THE

ISSUE BRIEF

BY GREENPEACE ग्रीनपीस & CITIZEN RESPONSE GROUP

25TH MAY - 25TH JUNE 2025

MSC ELSA 3 Shipwreck

Cargo Catastrophe: MSC ELSA 3 Shipwreck Sparks Major Environmental Crisis

Just a couple of weeks before World Oceans day 2025, India witnessed one of its major ship accidents when a container ship named MSC ELSA 3, which departed from Vizhinjam Port, India, capsized near Kochi, at some 14.6 nautical miles from the shore. The vessel was on its way from Vizhinjam to Kochi, carrying 640 containers, including 13 classified as hazardous and 12 containing calcium carbide. The ship also had 84.44 metric tonnes of diesel and 367.1 metric tonnes of furnace oil, raising serious environmental concerns in the wake of the incident. The incident has triggered significant environmental concerns, with oil and chemical leaks posing a serious threat to marine ecosystems along the Kerala and Tamil Nadu coast, extending to Sri Lanka. Plastic pellets were first discovered along Thiruvananthapuram coast in Kerala, raising significant environmental concerns in the aftermath of the MSC ELSA-3 cargo ship sinking. However, this is not an isolated case, it is a symptom of deeper structural failures in how we govern our oceans, prioritize environmental safety, and protect the interest of frontline communities.

This issue brief/white paper is part of our Ocean Justice campaign to expose the risk posed by industrial shipping and weak maritime governance. It seeks to present a clear and factual account of the MSC ELSA 3 shipwreck, unpack the environmental, legal, and systemic failure that allowed such an incident to occur, and present a people centric response plan to mitigate the impact of the accident.

Toxics Overboard: MSC ELSA 3 Capsizes and Sinks Along with 640 Containers

On May 25, 2025, the Liberian-flagged container ship MSC ELSA 3 sank off the coast of Kerala, India.

The vessel was traveling from Vizhinjam to Kochi when it developed a severe 26-degree starboard list caused by flooding in one of its compartments. Despite salvage attempts, the ship capsized approximately 38 nautical miles and sank at 14.6 nautical miles southwest of Kochi.

MSC: The World's Largest Shipping Giant with a Troubled Safety Record

Mediterranean Shipping Company S.A. (MSC) is a privately and family-owned global shipping and logistics company founded in 1970 by Captain Gianluigi Aponte in Naples, Italy. Since 1978, its headquarters has been based in Geneva, Switzerland. The company remains under the ownership of the Aponte family, with Diego Aponte currently serving as its president and CEO. MSC Group operates across multiple sectors, including container shipping (MSC, MEDLOG, TiL, AGL), air freight (MSC Air Cargo), and car transport (Gram Car Carriers). In passenger travel, it runs MSC Cruises, Explora Journeys, ferry services (GNV, SNAV), and Italy's high-speed rail (Italo). The group also invests in port infrastructure, digital solutions (MSC Technology), and healthcare (Mediclinic Group), while supporting social impact through the MSC Foundation.

Mediterranean Shipping Company (MSC) has grown into the world's largest container shipping line, operating a fleet of around 923 vessels with a combined capacity of 6.6 million TEU and controls 20% of global container capacity as of 20th June 2025. MSC is a global leader in container shipping and logistics, operating a modern fleet, serving 520 ports via 300 routes that move an estimated 27 million TEUs annually, supported by 7 aircrafts, and employing over 200,000+ people across 675 offices in 155 countries. They offer a full suite of solutions—including sea, inland (road & rail), air cargo, warehousing, and digital services (like smart containers and eBL)—while emphasizing safe, efficient, and sustainable transport for everything from essential goods to luxury items. Beyond cargo shipping, MSC offers full logistics—container transport, hauling, warehousing—and operates MSC Cruises with 12 ships. MSC Cruises are the third largest cruise line globally.

The Maritime Injury Center article highlights several critical safety concerns aboard MSC vessels, primarily stemming from an ageing fleet and resulting operational failures. Older ships like MSC Sao Paulo V (36 yrs) and MSC Katayani (28 yrs) experienced an engine fire in Canadian waters and engine failure near the coast of Spain respectively in early 2024, highlighting increased mechanical risks due to vessel age. Historic accidents include a 1994 engine-room explosion aboard the Achille Lauro and multiple groundings, MSC Napoli in 2007 and MSC Sabrina in 2008, caused by severe weather or navigational error. The 2009 fire during dismantling of the Jessica in India, which caused six fatalities, points to serious decommissioning safety lapses and hazardous contaminant exposure, although MSC no longer owned the ship at that time. Environmental and cargo hazards have also occurred, such as the 2010 collision of MSC Chitra with nearly 300 containers lost overboard in Indian waters and fines in 2006 for deliberate bilge-oil dumping by MSC Elena. Another ship, the Rena, severely damaged a valuable reef ecosystem in New Zealand in 2011 after crashing into it. Altogether, these incidents raise alarms around mechanical failures, fire risk, navigational missteps, environmental harm, and shipbreaking negligence.

Oil, Microplastics and Toxics: Waves of Impact Spread From the High Seas to Our Shores

The sinking of the Liberian-flagged container ship MSC ELSA 3 on May 24, 2025, 14.6 nautical miles off the coast of Kochi, has triggered significant environmental alarm and has been declared a "state-specific disaster" by the Kerala government.

The marine ecological habitats under threat along India's Kerala coastline with beautiful beaches, rocky shores and inshore reefs on the one hand, extending to Tamil Nadu and Sri Lanka's northwestern shores around the Gulf of Mannar and further southern coastline, represent critical and diverse biodiversity hotspots. These include mangroves forests, coral reefs, seagrass beds and estuaries that support outstanding and unique marine life, including endemic fish as well as iconic species such dugongs and sea turtles. Any significant pollution event generates a long lasting impact on this ecological richness. Habitats sensitivity is also affected by the timing of incidents during the monsoon season (as with MSC Elsa 3), exacerbating the problem. Rough seas make containment and cleanup difficult, while strong currents can spread pollutants over wider areas, including sensitive fish breeding grounds or across entire regions. At the same time, local communities heavily rely on healthy marine and coastal ecosystems for their livelihoods (fishing, tourism). Ecological damage directly translates into socio-economic hardship.

While oil spill contingency plans exist, the increasing volume of hazardous and diverse cargo, combined with challenges in rapid and effective cleanup of microplastics and complex chemical spills, points to gaps in response capacity. The successive nature of recent incidents raises concerns about the cumulative impact on the marine environment, making recovery more challenging.

Anticipated and Immediate Ecological Impacts if:

- ***Oil Spill and Hydrocarbon Contamination:***

Direct Toxicity: The leakage of diesel and furnace oil poses an immediate threat to marine life. Hydrocarbons can coat the feathers of seabirds, impairing their ability to fly and regulate body temperature, leading to hypothermia and drowning. Marine mammals can suffer skin irritation, respiratory issues, and internal organ damage from ingestion.

Habitats: Oil slicks can smother sensitive coastal ecosystems such as mangroves, estuaries, and mudflats, which are crucial breeding and feeding grounds for numerous marine and avian species. Once oil penetrates these areas, cleanup becomes extremely difficult, leading to long-term habitat degradation. Beneath the surface, oil spills disrupt coral reefs and seagrass beds, harming critical habitats for fish and invertebrates. In the biodiverse waters off Kerala, Tamil Nadu, and Sri Lanka, such contamination threatens endangered species and undermines coastal fisheries. Filter-feeders, such as sardines and mackerel common to these waters, are especially vulnerable as they ingest oil-contaminated particles, leading to bioaccumulation and widespread toxicity across the food chain.

Disruption of Food Chains: Oil can enter the marine food web through ingestion by plankton and small fish, bioaccumulating up the chain and potentially affecting larger fish, marine mammals, and ultimately human consumers.

Impact on Fisheries: Kerala's vibrant fishing industry is directly threatened. Oil contamination can lead to fish mortality, reduced productivity, and public hesitation in consuming seafood, severely impacting the livelihoods of fishing communities. The timing of the spill during the monsoon, a critical fish breeding season, amplifies concerns about the loss of entire fish cohorts.

- ***Hazardous Chemical Leaks:***

Calcium Carbide (CaC2): The presence of 12 containers with calcium carbide is particularly concerning. When calcium carbide reacts with seawater, it produces acetylene gas (highly flammable and explosive) and calcium hydroxide. The latter increases the alkalinity of the water (raising pH levels), which can severely disrupt aquatic ecosystems. Changes in pH are detrimental to the health, reproduction, and survival of marine organisms, leading to stress, tissue damage, and even death.

Rubber Solution and Other Undisclosed Chemicals: Leakage from other hazardous containers, such as rubber solution, or the 13 undisclosed hazardous materials, introduces toxic substances into the marine environment. These chemicals can cause

acute toxicity to marine life, contaminated sediments, and have persistent, long-term ecological effects.

- ***Plastic Nurdles and Container Debris:***

Microplastic Pollution: Large amounts of microplastic pellets (nurdles) <5mm have washed ashore along the Kerala coast (e.g., Kovalam, Thiruvananthapuram, Kollam, Alappuzha) and drifted to ecologically sensitive areas like the Gulf of Mannar Marine Biosphere Reserve and roughly 80 to 600 Km along the coastline of Sri Lanka. Nurdles are primary microplastics that can absorb toxic chemicals from seawater and are frequently mistaken as food by marine animals (fish, seabirds, sea turtles), leading to internal injuries, starvation, and exposure to absorbed toxins.
Physical Damage and Entanglement: Before the sinking of the ship and its entire cargo, over 100 containers were reported to have fallen into the sea, some washing ashore. These large debris can physically damage the regional coastal habitats, including coral reefs and seagrass beds, and pose entanglement hazards for marine wildlife. The sheer volume of non-hazardous cargo (like tea) washing ashore also creates a massive cleanup challenge.

- ***Impact on Specific Ecosystems and Biodiversity:***

Coastal Zones: Beaches, backwaters, and estuaries are vulnerable to direct contamination from oil and chemicals washing ashore. These areas are crucial for shorebirds, estuarine fish, and shellfish.
Marine Biodiversity: The spill threatens a wide array of marine species, from phytoplankton and zooplankton (the base of the marine food web) to fish larvae, adult fish, marine birds, sea turtles, and benthic organisms living on the seafloor. Disruption during the monsoon breeding season is particularly damaging for fish stocks.
Ecosystem Services: The incident compromises vital ecosystem services provided by healthy marine environments, including food provision (fisheries), water purification, and coastal protection.

Long-Term Environmental Consequences and Recovery Challenges:

Incidents like the MSC ELSA 3 shipwreck pose significant long-term environmental consequences and present formidable recovery challenges:

Persistent Microplastic Pollution: Nurdles and other plastic debris are non-biodegradable and can persist in the environment for hundreds of years. They break down into microplastics and nanoplastics, entering the food web and potentially impacting human health through seafood consumption. Cleanup is extremely challenging, as tiny pellets embed in sand, coral reefs, and other sensitive habitats.
Ecosystem Recovery: Damaged ecosystems, such as coral reefs, mangrove forests, and seagrass beds, take a very long time to recover, if at all. The loss of these habitats can have cascading effects on the entire marine food web, leading to a decline in fish stocks and overall biodiversity.
Bioaccumulation of Toxics: Hazardous chemicals released during such incidents can accumulate in marine organisms, leading to long-term health issues for wildlife and potential bioaccumulation in the human food chain.
Economic Disruption and Compensation: The long-term impact on the fishing and tourism industries can be devastating, leading to prolonged economic hardship for coastal communities. Legal battles for compensation, as seen with the X-Press Pearl disaster, can be lengthy and complex, often resulting in insufficient redress for the affected parties.
Pollution and Wreckage: Sunken vessels and lost containers continue to pose risks of pollution (e.g. residual oil spills) and navigational hazards. Their removal is a costly and technically complex endeavor.
Policy and Capacity Gaps: These incidents expose shortcomings in national and international regulations, emergency response protocols, and the capacity to handle large-scale maritime environmental disasters. There is a critical need for more stringent regulations, better enforcement, improved monitoring, and enhanced international cooperation and training for emergency responders.
Shifting Currents: Ocean currents can spread pollutants far beyond the initial incident site, turning local disasters into regional or even international environmental problems, as seen here with the nurdles spilled in Kerala waters having reached Tamil Nadu as well as Sri Lankan's Western shoreline.

In conclusion, the MSC ELSA 3 shipwreck underscores the urgent need for robust preventative measures, effective emergency response strategies, and long-term rehabilitation plans to mitigate the profound and lasting ecological and economic damage caused by maritime shipping accidents.

Fishers Call for Compensation Over Livelihood Loss After Toxic Shipwreck

The sinking of the container ship MSC-ELSA 3 on May 25,2025, at 14.6 nautical miles off the Kerala coast caused an oil spill, discharge of plastic nurdle and calcium carbide resulting in marine pollution and severe consequences for the coastal ecosystems and livelihoods of coastal communities, especially the traditional fishers.

Kerala has a population of around 10.4 lakh fisher folk who are involved in several types of fishing activities. The sinking of MSC ELSA 3 has impacted the fisher communities in several ways, starting with the ban on fishing activities within the 20 nautical miles of the accident site, due to oil spillage and discharge of harmful chemicals from the ship containers. This ban has resulted in the loss of livelihood for the fisher community. Adding to this, the onset of pre monsoon and monsoon showers and the new trawling ban implemented from 9th June 2025 represented additional challenges for the fisher community who have already lost 30 working days since 1st week of May. The fear of sea food contamination due to toxic chemicals discharged from the ship containers has also led to a decrease in fish consumption, deserted fish markets affecting the daily income of fishermen and their own food security. Although the state government announced 6 kg of free rice and ₹1,000 a month to each affected fisher families in Thiruvananthapuram, Kollam, Alappuzha and Ernakulam districts, the compensation is not adequate and fishing groups and unions have demanded an increase in the compensation and its extension to a larger impacted population. The National Fishworkers Forum in a letter to the Chief Minister of Kerala, PMO (Prime Ministers Office) and NDMA (National Disaster Management Authority) has pushed for fair compensation for the impacted fishworkers and allied communities who are facing income loss and occupational health risks due to the incident. The National Fishworkers Forum has also demanded that the state government should hold the ship company accountable for the incident and push the company to roll out measures to compensate fishers.

While the loss of livelihood and pay has impacted the fisher communities, there are other consequences that coastal communities are facing due to the discharged toxic chemicals drifting towards the shore which can have direct health consequences. The National Fishworkers Forum has called for "establishing an emergency relief and compensation mechanism for fishworkers and coastal communities affected by both direct exposure to pollutants and indirect impacts from the fishing ban, particularly in light of the overlapping monsoon restrictions."

Legal Storm Brews: MSC Faces Criminal Charges and Civil Claims

Jurisdiction and Legal Basis

The MSC ELSA-3, a Liberian-flagged container vessel, capsized and sank at 14.6 nautical miles off the coast of Kerala, India. The incident occurred within India's Exclusive Economic Zone (EEZ), which extends up to 200 nautical miles from the territorial sea baseline pursuant to the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976. Under Article 58(3) of the United Nations Convention on the Law of the Sea (UNCLOS), foreign vessels operating in the EEZ are obliged to comply with the laws and regulations of the coastal State, in accordance with UNCLOS and other rules of international law.

The incident, involving potential release of hazardous materials such as calcium carbide, sulphur, plastic nurdles, 84.44 tonnes of diesel, and 367.1 tonnes of furnace oil, gives rise to both civil and criminal liability. In particular, statutory remedies under Indian law include the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, the Merchant Shipping Act, 1958, and the Maritime Zones Act, 1976.

The Maritime Zones Act, 1976 affirms India's jurisdiction over its EEZ. The Admiralty Act, 2017, especially Sections 4, 5, and 6, empowers designated High Courts, including the Kerala High Court, to entertain maritime claims and order the arrest of sister ships for claims arising from marine pollution, wreck removal, and environmental harm. The Merchant Shipping Act, 1958 further authorises public authorities to undertake preventive and remedial measures in the event of oil pollution within India's maritime zones.

Relevant international legal instruments include:

- The International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC), which provides for strict liability of the shipowner for pollution damage and mandates compulsory insurance;

- The Nairobi International Convention on the Removal of Wrecks, 2007, applicable to wrecks within the EEZ, which obligates shipowners to bear removal costs;

- The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, which supplements compensation beyond limits available under the CLC.

Liability Structure

The primary parties bearing liability are:

- ***The registered owner of the vessel,*** against whom strict liability applies under maritime law;

- ***The charterer,*** MSC Mediterranean Shipping Company S.A. (MSC), headquartered in Geneva, Switzerland, whose operational control and duty of care, particularly regarding route planning and cargo safety, may ground direct or contributory liability;

- ***The Protection and Indemnity (P&I) insurer,*** responsible for covering wreck removal, environmental damage, and third-party claims under internationally accepted P&I rules;

- ***The Flag State, Liberia,*** which under Article 94 of UNCLOS is required to exercise effective jurisdiction and control over vessels flying its flag, and to cooperate with incident-related inquiries.

It is to be noted that Liberia is widely regarded as a Flag of Convenience (FOC) State. The vessel's ownership and operational control trace back to entities based in Switzerland, with no substantive regulatory link to Liberia. This undermines the genuine link requirement under UNCLOS, limiting the practical effectiveness of Liberia's regulatory obligations.

Current Legal Actions

Criminal Case
Following initial hesitation, a First Information Report (FIR) has been registered by the Fort Kochi Police under Sections 282 (rash navigation of vessel), 285 (negligent conduct for public navigation), 286 (negligent handling of poisonous substances), 287 (negligent handling of fire), and 288 (negligent handling of explosives) of the Indian Penal Code, 2023, against the shipping company, captain, and crew of the MSC ELSA-3. Additional proceedings are anticipated under the Environment (Protection) Act, 1986.

Timely initiation and conclusion of criminal investigations will be crucial to assessing causation, determining liability, enabling environmental response measures, and supporting parallel civil claims and compensation efforts.

Public Interest Litigation - T. N. Prathapan v Union of India and Others

In its June 12, 2025, interim order, the Kerala High Court addressed a Public Interest Litigation (PIL) by former MP T.N. Prathapan concerning the sinking of MSC ELSA-3. The Court granted leave to amend the petition to include the MV Wan Hai 503 incident and noted publication of the MSC ELSA-3 cargo manifest, constitution of an expert committee, and extension of interim relief to fishermen. It recognised several legal avenues: (a) enforcement of admiralty claims under Sections 4 - 6 of the Admiralty Act, 2017, including the possibility of arresting sister vessels; (b) authority under the Merchant Shipping Act, 1958, for casualty inquiries and pollution prevention; and (c) criminal prosecution and eventual charges under the Environment (Protection) Act, 1986. The Court emphasised that recovery of damages and cleanup costs must be pursued from vessel owners or insurers, not borne by the State, and directed that the response by central and State authorities under these various statutory and international legal regimes be reported at the next hearing scheduled for June 19, 2025.

In the subsequent hearings, the High Court stayed all out-of-court negotiations between the State Government of Kerala and MSC, citing concerns about transparency, enforceability, and jurisdictional propriety. The Court held that any settlement discussions must proceed strictly within the framework of a formal admiralty suit under the Admiralty Act, 2017 and took note of the State's affidavit indicating its intention to initiate such a suit. The High Court also ordered the arrest of the sister vessels MSC Polo II and MSC Manasa F under the admiralty jurisdiction, securing related assets of the MSC to ensure availability of compensation and judicial oversight.

Next Steps: Civil Liability Claims

To ensure enforceable remedies in the aftermath of the MSC ELSA-3 incident, the State Government and affected stakeholders should promptly initiate a formal admiralty suit before the Kerala High Court under the Admiralty Act, 2017. This proceeding should name MSC ELSA-3's registered owner, charterer, and Protection and Indemnity (P&I) insurer as defendants. Pursuant to the High Court's recent directives, the arrest of the sister vessels MSC Polo II and MSC Manasa F should be maintained to secure a monetary deposit or suitable guarantee from the shipowner as security for potential civil liabilities. Consolidated claims may include compensation for environmental damage, economic loss, and public expenditure on mitigation efforts, supported by findings from the expert committee appointed in the PIL. Formal notice should also be issued to the P&I insurer to activate liability coverage and preserve subrogation rights for State-incurred costs. Additionally, compensation claims relating to oil spillages should be pursued under the Merchant Shipping Act, 1958.

As of 20 June, the Pinarayi Vijayan-led Kerala government has eventually informed the Kerala High Court of its decision to file an admiralty suit against MSC Mediterranean Shipping Company SA.

MSC's Loud Silence Raises Eyebrows About Political Ties After Coastal Disaster

In India, MSC has deep ties to the Adani Ports group: its investment arm (Terminal Investment Ltd.) acquired a 49% stake in Adani's Ennore container terminal and co-invests in Mundra Port's CT3 terminal and became the "patron" of the new Vizhinjam port after it opened in May 2025. The ELSA 3 itself was a 1997-built, Liberia-flag containership operated on MSC's Kerala–Cochin shuttle service; it was technically owned by Elsa 3 Maritime Inc. but under MSC's purview.

Legal and regulatory accountability: Following the public outcry, Indian authorities made MSC itself a focus of the legal response. On June 11, Kerala's Fort Kochi coastal police registered a First Information Report (FIR) naming MSC Mediterranean Shipping Company (as owner/operator), along with the ELSA-3's captain and crew. The FIR charges (filed under India's new Bharatiya Nyaya Sanhita) include rash navigation of a vessel and various counts of negligent handling of poisonous/combustible/ explosive substances – essentially accusing MSC of knowingly operating the ageing ship laden with hazardous cargo despite known defects. In parallel, the Kerala High Court made clear that any cleanup or compensation costs must come from MSC (the shipowner) rather than public funds, exercising its admiralty jurisdiction. In mid-June the court even ordered detention of ELSA-3's sister ship (MSC Manasa-F) at Vizhinjam unless approximately ₹6 crore (~$700,000) in security is posted to cover claims. India's National Green Tribunal (NGT) has likewise intervened: in an order dated May 27, 2025 it formally directed MSC to disclose the contents of the 13 containers carrying hazardous material, noting the "serious impact" such cargo (e.g. calcium carbide, oils) could have on coastal biodiversity. By June 27th, the cargo manifest had still not been made public, leaving local stakeholders only with an uncomplete and unofficial container list.

- FIR (June 11, 2025): Charges against MSC and crew for rash navigation, negligent conduct of hazardous/combustible cargo, etc. (BNS Sections 281–288).
- High Court Orders: Kerala HC held that losses must be recovered from MSC (not taxpayers) and authorized arrest of the sister vessel until a ~₹6 crore bond is paid.
- NGT Directive: The National Green Tribunal demanded MSC clarify exactly what hazardous chemicals (calcium carbide, oils, etc.) were aboard, to assess environmental risk.

Engagement in cleanup and compensation: The Kerala government quickly set up inter-agency committees to press MSC on remediation. On June 2 it announced a high-level panel (chaired by the Additional Chief Secretary, Finance) to negotiate with MSC for a financial package covering damage assessment, pollution cleanup and compensation. Officials stressed "mitigating environmental risks" to ecologically sensitive coastal zones and addressing fishing-village livelihoods. Under instructions of the Directorate General of Shipping (DG Shipping), MSC's insurers have deployed a 108-diver team from U.S. salvors T&T Salvage to recover oil and containers from the wreck. Authorities have publicly urged an accelerated response – for example, on June 11 the DG Shipping issued a formal 48-hour ultimatum to MSC to begin extracting oil or face legal/criminal action. By mid-June divers had completed primary capping of identifiable oil leaks and dozens of containers had been recovered from shorelines. The Kerala High Court also noted a "bond" of roughly $700,000 was posted by MSC (via insurers) as security against claims. MSC is now treated as the main responsible party and has been pressed to pay for environmental cleanup and loss claims, and is under multiple legal orders to remediate the disaster.

Corporate background: MSC functioned merely as a charterer with "no ultimate legal responsibility" – a design that shattered clear liability. Media analyses noted the ship's history of "flag hopping" and repeated safety deficiencies, illustrating how MSC and other owners could evade oversight. MSC's recent history shows a mixed safety and environmental track record, with several high-profile incidents and some regulatory lapses:

Known Incident Cases: In 2005 MSC Ship Management admitted using a "magic pipe" to illegally discharge oily waste from the MSC Elena, resulting in a $10 million criminal fine. In January 2019, the 19,000 TEU MSC Zoe lost about 270 containers in a North Sea storm; MSC funded a full cleanup "until the last container is found" and publicly emphasized the seriousness of the spill's environmental impact. In 2010 the MSC Chitra collided near Mumbai, spilling some 800 tons of oil and chemicals; environmental damages were later assessed at ₹514 crore. MSC-chartered ships have also suffered disasters (e.g. the 2012 MSC Flaminia cargo explosion/fire that killed 3 crew, leading to a $290 million settlement). In October 2021 MSC's Danit dragged anchor in bad weather and ruptured an offshore oil pipeline in California; MSC joined a $45 million claims settlement, though it publicly blamed the pipeline's owner (Amplify Energy). These cases suggest recurring safety challenges in MSC's ageing fleet and cargo-handling.

Regulatory Fines: Authorities worldwide have also fined MSC or affiliates for environmental non-compliance. In 2018, California's Air Resources Board fined MSC $630,625 after audits found hundreds of at-berth engine violations (auxiliary engines not shut down) during 2014 port calls. MSC cooperated with the investigation and subsequently converted its California fleet to 100% shore-power operation. In 2022, CARB fined MSC $50,000 when the MSC Sindy failed to use compliant fuel in California waters. In late 2021, the U.S. EPA penalized MSC $66,474 (for the MSC Aurora) for failing to perform required ballast-water inspections and annual reporting under the Vessel General Permit. Such enforcement actions illustrate lapses in MSC's adherence to environmental rules, even as the company later commits to compliance.

Safety Management Practices: MSC asserts that its operations follow international Safety Management (ISM) standards. In practice, the company's responses have varied. After the MSC Zoe spill it quickly funded cleanup efforts; by contrast after the Orange County pipeline incident MSC publicly denied fault and insisted its crew acted "in a reasonable and prudent manner". Following the CARB audit, MSC retrofitted vessels and reported full compliance. In the MSC ELSA-3 case, MSC engaged specialized salvors (T&T) and has begun recovery operations, but regulators – citing environmental urgency – have pushed for faster action. Critics note MSC has made very few public statements on the disaster; local fishing leaders complained the company was "remaining silent" even weeks after the sinking.

Technical Details of the ELSA-3 Sinking

See MSC ELSA 3's vessel and casualty reports from Lloyd's.

The MSC ELSA 3 was a 1997-built Liberian-flagged container ship (a "flag of convenience" practice commonly used in MSC's fleet). It was about 28 years old and its most recent port-state inspection (Nov 19, 2024 in Mangalore) found five safety deficiencies. On the night of 24–25 May 2025, the vessel suddenly developed a 26° starboard list en route from Vizhinjam to Kochi; officials attribute this to a ballast-water management system failure. When the ship listed, all internal power generators reportedly lost power, leaving the vessel incapacitated and causing it to capsize the next morning. All 24 crewmembers were safely evacuated, but the ship went down 14.6 nautical miles off the Kerala coast.

The ship's cargo magnified the environmental risk with 640 containers onboard, 13 of which contained hazardous materials – and 12 notably including calcium carbide. The vessel also carried 84.4 tonnes of diesel and 367.1 tonnes of furnace oil. Additionally, investigators recovered large quantities of plastic "nurdle" pellets from the wreck and shoreline. The stranded cargo included empty containers and those with cotton or plastic waste. Billions of nurdles washed ashore along Kerala's coastline, into Tamil Nadu's Dhanushkodi sanctuary and even up to Sri Lankan shores in the following weeks. Experts warn that the combination of chemicals and microplastics could cause serious long-term damage to marine ecosystems.

MSC's post-incident response and accountability: Neither MSC nor its owners issued detailed statements immediately after the incident In Kerala, MSC has focused on salvage and insurance, but regulators pressed it on cleanup. The company's appointed salvors (108 divers, T&T Salvage) began vent-capping and oil recovery, but Indian officials repeatedly urged faster action. For example, the Directorate General of Shipping threatened legal action and criminal liability with strong wording if oil removal did not commence within 48 hours. By mid-June, saturation divers had completed primary capping of leaks, and authorities reported dozens of containers recovered from shore. However since then, the ship owners ended the contract with T&T Salvage and this has raised significant concerns on the retrieval of oil from the wreck before it spills out, eventually. Meanwhile, Kerala's Fort Kochi coastal police finally registered a criminal First Information Report (FIR) against the ship's owners, captain, and crew under multiple sections of the new Bharatiya Nyaya Sanhita (including rash navigation and negligent handling of hazardous substances). Notably, this action was prompted by a complaint from local fisherman C. Shamji, who said floating debris and pollution had severely harmed livelihoods. The Kerala High Court has also intervened: on World Environment Day (June 5) it ordered the state to publicly share all information on the cargo and spill impacts. (In earlier PILs, the Court had already demanded disclosure of the cargo manifest and an expert committee review to assess damages).

'No Time to Waste': Civil Society Mobilizes for Justice As Communities Wait for Answers

Environmental NGOs and activists were among the first to sound alarms after the MSC ELSA 3 sank off Kerala. Greenpeace India promptly called the sinking a "grave environmental and humanitarian crisis" and demanded "full transparency" – urging both MSC and government to publish the ship's complete cargo manifest. Its press release also urged "immediate support measures for affected communities" (notably fishermen and coastal residents) and strict accountability of liability for the polluters. Likewise, Friends of the Earth (India) highlighted the chemical hazards: FOE's Sarath Cheloor noted the ship carried dozens of tons of highly reactive calcium carbide (which releases flammable acetylene gas in water) plus over 450 tons of fuel oil. He cited precedent disasters and international law (the 1992 Civil Liability Convention) to insist the shipowner must be held strictly liable for cleanup and damages.

Environmental groups and scientists also warned of long-term plastic pollution. Thousands of tiny white nurdle pellets (polymer resin) washed up on Kerala beaches after the sinking. Greenpeace noted this could be "another widespread and long-lasting contamination" of the coast. Marine experts explained that nurdles readily absorb toxic pollutants (PCBs, DDT, etc.) and enter the marine food chain. The Kerala government even mobilized volunteers (with drone surveys to guide efforts) to clear nurdles along the shore. These grassroots actions underscored the human impact of the spill and kept pressure on officials even as some agencies initially lagged.

On World Ocean Day (June 8), activists staged a beach installation (featuring a ship mascot and piles of plastic nurdles) under the banner "No time to waste". In press briefings they demanded that MSC immediately release the full cargo manifest and commit to a thorough cleanup and compensation plan. The Kerala State Fishermen's Coordination Committee (headed by former MP T.N. Prathapan) filed petitions seeking fast relief for fishers and transparency on the wreck's hazards. Climate activists like Greenpeace India's Amruta S. N. have also spoken out, urging MSC to "assess the damage, pay compensation and carry out restoration work". These groups have used press releases, televised interviews, and social media to keep public attention on the disaster. For example, Greenpeace ran an online campaign with the slogan "Silence is not a strategy," explicitly calling on MSC and authorities to act and publish details (e.g. cargo lists and clean-up plans) – demands echoed by local NGOs. Greenpeace further released satellite images showing ongoing oil leaks from the wreck between the 1st to 9th June 2025.

Traditional fishing communities have been particularly vocal and organized in their response. Dozens of local cooperatives and unions (e.g. Kerala Swatantra Matsya Thozhilali Federation) held public meetings and press conferences demanding relief and compensation. They warned that drifting toxic containers and debris were damaging boats and nets and contaminating fishing grounds. In fact, a Kerala Fishermen's Commission member, C. Shamji of Neerkkunnam (Alappuzha), filed the first complaint prompting an FIR. Shamji told reporters the wreck "has severely affected [our] livelihood" – "fishing boats and nets are being damaged by sunken containers and debris... This is our home... When such negligence happens, we can't remain silent. Our only resort is the Indian legal system. Another fisher, Wilson Raju, said families were left "starving" during the fishing ban, since promised aid (₹1,000 cash and rice) had not reached them. In response to these grassroots pressures, state authorities imposed a 20-nautical-miles ban on fishing around the wreck, and announced interim relief packages for affected families.

Media and Political Narrative

The media and political class have largely framed the incident as a test of governance and corporate responsibility. Newspaper and TV reports noted that only after "mounting pressure from fishing communities and political organisations" did the authorities register an FIR. Opposition leaders and editorialists accused the State government of favoring the corporate interests of MSC. For instance, press reports revealed that a Kerala government note (from May 29) proposed no criminal case and instead focused on insurance claims, stressing MSC's status as a "reputed company which patronises the Vizhinjam [port]". This approach drew strong criticism: a Times of India headline quipped that the government had "slapped weak charges" to protect MSC (linked to Adani). Many commentators drew parallels to past disasters. An independent Wire editorial bluntly observed that the sinking was "waiting to happen," the result of a shipping industry plagued by ageing vessels and lax oversight. It warned that MSC's use of Liberia's flag – a classic "flag of convenience" with lenient safety rules – allowed it to evade accountability.

Legal advocates and litigation: Kerala's legal community has played an active role. Senior advocates and maritime law experts have publicly weighed in on the need for action. V.J. Mathews (former Chairman of the Kerala Maritime Board) has pointed out that without registering an FIR, the government cannot pursue compensation claims. Indeed, following petitioner requests, the Kerala High Court has issued orders to protect public rights. On June 5 the Court directed the state to "place in the public domain information about the cargo" and its environmental impact. Earlier, the Court had insisted the government disclose the container contents and details of toxic spills. The High Court also formed an expert committee to evaluate ecological damage and explore restoration, compensation and legal remedies. Petitioners emphasized that affected communities need full data to obtain relief; the Court underscored that "the public has the right to know" about any hazardous materials released. These judicial actions were spurred by activists and legal volunteers (including law students) filing public-interest petitions on behalf of fishworker associations and coastal residents.

Community activism and digital campaigns: Kerala citizens and social media users have amplified concerns online. Photographs and videos of plastic nurdles coating beaches and sunken containers have circulated widely on platforms like X (ex-Twitter) and Facebook. Activists coined hashtags such as #NoTimeToWaste (used during the Ocean Day protest and #ELSA3 to collate updates and demands. Greenpeace India's social channels, for instance, highlighted the issue with urgent messages demanding data disclosure and action by government and MSC. Local volunteer networks (including youth and faith groups) organized beach clean-ups, public forums, and online petitions calling for accountability. A few viral posts – for example, a Kerala Coast Guard video showing the 26° list – helped raise national awareness of the incident. While formal social-media metrics are not publicly documented, press reports note that citizen journalism and "X"-activity kept pressure on officials (e.g. Reuters and The Quint cited official tweets about the sinking).

International coverage: was more matter-of-fact. Reuters, AFP and wire services described the sinking and the response but had limited follow-up on the politics or protests. They did note MSC's reticence to communicate and highlighted the hazardous cargo. Spegcialist trade press (e.g. Container News, gCaptain) focused on the legal fallout and salvage status. Some international editorials linked it to larger issues: for example, U.S. sites like Maritime Executive reported that the Kerala government was trying to maintain good relations with MSC.

WE ARE WAITING: OWN UP, PAY UP, CLEAN UP

Greenpeace demands full transparency on the cargo manifest and calls on the Mediterranean Shipping Company (MSC) to support rapid clean-up response and independent impact assessment, as well as to engage in a comprehensive, up-to-scale compensation plan for the loss of livelihoods and biodiversity resulting from the shipwreck of the MSC ELSA 3.

Whereas the company has not yet even communicated on this disaster, MSC should be reminded that liability is not a vain word.

Scan to
sign the petition

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For references visit our website - www.greenpeace.org/