

10 September, 2025

To: The Head of the Central Jakarta District Court

Statement from Friends of the Court (Amicus Curiae) Clarification on the Rotterdam Convention's Chrysotile Asbestos Dossier for the Indonesian Government and Indonesian Courts

For Case Number: 417/Pdt.G/2024/PN.Jkt

Between FICMA and Dhiccey Sandewa, Ajat Sudrajat, Leo Yogapranata, the Independent Consumer Protection Agency (LPKSM) Yasa Nata Budi, Indonesian Ban Asbestos Network (Ina-ban), Yasa Nata Budi Foundation.

The asbestos victims' groups, trade unions, environmental organisations and campaigning bodies from Asia, Latin America, Europe and Australia supporting this statement represent workers, family members, consumers and members of the public. The lives of countless people belonging to the entities endorsing this document were destroyed by chrysotile (white) asbestos, a substance declared to be a Group 1 carcinogen by the International Agency for Research on Cancer.<sup>1</sup> As a result of exposures to chrysotile, these people contracted mesothelioma, cancers of the lung, larynx and ovaries, and other debilitating or fatal respiratory diseases.

We are unanimous in our support of the 2024 decision by the Indonesian Supreme Court which mandated that warning labels in the local language be affixed to all asbestos-containing roofing material sold in Indonesia. This was a crucial step for the protection of public and occupational health in Indonesia.

We have studied submissions made by FICMA to the Court in the case cited above and wish to comment on various aspects of FICMA's evidence.

FICMA's suggestion that the failure to list chrysotile asbestos on Annex III of the Rotterdam Convention substantiates industry propaganda that chrysotile is a "harmless" mineral, is duplicitous when it was, in fact, asbestos stake-holding countries that prevented chrysotile from being listed in every instance!

The Rotterdam Convention is a multilateral United Nations protocol enacted to share information and help protect vulnerable populations from exposures to dangerous substances. When a **consensus** has been achieved regarding the hazardous nature of a designated chemical or pesticide, that substance is included on the prior informed consent list (Annex III) of the Convention. This listing is not a ban; it is however a requirement that exporting nations provide documentation on the nature of the substance so that importers can make informed decisions as to whether or not they are capable of using it safely.

On the science-based recommendations of the Convention's Chemical Review Committee (CRC), the listing of chrysotile asbestos was debated from 2006 (at the third Conference of the Parties to the Rotterdam Convention: COP3) until the most recent meeting COP12. As can be

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<sup>1</sup> IARC. *A Review of Human Carcinogens: Arsenic, Metals, Fibres, and Dusts. IARC Monographs on the Evaluation of Carcinogenic Risks to Humans 2012*; Vol. 100C; pp. 219-309.  
<https://publications.iarc.who.int/Book-And-Report-Series/Iarc-Monographs-On-The-Identification-Of-Carcinogenic-Hazards-To-Humans/Arsenic-Metals-Fibres-And-Dusts-2012>

seen by the data noted below, just a handful of asbestos-supporting nations (and their allies) rejected the recommendations of the CRC and blocked adding chrysotile asbestos to Annex III:

**October 9-13, 2006 (COP3):** Delegates from 7 countries – Canada, Ukraine, Kyrgyzstan, Iran, Peru, India and the Russian Federation – vetoed the listing of chrysotile. This industry bloc represented 6% of the 109 delegations in attendance!<sup>2</sup>

**October 27-31, 2008 (COP4):** Delegates from 8 countries – India, Pakistan, Kazakhstan, Kyrgyzstan, Ukraine, Philippines, Mexico, and Vietnam – vetoed the listing of chrysotile. This industry bloc represented 6% of the 126 delegations in attendance!<sup>3</sup>

**June 20-24, 2011 (COP 5):** Delegates from 5 countries – Ukraine, Kazakhstan, Kyrgyzstan, India and Vietnam – vetoed the listing of chrysotile. This industry bloc represented 4% of the 143 delegations in attendance.

**May 6-10, 2013 (COP6):** Delegates from 7 countries – Russia, Ukraine, Kazakhstan, Zimbabwe, Kyrgyzstan, Vietnam and India – vetoed the listing of chrysotile. This industry bloc represented 5% of the 147 delegations in attendance.

**May 4-15, 2015 (COP7):** Delegates from 4 countries – Russia, Kazakhstan, Kyrgyzstan, Zimbabwe – vetoed the listing of chrysotile. This industry bloc represented 3% of the 143 delegations in attendance.

**April 24-May 5, 2017 (COP8):** Delegates from 7 countries – Russia, Kazakhstan, Zimbabwe, India, Kyrgyzstan, Belarus and Syria – vetoed the listing of chrysotile. This industry bloc represented 5% of the 151 delegations in attendance.

**April 29-May 10, 2019 (COP9):** Delegates from 10 countries – Russia, Kazakhstan, Syria, Zimbabwe, Kyrgyzstan, Venezuela, Pakistan, Cuba, India and Iran – vetoed the listing of chrysotile. This industry bloc represented 7% of the 149 delegations in attendance.

**July 26-30, 2021 (COP10) (online); June 6-17, 2022 (in person):** Delegates from 5 countries – Russia, India, Kazakhstan, Pakistan and Zimbabwe – vetoed the listing of chrysotile. This industry bloc represented 3% of the 148 delegations in attendance.

**May 1-12, 2023 (COP11):** Delegates from 6 countries – Russia, Kazakhstan, Zimbabwe, India, Kyrgyzstan and Pakistan – vetoed the listing of chrysotile. This industry bloc represented 4% of the 158 delegations in attendance.

**April 28-May 9, 2025 (COP12):** Delegates from 7 countries – Russia, Kazakhstan, Kyrgyzstan, India, Zimbabwe, Laos, Belarus – vetoed the listing of chrysotile. This industry bloc represented 4% of the 162 delegations in attendance.

From 2006-2025, a mere handful of nations (between 3-7% of the delegations present) was able to exploit the Rotterdam Convention's requirement for **unanimous agreement** to forestall the introduction of procedures to safeguard populations from potentially life-threatening exposures to asbestos.

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<sup>2</sup> It should be pointed out that Canada was the world's largest asbestos producer throughout most of the 20<sup>th</sup> century, with Russia taking over that position in the 1980s.

<sup>3</sup> Since the Rotterdam Convention came into force in 2004, Kazakhstan has been amongst the world's top five asbestos-producing nations; in recent years, it has risen to the number two position with only Russia producing more asbestos every year than Kazakhstan. For example, in 2023 Russia produced 600,000 tonnes and Kazakhstan 255,00 tonnes.

Having followed the development of the case cited above, we are united in our condemnation of the misrepresentations advanced by FICMA. From what we can see, FICMA's lawsuit appears to be an attempt not only to delay the implementation of the labelling decision of the Indonesian Supreme Court, but also to punish the groups and individuals responsible for the original petition to the Supreme Court.

On October 8, 2021, the Human Rights Council of the United Nations passed a resolution recognizing the right to live a life free from environmental hazards. The same day, the International Labor Organization (ILO), adopted a code of practice on safety and health for industrial sectors in which more than sixty million people work. The new ILO code "provides comprehensive and practical advice on how to eliminate, reduce and control all major hazards and risks. This includes chemical substances, ergonomic and physical hazards, tools, machines and equipment, as well as building and fire safety." On October 19, 2021, Members of the European Parliament (MEPs) adopted a resolution calling on the European Commission to reduce occupational exposure limits to asbestos from the current limit of 0.1 fibers / cm<sup>3</sup> to 0.001 fibers / cm<sup>3</sup>. In addition, the MEPs called for a European strategy to eradicate the asbestos hazard from the built environment.

The developments cited above provide even more evidence of the global acknowledgement that the use of all types of asbestos is unacceptable in the 21<sup>st</sup> century. We support the efforts of all the campaigners in Indonesia working to protect citizens from asbestos. Their work will not only save the lives of countless numbers of Indonesians but also save the country's economy from huge asbestos eradication and disposal costs in years to come.

We remain at your disposal should you require further information from us.

Signed,

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