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**DANISH MINISTRY
OF THE ENVIRONMENT**

Department

MINISTER FOR THE
ENVIRONMENT.

J.no. D 3034-0036
Date

Mr. A. Raja
Minister for Environment and Forests
Government of India
Paryavaran Bhavan
CGO Complex, Lodhi road
New Delhi 110003
India

15 APR. 2005

Fax 00 91 11 24362222, 24360678

Dear colleague,

I write to you in a matter of great concern for me as Minister for the environment in Denmark – the illegal traffic of hazardous substances in ships.

The specific reason to address you now is a vessel - "Kong Frederik IX" - that left Denmark on 16 March 2005, allegedly to be put in service in the Middle East as a cargo ship. The Ship is now transiting in the Suez, and it is on its way to the Red Sea. Several independent sources of information claim that the ship is now bound for the West-Indian coasts to be dismantled and it could arrive in India within a week. Therefore the information given by owners etc. could be false.

The ship is 51 years old, and is carrying asbestos, which is used as insulation of the machinery.

In accordance with the Basel Convention art. 2, paragraph 1 and the Danish legislation on waste, the ship must be characterised as waste as the owners intend to dispose of it.

According to the UN Basel Convention art. 9, transboundary movement of hazardous substances without prior notification should be deemed as illegal traffic of waste.

In case of a illegal traffic of waste, it is furthermore an obligation of the state of the export to ensure, that the waste in question is properly taken care of, either by re-import or environmentally sound disposal elsewhere in accordance with the Convention.

Solving this problem has been at the international agenda in different forums for at long time, without any kind of tangible results. And I have learned, that the Indian Supreme Court in a ruling (Writ petition no. 657 of 1995 Research Foundation for Science Technology National Ressource Policy versus Union of India & Anr. SLP C) No. 16175/1997 & C.A. No. 7660/1997), has set out rules to avoid the dumping of hazardous substances in India. The order apparently also stipulates that India in the international negotiations should participate with a clear

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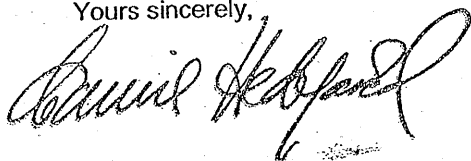
mandate for the decontamination of ships of their hazardous substances such as asbestos etc. prior to exports to India for breaking.

Therefore, I believe our interests are joint – and I call on you to co-operate in this case by denying the ship to be dismantled in India – and refer the ship to return to Denmark to be stripped of the hazardous waste. By this, we can send a strong signal, that neither India nor Denmark will accept export of environmental problems that could be solved locally, and that we – as governments - will not accept this kind of foul play which results in lasting damage of the environment.

Such a concrete action could possibly also give air to renewed discussions in the UN and the IMO - and by this empower the agenda in UN on how to avoid the export of hazardous waste in ships by setting an example.

My staff is of course available and will be at service with all relevant documentation and information needed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Connie Hedegaard', written in a cursive style.

Connie Hedegaard

Schou, Lone

Fra: Schou, Lone
Sendt: 18. april 2005 16:09
Til: 'ndayal@nic.in'
Emne: Regarding Vessel named Kong Frederik IX going for dismantling in India

Dear Mr Naresh Dayal,

The Minister of Environment of Denmark Ms Connie Hedegaard send yesterday a letter by fax to your Minister for the environment and forests Mr. Andimuthu Raja with regard to a vessel named "Kong Frederik IX" going for dismantling in India.

The Danish Environmental Protection Agency has been informed that this vessel has changed name and is now named "Frederik" and that the IMO no of the vessel is 5192614.

I hope that this information can be helpful for you.

If you have any questions in the concrete case do not hesitate to contact me.

Yours sincerely

Lone Schou
Danish Environmental Protection Agency
Strandgade 29
1401 Copenhagen, Denmark

Mail: los@mst.dk
Fax + 45 32 66 02 30
Tlf. + 45 32 66 03 21

Schou, Lone

Fra: Schou, Lone
Sendt: 20. april 2005 18:44
Til: Schou, Lone; 'ndayal@nic.in'
Emne: SV: Regarding Vessel named Kong Frederik IX going for dismantling in India

Vedhæftede filer: SDOC1900.pdf

Dear Mr Naresh Dayal,

I apologies for addressing you again. The Danish Environmental Protection Agency got yesterday a report saying the Vessel "Frederik" will probably reach Indian on Saturday.

We are of cause very interested in any responding from the Indian Minister of Environment and Forests in this case and look forward to hear from you

I attach the letter send to your Minister of Environment and Forests in case it has not succeeded in getting through by fax.



SDOC1900.pdf
(234 KB)

Yours sincerely

Lone Schou

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Sendt: 18. april 2005 16:09
Til: 'ndayal@nic.in'
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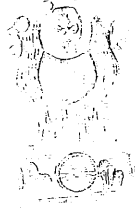
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Yours sincerely

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शु. इराजा
ए. राजा
A. RAJA



मंत्री
पर्यावरण एवं वन
भारत सरकार
पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स
नई दिल्ली-110003
MINISTER
ENVIRONMENT & FORESTS
GOVERNMENT OF INDIA
PARYAVARAN BHAWAN, C.G.O. COMPLEX
NEW DELHI-110003
28th April, 2005

D.O. NO. 11-3/96 HSMD-VOL-IX (PT.III)

Excellency,

This has reference to your letter No. J-3034-0036 dated 15th April, 2005 expressing concern regarding vessel - 'Kong Frederik IX' that left Denmark for the Western Indian Coast to be dismantled.

As you are aware India is a party to the Basel Convention since 1992 and has strengthened the national legislation Hazardous Wastes management notified in 1989 to ensure compliance of our obligations under the Convention. We have determined that the ship cannot be classified as "Wastes" within the scope of Act 2.1 of the Basel Convention.

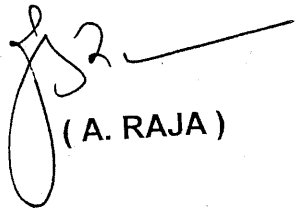
As you have also mentioned, the Supreme Court of India under a Public Interest Litigation has also given directions, strict compliance of which is being monitored.

According to the Gujarat Maritime Board, Gujarat Pollution Control Board, and the Central Pollution Control Board who have inspected the Vessel, there is no objectionable hazardous material on the ship. Accordingly the said ship, now called "Ricky", has been beached on 23rd of April, 2005 at Alang Gujarat. There are only in built insulation materials which are part of the structure of all ships. As per Indian Laws and our position under the Basel Convention and the IMO, the ship has the requisite permissions for beaching. I would like to assure you that India has adequate capacity to ensure environmentally sound disposal of the said ship.

Assuring you, as always, of our highest consideration.

With regards,

Yours sincerely,


(A. RAJA)

Hon. Ms. Connie Hedegaard
Minister for the Environment
Danish Ministry of the Environment
C/o Royal Danish Embassy,
11, Aurangzeb Road,
New Delhi - 110 011.

**DANISH MINISTRY
OF THE ENVIRONMENT**

Department

MINISTER FOR THE
ENVIRONMENT

Minister for the Environment and Forest
Hon. Mr. A. Raja
Government of India
Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi-110003

In your reply, please refer to File No.
File no. M: 3034-0036
Ref.: PLN/LOL/MAA

- 4 MAJ 2005

Excellency,

Thank you for your kind response letter (D.O. No.11 3/96 HS MO-VOL-IX, PT.III) concerning the ship "Kong Frederik IX", now renamed "Riky".

Despite your assurance of the Indian capacity to ensure environmentally sound disposal of the ship, the views expressed in my letter of the 15th April 2005 remain the views of the Danish Government. We consider the ship as waste according to the Basel Convention. Let me therefore inform you that Mr Per Stig Møller, Minister for Foreign Affairs in Denmark, has written to your honourable colleague, K. Natwar Singh, with the hope that your Government will reconsider this case. I enclose a copy of his letter.

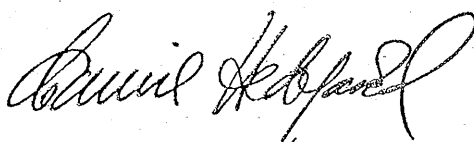
Let me also use this occasion to call on your co-operation, again, expectedly in a new case of illegal traffic of hazardous waste. Two former Danish ships - "Margrethe II" (IMO no. 7515090) and "Rügen" (IMO no. 7111664) - have reportedly left Dubai destined for a scrapping beach in India containing hazardous substances in form of asbestos. The ships were sold by Scandlines, a company owned by the German state and the Danish state. In the contract signed in February 2005 the buyers accepted the condition that the ships should be put in service. However, the information given by the buyers, that the ships were to be put in service in the Middle East as passenger ships, were apparently false. Scandlines has made it clear that they are doing everything possible to prevent the ships from being dismantled in India.

It is also my hope that the ships will not be dismantled in India. I would like to add that it is decided within the Basel Convention (COP VII, decision 26), that even though a ship is defined as a ship under other international rules it may become waste under the Basel Convention.

We need to strengthen international efforts to define binding guidelines for environmentally safe ship dismantlement. I therefore welcome the message that India is willing to co-operate in international fora such as the IMO concerning this issue.

I will of course be at your service if any further information is needed.

Yours sincerely


Connie Hedegaard

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