On the wall of my office hangs a reproduction of a full-page advertisement by the Union Carbide Corporation, dated 1961. Most of the ad is a colorful painting with a clear red fluid out of a chemist’s flask, and the red fluid is streaming down, partially obscuring the agricultural scene below. The hand seems clearly intended to remind us of the ceiling of the Sistine Chapel, where Michelangelo depicted the hand of God bestowing life by touching Adam. The text of the ad says, in part, “A hand in things to come.”

It was 12 years ago yesterday that the Union Carbide corporation killed an estimated 8000 residents of Bhopal, India and injured 300,000 others, some 50,000 to 70,000 of those injuries permanent.[1,2,3] Starting about two o’clock in the morning, Carbide’s Bhopal pesticide manufactoring plant leaked 42 metric tonnes (46.3 tons) of methyl isocyanate, a heavy, deadly gas, into a sleeping, impoverished community, killing and injuring hundreds of thousands. In 1988 -- when Indian authorities were still aggressively pursuing legal remedies against Carbide -- the WALL STREET JOURNAL reported that corporate executives throughout American industry were following Carbide’s case closely because it was the first major test of a U.S. corporation’s liability for an industrial accident in a third-world country. Carbide almost immediately accepted “moral responsibility” for the Bhopal massacre, but the corporation subsequently denied and evaded any other kind of responsibility. The Indian government initially sought $3 billion from Carbide. In response, Carbide hired $50 million worth of legal talent to fight the claim and agreed to pay $470 million to compensate its victims or their surviving relatives, a settlement that cost Carbide 43 cents per share of stock. (Later Carbide kicked in another $20 million to support a hospital in Bhopal.) With retirement for the settlement, the government of India agreed to protect Carbide against any further lawsuits by victims. The day the settlement was announced, Carbide’s stock price rose $2.00 per share on Wall Street because investors realized that the company’s fortunes couldn’t be touched. For most victims, was not enough to pay their medical bills.

Carbide initially said that MIC injuries would all become apparent immediately after exposure and no long-term consequences could be expected. This has turned out to be wishful thinking. This week, the International Medical Commission on Bhopal (IMCB) released the results of a multi-year controlled study of people living in Bhopal and they reported numerous injuries now becoming apparent in victims who had appeared to recover after their initial exposure. For example, small airway deterioration --a kind of emphysema -- is apparent among people who have never smoked tobacco, but who inhaled MIC as youngsters that night 12 years ago. Central nervous system damage is becoming apparent in another group. As time passes, the harms attributable to the Bhopal disaster are growing worse and more numerous.[5,6,7,8,9,10,11]

In December, 1987, India’s Central Bureau of Investigation, the equivalent of the U.S. FBI [Federal Bureau of Investigation], filed criminal charges of "culpable homicide," a crime just short of murder, against 10 Carbide officials, including then-president Warren Anderson.

Warren Anderson now lives comfortably in Vero Beach, Florida. He and his fellow Carbide executives have continued to thumb their noses at India’s courts, where, if convicted, they would face sentences ranging from 3 years to life in prison. Carbide has successfully resisted all efforts to extradite those responsible for the Bhopal massacre, and Carbide’s executives remain fugitives from justice. The Indian government has not pursued the matter aggressively, for fear of appearing unfriendly to the petrochemical industry.[4,p.11] Carbide itself has become even more profitable than it was before the massacre; indeed, Carbide’s chairman, Robert D. Kennedy, described the firm in late 1994 as “a darling of Wall Street.”[4,p.10]

Carbide had no choice but to evade liability for its actions, says Ward Morehouse, one of Carbide’s most thorough critics: "Had they been genuinely forthcoming and made truly disinterested offers of help on a scale appropriate to the magnitude of the disaster, they would almost certainly have been confronted with suits by shareholders seeking to hold the management accountable for mishandling company funds...."[12,p.490] In other words, because the Bhopal massacre was perpetrated by a publicly-held corporation (i.e., one in which members of the public can buy stock), the victims could not possibly have received fair compensation for damages. The legal nature of the corporate form prevents management from "doing the right thing" whenever it would cost investors dearly. (A privately-held corporation could do the right thing if the stockholders agreed to make an unprofitable decision.)

This of course tells us that the future holds more Bhopals because the overseers of publicly-traded corporations now have real, tangible evidence that they cannot be brought to justice, no matter how great the crimes they commit. That would appear to be the dreary lesson that Bhopal portends for things to come. As HAPPER’S magazine said recently (describing Juarez, Mexico, not Bhopal), "The future is based on the rich getting richer, the poor getting poorer, and industrial growth producing poverty faster than it distributes wealth."[13] The Bhopal story affirms that this is the future promised by a "free trade" world. Carbide has closed and abandoned its Bhopal plant, refused to clean up the substantial devastation Bhopal but Carbide has steadfastly refused to allow this theory to be tested in a court of law under judicial rules of evidence. It is conclusively known that Carbide’s Bhopal plant was designed in such a way that, after the deadly gas leak began, the main safety system --water sprays intended to “knock down” such a leak --could not spray water high enough to reach the escaping stream of gas. In sum, the plant’s safety systems had been designed negligently. Internal documents show that the company knew this prior to the disaster, but did nothing about it.[4,p.12] Small wonder that Carbide officials --for all their cheap talk about accepting moral responsibility --do not want the issues of causation and blame adjudicated.

Methyl isocyanate (MIC) burns (in a corrosive chemical sense, not a fire sense) when it combines with water --water in a person’s eyes, or a person’s throat and lungs, for example. Thousands who survived are blind, or had their lungs burned so badly that they cannot work or, in many cases, even breathe well enough to walk.
pollution of water and soil that it created there, and left town, forsaking its tens of thousands of victims who must now fend for themselves.

But all is not gloomy. Some good may yet emerge from Bhopal.

** In January 1996, a group of organizations petitioned the New York Attorney General demanding that Carbide's corporate charter be revoked. (A corporate charter is a piece of paper issued by a state legislature giving a corporation the privilege of doing business.) Under New York law, a corporation's charter can be revoked if the corporation causes great harm. By any reasonable standard, Carbide would appear to fall within such a definition. A charter revocation could be a signpost pointing toward a quite different future.

** This week 300 groups and individuals issued a new "Charter on Industrial Hazards and Human Rights" --a document some are calling a Magna Carta of corporate harms and human rights. The charter tries to draw positive examples from the Bhopal experience, gathering all the lessons into one human rights document that emphasizes the need to address the impact of industrial hazards on women, indigenous peoples, and minority groups.[14]

** In Bhopal, a new medical clinic has opened its doors, dedicated to serving the victims of Carbide's negligence and managerial malfeasance. The Bhopal People's Health and Documentation Clinic is real, and is serving the day-to-day needs of gas victims and their families. You can help by sending a donation to their U.S. fiscal agent, the Pesticide Action Network in San Francisco. Make your check out to "Pesticide Action Network/Bhopal" and mail it to PAN, Suite 810, 116 New Montgomery Street, San Francisco, CA 94105. To discuss a donation, telephone PAN at (415) 541-9253.

Carbide's successful evasion of liability for the Bhopal massacre stands as a dark statement of things to come in a "free trade" future. In this new world order, multinational corporations do whatever feels good for them, and after they've had their way with a community, they wash their hands and move on.

On the other hand, the continuing struggle in Bhopal to put things right is a testament to the power of the human spirit, which refuses to be crushed.

--Peter Montague (National Writers Union, UAW Local 1981/AFL-CIO)

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[1] The basis for the estimate of 8,000 deaths and 300,000 injuries, 70,000 of them permanent, is meticulously documented by the prize-winning journalist, Dan Kurzman, in his book, A KILLING WIND: INSIDE UNION CARBIDE AND THE BHOPAL CATASTROPHE (New York: McGraw-Hill, 1987), pgs. 130-133. The death count most often repeated by the NEW YORK TIMES is 20,000, but other unofficial estimates run as high as 20,000. The Indian government now acknowledges 7072 deaths; see Wil Lepkowski, "Ten years Later; Bhopal," CHEMICAL & ENGINEERING NEWS [C&EN], December 19, 1994, pg. 12.


[14] Paper copies of the Charter are available from the Council on International and Public Affairs, Suite 3C, 777 United Nations Plaza, New York, NY 10017; single copies and small quantities are free. Telephone: (212) 972-9877. For a free electronic copy via E-mail, send the word CHARTER in the body of a message (not in the "subject" line) to info@rachel.clark.net.

Descriptor terms: union carbide; free trade; pesticides; bhopal; india; methyl isocyanate; mic; industrial disasters; future; charter on industrial hazards and human rights; human rights; abuse of power; social performance of multinational corporations; the case of union carbide (new york: new horizons press, 1990).