



TO: Ministry of Defence
Esplanada dos Ministérios Bl. Q
Brasilia – DF CEP: 70049-900 - Brazil

COPY SENT TO: Ministry of the Environment

CONCERNING: Public auction aircraft carrier São Paulo

Brussels, 9 February 2021

Dear Minister Fernando Azevedo e Silva,

It has come to our attention that the aircraft carrier São Paulo / Foch (A-12) will undergo a new auction process, after the first sale attempt did not follow through last October. According to your Public Notice n°. 67 / 2020, the pre-accreditation process has been recently finalised, with three companies found to be meeting the auction notice's requirements.

Due to the fact that France was the original owner of the ship, the contractual clause in the sale of the São Paulo gives French authorities the last say on where the aircraft carrier can be dismantled. France already communicated to you that only ship recycling yards included in the EU List of approved ship recycling facilities are allowed to participate in the bidding. Whilst France's decision was followed by Brazil during the previous unsuccessful auction process, it seems that this is not the case for the current auction process. Not all the entities that you pre-accredited are recycling yards included in the EU List of approved ship recycling facilities. In particular, we are concerned that Aratu Serviços Marítimos is representing the interests of a yard located on South Asian beaches. Aratu, during last year's process, was the front of Indian shipbreaking yard JRD.

On the beaches of Alang, Chattogram and Gadani in South Asia it is impossible to contain pollutants, including heavy metals and oil residues, as there are no impermeable structures and flooring in the primary cutting zone. The São Paulo further contains large amounts of asbestos that needs to be handled and disposed of without exposing workers and surrounding communities to the risk of cancer. The lack of adequate personal protective equipment at the beaching yards, as well as the lack of proper downstream waste management capacity, is of grave concern. The lack of emergency equipment and hospital facilities, which in case of an accident during the dismantling process are necessary, is unacceptable.

Allowing the export of the São Paulo to the beaches of South Asia would constitute a breach of international law. Brazil is a signatory to the Basel Convention on the Transboundary Movements and Disposal of Hazardous Waste under which asbestos and the several other hazardous materials that are contained within the structure of the São Paulo are regulated.

We note that the Basel Convention clearly states: *For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes: [...] (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or [...] (e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law, shall be deemed to be illegal traffic.*

Further: *In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are: (a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable, (b) are otherwise disposed of in accordance with the provisions of this Convention, within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export (Article 9.2).*

Among the Basel obligations required is the requirement for Notification and Consent from all importing and transit countries which must include a full characterization of the quantities and types of hazardous materials on board (Article 6). This inventory is a prerequisite to any onward movement.

Further the Convention requires that no export be made if there is reason to believe that the recycling or waste management facilities employed for the materials will not constitute environmentally sound management under the Convention. The shipbreaking yards that operate on tidal beaches in South Asia are well-known for their dangerous and polluting practices.¹

Based on the enclosed information we therefore call upon Brazil to make sure the São Paulo does not end up on a South Asian beach for breaking, and is safely recycled in an EU-approved yard as previously requested by France. It is well known - and welcome worldwide - that the Brazilian Supreme Court (STF) prohibited in November 2017 the mining, manufacturing, transportation and all uses of chrysotile (white asbestos) at national level. Exporting asbestos or products containing asbestos, such as the São Paulo, to more vulnerable societies would be immoral and condemned as a double standard and environmental injustice. Should the São Paulo head towards South Asia for scrapping, Brazil may be subject to the same public outcry as France was when they attempted to scrap São Paulo's sister ship, the Clemenceau, in India. Legal action forced France to bring the Clemenceau back to Europe for safe recycling.

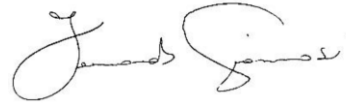
¹ Researchers and journalists that have recently visited the Indian shipbreaking yards, often unannounced and undercover, have documented a reality that starkly contrasts with the industry efforts to greenwash beaching. In 2016, [DanWatch](#) revealed dire conditions at a yard Maersk and ClassNK had approved as safe and environmentally sound. More recently, [French TV](#), the [BBC](#), Dutch programme [ZEMBLA](#) and [Icelandic TV](#) brought back horrific accounts of the shipbreaking activities in Alang.

We remain, of course, available 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 South Asia.

Yours sincerely,



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Executive Director
NGO Shipbreaking Platform



Fernanda Giannasi
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On behalf of NGO Shipbreaking Platform's members:
Basel Action Network
BAN Asbestos France
International Ban Asbestos Secretariat