

## CASE STUDY

### SS FRANCE, SS NORWAY, SS BLUE LADY

Like the Clemenceau the SS Blue Lady, formerly the SS France, was an iconic ship. At 316 meters long, she was the world's longest ship when she was launched on May 11, 1960 by the wife of the French President. In 1980, the liner was re-christened the SS Norway and for nearly 20 years she was the flagship of the Norwegian Cruise Line (NCL), a subsidiary of Star Cruise Ltd. After a fatal boiler explosion (May 25, 2003) in Miami, the SS Norway was towed to Bremerhaven, Germany. Because of the presence of asbestos and other hazardous waste, the ship's departure from Germany was prohibited under the Basel Convention. When the German authorities were assured that the SS Norway was being towed to Malaysia for repairs, permission was given for it to sail. Commenting on this development, the NGO Platform on Shipbreaking noted:

"NCL withheld vital information from German authorities while seeking permission for the ship's departure... SS Norway's movement out of Germany is a violation of Article 16 of the European Union Waste Shipment Regulation, Articles 4 and 6 of the Basel Convention, and the Basel Ban Amendment."<sup>69</sup>

The ship left Germany in May 2005; when it docked on August 10, 2005 at Port Klang, Malaysia, it had been renamed the Blue Lady.

An attempt to off-load the ship on Bangladesh did not succeed after a campaign led by the Bangladesh Occupational Safety, Health and Environment Foundation (OSHE) and supported by other NGOs. In a petition submitted to the Government, the OSHE highlighted the health risks posed by the prospective purchase of the Blue Lady by a Bangladeshi ship-breaking company; at a public demonstration in Dhaka on February 12, 2006 and in press statements, the OSHE detailed the toxic nature of the ship's 1,250 tonnes of asbestos products and unknown quantities of polychlorinated biphenyls (PCBs) as well as other toxic substances. On February 15, dozens of environmentalists formed a human chain to protest plans to dismantle the ship at the Giri

Subedar ship-breaking yard near the southern city of Chittagong. Media coverage of other protests increased the pressure on Bangladeshi shipyard owners and government officials to boycott the ship. On February 16, 2006 Tariqul Islam, Environment Minister of Bangladesh, ordered the navy and coastguard to ensure the ship stayed out of Bangladeshi waters and instructed the Central Bank and customs department not to issue an import order for the ship saying:

"Based on the information we have gathered, we've decided to ban the ship from entering our waters."<sup>70</sup>

On February 17, 2006, the Bangladesh Ship-Breakers Association confirmed that no member organization would purchase the contaminated ship.

Having failed in Bangladesh, the owners of the Blue Lady looked to India for a solution. In May 2006, Indian campaigners requested that the (Indian) Supreme Court ensure that the vessel complied with international and Indian law; the Gujarat Maritime Pollution Board banned the Blue Lady from entering Indian waters. In June, the Supreme Court did a U-turn and granted permission for the vessel to enter India on humanitarian grounds. On June 13, 2006, instead of heading, as expected, for Alang, the ship left Malaysia for the United Arab Emirates; after only 4 days, it set off again, this time for India.

On June 30 the Blue Lady dropped anchor in Indian waters, 35 nautical miles off-shore from Alang. Two weeks later, amidst protests by NGOs and a media scrum, the ship was beached in Alang.

The legalities of the ship's arrival in India has involved multiple court, committee and administrative hearings. Like the Supreme Court, the Gujarat Pollution Control Board (GPCB) reversed its original opposition to the import of the vessel; in a report issued by the GPCB in February 2007 the authority concluded that as attempts to refloat the vessel would be costly and unwise, the vessel should be dismantled in India. On February 26, 2007, the Blue Lady case was the subject of a hearing before a Special Bench; proceedings were adjourned with the Court asking for further submissions.



The Indian Platform on Ship-breaking<sup>71</sup> continues its legal efforts to reverse the short-sighted decisions of the Supreme Court and GPCB. Coordinator Gopal Krishna reports:<sup>72</sup>

"The case of the Blue Lady highlights loopholes which permit illegal and profitable practices to thrive at the expense of occupational and public health. The Hazardous Waste Rules (2003) completely ban the import of waste asbestos and waste containing PCBs/PCTs. The obligation under the Stockholm Convention on Persistent Organic Pollutants, which India has ratified, is to prohibit the entry of wastes containing PCBs into our country because they cannot be managed in an environmentally sound manner as there is no facility in India capable of meeting the Convention's requirements.

The owners of the Blue Lady did not submit any documentation seeking permission for ship-breaking in India; the ship entered India purely on humanitarian grounds. The Indian authorities have not had the opportunity to consider all the issues involved in the scrapping of this polluted ship in a shipyard which does not have the facility or equipment to deal with the asbestos and other pollutants present on the Blue Lady. Campaigners have now submitted their final petitions to the courts on these matters and await the judgment of the Supreme Court."<sup>73</sup>



Objecting to the potential health hazard posed by the scrapping of the Blue Lady in Alang, on March 8, 2007, Bhagvatsinh Haubha Gohil, the democratically elected head of Sosiya village council (Panchayat) in Talaja District, Gujarat, filed an application on behalf of 30,000 inhabitants from 12 village councils living up to 25 kilometers from the Alang ship-breaking yard. At a Supreme Court hearing on March 12, 2007, an official order was given which required further investigation within 6 weeks by the Technical Experts Committee "as to whether conditions stipulated have been complied with before any action can be taken on the dismantling plan."<sup>74</sup> The situation remains unresolved; a case hearing scheduled for April 30, 2007 was postponed.