

## ROCA - Rotterdam Convention Alliance

ROCA is an Alliance of Environmental, Labour and Health organizations around the world working to promote the full and effective implementation of the Rotterdam Convention

**October 30, 2008: Update by Madhumita Dutta**, ROCA delegate currently attending COP4 in Rome.

Having attended the informal meeting on October 29, 2008 to resolve the issue of listing of Endosulphan and Chrysotile Asbestos in PIC list (Annex III) of the Rotterdam Convention, I would like to share the following observations.

At the "Friends of the President" meeting yesterday (October 29), an effort was made to break the deadlock over the objection by India and a few other countries to include chrysotile asbestos and endosulphan under the Rotterdam Convention. India was represented by a government official (Dr MK Pandey, MOEF) who sat between the Indian chemical industry representative (Ganeshan, Indian Chemical Council) and an official from the state-owned pesticide company (Basu, Hindustan Insecticide Limited) which manufactures endosulphan. When the chairman asked India to clarify its opposition to the listing of endosulphan, representative from the chemical industry spoke up on behalf of Indian government attributing India's opposition on purely technical ground of "procedural in nature."<sup>1</sup> When asked by the chairman repeatedly if India would still oppose the listing of endosulphan in Annex III if the technical legal objection could be resolved, Indian government official declined to answer the question directly and explained in length about the safety of endosulphan if used under "controlled condition". He went on to state "if users do not use endosulphan properly, it's not the problem of endosulphan, but its fault of the user," parroting what Indian endosulphan industry has been mouthing in India and at international forums. Throughout the discussion on endosulphan, the Indian official delegation and the representative from the chemical industry exchanged notes. Most of the interventions were made by the industry, to the extent that the chairman and delegations from other countries were getting confused between official Indian delegation and the industry representative and whether the position being put forth by industry was official Indian position.

The representative from the Hindustan Insecticide Limited did not reveal his true identity when the chair asked him to introduce his organization. He initially identified himself as "Indian delegation" and later identified himself as an official from "Indian government factory," never revealing that he was from HIL.

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<sup>1</sup> India has been objecting to the notification by Thailand on endosulphan, which cites reasons of "intentional misuse" for bringing about regulation on endosulphan in Thailand. As per annex II (d) of the PIC Convention, domestic regulations brought about by "intentional misuse" can not qualify for PIC notification. India has raised this "technical issue" several times, including in COP 3 where it had circulated a Conference Room Paper (CRP). After India had raised this issue and challenged the CRC's recommendation based on "technically flawed" notification, UNEP legal cell had looked up the legal meaning of "intentional misuse" and clarified the legal ambiguity. What was interesting was, Indian industry representative came prepared with a legal challenge to the UNEP legal opinion (which we have been informed by reliable sources has been prepared with the help of US legal representative from state department), whereas Indian government neither had a copy of the UNEP paper nor any legal opinion on the matter. India will most like circulate its CRP from COP 3 at the plenary today.

On the issue of Chrysotile asbestos, the Chair did not allow much discussion and asked all the parties to come up with ideas for resolving the issue of listing (for both chrysotile and endosulphan) and that it would be discussed on October 30<sup>th</sup>, which would be only open to the parties and no non-party (industry, NGOs, US, Russia) would be allowed to participate. A paper will be prepared from this closed door meeting and given to the President of COP 4 to be discussed in the plenary. ROCA members, Russia, Kazakhstan, Chrysotile Institute-Canada and India Asbestos Information Centre intervened briefly during the discussion on Chrysotile. Indian government did not make any point.