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CONCERNING: Scrapping of aircraft carrier São Paulo

Brussels, 21 June 2021

Dear Minister Murat Kurum,

On 18 March 2021, the former French aircraft carrier currently named São Paulo (A-12) has reportedly been purchased for recycling by the Turkish company Sök Denizcilik and Ticaret Limited ship recycling yard in Aliğa.

The vessel was sold by the French Navy to Brazil in 2000. At that time, the French government was concerned about the vessel's end-of-life management and reportedly asked that the ship's final destination be approved by them to ensure its safe and environmentally sound disposal. After countless serviceability issues which impeded the ship's operation it was formally decommissioned by Brazil in 2017.

The São Paulo, like its infamous sister ship *Clemenceau*, whose misguided export to India was recalled to Europe at great expense due to violations of the Basel Convention, contains large amounts of hazardous substances within its structure, and is thus considered a hazardous waste under the Basel Convention. France, Brazil and Turkey are all Parties to the Convention.

Based on the audits performed on the *Clemenceau* we can estimate that São Paulo contains around 900 tons of asbestos and asbestos-containing materials, hundreds of tons of Polychlorinated Biphenyl (PCB)-containing materials and large quantities of toxic heavy metals on-board. There is little doubt that the São Paulo is a particularly toxic vessel. What a ship actually contains in terms of hazardous wastes is vital in determining its legal fate under the Basel Convention. And yet, despite this fact, it remains uncertain as to whether a proper independent audit or inventory of hazardous materials (IHM) on board the São Paulo has ever been performed.

We have knowledge that no such IHM was provided during the sale and bidding process for the vessel. This is highly irregular and alarming, because, without knowing the type and quantities of the wastes, it is impossible for a buyer, such as a facility in Turkey, to assess whether they are capable of managing the recycling and disposal process in a responsible manner. Indeed, without an IHM, it is not possible to arrive at a sale price which would be certain to be sufficient to manage the considerable expenses of safely disposing of the hazardous residues (e.g. PCBs and asbestos). Without a proper IHM at hand it is furthermore not possible for a Basel Party such as Turkey or Brazil to ensure the export and subsequent management can be done in an environmentally sound manner -- a requirement of the Convention. Without the export being legal the sale could not be consummated.

The aircraft carrier is currently located in Rio de Janeiro, Brazil. The export of the São Paulo from Brazil to Turkey without an accurate characterisation of the quantities and types of hazardous materials on board would constitute a breach of international law and an illegal transboundary movement of hazardous waste (Basel, Annex VA, and Article 9, 1, d) and would constitute illegal traffic which is a criminal act (Article 4.3).

Certainly the aircraft carrier should not be allowed to leave Brazil until and unless the IHM is completed. Also, given the fact that the ship sale was concluded without knowing the real cost of managing the ship responsibly in an environmentally sound manner as required by the Basel Convention, including careful management of the asbestos and PCBs etc., it is our conclusion that the sale of this ship was improper, conducted without consideration of legal and financial implications, and must therefore be annulled and subject to rebidding based on legal constraints and a proper and accurate IHM.

Further, there is considerable evidence that local communities in Turkey have been kept in the dark regarding the consequences of the imported waste vessel. In view of the

particularly large amounts of asbestos and other hazardous materials likely to be embedded within the vessel's structure, local civil society groups, political leaders, technical experts and union organisers are now stepping out in strong opposition to the import of the vessel to Turkey. They have raised legitimate concerns that the price quoted by Sök Denizcilik and Ticaret Limited for the purchase of the aircraft carrier is not financially viable if all the proper precautions are to be observed during the recycling and disposal of the vessel.

Indeed, when answering a Parliamentary Motion on 20 May 2021, your Ministry stated that 714 ships have been dismantled in Aliğa in the last five years, resulting in the disposal of 74.325 tons of hazardous waste, including approximately 250 tons of asbestos. The figure for asbestos seems grossly underestimated, taking into account that the yards in Aliğa have dismantled numerous military vessels; oil and gas units; and also older vintage RoRo/passenger ships operating in the Mediterranean, all of which are expected to contain large amounts of asbestos-contaminated materials.

In sum, the NGO Shipbreaking Platform, Basel Action Network (BAN), BAN Asbestos France, International Ban Asbestos Secretariat (IBAS) and Brazilian ABREA have previously alerted both Brazilian and French authorities about the legal, environmental and health risks linked to breaking this toxic military vessel. We fully support the notion that ship recycling should only be conducted in facilities on the EU List as that list is limited to vetted and approved non-beaching operations in OECD countries. However, the EU List is not the only relevant criteria for ensuring responsible environmentally sound imports for recycling. In addition to utilising an EU listed facility the following must be assured prior to export and import of the São Paulo:

1. A full and accurate independent inventory of hazardous materials (IHM) must be taken in accordance with the reporting requirements of the Basel Convention and this must precede the sale and be part of the open bidding process. If this was not the case, then the sale must be rebid.
2. An independent assessment of the plans on how to manage and dispose of the hazardous wastes on board and embedded within the vessel's structure must conclude that all wastes can be disposed of in an environmentally sound manner and without putting workers' and local communities' health at risk.
3. The export must be fully compliant with all other obligations of the Basel Convention, including approvals by transit states.
4. The financial guarantee as stipulated in Article 6, para. 11 of the Basel Convention must be required of the importing and transit states, and be sufficient to cover costs of accidental loss or grounding of the vessel or potential insolvency of the actors involved.
5. Finally, given the very hazardous nature of the ship's materials, the shipment and subsequent management plans should be fully transparent to any impacted communities and be supported by them.

We remain at your service to further assist you on this matter, and kindly ask you to keep us informed of what actions you intend to take to make sure that the São Paulo does not end up harming workers, local communities and sensitive coastal environments in and around Aliğa.

Yours sincerely,

A handwritten signature in black ink that reads "Ingvild Jenssen". The signature is written in a cursive, flowing style.

Ingvild Jenssen
Executive Director
NGO Shipbreaking Platform

On behalf of:

Basel Action Network
BAN Asbestos France
International Ban Asbestos Secretariat
İstanbul Isig Meclisi