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DANISH MINISTRY OF THE ENVIRONMENT

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MINISTER FOR THE
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J.no. D 3034-0036

Date

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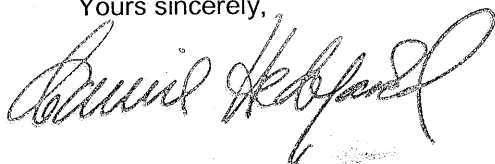
mandate for the decontamination of ships of their hazardous substances such as asbestos etc. prior to exports to India for breaking.

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 cursive script, appearing to read 'Connie Hedegaard', written in dark ink.

Connie Hedegaard