action Network director Jim Puckett. "Hundreds of poor and desperate laborers have been killed or exposed to hazardous chemicals as a result of the disastrous shipbreaking practices on Indian beaches; hopefully this ruling will be the beginning of the end of the dark ages of ship recycling." The beaching operations found in South Asia are well known for environmental and human rights violations, where workers are routinely injured, crippled and killed from explosions and occupational exposure to hazardous substances. Just this weekend a shipbreaking worker fell to his death from a ship beached in Bangladesh, the fifth such deadly accident in Bangladesh this year. In 2011 alone 28 workers got killed at Alang shipbreaking yards. The inquiries in such deaths are never made public. India's groundbreaking court order affirms the United Nations Basel Convention, an international law enacted in 1989 to prevent the dumping of hazardous waste on developing countries. Under such law, ships cannot be imported to a Party state, such as India, from a non-Party state, such as the United States. All hazardous wastes must also be declared by the exporter and consented by the state of import prior to vessel movement. It is further the exporters' responsibility to ensure that hazardous wastes are dealt with in an environmentally sound and safe manner – thus not dumped on tidal beaches in countries that lack proper downstream waste management facilities. The court order is consistent with decisions made at the most recent Basel Convention meeting in October 2011, when 178 countries called for rapidly implementing a full ban on the export of toxic wastes of all kinds from developed to developing countries. During this same meeting, Basel parties called on each other to assist developing countries in applying the Basel Convention for ships at end-of-life. However, the Basel meeting and the Indian Supreme Court's ruling are pointedly at odds with the European Union's recently proposed ship recycling regulation, which seeks to remove ships from existing legislation that forbids export of hazardous wastes from Europe to developing countries. The proposed regulation attempts to substitute existing rules with far weaker ones under a separate International Maritime Organization regime known as the Hong Kong Convention. The NGO Shipbreaking Platform notes that the Hong Kong Convention is not in force and when it does become law can in no way be seen as a substitute for the Basel Convention. In October 2011, a majority of the Basel Parties agreed that the Hong Kong Convention does not provide an equivalent level of protection to especially developing countries as that provided by the Basel Convention. "It is sadly ironic that at a time when major shipbreaking countries such as India and Bangladesh are saying we no longer wish to have our beaches become the dumping ground for toxic waste ships, the European Union seems ready to abandon its former export prohibition and say to these countries, well yes you do!" said Ingvild Jenssen, Director of the NGO Platform. "The European proposal is sadly an obvious move to give the shipping industry what they want most – agreement that the Basel Convention will not apply to them." However positive the Indian Supreme Court's directives, the court decided that the EXXON VALDEZ, an infamous ship whose arrival in Indian waters prompted the environmentalists to act, will be the last ship to arrive in India without the Basel rules being applied. It is unclear why the court exempted the EXXON VALDEZ from its own orders. While Indian authorities claimed their inspection did not reveal any hazardous materials on-board the vessel as cargo, they could not determine what hazardous waste was contained in the ship's structure, which most likely include PCBs, asbestos, and residual fuels amongst many others. The NGO Shipbreaking Platform calls on India to fully uphold the Basel Convention with respect to the EXXON VALDEZ and to retract its beaching and breaking authorization, forcing the vessel back to its country of origin – the United States. **For more information, contact: NGO SHIPBREAKING PLATFORM** Ingvild JENSSSEN, Director +32 2 6094419 Ingvild@shipbreakingplatform.org Delphine REUTER, Communications Officer +32 2 6094418 +32 484 305 556 delphine@shipbreakingplatform.org **BASEL ACTION NETWORK** Colby Self, Director, Green Ship Recycling Campaign +1.206.250.5652 cself@ban.org **TOXICS WATCH ALLIANCE** Gopal Krishna +91 98 18089660 krishna1715@gmail.com