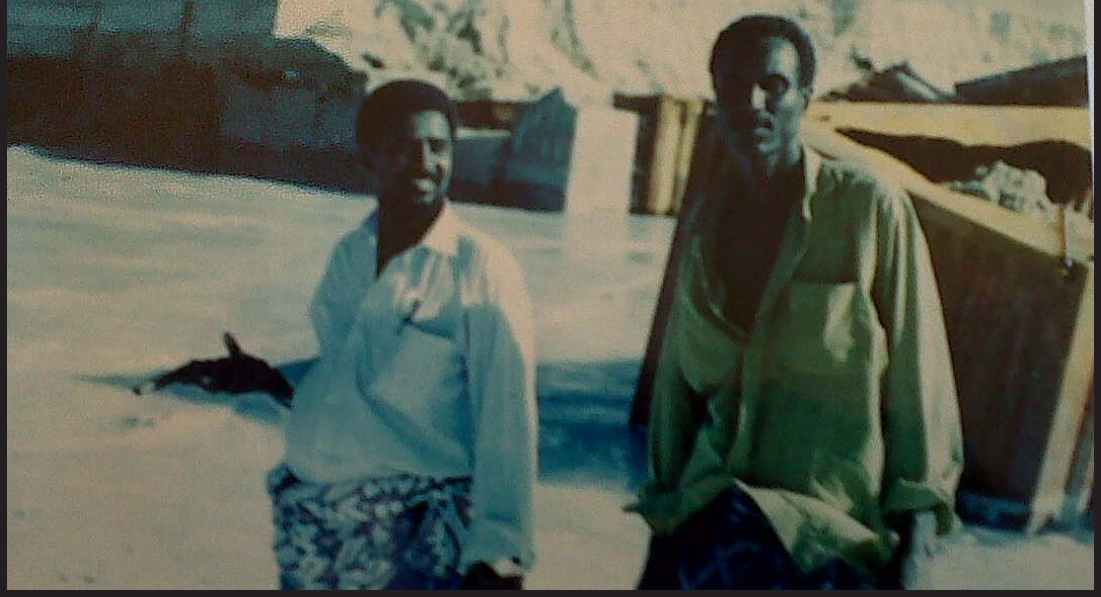

The toxic ships

The Italian hub, the Mediterranean area and Africa

GREENPEACE

Report

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The toxic ships

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Greenpeace Italy report

June 2010

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Introduction

Greenpeace has campaigned for more than 20 years to end waste dumping and incineration at sea and bring an end to exports of hazardous waste to developing countries. Greenpeace's campaigns during the 1990s achieved a real change in perspective within most governments and corporations, a change which eventually led to the implementation of a number of restrictions and bans within international conventions and treaties preventing our oceans from becoming the ultimate trash can.

Ever since ocean dumping of industrial and radioactive waste was banned by the London Convention in 1993, rumours of dumping operations in the Mediterranean, South East Asia, and off the coast of Somalia had been circulating, but governments have done little or nothing to verify them at source. Meanwhile the dirty, lucrative business goes on. Every day "toxic ships" sail from our ports with cargos of toxic waste destined for a developing country.

In 1988 – 1994 Greenpeace revealed 94 attempted/actual cases of hazardous waste exports to Africa, involving over 10 million tons of residues. Some schemes included the building of local waste management facilities, incinerators and landfills. Others concerned radioactive waste – such as the infamous ODM project that targeted at least 16 different African countries. Many schemes, however, were simple dumping operations. Waste containers were shipped away following a path of least resistance and weakest governance, ending up in remote areas of countries such as Equatorial Guinea, Lebanon, Somalia and the Congo. Toxic waste was dumped on Nigerian and Haitian beaches.[1]

Ocean dumping is naturally associated with the waste trade. In 1989 the ship Khian Sea dumped its cargo somewhere in the Indian Ocean, after two years of navigation on the world's oceans and 11 unsuccessful attempts to land 15.000 tons of waste on exotic lands. Something went wrong also for some of the ships that left Italy in 1987. In the second half of 1988 at least 364 barrels full of waste were washed ashore on the Turkish Black Sea coast. Documents found inside the barrels revealed that much if not all of the waste was from Italy. The Italian magistrate investigating the case discovered that the waste had been exported to Sulina, Romania, on board Maltese and Turkish vessels.[2]

Ocean dumping takes on an even more sinister profile in the Mediterranean region where over two decades Italian prosecutors have looked into a number of suspicious deep-water sinkings. They suspect that Italian and foreign industries have acted in league with organised crime and possibly government agencies, to use the Mediterranean as a dumping ground. Vessels carrying suspicicous cargo sunk in fair weather, sent no mayday and their crew were never to be seen again. None of these sunken vessels have yet been located.

This report tries to summarise what is known, and what is not yet known, about the "toxic ships" allegedly sunk in the Mediterranean. Its aim is to lift the veil on the complex patterns of the global waste trade, and its interconnections with black-market networks dealing with arms smuggling, money laundering and

[1] POPs in Africa, Hazardous Waste Trade 1980-2000, Obsolete Pesticide Stockpiles, Greenpeace 2000.
[2] Italian Hazardous Waste in Sinop and Samsun, Turkey, Greenpeace 2002.

other illicit activities that can distort the social, economic and political life of entire countries. It is a tribute – albeit small - to the individuals, communities, and civil society organisations that have sought the truth about these networks and the power they wield.

The power of hidden networks

European countries have been faced with the challenge of dealing with the hazardous waste they produce for at least 30 years. As the cost of managing and disposing of this waste safely became clear, our governments began exporting the problem to developing countries where environmental and workplace legislation is either inadequate or unenforced. It is also cheaper to "recycle" waste in developing countries; the cost of glass-to-glass recycling of computer monitors in Europe is ten times more than in China.

Evidence of growing environmental crime in waste management forced European countries to adopt legislation to curb waste shipments to poor countries. Unfortunately, proper enforcement of such provisions has been lacking. In 1996 the European Commission wrote to the European Parliament and Member States*: "Particular attention will have to be paid to a proper enforcement of the provisions on the shipment of waste, in order to further reduce illegal shipments and* ***criminal activities*** *related to these, in particular as regards shipments from one country to another."*[3] Since then EU's transboundary waste shipments have ***quadrupled***.

In July 2009, the United Nations Office on Drug and Crime (UNODC) published the report "Transnational trafficking in West Africa" in which it identifies trafficking in persons, drugs, oil, cigarettes, counterfeit medicines, toxic waste and electronic waste ("e-waste") as posing a serious threat to security and development in West Africa.[4]

"Organised crime is plundering West Africa - destroying governments, the environment, human rights and health", warned the UNODC Executive Director. *"This makes West Africa more prone to political instability and less able to achieve the Millennium Development Goals."*

"A powerful minority, all the way to the top, is profiting from crime in West Africa, at the expense of the many", he added, warning that, left unchecked, *"democracy and development will falter, while crime and corruption will flourish.*"

Waste trade offers many opportunities for illegal and "quasi-legal" activity. Waste hauling, transport and disposal are considered to be among the major sources of income for criminal organisations who either directly or indirectly control these activities. All basic methods for money-laundering are used, such as the use of shell companies in fiscal havens, offshore bank accounts, theft, fraud,

[3] Commission of the European Communities, Communication from the Commission on the Review of the Community Strategy for Waste Management, 30 July 1996, COM(96) 399 final
[4] http://viewer.zmags.com/publication/d86db66e#/d86db66e/1

conspiracy, and the investment of illegal proceedings in legitimate business, such as construction, transport and energy sectors.

Over the past decade Greenpeace has repeatedly exposed the growing role played by these shady networks in illegal exports of hazardous waste to developing countries. Greenpeace warned than rather than exhibiting the traditional hierarchical, centralised structure of organised crime, organised criminality involved in waste crimes is more loosely structured. *"Small groups organise for a period of time to commit crime to obtain financial or other benefit, but disperse under pressure to form new groups. However, some of these flexible, network-based forms of organisation have global reach."* (Interpol, 2009)

From 1994 to 1997 Greenpeace closely watched one such network expand its influence. Extensive research made it possible to expose company links and financial connections enabling a loose network of companies, trusts and individuals to position themselves as major players in the Italian waste management sector. Greenpeace found out that between 1987 and 1996 the network attempted to dispose of hazardous waste in Guinea, Brazil, El Salvador, Lebanon, Nigeria, Mexico, Mozambique, Paraguay, Romania, Somalia and Venezuela. The network's operative branch in Italy included at least 26 companies handling an estimate 3000 tonnes of waste per day, with a total value of about $4.8 million. Reported law infringements by the network included: declassification of hazardous waste, illegal dumping, forged shipping papers and waste registers, fraud, and conspiracy. Sometimes waste simply disappeared while moving from one place to another. Given its monopolistic control of waste management in the area, the organisation had free access to the harbour of La Spezia (Italy), one of the busiest container terminals in the Mediterranean. (Greenpeace, 1997)

Above all, members of the network *had global reach.* They could speak with governments both in OECD and non-OECD countries, participate in European research projects on nuclear waste disposal and make business agreements with large waste management multinationals. They were investigated, and sometime sentenced, on counts of fraud, corruption and financial misdemeanours. They engaged top Swiss financiers and trustees to transfer profits from both legitimate and illicit waste management activities to tax havens. Their activities allegedly included the smuggling of nuclear materials and the arms trade. Some of them were allegedly working for – and being watched by – European and African intelligence agencies.

How did it begin? Is it all still going on?

1) The poison trade: the case of the Italian toxic ships (1987 – 1989)

Greenpeace investigations on the Italian "toxic ships" started in early 1987, when workers in the ports of Marina di Carrara (Tuscany) and Chioggia (Veneto) tipped off local Green councillors and media on several ships being loaded with industrial waste. The ships were bound to Romania and Africa. Calls were immediately made to local authorities, magistrates and national government to

prevent the shipments. The calls were ignored. Police authorities in Marina di Carrara even asked port operators to speed up the loading of waste to prevent possible demonstrations by environmentalists.

The “toxic ships” were allowed to leave Italy because of lack of any legislation dealing with the export of waste outside the European Union. This gap was exploited by unscrupulous waste dealers and brokers proposing European industries, mainly chemicals, to sign out on schemes for the shipment of millions of tonnes of waste to poor countries. Proposers of such schemes included Swiss lawyers and trustees, Swiss and UK based companies turning out to be shell companies, individual brokers and legitimate waste dealers.

The following list includes the ships that where identified as leaving the port of Marina di Carrara and Livorno from 1987 to 1988 loaded with hazardous waste. Three “ghost ships” possibly carrying hazardous waste dumped in Lebanon and disappeared in the Mediterranean Sea are also mentioned. Many other “toxic ships” remained unknown as export schemes to poor countries from Italian and European ports were flourishing at that point.

a) Lynx

In February 1987 the ship “Lynx” sailed from the port of Marina di Carrara with a load of more than 2000 tons of industrial waste. Original destination was Djibouti. The shipment was organised by the Swiss firm “Intercontract SA”, and the Italian waste management firm “Jelly Wax”. Italian environmentalists immediately alerted the embassy of Djibouti about the cargo. Eventually, the waste was diverted to Puerto Cabello, Venezuela where local authorities turned the vessel away, and the waste was returned to Italy two years later, via Syria. Interviewed by the media about the case, Gianfranco Ambrosini, representing the company “Intercontract SA” admitted that no waste facilities existed in the small African country. How could millions of tonnes of hazardous waste be dumped in such a tiny, deserted country? The answer could be that Djibouti was never meant to be the end of the export route. Indeed, the former French colony is an important logistics hub for goods delivery to Somalia and Ethiopia. The waste could have followed the same delivery paths.

b) Akbay-1

The ship left Marina di Carrara on 17 April 1987 loaded with more than 800 tons of industrial waste, and arrived in Sulina, Romania on 26 April. The cargo consisted of manufacturing residues, dry cleaning residues, waste oils, pesticides and isocyanates originating from various firms.

The Akbay-1 was part of a fleet of ships carrying hazardous waste that left the Italian ports of Marina di Carrara and Chioggia to reach the port of Sulina, Romania.

The waste was collected by the Italian firms Sirteco srl, based in Agrate Brianza, Milan, and Piattaforma Ecologica Industriale (PEI) from Marghera (Venice). The

firms apparently made use of a waste export route to Romania opened by an obscure UK broker, Metrode Ltd, with a representative based in Viganello, Lugano (Switzerland), and a Swiss company named Eldip SA with the Lugano-based lawyer Cesare Forni as sole administrator.

Metrode Ltd and Eldip SA organised the shipment of more than 9000 tons of industrial waste from Northern Italy at a cost of about 7 million Swiss Francs.

c) Radhost

In June 1987 the ship Radhost sailed from Marina di Carrara carrying over 2400 tons of industrial waste collected by “Jelly Wax”. The ship was to join the “Lynx” unloading its cargo in Venezuela, where the waste would be handled by a local firm belonging to a Panama holding. Renato Pent, owner of “Jelly Wax” was among the directors of the firm named “Ileadil CA”. Once the two shipments were exposed by local media, Venezuelan authorities ordered the return of the waste unloaded by the “Lynx” and turned the “Radhost” away. Three months later, the vessel delivered its toxic cargo to the port of Beirut, Lebanon, under the responsibility of Lebanese traders bribed by “Jelly Wax”. The “Lebanese Forces”, a militia involved in the Lebanese civil war, allegedly covered-up the operation in exchange of money.

A public outcry following the local media’s revelation of the operation forced the Italian government to take responsibility for the waste. A “return to sender” operation was organised by the Italian waste management firm “Monteco”, a subsidiary of the chemical giant Montedison. The fact that part of the waste unloaded in Beirut was generated by several Montedison plants didn’t concern the Italian authorities.

d) Jolly Rosso

The collection and containment of the waste on board the ship “Jolly Rosso”, chartered by Monteco to bring the waste back to Italy, took place without cooperation between the Italians and the official Lebanese committee of experts set up to supervise the operations. The Italians were in a hurry, citing their concerns about the mass anger surrounding the use of the port. Lebanese authorities demanded that the departure of the ship with the waste be postponed until the Health Ministry issued an authorisation, and that the Health Ministry and the Lebanese committee of experts issue a paper confirming the departure of all waste before the ship leaves. The Italians did not heed the Lebanese government's demands, and the ship left Beirut without the Health Ministry's authorisation and without the Lebanese committee's confirmation paper.

The Jolly Rosso left Beirut on 11 January 1989, with more than 9500 barrels onboard and a few days later reached the Italian port of La Spezia where it remained until April awaiting permission from the Italian authorities to discharge its cargo. Satisfied, the Italian government issued a declaration asserting that all the waste from Lebanon had now been returned.

e) Cunski, Yvonne A, Voriais Sporadais

Soon after the departure of the Jolly Rosso, concerns were raised in Lebanon that not all the waste originally dumped by the Radhost – 15800 barrels – was returned on board the Jolly Rosso. Of equal concern was the mysterious disappearance of the three other ships supposedly charged with carrying this waste that entered the Beirut port following the Jolly Rosso: the Yvonne A, the Cunski, and the Voriais Sporadais. Reports soon surfaced that they had all been sunk or had discharged their cargo at sea. A United Nations General Assembly report added credibility to these rumours that a large portion of the waste had been dumped into the sea when it noted that two unidentifiable ships in Beirut harbor--presumably the Cunksi and the Voriais Sporadais--had conspired to load a third ship, the Sri Lankan flagged Yvonne A, which then set off to be deliberately "sunk with its cargo in the Mediterranean after leaving the harbour."

A radio journalist from Famagusta, Cyprus, told Greenpeace in 1989 that he had intercepted a radio conversation between the captain of an unidentified ship that had left Beirut port and the "Voriais Sporadais". The two captains were discussing the best place to dump waste. Their position was between 40 and 50 kilometres east of Famagusta, between Lebanon and Cyprus.

Monteco and the Italian authorities vigorously denied any waste was left behind in Lebanon. Monteco also denied having chartered the three mysterious ships to carry back to Italy some of the waste and materials that couldn't fit onboard the Jolly Rosso.

The three ghost ships vanished to abruptly re-appear 15 years later, in the revelations made by an Italian "pentito", Francesco Fonti.

- **Francesco Fonti**

  Since 1994 Francesco Fonti has been collaborating with Italian authorities in an effort to get his prison term, 50 years sentence because of crimes committed when he was an important member of the powerful Calabrian mafia named "'Ndrangheta", changed into house arrest, also due to severe health problems. In September-October 2009, Francesco Fonti, spoke to several media claiming he sank three ships in quick succession.

  According to Fonti, in 1992, within the span of a few weeks, he sank the Yvonne A carrying 150 20-tons containers of toxic waste, the MV Cunsky carrying 120 barrels of radioactive sludge and the Voriais Sporadais carrying 75 containers of various toxic waste and hazardous contaminants.

  In October 2009 the Italian government asked an oceanographic research boat – Mare Oceano - to search for the wreck of one of the three ships allegedly scuttled by Fonti with toxic waste and nuclear waste on board in 1992: the Cunsky. The government declared the wreck surveyed in deep waters off the coast of Calabria turned out to be a passenger steamship sunk by a German submarine in 1917: the Catania. However, no clear evidence (video or pictures) was made public to support this statement.

Some was also surprised by the decision of the government to award the search contract to the Mare Oceano shipowners, the Attanasio family.[5] According to both David Mills and the Italian prime minister, Silvio Berlusconi, Diego Attanasio would have paid $600,000 to British solicitor David Mills while Italian prosecutors believed that sum was a "gift" given by Silvio Berlusconi to the estranged husband of Tessa Jowell, former Labour Olympics Minister and current Labour MEP, as a reward for withholding court testimony in order to help the Italian prime minister. In February 2010, The Court of Cassation decided that charges against Mills had expired under a 10 years statute of limitations.[6]

Greenpeace has evidences indicating that **the UK Ministry of Defense made a tender** for the exploration of the shIp wreck in Cetraro at lower price than that offered by the owners of Mare Oceano. The reason for the refusal of the British offer are not know, as the terms of the contact for the Mare Oceano.

The area investigated is said to house several shipwrecks. Details of the wreck released by the government didn't match those evidenced by a previous search made by a survey vessel funded by the Calabrian regional authorities, on the basis of Fonti's rough coordinates. The regional authorities sent a robotic diver (ROV) to about 500 m below the sea level to investigate the presence of waste. They claimed the ROV operator could spot some 120 sealed barrels inside the wreck. Was it the same vessel searched by the Mare Oceano?

The government decided to call off the search for the ship which Francesco Fonti claims to have sent to the bottom with dynamite.

Mr Fonti's reliability as a source on the alleged sinkings was severely doubted, although prosecutors conceded that his collaboration with the police since 1994 had resulted in high profile arrests of members of Calabria's 'Ndrangheta mafia involved in drug trafficking.[7] This time apparently he simply got it wrong. Why?

f) Rigel

This ship sailed from Marina di Carrara on 9 September 1987 with a load of metal scraps, concrete blocks and marble dust, officially bound for Famagosta, Cyprus. After wandering on the Tyrrhenian Sea for almost two weeks, the vessel sank approximately 20 miles off Capo Spartivento in Calabria, at a depth of about 3000 m without sending mayday. The crew was collected by another ship, disembarked in Tunisia and then vanished.

Few years later, an Italian court ruled that the Rigel was scuttled to cash the insurance premium, and that Customs officers in the port of Marina di Carrara were bribed to look the other way when the cargo was loaded onboard the ship.

[5] http://ilquotidianodellacalabria.ilsole24ore.com/it/Basilicata_Potenza_maratea_mare_oceano_pentito_fonti_cetraro_veleni_procura_mills_attanasio_1115.html
[6] http://www.telegraph.co.uk/news/worldnews/europe/italy/7319097/David-Mills-bribery-case-thrown-out-of-Italian-court-on-technicality.html
[7] "Toxic" shipwreck turns out to be red herring", Financial Times, 30 october 2009.

This raised concerns about the real nature of the cargo, given the precedent posed by the ten of thousands barrels of hazardous waste being shipped from Marina di Carrara in that days.

Of particular interest is the fact that according to media reports, evidence of the insurance fraud perpetrated by the shipping agents of the Rigel was collected also by wiretapping ordered by an Italian prosecutor in La Spezia. Italian police apparently listened to a phone conversation between the shipping agents announcing that "the baby was born this early morning" on 21 September, the same day the Rigel sunk in the Ionian Sea. It could be useful to recollect the investigation materials on the Rigel to further clarify the chain of events that led to the scuttling. This could also help checking the alleged involvement of Giorgio Comerio, the ODM mastermind, in the Rigel "affair" as declared by Francesco Neri, public prosecutor in Reggio Calabria.

g) Baruluch, Danix, Line, Juergen Vesta Denise

These ships left Marina di Carrara and Livorno between August 1987 and April 1988 with a total cargo of 43330 tons of hazardous waste collected by the firms Jelly Wax and Ecomar.
A Nigerian citizen, Sunday Nana, made an agreement with Gianfranco Raffaelli, an Italian that had been resident in Nigeria for more than 20 years, accepting to store 8000 drums of waste, including PCBs, in his property in the tiny delta of Koko for $100 a month. Raffaelli then applied to the Nigerian authorities for permission to import "non explosive, non radioactive, non self-combusting" waste.

In early June, in response to the dumping, Nigeria recalled its ambassador from Italy and seized an Italian freighter, the Piave, which was not involved in waste trade, in order to pressure Italy to remove the waste. On July 26, 1988, Nigeria released the Piave and its 24-member crew. As the Koko scandal broke, Raffaelli fled Nigeria, but an Italian employee of Iruekpen Construction, Desiderio Perazzi, and at least 54 others involved
in the scandal were jailed by the Nigerian government. On July 17, 1988, the Italian government agreed to direct the removal of the waste from Nigeria and return them to Italy. As a result, two ships were chartered, the Karin B and the Deepsea Carrier, to carry the waste from Nigeria back to Italy. The Nigerian ambassador to Italy returned to
post in September 1988.

2) <u>The Black Sea barrels</u>

From July to December 1988, at least 364 barrels full of waste washed ashore on the Turkish Black Sea coast. The waste included dry cleaning residues, oil, paint residues, residues from the pesticide DDT, solvent residues, organochlorines (solvents and chlorobenzenes, including hexachlorobenzene (HCB) and chlorobenzene acids), trimethylbenzene, acetone and lead. Documents found inside the barrels revealed that much if not all of the waste was from Italy. The Italian magistrate investigating the case confirmed that much of the waste had been exported to Sulina, Romania, on board the ship Akbay-1 and others. Since no waste facility existed in Sulina, it is likely the barrels were dumped at sea.

In contrast with what happened with the waste exported to Lebanon, Nigeria and Venezuela, Italy never took the waste back. The recovered barrels were stored in two facilities in Sinop and Samsun built in co-operation with Italian experts. Eventually, in October 2006 the waste was "sent abroad" for final disposal according by the Turkish government.

3) Exporting waste to poor Countries: From rogue traders to organised networks

As the European waste management sector grew in scale and large multinationals took over small and medium firms operating at local level, EU governments were reassuring the scandals of the 80s wouldn't happen again. The market forces would clean up those grey areas of the waste business, providing industry and citizens alike with the best options to preserve the environment and public health.

Waste trade pioneers were described as "rogue elements" exploiting a legislative vacuum in industrialised countries, dodgy personal links and lack of environmental legislation coupled with widespread corruption in developing countries. With big business taking over global waste markets, and the entry into force of the Basel Convention provisions regulating international trade in waste and preventing the dumping of hazardous waste in poor nations, scandals such as that of the "toxic ships" would be made history.

The accurate analysis of the means and activities of the individuals involved in the waste trade business however points at the involvement of well-organised networks. This is evidenced by the links between the companies, mainly based in offshore tax havens, offering to export industrial waste to non-OECD countries, and the connections between the waste trade business and other illicit activities, such as building up slush funds, tax avoidance, fraud and corruption. In this respect, we believe the following chapters offer clear evidence of the converging paths of environmental crime and other, classical forms of organised crime.

4) The Swiss connection

In the 80s and 90s Switzerland, home to the secretive banks made infamous by spy-thriller films and books, was obviously on the forefront in arranging shipments of millions tons of hazardous waste to developing countries. A number of Swiss lawyers, trustees, bankers and traders, contacted European industries to get their waste out of sight at the lowest price. Africa was the favourite destination. Most of the proposals were made on behalf of unknown beneficiaries using the skills of renowned Swiss offshore specialists to discretely handle the proceeds of a lucrative and relatively safe business.

a) Instrumag AG

Two Liechtenstein-registered and Swiss-managed companies: Instrumag AG, and Bauwerk AG were amongst the busiest entities seeking for the shipment of million tons of hazardous waste to Africa.

Between 1987 and 1988 the late Italian businessman Luciano Spada, described in a press article as a "well known representative of the Italian Socialist Party in Milan"[8] tried to set up some of the largest waste trade schemes to Africa on behalf of both Instrumag and Bauwerk. Destinations: Western Sahara, Guinea, and Congo. Spada claimed he reached an agreement with local governments for the export of 1 million tonnes of toxic waste in each of the three territories. Letters were sent to main European chemicals industries, seeking their industrial waste.

On 10 December 1987, in Gibraltar, Luciano Spada on behalf of Instrumag, signed an agreement with the company Compania Minera Rio de Oro Ltd, represented by Guido Garelli, for the export of 1 million tons of hazardous industrial waste to the territory of Western Sahara. Nickolas Bizzio ratified the agreement on behalf of Instrumag. Italian public prosecutor Leone De Castris investigating on Guido Garelli after he was arrested in January 1988 on charges of arms smuggling and illegal trade on "strategic materials" concluded the waste trade deal failed because of internal contrasts in the organisation.[9]

Early 1988 Luciano Spada, on behalf of Instrumag, successfully concluded negotiations with a local company named Alco Guinea for the export of industrial waste to Guinea.[10] In February 1988 the ship Bark unloaded 15,274 tonnes of incineration ashes on Kassa Island near the capital city of Conakry. In July 1988 the waste was returned to its country of origin, the US.[11]

Instrumag AG was registered in Liechtenstein, 15 Egertastrasse, Vaduz, and it was founded in 1974 as Instrumag Establishment. Its first representative was Fidina Anstalt.[12] In 1976 the company was re-named Instrumag AG, and Fidina Anstalt was replaced by Mr. Edwin Nutt as company's representative. From 1969 to 1991, Mr. Nutt was also director at Fidina Anstalt[13] while filling the same position at Valina Establishment in 1985-1988.[14] Instrumag's ties with Fidina Anstalt therefore lay intact. Although acting in the name of Instrumag, neither Luciano Spada nor Nickolas Bizzio were listed as company representatives. In fact, until 1984, the directors of Instrumag were Diego Colombo and Edwin Nutt.[15] In 1994, Diego Colombo, a Swiss trustee operating in Lugano through its Studio Diego Colombo SA, hosted the company Svenson Institutes Ltd. whose director is Jack Mazreku, former managing director at ODM Luxembourg.

According to the Facility Registry System of the US Environmental Protection Agency, Instrumag AG handle two "inactive" storage facilities in the industrial

[8] Paolo Fusi e Giovanna Montanaro: "Spie, piduisti, avvocati ticinesi: la gang dei rifiuti", Rosso - 4 marzo 1994.
[9] La Repubblica, 7 Aprile 1988.
[10] L'Afrique a faim: V'la nos pubelles, cit. pag.57.
[11] The International Trade in Waste, cit. pagg. 79-80.
[12] Handelsregister des furstentums Liechtenstein, Vaduz, No. H 400/100, 29 April 1998.
[13] Handelsregister des furstentums Liechtenstein, Vaduz, No. H.CCXXIII/93, 7 March 1997.
[14] Handelsregister des furstentums Liechtenstein, Vaduz, No. H.XI/6, 7 March 1997.
[15] Handelregister des furstentums Liechtenstein, Vaduz, No. H.400/100, 29 April 1998.

port areas of Houston, Texas (last update 25 March 2004) [16], and Wilmington, North Carolina (last update 1 April 2006).[17] Both telephone number and mailing address of the facilities correspond to a company registered in Englewood Cliffs, New Jersey: Sylvan International Minerals. The company's "regulatory contact" is George Kunkell. However, Sylvan International Minerals do not appear in any publicly available US companies database.

Nickolas Bizzio is an American-Italian businessman and financier resident in Monte Carlo. In 2004 he was Vice-President of AICODS - *Association Internationale des Chevaliers des Ordres Dynastiques de la Maison Royale de Savoie* – the association including several dynastic orders under the prerogative of Prince Victor Emmanuel of Savoy.[18]

b) From Instrumag AG to International Waste Group SA

In July 1996 Greenpeace was told by J.C. Mabjaja, a representative of the Mozambique minister of the environment, that minister Bernardo Ferraz had issued an authorisation to the company International Waste Group Mozambique for the import and disposal by incineration of industrial, municipal and hospital waste.[19] The authorisation dated 15 February 1996, nine months ahead of the Mozambique's ratification of the Basel Convention prohibiting the import of waste for disposal in Mozambique (25 November 2009).

According to an article published by the Italian magazine Famiglia Cristiana,[20] the incineration plant would be built in a former bentonite quarry in Boane, about 60km from Maputo. A local branch of IWG would be set, 75% of which owned by IWG Europe (Ireland) and 25% owned by Amodel, the Mozambique National Development Agency. The main shareholder of the IWG Europe was Nickolas Bizzio. Once again, Diego Colombo was his partner.

The waste import project was proposed by an Argentinian company, International Waste Group (IWG) that claimed it handled two incineration plants in Argentina, in the districts of Moron, and San Isidro, Buenos Aires. The incinerators were operated by the companies Manuel Aguirre SA (CETRA), and Ecolink – Environmental technology SA. Managing director of CETRA is Antonio Aguirre.

According to an article published by the Argentinian newspaper El Diario de Moron, Antonio Aguirre was a close partner of Monzer Al-Kassar, the Syrian-born, Argentine passport-holder, arms dealer involved in the Iran-Contra scandal, and the hijacking of the Italian cruiser Achille Lauro. [21] In June 2007 Al-Kassar was arrested in Spain on behalf of the US government accusing him of providing weapons to the Colombian guerrilla. In February 2009, Al-Kassar was sentenced to 30 years of imprisonment.[22]

[16] http://oaspub.epa.gov/enviro/fii_query_dtl.disp_program_facility?p_registry_id=110005102478.
[17] http://oaspub.epa.gov/enviro/fii_query_dtl.disp_program_facility?pgm_sys_id_in=NCD986166148&pgm_sys_acrnm_in=RCRAINFO
[18] www.realcasadisavoia.it/files/stampa/rassegna_bizzio.pdf
[19] Conversation with Greenpeace Toxic Trade researcher Jim Vallette.
[20] Famiglia Cristiana, nn. 39 e 40, 2000.
[21] http://www.seprin.com/menu/notas1851.htm.
[22] http://en.wikipedia.org/wiki/Monzer_al-Kassar

Following the exposure of the IWG scheme by Greenpeace and subsequent media inquiries, the Mozambique government revoked the authorisations.

c) Bauwerk AG

Bauwerk AG[23] was founded in April 1987. It was registered in Vaduz, Liechtenstein. Its mailing address however was in Lugano, Via Cantonale 19.[24] The financial trust Studio Diego Colombo SA, managed by Mr. Diego Colombo was registered at the same address.[25] In February 1988, the company Societe Congolaise de Recuperation de Dechets Industriel (CRDI) based in Pointe-Noire, Congo, obtained from the government an import license for 1 million tons of waste - a deal worth 1,570,000 DM. The license mentioned Bauwerk as the exporter of the waste and covered 12 months period from the date of its signature.[26] In mid-May 1988, Congo informed the US government that the import license was revoked.[27]

Bauwerk wound up in September 1988. Its liquidator is Lic. jur. Elmar Bissig, Torkelgass, Schaan (FL). [28] On 27 July 1984, Bissig - through the company EXECUTIVE AGENCY TRUST reg. based in Vaduz became also sole director at Instrumag AG, replacing both Diego Colombo and Edwin Nutt.[29]

d) Technological Research & Development Ltd (TRD)

In 1988 and 1999 the Swiss lawyer Marco Gambazzi wrote a letter to several Italian firms saying TRD was licensed by a number of unspecified African governments for the import of “several million tons” of industrial waste.[30] TRD gave its address in London as the same of the law firm Carnelutti and Co.[31]

The attempt was uncovered by the Swiss media. In a letter to Mario Casella, a journalist from the Radio Svizzera Italiana, Gambazzi wrote to TRD trying to set up the waste deal on behalf of a different company: the UK-based Vilton Trading Ltd.[32] In July 1993, interviewed by the Italian newspaper “la Repubblica”, Gambazzi reiterated TRD did not have direct interests in the export of waste, and acted as broker for a company belonging to Montedison, an Italian chemical firm.[33] He said, however, the deal eventually failed.

TRD was registered in 1981 by the British lawyer David Mills who worked at the law firm Carnelutti & Co, 76 Shoe Lane, London.[34] The firm was later renamed

[23] L’Afrique a faim: V’la nos pubelles, Edition du CETIM Centre Europe-Tiers Monde Lausanne, Mars 1989. pagg.57-60
[24] Ibid, pag.57.
[25] Dun & Bradstreet DUNS NO. 48-094-5815, Update: February 1996.
[26] Greenpeace International, The international Trade in Waste, cit. pagg.72-73.
[27] Ibid.
[28] Handelsregister des furstentums Liechtenstein, Vaduz n. H.750/89.
[29] Handelsregister des furstentums Liechtenstein, Vaduz, n. H.400/100.
[30] La Repubblica, 9 July 1993.
[31] Letter from TRD to unknown client on waste trade, 1988.
[32] Letter sent by Marco Gambazzi to Radio Svizzera Italiana, 2 December 1988.
[33] La Repubblica, 9 luglio 1993.
[34] Declaration of compliance with the requirements on application for registration of a company, Form 41a, Companies House, Cardiff UK, 31 July 1981.

CMM Secretaries with Mr. Mills being its most prominent representative. According to an article written for The Independent on Sunday in November 1997, Mr. Mills, "a millionaire London solicitor", despite his impeccable New Labour credentials, for years "has been helping rich men who wished to avoid tax in their own countries to keep their affairs secret, and to become even richer."

"In 1994 – when grey money was getting a bad name - (Mills) sold his main business, CMM, to a company called Edsaco, a firm specialising in offshore companies ultimately owned by the giant Union Bank of Switzerland."

Vilton Trading Ltd. was incorporated in Cardiff in November 1987, and dissolved in 1994. The company was ultimately owned by Bremo Establishment, and Valina Establishment, both registered in Vaduz, 15 Egertastrasse, the same address as Instrumag.

e) Bremo Establishment

According to the Registrar of Companies in Vaduz, Bremo Establishment was incorporated on 26 January 1961, with Fidina Anstalt being its legal representative. Its president was Mr. Tito Tettamanti, a renomated Swiss financier active in all branches of financial, industrial and property business, and founder of Fidinam SA, and Banca della Svizzera Italiana (BSI). Mr. Tettamanti resigned from Bremo in 1986.

f) Valina Establishment

Valina Etablissment (Anstalt) was founded in 1935. Since February 1979 its representative is FIidina Anstalt[35] while Mr. Markus Binggeli was appointed as director. At that times, Binggeli was employed by Fidinam Fiduciaire SA Geneva.[36]

In 1993, Italian magistrates investigating several corruption cases, arrested Giuseppe Berlini, representative of the Italian agrochemical giant Montedison in Switzerland since 1973. According to Berlini, both Valina and Fidinam were included in a list of companies – based either in Switzerland and several off-shore countries such as Panama and British Virgin Islands (BVI) - used by Montedison - then owned by the Ferruzzi family - to build up funds to be used for "confidential operations".[37] Berlini said his contact at FIDINAM was Mr.Markus Binggeli.

g) Fidinam Fiduciaire SA

Fidinam Fiduciaire SA in Geneva is known to have tried to set up waste export schemes to Africa, by contacting a Swiss chemical firm with a letter dated 3

[35] Handelsregister des furstentums Liechtenstein, Vaduz, n. H.XI/6, 7 March 1997.
[36] Gian Trepp, Swiss Connection, pag.211, Unionsverlag Zuerich, 1996.
[37] Procura della Repubblica presso il Tribunale Ordinario di Milano,N. 8655/92 RGNR Mod.21, Verbale di interrogatorio di persona sottoposta ad indagini, pagg. 3-5, 25 luglio 1993.

February 1988 and signed by its chairman, Markus Binggeli.[38] The letter said Fidinam was seeking waste shipments on behalf of one of its clients - an undisclosed African State. Questioned by the press about that letter, Fidinam admitted having sent it but said the deal was eventually dropped.

5) **ODM Inc. (BVI)**

Between 1994 and 1995, Giorgio Comerio, on behalf of the company Oceanic Disposal Management (ODM) contacted at least 16 African governments, including the Somali warlord Ali Mahdi, seeking authorisation to import radioactive waste to be disposed into the sub-seabed of their exclusive economic zone. ODM project was a "simplified" version of that studied for more than a decade by the Nuclear Energy Agency (NEA) of the Organisation for Economic Cooperation and Development (OECD). 12 OECD countries and the European Community were involved in the research project.[39]

Between 1977 and 1987 NEA spent millions of dollars annually to develop the *sub-seabed disposal option* for high-level radioactive waste: equipped with drilling gear and/or suppository-shaped *free-fall penetrators* (containers which would penetrate the seabed like armour piercing bullets) ships from these countries would shoot the high-level waste under the seabed. In the early 1980s, research cruises took place in the Caribbean (near Haiti and Cuba), the Eastern Atlantic (between the Canary Archipelago and Madeira Island) and the South Pacific in order to identify future dump sites and test the *free fall penetrators*. Of course, none of the bordering countries were informed, let alone consulted.[40]

The NEA's project was ended in 1987. Its conclusions emphasised the technical feasibility of sub-seabed burial of radioactive waste by dropping "free-fall penetrators" from special vessels to a depth of 4000-5000m However, NEA emphasised the need for further, more complex investigations into several aspects of the project.

In 1993, the London Convention dealing with the disposal of waste at sea, included the sub-seabed option among other sea dumping operations banned by Resolution L.C. 51(16) adopted on 16 November 1993.

The attempt by ODM to organise a global business promoting the illegal disposal at sea of radioactive waste was surely doomed to fail from the outset. Perhaps the most intriguing aspect of the ODM saga was the impressive financial and organisational network supporting the effort to finalize the ocean disposal project.

Giorgio Comerio has developed and carried out ODM's plans in connection with a number of personalities who have long been active in the field of international trade and illegal disposal of waste. Several pieces of circumstantial evidence lead to the conclusion that those individuals operated within the framework of a well-

[38] L'Afrique a faim: Voila` nos poubelles, Edition du CETIM Centre Europe-Tiers Monde, pagg.84-85, Lausanne, Mars 1989.
[39] Feasibility of Disposal Of High-level Radioactive Waste into the Seabed, Volume 1, Overview of Research and Conclusions, Nuclear Energy Agency, Organisation for Economic Co-operation And Development, Paris 1988.
[40] Greenpeace and the dumping of waste at sea (…),Rémi Parmentier, 1999.

structured and coordinated waste trade network including Italian and European companies with world-wide reach. The financial and logistic functions were coordinated mainly from Switzerland. Benefitting from positions of strength built up all along the '90s, the members of the organisation were capable to enter into lucrative deals with public authorities and companies, as well as large multinationals active in Italy, being awarded contracts for the collection and disposal of industrial, household and hospital waste. Profits derived by illicit waste management operations were recycled into perfectly legal activities by Swiss and British financial companies and trusts, through a number of offshore havens such as Panama, Guernsey, British Virgin Islands (BVI), Liechtenstein, and Ireland. Some of the shelf-companies used by the network were also identified by Italian magistrates as vehicles for the building-up of slush funds involved in some major cases of corruption.

a) From Panama to British Virgin Islands & Luxembourg

Oceanic Disposal Management Inc. (ODM) was incorporated in the British Virgin Islands (BVI) on 15 July 1993. On 24 January 1995 Oceanic Disposal Incorporated Holding SA was founded in Luxembourg with a nominal capital of around $43,000 divided into 1000 shares. The companies Gibson Finance (BVI) Ltd, and Enfield Trading (BVI) Ltd held 999 and 1 shares, respectively. Jack Mazreku' Albanian by birth with residence in Montecarlo was appointed as ODM Holding managing director; Comerio Industry Inc. (BVI) and Oceanic Disposal management Inc. (BVI) constitutes the board of directors; Giuliana Giunta, Italian, was appointed as company secretary. [41]

Gibson Finance Ltd was registered at P.O. BOX n.3174, Road Town, Tortola, (BVI). The address corresponds to that of the agent who incorporated the company: the international law firm Patton, Moreno & Asvat (BVI) Ltd[42], an affiliated to Patton, Moreno & Asvat, Panama, established on May 6th 1981. [43] This seems to point at some direct interest of the law firm in Gibson Finance Ltd.

Ebrahim Asvat became known to international media in 1990, after being appointed chief of the Panamian police force following the ousting of general Manuel Noriega by the US Army.[44] He quit in 1991, after US troops defeated a 12-hour military rebellion against president Guillermo Endara led by the former police chief Col. Eduardo Herrera Hassan.[45]

On 27 October 1993, Mr. Asvat was kidnapped by four unidentified armed men, turning up about 24 hours later apparently unharmed on a road on the outskirts of Panama City. No further details about the kidnapping were made public neither by Panamian authorities or Mr. Asvat.[46]

Patton Moreno & Asvat is a strong player in maritime law. However, Ebrahim Asvat's current activities as president of the important Panamanian newsgroup

[41] Registre de Commerce et de Sociétés de Luxembourg, 14 fevrier 1995.
[42] Territory of the British Virgin Islands, the international business company ordinance (N.8 of 1984) (As amended), article of association of Gibson Finance Ltd, 25 March 1993.
[43] http://www.pmalawyers.com/, 4 January 1998.
[44] US News and Worl Report Inc. 17 December 1990.
[45] Ibid.
[46] International Intelligence Report Inc., 2 November 1993.

La Estrella-El Siglo seem to prevail over his legal profession. Still, Asvat led the team that advised a global port operator in negotiating a contract with the government to develop a new container terminal on Panama's Pacific coast. The deal closed in 2008 for $70 million.[47]

b) ODM Switzerland

In August 1995, ODM opened its "European head office" in Lugano (Switzerland) announcing it had collected a capital of $12 millions to begin the disposal of radioactive waste in two unspecified countries. However, ODM telephone numbers in Lugano were in the name of Arcasio Camponovo, and the company was never registered in Switzerland.[48]

In 1995, ODM website listed Arcasio Camponovo as the company's financial advisor. In the early 90s, Camponovo – together with Gianlorenzo Binaghi - was member of the Board of Directors of several Swiss companies, including Shebco Trading SA and Corhel Textil SA .[49] According to the Swiss company house, two foreign companies were affiliated to the latter: Lemon Collection Sportswear GmbH, Bremen, Germany; and Atimex Snc, Asti, Italy.[50]

In 1992, Gianlorenzo Binaghi, former director of the Mendrisio branch of Banca della Svizzera Italiana (see chapter 5 d) The Swiss connection was director of the Italian branch of Celtica Ambiente.[51] Binaghi was also in business with Giorgio Comerio, ODM mastermind, in the company Geoeco System SA.

In November 1995, the Swiss newspaper Giornale del Popolo reported that Celtica Ambiente SA belonged to Brinus SA, an insurance and finance trust managed by Gianlorenzo Binaghi.[52] The article went on quoting the Italian newspaper Eco di Bergamo on a 10-year contract signed by the City Council of Leffe (Bergamo) and Celtica Ambiente SA for the collection, transport and incineration in Zurich of municipal waste. According to Giornale del Popolo, Celtica Ambiente SA had signed at least five more contracts for the disposal of Italian municipal waste in Switzerland.

However, Swiss federal authorities declared to Greenpeace that Celtica Ambiente SA never applied for waste import permits to Switzerland.[53]

In 1991, two co-owners of Lemon Collection Sportswear, Werner Wilhelm Heinrich Genent, and Jurgen Schwartz, attempted to export industrial waste from Germany to El Salvador, Paraguay and Venezuela through the transport company Spedition Globus GmbH. The German police blocked the waste in the Bremen harbour. Investigations exposed a network of waste traders operating in Germany, USA and Latin America.[54]

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[47] http://www.iflr1000.com/JurisdictionFirm/1349/10/Patton-Moreno--Asvat.html
[48] PTT Telecom, CD 5/96, communication to Greenpeace Switzerland.
[49] Dunn & Bradstreet n. 48-219-4735, update:1990.
[50] Dunn & Bradstreet, DUNS NO. 48-187-3388, update: May 1994.
[51] Camera di Commercio Industria Artigianato Agricoltura di Roma, febbraio 1996.
[52] Fax from ReporTicino, Locarno to Greenpeace International, 8 May 1996.
[53] Phone conversation between Greenpeace Switzerland and Swiss Federal Ministry for the Environment, Dept. of waste.
[54] Einige Mullexportprojekte aus Europa und den USA nach Lateinamerika 1989 - 1991, R. Nicotera, A. Bernstorff, Greenpeace Germany, May 1991

According to the German Customs, between 1990 and 1994, Lemon Collection and Atimex, as well as the Belgian forward company Europacific, were involved in a tax evasion ring, by importing within the EU at least 10 millions t-shirts manufactured in China without declaring their origin.[55]

c) ODM & International Atomic Energy Agency (IAEA)

In 1995, Greenpeace presented to the Consultative Meeting of Contracting Parties to the London Convention evidence that ODM was actively searching clients interested in getting rid of their toxic or radioactive waste at sea (Doc. LC 18/INF.7 *"Oceanic Disposal Inc., Disposal of High-Level Radioactive Waste at Sea"*, submitted by Greenpeace International); as a result, the Secretariat of the London Convention, on 10 January 1996
wrote to ODM to warn them that their planned activities would be illegal under international law, but the International Atomic Energy Agency (IAEA) refused to issue a similar warning despite repeated requests from the Contracting Parties to the London Convention.

d) The end of the story?

In February 1996, Jack R. Mazreku resigned as manager of ODM Holding (Luxembourg) and was replaced by Giuseppe Barattini. By an extraordinary meeting held on 23 May 1996, ODM shareholders decided to change the company's name and business. ODM Holding became Georadar International SA. A new board of directors included Giorgio Comerio, Giordano Luminoso (an Italian resident in Riyad, Saudi Arabia) and Andrea Michelini.[56]

In May 1996 ODM Inc. was erased from the register of companies in BVI for not having paid the annual fee for registration (about $50).[57]

Giorgio Comerio moved to sunny Tunisia where in 2005 Giuliana Giunta set up a company named Avionav specializing in naval and aeronautical construction.[58]

Investigations by Reggio Calabria public prosecutor Francesco Neri on Comerio's alleged involvement in the scuttling of the ship Rigel in 1986 were filed in 2005 because of lack of any concrete evidence.

6) <u>The Somalia Connection</u>

"Britain withdrew from British Somaliland in 1960 to allow its protectorate to join with Italian Somaliland and form the new nation of Somalia. In 1969, a coup headed by Mohamed Siad Barre ushered in an authoritarian socialist rule that managed to impose a degree of stability in the country for more than two

[55] Guardia di Finanza, Prot. n. 8171/2110, Como 23 gennaio 1996.
[56] Registre du Commerce et de sociétés de Luxembourg, 12 juin 1996.
[57] Irwin Bates, communication to Greenpeace International, June 1997.
[58] http://www.avionav.com/.

decades. After the regime's collapse early in 1991, Somalia descended into turmoil, factional fighting, and anarchy."[59]

"Although an interim government was created in 2004, other regional and local governing bodies continue to exist and control various regions of the country, including the self-declared Republic of Somaliland in northwestern Somalia and the semi-autonomous State of Puntland in northeastern Somalia".[60]

Since the fall of Siad Barre allegations abounded that foreign companies and governments were taking advantage of the collapse of the Somalian state by using the nation's waters and land as a waste dump. In early 2005, several international media sources reported the waves hitting Somalia as a consequence of the 2004 earthquake in the Indian Ocean, besides killing hundreds of people, washed ashore radioactive and toxic waste dumped in the country in the early '90s. "Initial reports indicate that the tsunami waves broke open containers full of toxic waste and scattered the contents. We are talking about everything from medical waste to chemical waste products," Nick Nuttal, the United Nations Environment Programme (UNEP) spokesman, told the press.[61]

More recently, in 2008, the UN special envoy for Somalia, Ahmedou Ould Abdallah, repeatedly sounded the alarm about illegal fishing and toxic dumping off Somalia by European firms. Abdullah said that his organisation has "reliable information" that European and Asian companies are dumping waste - including nuclear waste - in this region. The European Union has responded to these allegations with silence.[62]

a) The "Italian Mafia"

On 30 March 1992 in Rome, the Somali minister for Health and Social Affairs, Mr. Nur Elmi, a close ally of Ali Mahdi, the warlord who controlled Mogadishu, signed an agreement authorizing the Italain company Interservice Srl for the import to Somalia of 2 million tonnes of "ferrous scrap metals" for "recovery", a scheme worth approximately $76 million.[63]

A power of attorney was signed by Mr. Ali Abdi Amalow, Governor of the central Bank of Somalian Republic appointing Mr. Roberto Ruppen and Ferdinando Dall'O, representing Interservice Srl for "the releasing of Cooperation Funds of Somalia State proprietorship, as well as other Funds intended to humanitarian aids and extraordinary assistance."[64]

On 4 September 1992, UNEP Executive Director Mostafa Tolba while addressing a seminar at the International Center for Research in Agroforestry in Nairobi, Kenia, sounded the alarm concerning "Italian Mafia companies" targetting Somalia on waste trade.[65]

[59] https://www.cia.gov/library/publications/the-world-factbook/geos/so.html.
[60] Ibid.
[61] http://www.timesonline.co.uk/tol/news/world/article418665.ece
[62] http://euobserver.com/13/27244
[63] Protocollo d'Intesa redatto in Roma, 30 marzo 1992
[64] Power of Attorney, full English text with attached Italian translation signed by the Governor, Rome, 20 June 1992.
[65] Fax from Greenpeace CH, 28 July 1995.

On 7 September, Mr.Tolba delivered to Reuters in Nairobi a copy of a document signed by the Minister of Health Nur Elmy Osman authorizing the Swiss company ACHAIR & PARTNERS to build a "polyfunctional waste facility" in Somalia. Few days later Greenpeace revealed that an Italian company, Progresso Srl, based in Livorno was also involved in the scheme – a contract $80 million-worth signed in December 1991 whereby the Swiss-Italian firms would be allowed to build a 10 million tonne storage facility for hazardous waste. The waste would be exported to Somalia at the rate of 500,000 tonnes a year.[66]

As a result of the UNEP's intervention, the contract was declared null and the waste facility never built. Still it became apperent to the UNEP's director Dr. Mostafa Tolba that the firms of ACHAIR & PARTNERS and Progresso Srl were set up specifically as fictitious companies to dispose of hazardous waste.

b) Nuclear waste dumping ground?

In 1995 Franco Oliva, a former Italian aid officer working in Somalia in 1986-1990, provided witness to an Italian joint Senate/Chamber Commission set up to investigate alleged corruption cases in the Italian aid programmes to Somalia. Oliva said he met Guido Garelli (see Chapter 5a on Instrumag AG) in Mogadishu "before 1990", and that Garelli was trying to arrange the export of a "nuclear waste cargo" to Somalia in cooperation with Giancarlo Marocchino, a controversial Italian businessman resident in the port city of Karaan who would be close to Ali Mahdi.[67] For more than a decade Marocchino provided key logistic support to the activities of the Italian cooperation projects in that country. In 1993, during the UN military operation in Somalia named "Restore Hope", the US troops arrested Mr. Marocchino on charges of arms trade with the Somali warring factions. After negotiations with representatives of the Italian military contingent, the US Marines handed over Marocchino to the Italians that set him free. [68]

On 24 June 1992 in Nairobi (Kenia), Giancarlo Marocchino, Guido Garelli, and Ezio Scaglione ("honorary consul of Somalia") signed a confidential agreement concerning the export of waste to "the African Horn".[69] Six weeks later, the UNEP executive director, Mustafa Tolba denounced the "Italian Mafia" attempts to export waste to Somalia.

On 19 August 1996, the "interim President of Somalia", Ali Mahdi authorized Ezio Scaglione to set up a waste management facility to treat imported waste to Somalia.[70] Few years later, providing witness to a joint Senate/Chamber Commission on the murdering of Ilaria Alpi and Miran Hrovatin, two Italian journalists killed in Mogadishu in March 1994 in unclear circumstances, Ali Mahdi declared that document is a forgery.

[66] TED Case Studies - Somali Waste Imports, http://www.ucc.american.edu/TED/SOMALIA.HTM, 1998.
[67] Senato della Repubblica, Camera dei deputati: Commissione parlamentare d'inchiesta sull'attuazione della politica di cooperazione con I paesi in via di sviluppo, quarto resoconto stenografico, seduta di mercoledi 8 marzo 1995, pag.32.
[68] Senato della Repubblica, Camera dei deputati: Commissione parlamentare d'inchiesta sull'attuazione della politica di cooperazione con I paesi in via di sviluppo, quarto resoconto stenografico, seduta di mercoledi 8 marzo 1995, pag.33.
[69] http://www.italosomali.org/Rifiuti.htm.
[70] Somali Republic, Office of the President, ref. no. JS/XM/4-185/1996, Mogadishu, 19/8/1996.

c) A small town in Italy: Asti

Following the authorization to export waste to Somalia issued by Ali Mahdi, the "honorary consul" Ezio Scaglione started looking for waste dealers willing to enter the waste trade business. However, one of the prospects contacted by Scaglione, aware of the waste export ban to non OECD countries implemented by the EU waste shipments legislation, turned to the Forestry police (Guardia Forestale), and the office of public prosecutors in Asti, Piedmont.

In 1997, Asti prosecutor Luciano Tarditi opened an investigation on Scaglione's waste trade attempts. Scaglione's telephone conversations with Giancarlo Marocchino were wiretapped. In August 1997, Marocchino urged Scaglione to arrange for the shipment of "2000-3000 barrels" of waste, as Ali Mahdi would favour the opening of a landfill for hazardous waste in the BarHaf region.[71] Marocchino reassured Scaglione about the credibility of the project by sending him the original papers via Franco Giorgi, a known arms trader.[72] In addition, Marocchino suggested Scaglione to contact a forwarder based in Livorno named Nesi to organize the waste shipments.

Livorno was also the base of Progresso Srl, the company involved in the "Italian Mafia" scheme unveiled by the UNEP in 1992. Prosecutor Tarditi therefore tried to verify whether Marcello Giannoni, sole administrator of Progresso Srl, could shed some light on actual shipments of waste to Somalia. And Giannoni did it. He declared to the investigators he was sure industrial and, perhaps, hospital waste were shipped to Somalia, ending up as materials for road and port construction in Bosasso and Garoe.[73]

When listening to telephone conversations between Marocchino, Scaglione and few others in an effort to probe the shipment of thousands of barrels of hazardous waste to Somalia, prosecutor Tarditi happened to hear Marocchino claiming he could prove the arrest by the Italian police of the alleged killer of Ilaria Alpi and Miran Hrovatin, was a hoax.[74] Tarditi immediately informed Franco Ionta, the Rome-based public prosecutor in charge of the investigation on the murdering of the two Italian journalists.

Few days later, Tarditi could listen to Marocchino's lawyer, Stefano Menicacci, calling one of the individuals intercepted by the police to inform him he was under investigation by the Asti prosecutor. Menicacci went on by offering legal assistance. "That blow killed our investigation" said Tarditi few years later, after having filed the investigation on the alleged waste trade to Somalia in 1998, because it was impossible to check the alleged dumpsites.[75]

- **Franco Giorgi**

  He is an arms trader supplying the Serbian armed groups during the Balkan war in 1991-1993. According to the Italian newspaper Corriere della Sera, in 1997 his declarations allowed Swiss magistrate Carla Del

[71] http://legxiv.camera.it/_dati/leg14/lavori/stenbic/39/2003/1118/s020.htm.
[72] Ibid.
[73] http://www.ilariaalpi.it/index.php?id_sezione=3&id_notizia=540
[74] http://legxiv.camera.it/_dati/leg14/lavori/stenbic/39/2003/1118/s020.htm.
[75] Ibid.

Ponte to uncover a Swiss bank account holding the "private treasury" of Radovan Karadzic.[76]

He is a longtime acquittance of both Giancarlo Marocchino and his lawyer, Stefano Menicacci. [77] Thinking he could do some arms business with Somalia, he visited Marocchino in Summer 1997, at the time of the building of the small port of Eel Ma'aan, 30 km. North of Mogadishu.

- **Eel Ma'aan port**

Marocchino was building the port in Eel Ma'aan to provide an alternative to the closure of the capital's port due to the Somali warlords' infights. Eel Ma'aan became soon a strategic entry point for both humanitarian aid and weaponry supply for the warring factions controlling it. From 1999 to 2007, the port of Eel Ma'aan was managed by the company Banadir General Services, part of the Banadir group of companies, a business undertaking also involved in delivering humanitarian aid to Somalia. Two Somali businessmen lead the operations in El Maan: Abukar Omar Adaani and Abdulqadir Mohamed Nur, nicknamed as "Enow". Both were close associated of Marocchino. According to a recently published report by the UN Monitoring Group on Somalia, "The Adaani family, one of the three largest contractors for the World Food Programme in Somalia, has long been a financier of armed groups, and a close ally of the Hizbul Islam leader (this group is thought to be close to Al Qaida). When the Adaani family failed to secure concessions from the Transitional Federal Government in exchange for the closure of the private port at Eel Ma'aan — a move that would have deprived the government of vital revenue — it turned to Hizbul Islam to reopen the facility. Other members of the business cartel that dominates food aid deliveries in Somalia have been involved in more subtle, but no less harmful, manipulation of humanitarian resources." [78]

Abukar Oamr Adaani, and "Enow" angrily denied the allegations made by the UN Monitoring Group on Somalia. According to Somalia media, in September 2009 the country president wrote a letter to the UN General Secretary defending "Enow" and highlighting his rescue efforts for Somali people.[79]

d) Investigation procedure n. 395/97

In March 2010 Greenpeace was authorised by Asti magistrates to consult the investigation materials related to the alleged export of waste to Somalia. The following are few excerpts that, we believe, deserve to be brought to the attention of larger audiences in an effort to better understand the general

[76] http://archiviostorico.corriere.it/1997/luglio/18/Karadzic_scoperto_conto_Svizzera_Armi_co_0_970718540.shtml.
[77] Atti parlamentari, Camera dei Deputati, XIV Legislatura, Commissione d'inchiesta Alpi-Hrovatin, seduta pomeridiana del 9 febbraio 2005.
[78] Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1853 (2008), 10 March 2010.

[79] http://www.jubaradio.net/article_index.php?W=179.

context of the alleged export of waste to Somalia.[80] The investigation was filed because of lack of any evidence that waste was eventually dumped in Somalia. By reading through thousands of pages of procedure n.395/97, however, it is crystal clear that investigators dealt with a number of factual circumstances leading to the conclusion that waste was likely dumped in Somalia in the period 1990-1997.

> *On 15 December 1998, Ezio Scaglione declared to prosecutor Tarditi that Marocchino said he could dispose of radioactive waste by burying them into containers used to strengthen Eel Ma'aan quay.*

Excerpts of telephone interception at 18:03 on 25/10/1998: Faduma Aidid (Somalia official representative in Italy) + Idor Nur Hussein. They comment on a report on Somalia made by the Italian TV channel RAI 2.

> *Faduma: "They are picking up the waste. The Garoe-Bosasso road will be used to bury the waste"… "In the Ali Mahdi area too. They are transferring it to the Hawadle region. Marocchino is digging the pits, he was reccommended to me by a foreigner. Have you heard from him?"…*
>
> *"They have poisoned the whole territory. My father had protested against Mustafa Tolba, who was then the UN representative in Nairobi. You know he unveiled the story? On the other hand the Miguirtini are OK with the burying of the toxic waste, that's the problem. They don't care about the country and people dying. The toxic waste produced by Italian and European (sic) industries get loaded onto boats in the port of Trieste. They get distributed in the countries. It's toxic waste and uranium. It destroys everything."*

Declaration made by Marcello Giannoni 05/05/1999, Folder V Pages 101-141

> *The waste to be sent to Somalia was also of US origin, and contained radioactive material called "yellow cake". But the deal didn't go ahead after the newspapers exposed it.*
>
> *Waste definitely went to Somalia. It was hazardous industrial and maybe sanitary waste. It was buried during the Bosasso port and Garoe-Bossaso road construction work.*

Declaration made by Brofferio Angelo 04/02/2004, folder V p. 99

> *He was director of the construction works of the Garoe-Bosasso road from June 1997 to December 1998. He used Marocchino for transporting the construction materials from Mogadishu's harbour to the road's construction site. At a certain point Marocchino suggested burying several containers in a number of uninhabited places, on the condition that they will never be opened, with the prospect of making a lot of money.*

Declaration made by Marco Zaganelli, 08/04/1998 folder V p. 715

[80] Office of public prosecutors in Asti, procedure number 395/97.

He knew Marocchino in Somalia in 1987-88 where he asked him for help getting a Somali contract to continuously import waste from European companies. Marocchino claimed that there were containers of waste ready to leave from a Southern Italian port (Castellamare di Stabia and/or Gioia Tauro).

Declaration made by Ezio Scaglione 11 and 15/12/1998 Procedure number 395/97 folder III pp. 506 - 511

He knew Garelli and Zaramella Flavio through Marocchino in Milan in 1992 to buy two cars from Guido Garelli. It turned out the cars were stolen as the police seized them from Scaglione. Afterwards, in Nairobi, Garelli and Marocchino introduced him to "Project Uranium", a scheme to export toxic and nuclear waste to Somalia, which he signed up to. After a stay in Marocchino's house in Somalia he went back to Italy when Garelli stayed in Somalia. In 1996 Marocchino contacted Scaglione and proposed to arrange for exporting waste to Somalia, this time to be distributed in and around the construction of the Eel Ma'an port. Marocchino also claimed he could distribute/get rid of nuclear waste, burying it in the concrete of the port's quay.

Annotation by PG (investigators) to public prosecutor, 24/05/1999 folder III p.483-490

Witnesses remember that entire containers were buried in the Eel Ma'aan port, containers full of waste (mud, varnish, contaminated soil from steel factories and ash from electric filters). This was indicated in a note that Marocchino sent to Scaglione via fax on 19 August 1996. Photographs that were dated February 1997, which were seized from Marocchino's collaborators Gloria Melani and Claudio Roghi show the burial of the containers during the construction of the port.

Photographs taken by Giancarlo Ricchi in July 1997, an employee of the Molino Pardini company that accused Marocchino of stealing 2,500 tonnes of flour that was sent to Somalia to be sold, also show the containers buried in the port during the construction.

According to Giancarlo Ricchi, Somali workers told him around 400 containers were buried in Eel Ma'aan. However, nobody knew what materials would be stored in the containers.

Five photographs taken by Giancarlo Ricchi in Eel Ma'aan, July 1997

PART II

EU legislative framework on waste management and waste shipments

Introduction

Official figures estimate the annual waste generation in Europe at 1.3 billion tonnes, some 40 million tonnes of it hazardous. This amounts to about 3.5 tonnes of solid waste for every man, woman and child, according to EEA statistics. Further 700 million tonnes of agricultural waste need to be added. Official data reported by the EU-15 (before the accession of 10 new countries in 2005) show that the arithmetical increase in the amount of hazardous waste generated by EU-15 between 2000 and 2005 is 22%.[81]

Waste management is extremely lucrative. It is estimated the EU's waste management sector has turnover of over €100 billion for the EU-25 and provides between 1.2 and 1.5 million jobs. The largest 25 European waste management firms employ more than 130,000 people. French giants, Veolia/Onyx and Sita/Suez are topping the list of the largest firms being twice the size of the followers, Remondis/Rethmann (Germany) and FCC – Fomento de Construcciones y Contratas (Spain).[82]

[81] http://ec.europa.eu/environment/waste/index.htm
[82] Waste Management Companies in Europe, EPSU-PSIRO 2006.

According to the Organisation for Economic Cooperation and Development (OECD), between 1990 and 1995, the amount of waste generated in Europe increased by 10%. By 2020, the OECD estimates, we could be generating 45% more waste than we did in 1995.

Waste prevention has been on the agenda in the EU for the last 30 years. EU waste strategies and legislation are based on a clear "hierarchy" whereas waste avoidance and minimisation has the priority over reuse, recycling, recovery and final disposal. In general, the requirements for waste management have been harmonised in the EU during this period, especially over the last 10 to 15 years. According to the 2009 European Commission report on the implementation of the Community waste legislation in 2004-2006, *"implementation of the waste legislation still cannot be considered satisfactory, as demonstrated by the large number of infringement procedures concerning waste. Significant efforts therefore need to be made towards full implementation, especially in the form of promoting waste prevention and recycling."* Translated in simple words, waste generation is still on the increase, while 65% of EU's waste is currently burnt or landfilled. This represents one of the most striking failures of the EU environmental policy.

The introduction of the EU single market in 1993 turned waste management operations from local to global. The opening of national borders to waste management activities attracted at first the interest of the US-based waste management giants, such as Waste management Inc. (WMX), and Browning Ferris Industries (BFI), then the first and second largest waste disposal companies in the world, respectively.

The next decade saw the coming of private equity groups (PE) among the major players in the EU waste market. Blackstone, Terra Firma, Apax and others heavily invested in the waste management sector. However, there is no evidence that waste management companies are being treated by PE groups as long-term infrastructure investments valued for their long-term stable cash flows. Profits are being taken through short-term capital gains, through exits after 2 or 3 years, as with other PE investments. A report published by the European federation of Public services Union (EPSU, 2007) shows that in 18 months from the start of 2006 there have been 16 major mergers and acquisitions (M&A) in waste management companies in Europe, with a total price of over €12.5 billion Euros. The companies which have changed hands have a total turnover of €6.6 billion Euros, employing 39,000 workers. Overall, more than 20 key M&A occurred in Europe between 2006 and 2009. Commentators observe that further concentrations are expected in the near future.

1. The Basel Convention on waste trade

In 1989, following a string of scandals linked to shipments of hazardous waste to developing countries from Europe and the United States, 33 countries met in Basel, Switzerland, and agreed to limit international shipment of toxic waste, especially from the richer countries of the world to the poorer ones. Eventually 168 countries, not including the US, ratified the Basel Convention. In 1995, the US announced it would ratify the Convention but reserved the right to ship "recyclable" materials to whoever will take them. Since almost everything

potentially can be recycled into something, that hardly puts any limits at all on what the US send offshore. As of January 2009, Afghanistan, Haiti, and the United States have signed but have not yet ratified the Convention.

In its early days the Basel Convention was denounced as an instrument that served more to legitimize hazardous waste trade rather than to prohibit what many felt was a criminal activity. The African group of countries, other developing countries and Greenpeace condemned the Convention but continued to work within it to achieve a ban.

The Basel Ban decision effectively came into force as of 1 January 1998, for all forms of hazardous waste exports from the 29 wealthiest most industrialized countries of the Organisation of Economic Cooperation and Development (OECD) to all non-OECD countries.

If waste export scandals were just isolated incidents, perhaps it wouldn't matter much. However, some 3 million tons of hazardous and toxic waste goes to sea every year looking for a dumping site. A 1998 report by the United Nations Human Rights Commission listed the United States and Europe as major exporters of toxic waste.

2. EU waste shipments

…There are things that we know we don't know… **(Donald Rumsfeld)**

The statistical data reported to the Commission by the Member States show a growing number of illegal shipments. However, it is not clear whether this is due to a real increase in illegal shipments or is due to better monitoring. **(EEA)**

According to the European Environmental Agency,[83] from 1997 to 2005 the legal export of waste (which includes mostly hazardous and problematic waste from the EU Member States to other EU and non-EU countries) almost quadrupled. As a consequence the number of illegal shipments is also rising. Reported annual illegal shipments vary between 6.000 and 47.000 tonnes with an average of about 22.000 tonnes. These are probably minimum figures, as many of the reports on illegal shipments do not contain information on the amounts shipped. The number of reported illegal shipments has increased during the period 2001 to 2005. It is expected that reported cases represent a fraction of the actual number and that the number of illegal shipments is considerable.

Between 1986 and 1989 Greenpeace exposed a number of hazardous waste exports from EU countries to Eastern Europe, Africa, and Latin America. Following the establishment of the Basel Convention, the EU adopted the Regulation EC 259/93 on the supervision and control of waste shipments. Subsequent modifications of the Regulation 259/93 mirrored the advances of the Basel Convention, notably the adoption of the Basel Ban on hazardous waste exports to non-OECD countries in 1998. Banning shipments of hazardous waste for disposal to poorest countries is a laudable achievement. Yet large amounts of waste are shipped from Europe and the US to Africa and Asia on a daily basis.

[83] Waste Without Borders in the EU?, EEA, 2009.

The vast majority of these shipments concern electronic waste (e-waste). Most of them are actually *illegal* according to the Basel Convention. Governments from rich countries allow this trafficking by simply looking the other way, refusing to allocate resources to properly implement their own policies on waste exports. In its 2009 report on the implementation of the Regulation 259/93 by Member States, the Commission point out: *"(Member States) Reporting on specific incidents/accidents and/or stopped illegal waste shipments was inconsistent and presumably not realistic."*[84]

3. The case of the electronic waste

In 2003 the EU adopted the world's tightest regulation on e-waste, the Directive on waste electrical and electronic equipment (WEEE). The directive's objective is to separately collect and recycle 4Kg of waste per head per year. A revised text proposed by the European Commission in December 2008 sets mandatory collection targets equal to 65% of the average weight of electrical and electronic equipment placed on the market over the two previous years in each Member State. The revision should help tackling the huge implementation gaps of the WEEE directive by Member States. According to the European Commission, almost 70% of e-waste is unaccounted for. Only approximately a third of waste electrical and electronic equipment (33%) is reported to be treated according to the legislation. The rest is supposed to be landfilled (13%) and sent to sub-standard treatment inside or outside the EU (54%). Of the estimated 8.7 million tons of e-waste created annually in the EU a massive 5.8 million tons is not recycled. It is likely that illegal exports to non-EU countries represent large part of this quota.

In reality, booming exports of hazardous waste are simply declared as trade operations. According to 2005 EU trade statistics, more than 15.000 tons of colour television sets were exported from the EU to African countries. *"This means that on average 35 tonnes, or more than 1 000 units of used television sets, arrive every day in either Ghana, Nigeria or Egypt. As these figures apply only to television sets, the total export of used computers, mobile phones, printers, CD players etc. — of which an unknown quantity may be waste — to these regions is expected to be significantly higher."* [85]

In October 2005 Basel Action Network (BAN) already uncovered the truth on "trade in used television sets" to Nigeria. BAN report "The Digital Dump" said that at the Nigerian port of Lagos, an estimated 500 containers of used electronic equipment enter the country each month, each one carrying about 800 computers, for a total of about 400.000 used computers a month. The majority of the equipment arriving in Lagos is unusable and neither economically repairable or resalable. Nigerians told BAN they were getting as much as 75% junk that was not repairable. Nigeria, like most developing countries, could only accommodate functioning used equipment. This means that the imported equipment often ends up in landfills, where toxins pollute the groundwater and create unhealthy conditions.

[84] Report on the implementation of Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community, COM (2009) 282 final.
[85] Ibid.

In 2008 a Greenpeace team went to Ghana to document and gather evidence of what really happens to our e-waste. They found containers filled with old and often broken computers, monitors and TVs from all brands shipped to Ghana from Germany, Korea, Switzerland and the Netherlands under the false label of "second-hand goods". The majority of the containers' contents end up in Ghana's scrap yards to be crushed and burned by unprotected workers. Some traders report that to get a shipping container with a few working computers they must accept broken junk like old screens in the same container from exporters in developed countries.

Conclusions

- Lack of enforcement, control and data collection on EU waste exports is common in all Member States for the very simple reason that illegal waste shipments to poor countries save a lot of money to both business and governmental agencies in charge of monitoring the implementation of EU waste legislation.

- Over the past 25 years, EU national governments have successfully resisted the request made by the European Parliament to adopt harmonized criteria for environmental inspections and enforcement in waste law, notably on waste shipments.

- The only European body promoting cooperation in tackling illegal exports of hazardous waste is an NGO composed by Governmental agencies, and coordinated by the European Commission. The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the Member States, acceding and candidate countries of the European Union and EEA countries. Membership to IMPEL is voluntary.

- IMPEL can only provide a framework for policy makers, environmental inspectors and enforcement officers *"to exchange ideas, and encourages the development of enforcement structures and best practices.".*

While a governmental NGO is doing its best to bring together – on a voluntary basis - EU's enforcement officers fighting a complex, global, multibillion environmental crime, hazardous waste export to non-OECD countries keep going, with a number of key problems that remain unsolved:

- It is currently not possible to document at EU level what specific kind of hazardous and problematic waste is shipped across boundaries. Indeed, 40% - 50% of waste shipped outside the EU is defined simply as "other waste" according to the meanings of the Basel Convention – that should be household waste and residues from incineration of such waste that should be subject to the same controls as hazardous waste. However, the nature of such waste is largely unknown.

- It is likely that most waste shipments result in environmental and public health crimes in receiving countries.

- It is difficult to follow some waste streams, in particular e-waste and other industrial waste, as they are often disguised as reusable goods.

In conclusion, at the present time we know the majority of waste shipments outside the EU are driven by better pricing. We know that a good deal of hazardous waste is simply being shipped to regions, countries and facilities with lower quality standards, missing supervision and lack of legislation enforcement.

Greenpeace Demands

Based on the findings and the information summarised in the present report, Greenpeace believes that:

UN must carry on an independent assessment on the alleged duping of toxic and radioactive waste in Somalia, particularly in the area of the port of Eel Ma'aan;

EU must finally implement its own toxic waste prevention measures, which are one of the pillars of the EU waste policy;

The Italian Government must create a strong coordination among all the investigative Authorities (Procura della Repubblica) which have been, and still are, working on the issue of toxic and radioactive waste trade, to identify and neutralize the network of people and enterprises managing the illegal waste trade shipped to Developing Countries (and possibly dumped into the sea) with the help of criminal networks and the support of State Civil Servants;

The Italian Government must create, at the Italian Ministry for the Environment, for the protection of the Territory and the Sea, an Operational Authority to make a census of all the research activities, funded by several Ministries and Regions, concerning pollution from toxic and radioactive substances on the open sea, surface waters and sediments. Such Authority should also collect all information from all sea workers (including fishermen) in order to elaborate and execute a targeted research of possible ship wrecks of so called "toxic ships". Such a research must be use all possible national and international expertise and make use of independent research institutions;

Finally, The Italian Government must prepare and execute, based on the cooperation among the Italian Ministry for the Environment, for the protection of the Territory and the Sea and the Department for Civil Protection of the Presidency of the Council, a targeted action aiming to identify and clean up all possible ship wrecks of "toxic ships". Such plan should also be based upon the conclusion of a technical working group made by all Investigation Authorities and the Intelligence Services, established at the Ministry for the Internal Affairs and supported by the Superior Institute for Health (Istituto Superiore di Sanità – ISS).

Annex - Historical cases of waste shipments

The voyage of the Khian Sea

On August 31, 1986, the cargo ship Khian Sea loaded 14,000 tons of toxic incinerator ash from Philadelphia and set off on an odyssey that symbolizes a predicament we all share: what to do with our refuse. Starting in the 1970s, Philadelphia burned most of its municipal garbage and sent the resulting incinerator ash to a landfill in New Jersey. In 1984, when New Jersey learned that the ash contained enough arsenic, cadmium, lead, mercury, dioxin, and other toxins to be classified as hazardous waste, it refused to accept any more. When six other states also rejected incinerator ash shipments, Philadelphia was in trouble. What would they do with 180,000 tons of the stuff every year? The answer was to send it offshore to countries with less stringent environmental standards. A local contractor offered to transport it to the Caribbean. The Khian Sea was to be the first of those shipments.

When the Khian Sea tried to unload its cargo in the Bahamas, however, it was turned away. Over the next 14 months, the ship also was refused entry by the Dominican Republic, Honduras, Panama, Bermuda, Guinea Bissau (in West Africa), and the Netherlands Antilles. Finally in late, 1987, the Haitian government issued a permit for "fertilizer" import, and the crew dumped 4000 tons of ash on the beach near the city of Gonaives. Alerted by Greenpeace that the ash wasn't really fertilizer, Haitian officials revoked the permit and ordered everything returned to the ship, but the Khian Sea slipped away in the night, leaving behind a large pile of loose ash. Some of the waste was moved inland and buried, but much of it remained on the beach, slowly being scattered by the wind and washed into the sea.

After it left Haiti, the Khian Sea visited Senegal, Morocco, Yugoslavia, Sri Lanka, and Singapore looking for a place to dump its toxic load. As it wandered the oceans looking for a port, the ship changed its name from Khian Sea to Felicia, and then to Pelicano. Its registration was transferred from Liberia to the Bahamas to Honduras in an attempt to hide its true identity, but nobody wanted it or its contents. Two years, three names, four continents, and 11 countries later, the troublesome cargo was still on board. Then, somewhere in the Indian Ocean between Singapore and Sri Lanka all the ash disappeared. When questioned about this, the crew had no comment except that it was all gone. Everyone assumes, of course, that once out of sight of the land, it was just dumped overboard. Years later, the captain of the Khian Sea/Felicia/Pelicano would admit in court that the ash had been dumped in the Atlantic and Indian oceans.

The case of Probo Koala

On 2 July 2006 a ship named Probo Koala chartered by an oil broker, Trafigura group, attempted to unload waste in Amsterdam. Noting the strong-smelling nature of the waste and probable toxic nature, harbour authorities told the ship that the waste would be more expensive to dispose of. The ship refused to pay extra treatment costs and left Amsterdam. Where the ship went between the 2 July and 19 August, and what it did with its toxic cargo, remains unclear.

On 19 August 2006, the Probo Koala unloaded a toxic waste shipment in Abidjan, the main economic capital of the Ivory Coast. However it was not until the first week of September that the incident came to light. The Ivorian Ministry of Health announced an extraordinary meeting that led to the dismissal of its government on 6 September.

The waste was supposedly to be treated by an Ivorian waste handling firm. In fact the waste, which consisted of volatile hydrocarbons, was dumped at 11 sites in the city. Symptoms reported by those who come in contact with the waste include respiratory problems, nausea, dizziness, vomiting (including throwing up blood), burns and irritation. Seven people were reported dead, while more than 30,000 had to seek for medical assistance.

In February 2007 Trafigura paid € 152 million to the Ivorian government to remove the waste. In return, the Ivorian President agreed to drop all charges against the company and its executives and undertaken not to pursue any further financial claims against the company. In September 2009, Trafigura agreed to pay compensation of about € 1,100 to each of the 30,000 people believed to have been made ill.

On June 1st 2010, a criminal case against Trafigura and others opened at the Amsterdam Court, following charges filed by Greenpeace in 2006. Greenpeace holds the international oil trader responsible for the dumping of illegal toxic waste from the ship Probo Koala in Ivory Coast in 2006. Trafigura itself denies any responsibility, and points to local contractor Tommy as the party responsible for the illegal dumping of the waste.

On trial are Trafigura, one of her London traders, and the captain of the Probo Koala for concealing the true nature of the toxic waste, and for the illegal import and export of these dangerous waste products. The city of Amsterdam is accused of assisting in the export of this dangerous waste to Ivory Coast.

The dumping of the toxic waste in Ivory Coast itself is not part of the Amsterdam court case. Already in September 2009, Greenpeace filed a complaint to the Court of Appeal in The Hague against the refusal of the Public Prosecutor to charge Tragifura with the dumping after a short and fruitless investigation into the facts was carried out in Ivory Coast. Meanwhile, new information has come to light. Internal emails show that Trafigura's management knew the waste was dangerous and that export to Africa was illegal under European regulations. The truck drivers who transported and dumped the waste have also recently come forward with new information, claiming they were given cash to declare the wast as not hazardous. Greenpeace reported these claims to the Public Prosecutor's Office on 14 May 2010, asking for an investigation. The decision to proceed also on the dumping operations in Abidjan should be taken by October 2010.

Since the uncovering of this scandal, Trafigura has tried to hide the truth by witholding information, paying the best and most expensive lawyers and PR offices and using libel threats to silence the public debate. Greenpeace believes Trafigura should eventually faces her responsibility in court, providing full cooperation to seeking the truth about this environmental disaster.