

INTERVENTION / Basel Action Network

RE: The Sinking of the São Paulo

Thank you Mr. Co-chair. Just a few weeks ago, the world witnessed one of the worst compliance failures experienced by any international environmental treaty in memory-- and certainly in the history of the Basel Convention, when a 24,000 ton mass of floating hazardous waste, in the form of an obsolete aircraft carrier, called the SAO PAULO left Brazil for a Turkish Recycling facility. It embarked with what very much appeared to be a faulty Inventory of Hazardous Materials (IHM) that should have carefully and correctly described the amount of hazardous asbestos, PCBs, and heavy metals on board in accordance with Article 6 of the Basel Convention.

The ship also left Brazil without having first notified transit states in the Mediterranean Sea. It also left Brazil without recognizing that the import of hazardous wastes into Turkey would violate the Izmir Protocol of the Barcelona Convention. These elements are essential parts of the basic prior informed consent procedure all Parties are trained and obliged to follow. Subsequently, en-route, and following protests in Turkey, Turkey made a decision to deny their initial consent and, in accordance with Article 8 of the Convention, Brazil agreed to take the ship back.

The ship returned to Brazil only to discover that Brazil did not really intend to take the ship back as expected in the Convention as the Brazilian Navy refused to allow the ship to re-dock at the naval base from which it had left. Nor were any other docks provided for the ship. Instead for several months, the SAO PAULO was towed back and forth in the sea off of the coast of Brazil, and allowed to deteriorate to a condition which was later deemed to be unsafe by the Navy.

In the end, rather than allowing safe haven for the ship and conducting a new survey of hazardous materials, prior to rebidding its sale to qualified ship recycling facilities, the Brazilian government chose to intentionally sink the 24,000 tons of contaminated but very valuable steel into the sea -- in direct violation not only of the Basel Convention, but of the Stockholm Convention and of the London Convention and Protocol as well. The sinking included an estimated 300 tons of PCB contaminated waste -- a Persistent Organic Pollutant which is known to cause severe harm if introduced to the marine food chain.

This tragic case must not be forgotten. This tragic case must be considered exhibit A in our work to improve the implementation of the Basel Convention, including the PIC procedure and the Duty to Reimport provisions.

In this case, BAN and the NGO Shipbreaking Platform will be formally asking the Parties involved and the Basel Secretariat to exercise their trigger of the Compliance Mechanism to fully investigate this case with a view to learning all we can to ensure that something like this incident never happens again.

We Thank You.