

**"Where's Warren?" -
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Bhopal's 20th Anniversary**

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Today marks the twentieth anniversary of the deadly December 3, 1984, chemical gas leak at an Indian pesticide plant in the very center of Bhopal, a city of 90,000 – just a little larger than [Danbury, Connecticut](#) -- in the state of **Madhya Pradesh**, in central India. At the time the plant was owned by **Union Carbide India, Ltd. (UCIL)**, an Indian company whose majority (50.9%) shareholder was Danbury-based [Union Carbide Corporation \(UCC\)](#) which was acquired by [Dow Chemical](#) in 2001.

This anniversary provides us with an opportunity to reflect on "lessons learned" from this disaster – including the need to make sure that the globalization of trade and investment is also accompanied by the **globalization of justice for the victims of transnational corporate misbehavior.**

As a recent report by [Amnesty International](#) details, this industrial accident, perhaps the worst in history, killed more than **7,000 to 10,000 people** in the first few days, including many children.

There were also serious long-term injuries to at least **200,000 to 570,000** others who were exposed to the fumes.

At least **15,248** of these survivors have already died because of their injuries – in addition to the 7,000 to 10,000 initial victims.

The **200,000 to 570,000** others continue to suffer from a wide range of serious health problems, including birth defects, cancer, swollen joints, lung disease, eye ailments, neurological damage, and many other painful, long-term illnesses.

Thousands of animals also died, and many people lost their homes, jobs, income, and access to clean water.

WHO WAS TO BLAME?

Union Carbide's ultimate "parent authority" for this accident is very clear. In the middle of the night, a cloud of lethal gas caused by the leak of at least 27 tons of "methyl isocyanate" (MIC), a high-toxic odorless poison, and another 13 tons of "reaction products" began wafting through the city center. The gas spread without warning throughout the town. The leaks continued for more than two hours before any alarms were sounded.

All six of the plant's alarm systems failed. It was later shown that the company management had systematically tried to cut corners on safety and warning equipment – by, for example, failing to equip the plant with adequate safety equipment and trained personnel to handle bulk MIC storage; failing to apply the same safety standards that it used in the US; and failing to insure that there was a comprehensive plan to warn residents of leaks.

In fact, company staff and many others were aware of the risks created by this situation. In June 1984, six months before the accident, an Indian journalist had written an article about them: **"Bhopal – On the Brink of Disaster."** But nothing was done – partly, according to Amnesty, just to cut costs.

The result was that shortly after midnight on December 3, 1984, Bhopal's families woke up screaming in the dark, unable to breathe, their eyes and lungs on fire from the poison, choking on their own vomit. By daybreak there were already thousands of bodies on the ground, with hundreds of funeral pyres burning brightly.

In addition, long before the 1984 accident, there had been a series of leaks at the site that management was aware of, and which caused serious pollution – contamination which continues to this day.

All told, as the Amnesty report makes clear, this amounts not only to an health and environmental disaster, but a serious infringement of the human rights of thousands of Indian citizens.

CONTINUING IMPUNITY

All this was bad enough. But the other key part of Bhopal's continuing injustice has to do with the fact that key actors like Dow Chemical/Union Carbide, the Indian Government, and the individual US and Indian senior executives and other officials who were responsible for the accident have managed to avoid liability for the full costs of the "accident," as well as personal accountability.

This impunity was underscored this week when the BBC fell victim to a [hoax](#) perpetrated by someone who pretended to be a Dow Chemical executive. He concocted a false statement that the company was reversing its denial of all responsibility for Bhopal, and was establishing a E12 billion fund for 120,000 victims.

In fact,

- **Union Carbide (UCC) and Dow Chemical,** its new owner since it purchased UCC for \$10.3 billion in 2001, have consistently denied any liability for the disaster. They have argued, for example, that UCC was that it was a "domestic" US company, with no "operations" in India. Supposedly it was not responsible for UCIL' actions, because UCIL was supposedly an "independent" Indian company.
- In fact, while UCC disposed of its interests in UCIL in 1994, until then, UCC maintained at least 51 percent ownership in UCIL. Furthermore, according to the Amnesty report, UCC played an active role in UCIL's management and board activities, and was responsible for the detailed design, senior staffing, and on-going operating procedures and safety at the Bhopal plant.
- Furthermore, as UCC's CEO at the time, Warren Anderson, bragged before the US Congress in 1984, Union Carbide had 100,000 employees around the world; at the same time, another senior UCC executive, Jackson Browning, said that UCC's "international operations represented 30 percent of sales," and that "India was one of three dozen countries where the company has affiliates and business interests."

- After the spill, according to the Amnesty report, UCC officials (1) tried to minimize MIC's toxicity, (2) withheld vital information about its toxicity and the reaction products, which they treated as trade secrets; and (3) refused to pay interim relief to victims.
- The **Indian Government** and the **State Government of Madhya Pradesh** also bear grave responsibility for the disaster itself, and then for striking an irresponsible private settlement with the perpetrators. As the Amnesty report makes clear, environmental regulations were very poorly enforced against UCIL. Then, having sued for \$3 billion in damages in 1988, the Indian Government settled for just \$470 million in 1989, without adequate participation from victims. The Indian Government has also discontinued medical research on the impact of the gas leak, and failed to publish its interim findings.

In October 2003, it was disclosed that by then, some 15,298 death claims and 554,895 claims for other injuries and disabilities had been awarded by the [Madhya Pradesh Gas Relief and Rehabilitation Department](#) – five times the number assumed in the settlement calculation by the Indian Supreme Court.

- UCC's insurance paid that paltry amount in full. But then the Indian Government was very slow to pay out the money to victims. As of July 2004, \$334.6 million had been paid out, while \$327.5 million was still sitting in Indian government custody. At that point, 20 years after the disaster, the Indian Supreme Court finally ordered that the remaining money be paid out to some 570,000 registered victims – an average of \$575 apiece. Even these payments won't all get to the victims; a significant portion is reportedly consumed by India's notorious bribe-ridden state bureaucracy.
- Local authorities in Bhopal filed criminal charges against both UCC its **former CEO Warren M. Anderson** in 1991-2. Anderson was charged with "**culpable homicide (manslaughter)**," facing a prison term of at least 10 years. He failed to appear, and is still considered an "absconder" by the Bhopal District Court and the Supreme Court of India.

However, despite the existence of a US-India extradition treaty, the Indian Government has failed to pursue a request for Anderson's extradition vigorously.

The 82-year old Anderson, who is still subject to an Indian arrest warrant, has a very nice home with an unlisted number in **Bridgehampton, New York**, and [another](#) in **Vero Beach, Florida**.

Meanwhile, while it has been willing to hold local Indian companies that operate hazardous businesses strictly liable for all damages caused by them, it has so far apparently been reluctant to apply this rule to transnational companies.

SUMMARY – GLOBALIZING JUSTICE

Overall, twenty years after the original incident, Bhopal remains a glaring example of the **negligent handling of a “chemical weapon of mass destruction”** – not as culpable, perhaps, as the willful use of toxic weapons against innocent civilians by dictators like Saddam and Assad, but no less deadly.

As we saw above, it is also an example of the **glaring loopholes** that still apply to globalized industries that are able to take advantages of lax law enforcement, weak safety regulations, and limited liabilities that often apply to them in developing countries like India. Apparently globalizing investment and trade need to be augmented by the **globalization of justice**.



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