INTERVENTION on SHIP DISMANTLING / BAN

At COP10 in Cartagena while we were all celebrating the Ban Amendment being freed to come into the force of international law, another important decision was concluded. The Parties passed Decision BC-10/17 on the dismantling of ships.

The decision was important in that it made it clear that many Parties did not agree that the IMO Hong Kong Convention provided an “equivalent level of control and enforcement” to that of the Basel Convention. That indeed the Hong Kong Convention is far weaker.

And for that reason, in Paragraph 3 of that decision the Parties “acknowledged that the Basel Convention should continue to assist countries to apply the Basel Convention as it relates to ships.”

This was seen by many of the Parties at COP10 as an extremely important action item because Basel has a unique competency with respect to transboundary movements of toxic ships and in preventing their movement/export from disproportionately burdening developing countries and because the the Hong Kong Convention will not be in force for many years. Certainly the Parties never signaled that this paragraph 3 calling on the Basel Convention to assist countries in applying the Convention was not to be acted upon.

We are very disappointed therefore to find that no actions have been taken and none are planned to fulfill Paragraph 3 from the COP decision.

It is well understood that the Basel Convention has proven very useful at times to prevent transboundary movement of toxic ships to developing countries. The case of the French Aircraft Carrier Clemenceau being returned to France from India is a case in point. Likewise, the recent Supreme Court Decision in India as well as the court decisions in Bangladesh to bar ships into those countries that have not been first pre-cleaned were all based on implementation of the Basel Convention for ships. There is much to be learned from those cases.

It is also well understood that many unscrupulous shipowners continue to send their ships to the beaches of India, Pakistan, Bangladesh and to China in contravention of the Basel Convention. They take advantage of loopholes that exist for ships and not for other wastes due to their mobility. The Basel Convention must take up the task of solving these problems, providing guidance to Parties on how to close those loopholes. That was the intent and we must move now to make action on that front.

While the Secretariat chose not to act on Paragraph 3 of the COP decision, we are very troubled to report also that the actual activities that are being acted upon are being done in variance to and in contradiction of the COP mandate. The COP asked for a “feasibility study to identify cost effective alternatives to the beaching method of ship dismantling;

That language was changed since COP9 to say: “A feasibility study to identify cost-effective alternatives to the traditional beaching method of ship recycling (this may include consideration of “green” beaching methods currently employed in the industry)"
Distinguished delegates, this is a major departure from the COP mandate and as such is inappropriate. The COP asked for alternatives to beaching and not to continue using beaches nor did anyone consider a terminology of “green beaching”.

It must be understood that the Basel Convention Parties have NEVER ever made an assertion that beaching can in any form be considered “green” or ESM. This is an invention that took place after COP10 and is a contradiction in terms. The Basel Convention Technical Guidelines on Full and Partial Dismantling of Ships state in multiple citations that impermeable surfaces are necessary to contain any work with paintings and coatings, cutting blocks, oils, fuels, PCBs, etc.

Similarly language found in the same OEWG8 document speaks of "identifying actions...at ship recycling facilities employing the beaching method to facilitate compliance with the two conventions." (see para 5 of OEWG8/12).

Yet it is a fact for the reasons stated above that compliance with the Basel Convention can NEVER be achieved on a beach.

Distinguished delegates it is important to insist that all decisions and documents emanating from OEWG8 revert back to the language of COP10 with respect to ship dismantling. Further, Paragraph 3 of Decision 10/17 calling for action to assist Parties in implementing Basel must be revisited and implemented. We urge Parties to call for these original COP10 mandates. Thank you.

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