

Justice for Bhopal

Ian Christopher Fletcher, Takamitsu Ono, and Alka Roy

Twenty years ago, on the night of December 2–3, 1984, an enormous human, industrial, and environmental disaster engulfed the Indian city of Bhopal.¹ Tons of gases, including methyl isocyanate, leaked from a Union Carbide pesticide plant. Over half a million people were exposed to the toxic cloud that spread over the city. Thousands died in the first few days of the disaster, which completely overwhelmed the city's capacity to respond and profoundly shocked the public in India and around the world. Many more people have succumbed in the years since. In fact, the official number of some twenty-two thousand deaths is almost certainly much lower than the actual number of casualties.

Twenty years after its occurrence, the disaster is far from over. The health effects of the initial gas leak have been compounded by chemical pollution of the groundwater tapped by people for drinking water, for the plant was closed without any cleanup of the area. Today, close to 150,000 survivors are chronically ill. The conditions afflicting them range from respiratory problems, deteriorating vision, bodily pain, and weakness to various cancers to reproductive disorders among women and birth defects among children. Some conditions are now appearing in the third generation of gas-affected families. Many poor working people who have lost their livelihoods as well as their health remain without access to doctors and medicines. The staggering proportions of this ongoing disaster and the meager resources devoted to dealing with it tell us a great deal about imbalances of power and wealth between the global North and the global South.

The story of the Bhopal disaster is partly a story of corporate abuse and indifference. Union Carbide came to Bhopal to make money from India's so-called green

Radical History Review

Issue 91 (Winter 2005): 7–12

Copyright 2005 by MARHO: The Radical Historians' Organization, Inc.

revolution. Internal documents indicate that plant safety was dangerously neglected in the interests of cutting costs and raising profits. Even though the plant was located near a densely populated area, the company made no effort to inform people living in the surrounding community about what they could do to protect themselves in the event of a gas release. Nor were contingency plans for a chemical emergency developed with local hospitals, doctors, and other health workers. Union Carbide continued this pattern of abuse and indifference after the leak, denying the serious dangers of gas exposure and refusing to provide information vital for the immediate and effective treatment of ill survivors and, as has become clear with the passage of time, for the well-being of their descendants.

The Bhopal story is partly about corporate impunity and official complicity, as manifested in many legal twists and turns since 1984. Responsibility for what happened cannot be relegated to malfunctioning equipment or lowly employees at the plant. Yet thus far Union Carbide and its corporate officers have escaped any real legal accountability for their (in)actions. Exacerbating this impunity, Dow Chemical bought Union Carbide in 2001 and refuses to concede that in doing so, it also acquired liability for Bhopal (even though it accepted Union Carbide's asbestos liability in Texas). Union Carbide's CEO Warren Anderson was arrested but quickly released when he visited India in 1984. Along with other executives and various corporate entities, he was charged with culpable homicide in the Bhopal chief judicial magistrate's court in 1987. However, the legal process was impeded by a settlement in 1989, in which the Indian government scaled back its original demand for billions of dollars in compensation and Union Carbide was allowed to pay a grossly inadequate sum of \$470 million for all deaths and injuries caused by the disaster. This provided a telling contrast in the valuation of human life in the global North and the global South, for the individual awards from the settlement were equivalent to only about ten cents a day when spread over twenty years. Those survivors who were compensated soon discovered that the award hardly lasted them through the initial year or so, while many others did not even receive what was due to them because of corruption and maladministration.

The 1989 deal with Union Carbide included dropping criminal charges against Anderson and other executives. It was not until 1991 that the Indian supreme court decided that the government had overreached its bounds and that the Bhopal chief judicial magistrate's court was able to go forward with its cases. Anderson, who failed to present himself in court again, was declared a fugitive in 1992. Yet the Indian government made no effort to extradite him from the United States to face trial in Bhopal and even attempted in 2002, ten years later, to reduce the charges to criminal negligence, a nonextraditable offense. It is unclear how the U.S. government will ultimately respond to an extradition request. A Bhopal survivors' class-action lawsuit against Anderson and Union Carbide has faced many ups and downs

in U.S. federal courts since it was launched in 1999. It has been dismissed, appealed, and partially allowed to go forward on the issue of contamination and cleanup around the plant, dismissed again, and once again appealed and allowed to go forward in 2004. The shameful government complicity with corporate impunity demonstrated by official foot-dragging in both countries points once again to global imbalances of power and wealth.

But the story of Bhopal is also a story of grassroots struggle for basic survival and for social and environmental justice, featuring long marches to Delhi, hunger strikes, and dramatic encounters with corporate executives and government ministers. Many of the leading parts in this movement have been played by women, few of whom would have imagined taking such active roles in public life before the disaster.² Many are widows or married to men too sick to work; often they are ill themselves. Their position and experience as wage earners and caregivers to ill household members and neighbors led them into the struggle, both for themselves and for those who depend on them. Their movement has forced the Indian government to provide some employment, health care, and social services for survivors and may yet oblige it to supply clean water. When the government closed a sewing center established for some six hundred women survivors, the Bhopal Gas Peedit Mahila Udhya Sangathan (Bhopal Gas-Affected Working Women's Union) protested until it was reopened. Challenging the patriarchal notions shared by its corporate and government adversaries, the Bhopal Gas Peedit Mahila Stationery Karmchhari Sangh (Bhopal Gas-Affected Women Stationery Workers Union) has raised the slogan, "We are flames, not flowers." If Union Carbide thought it could hide behind its merger with Dow Chemical, it was mistaken. While Union Carbide no longer operates in India, Dow Chemical does. In an example of creative, gender-specific tactics, activists from the Bhopal Gas Peedit Mahila Stationery Karmchhari Sangh brought ordinary household straw brooms with them to Dow Chemical offices in India, the United States, and elsewhere in the highly effective *Jhaodoo Maaro Dow Ko* (Hit Dow with a Broom) campaign. They vowed that unless Dow Chemical undertook an environmental cleanup in Bhopal, they would sweep the corporation out of India. The determination, perseverance, and ingenuity of these local women survivors and activists have been nothing short of remarkable.

In telling their stories, the gas-affected activists show us that Bhopal represents something more than corporate impunity and official complicity. At stake are not just rupees or dollars, but human rights and women's rights, popular participation in equitable and sustainable development, and democratic and transparent self-government. The movement for justice has pursued a complex strategy combining legal, agitation-based, and alliance-building initiatives at the municipal, state, national, and international levels. Most recently, Bhopal Gas Peedit Mahila Stationery Karmachhari Sangh and the Bhopal Group for Information and Action have launched the Interna-

tional Campaign for Justice in Bhopal, drawing together a coalition of groups in India, Japan, the United Kingdom, the United States, and other countries.

Bhopal has global as well as local implications, of course, for what happened there can and does, in less sudden and spectacular ways, happen elsewhere. Indeed, the disaster has become a symbol for the ravaging of many communities around the world by the chemical, oil, and nuclear industries. The Bhopal campaigners have taken their cause to the meetings of the World Social Forum in Porto Alegre, Brazil, and Mumbai, India. They have built strategic alliances with activists from Midland, Michigan, where Dow Chemical is headquartered and where dioxin contamination has been found around its production facilities, and from Vietnam, where Dow Chemical was one of the suppliers of Agent Orange, which continues to devastate people's lives three decades after the war's end, and where the Vietnam Agent Orange Victims Association has recently been formed.

What would justice look like, for Bhopal and for other communities threatened by corporate abuse and official complicity? The International Campaign for Justice in Bhopal is demanding decisive legal action against those responsible for the disaster; a complete and thorough environmental cleanup, a full medical and scientific accounting of the disaster and its consequences, and a serious and sustained effort to address the health care and social and economic needs of survivors and their dependents. Moreover, in accord with the slogan "We all live in Bhopal," the campaign advocates four general principles: polluters must pay for the costs of environmental cleanups and health care for affected communities; people must be informed of health and environmental risks in their communities; transnational corporations and their officers must be subject to the law in all the countries where they operate; and communities of indigenous people, people of color, and poor people must not be burdened by health and environmental risks not borne by privileged sectors of society.

The movement for justice involves many people who act in solidarity with those directly affected by the disaster in Bhopal. Groups across India have continued to work on Bhopal over the years and international NGOs such as Greenpeace have helped to keep it to the fore. But it is the people of Bhopal like the two local women survivors and activists Champa Devi Shukla and Rashida Bee who inspire the movement. Another activist, Satinath Sarangi, came to Bhopal immediately after the gas leak and has remained there ever since, helping to found the Bhopal Group for Information and Action, establish the Sambhavna Trust, and manage its documentation center and clinic, which provide free health care to gas-affected people.³ Other progressive doctors, lawyers, scientists, writers, and artists have placed their skills at the service of the movement. Radical historians and social scientists can help by working with grassroots activists to produce critical knowledge. As Vijay Prashad has reminded us in connection with Enron in India, there is a history linking modern

corporations like Union Carbide and Dow Chemical all the way back to the deprivations of the British East India Company that can help people identify and struggle to transform global imbalances of power and wealth.⁴ There are many things that student and scholar activists can do on campus, from holding teach-ins and rallies to signing the online “Faculty Petition for Justice in Bhopal” to passing resolutions, such as the one approved by students at the University of Michigan urging their institution to cut its ties to Dow Chemical as long as the corporation continues to deny its liabilities in Bhopal.⁵

In Atlanta, where the three of us are based, local activists are practicing solidarity with the movement for justice in Bhopal through building alliances that “connect the dots” between our various struggles. In October 2002, the local chapter of the Association for India’s Development (AID) organized a well-attended public meeting on corporate responsibility and Bhopal. This served as the catalyst for reaching out to a variety of labor, women’s, environmental justice, immigrant rights, and student groups. In May 2003, when the gas-affected stationery workers activist Champa Devi Shukla came to Atlanta, her talk at Georgia State University was cosponsored by AID Atlanta, Atlanta Jobs with Justice, Atlanta 9 to 5, Black Workers for Justice, the Farm Labor Organizing Committee, the Georgia Committee for Occupational Safety and Health, the Green Party of DeKalb County, the Greens of GSU, the Labor Education and Action Project of GSU, Project South, Solidarity, and the Southern Organizing Committee for Economic and Social Justice. Shukla’s powerful testimony not only moved activists in Atlanta to empathize with the suffering of people in Bhopal but in turn helped translate the significance of the struggle in Bhopal to a variety of contexts here in the South: toxic dumps in black communities, pesticide exposure among immigrant Latina/o farmworkers, asbestos-related illnesses among retired workers, radiological contamination from nuclear bomb-making plants. A benefit showing of *Bhopal Express* (dir. Mahesh Mathai, 1999), an Indian film about a couple caught up in the disaster, was very successful in highlighting the human cost.

When AID Atlanta organized a candlelight vigil and public meeting for December 3, 2003, the nineteenth anniversary of the disaster and a worldwide day of action, participants read aloud the painful testimony of survivors to remind us why we were there. Among those allies present were activists from the Atlanta South Asian community service organization Raksha, which works to prevent family violence, and from WAND, Women’s Action for New Directions, a feminist peace and justice organization. A cold drizzle that night did not dampen the conviction of those present that we were entering a decisive year and that we would do our part to secure justice for Bhopal.⁶

As we write in the summer of 2004, there is a growing sense that the real significance of the Bhopal disaster and the movement for justice is beginning to be

understood.⁷ The new Indian government has indicated that it supports the legal effort to make Union Carbide and Dow Chemical finally clean up the Bhopal plant, and the Indian supreme court has ordered the disbursement of millions of dollars in unspent compensation funds to survivors. Champa Devi Shukla and her fellow Bhopal woman activist Rashida Bee are two of the six winners of this year's Goldman Environmental Prize, a recognition that honors their personal courage and steadfastness and has heightened the campaign's visibility in the months leading up to the twentieth anniversary. Bhopal gives the world a lesson not only about the immediate catastrophic potential of industrial disasters but also about the protracted impact of industrial pollution and contamination on people and the environment. It reminds us of what happens in a world where there are few checks to global imbalances of power and wealth and offers a warning about corporate impunity and government complicity under the current system of virtually unregulated neoliberal globalization. In time, it is our belief that Bhopal will be known as an example of the power of people to develop new forms of organization and outreach, to construct durable local and global alliances, to win social as well as legal victories, and to inspire people elsewhere to widen and deepen their struggles for a different and better world.

Notes

1. This essay is based on personal knowledge and insight gained from activism, as well as on information and ideas available from a variety of print, video, and electronic sources. We are particularly indebted to the analyses and arguments of Kim Fortun, *Advocacy after Bhopal: Environmentalism, Disaster, New Global Orders* (Chicago: University of Chicago Press, 2001); Fortun, "Remembering Bhopal, Re-figuring Liability," *Interventions* 2 (2000): 187–98; Satinath Sarangi, "Crimes of Bhopal and the Global Campaign for Justice," *Social Justice* 29 (2002): 47–52; and Sarangi, "The Movement in Bhopal and Its Legacy," *Social Justice* 23 (1996): 100–108. For current news and views, as well as chronologies and documents on the Bhopal disaster and the movement for justice, please visit www.bhopal.net, the Web site of the International Campaign for Justice in Bhopal. For a recent popular account of the disaster, see Dominique Lapierre and Javier Moro, *Five Past Midnight in Bhopal* (New York: Warner, 2002).
2. For a similar observation about women's activism in the epic struggle against the damming of the Narmada River, which courses through the state of Madhya Pradesh, where Bhopal is located, see David Barsamian and Arundhati Roy, *The Checkbook and the Cruise Missile: Conversations with Arundhati Roy* (Boston: South End, 2004), 44.
3. For the Sambhavna Trust, please visit www.bhopal.org.
4. Vijay Prashad, *Fat Cats and Running Dogs: The Enron Stage of Capitalism* (Monroe, ME: Common Courage, 2003), 144–48.
5. For campus solidarity work in conjunction with the International Campaign for Justice in Bhopal, please visit www.studentsforbhopal.org. To sign the "Faculty Petition for Justice in Bhopal," please visit www.petitiononline.com/dirtydow/.
6. For updates on the Atlanta campaign for justice in Bhopal, please visit www.aidindia.org/atlanta.
7. For example, see Mark Hertsgaard, "Bhopal's Legacy," *Nation*, May 24, 2004, 6–7.