

INTRODUCTION TO THE INTERNATIONAL CAMPAIGN FOR JUSTICE IN BHOPAL



ICJB
International Campaign
for Justice in Bhopal



The International Campaign for Justice in Bhopal (ICJB) is a coalition of people's organizations, non-profit groups, and individuals who have joined forces to campaign for justice for the survivors of the Union Carbide Disaster in Bhopal. ICJB is led by three survivor organizations and includes thousands of supporters worldwide. On the night of the disaster, December 3rd, 1984, a Union Carbide plant in Bhopal, India leaked 27 tons of a deadly gas throughout the city. None of the six safety systems designed to control such a leak were operational, exposing half a million people to the toxic gas. 25,000 people have died since then as a result of their exposure and more than 100,000 people are left chronically ill because of their exposure to the toxic gas. 30,000 people have also been affected by contaminated groundwater that continues to spread due to the toxics Carbide left behind, and which they continue to use to drink, cook, and clean. This crime still hasn't been accounted for to this day, 25 years later. Dow Chemical Company, who took ownership of Union Carbide, refuses to accept their liabilities or to even admit that they exist.

SOME IMPORTANT CAMPAIGN VICTORIES

- In 2008 Bhopalis marched 500 miles from Bhopal to New Delhi, then held a four month sit in on the streets of Delhi and a hunger strike. As a result of this effort, Bhopal has received major international media attention and daily Indian coverage nearly every day for over four months. The campaign won the promise of a federal Empowered Commission on Bhopal to include survivor groups in decision-making bodies with the power to address the welfare needs of the survivors.
- After this major mobilization, the government finally began construction of a clean water pipeline into the affected communities; construction began in early 2009.
- Four of the most prestigious universities in India, the Indian Institutes of Technology, rejected money from Dow and barred Dow from recruiting at over half of the IITs until it faces its Bhopal liabilities. IIT Delhi and Kanpur publicly dropped Dow sponsorship for events.
- 280 Indian legal experts declared that under Indian law, Dow should be held liable for the ongoing contamination in Bhopal. Both the Chemical and Law Ministries of the Indian government are now siding with the Bhopal survivors.
- A campaign was able to push the Indian government to distribute the remaining settlement funds from 1989, which it was refusing to disburse to the 500,000 eligible people. Although a pathetic sum—about \$500 per person—the government had tried to divert these remaining funds.
- City proclamations and resolutions in San Francisco, Seattle, Boston, Berkeley and Cambridge have condemned Dow and called on them to address its Bhopal legacy and student organizations stopped Dow contributions on multiple campuses.

WHAT HAPPENED IN BHOPAL – December 3, 1984

"It felt like somebody had filled our bodies up with red chilies, our eyes tears coming out, noses were watering, we had froth in our mouths. The coughing was so bad that people were writhing in pain. Some people just got up and ran in whatever they were wearing or even if they were wearing nothing at all. Somebody was running this way and somebody was running that way, some people were just running in their underclothes. People were only concerned as to how they would save their lives so they just ran. Those who fell were not picked up by anybody, they just kept falling, and were trampled on by other people. People climbed and scrambled over each other to save their lives – even cows were running and trying to save their lives and crushing people as they ran."

Survivor, Champa Devi Shukla



In those apocalyptic moments no one knew what was happening. People simply started dying in the most hideous ways. Some vomited uncontrollably, went into convulsions and fell dead. Others choked to death, drowning in their own body fluids. Many were crushed in the stampedes through narrow gullies where street lamps burned a dim brown through clouds of gas.

December 3rd 1984 at midnight, from the factory, which so many had learned to fear, a thin plume of white vapor began streaming from a high structure. Caught by the wind, it became a haze and blew downward to mix with smoke coming from somewhere nearer to the ground. A dense fog formed. Nudged by the wind, it rolled across the road and into the alleys on the other side. This massive cloud of poison was so dense and heavy people were immediately blinded. Gasping for breath led to suffocation and everywhere people on the streets were choking on their own blood and vomit:

"People lost control of their bodies. Urine and feces ran down their legs. Women lost their unborn children as they ran, their wombs spontaneously opening in bloody abortion" said Champa Devi Shukla.

Within the first few hours bodies mounted on the streets and by daybreak, they piled high. The army dumped the bodies in the river for lack of space, which caused logjams against the arches of bridges. A body count for that night estimates at around 12,000, put forward by those individuals who were forced to dispose of the bodies with their own hands. There is no definite death count for that night, but we know that at least 15,000 were killed immediately following the gas leak.

As the death toll rose rapidly, medical staff attempted to stop the convulsing, vomiting and agony. They were forced to deal with hazardous material without prior knowledge of its effects. When contacted during the leak, Union Carbide blithely assured them that the gas which was killing thousands was “nothing more than a potent tear gas” and that victims merely had to “wash their eyes with water.” Union Carbide, as the owner of the pesticide factory in this residential area had both a business responsibility and ethical obligation to release all information on how to deal with the chemicals they were producing. Had the correct protocol been in place, doctors would have been able to treat the victims and more than likely prevented thousands of deaths.

The Dow Chemical Company, based in Midland, Michigan, USA, acquired Union Carbide's assets and liabilities when Dow purchased the company in 2001. As the Polluter Pays principle still holds, when Dow bought Union Carbide, on paper, they took all responsibility for what happened. To this day, the treatment of the Bhopal victims is impeded because Dow-Carbide callously refuses to share all its medical information on the toxic effects of the gases released that night, regarding the information as a “trade secret”.

"That night" hasn't ended. Dow has made sure of that. By refusing to clean up the site, the poisons and toxins continue to get into the blood streams and systems of residents in the area, causing more illness, disease and suffering. These people don't have a choice though. Everyday they ingest water that is so contaminated that children are too often born with genetic defects hindering any kind of normal living. Dow's abandoned poisons particularly affect women and children. Due to the remaining hazardous wastes and contaminated water, women suffer from menstrual problems, premature miscarriages and often their babies are born with such horrific defects; they need specialized medical care, which has never been provided for by those at fault. Even the breast milk of nursing mothers has been contaminated. 25 years on, the chemical terror won't end until Dow cleans up its killing fields.

CAMPAIGN DEMANDS

The International Campaign for Justice in Bhopal's goals for the 25th Anniversary are:

- Get Union Carbide to show up in court
- Get empowered commission implemented
- Water pipelines completed
- Get clean up started

ICJB believes that Dow Chemical, the Indian Government, the Government of Madhya Pradesh, and the United States Government all have responsibilities towards creating justice in Bhopal.

The Dow Chemical Corporation Must:

1. **FACE TRIAL:** Ensure that Union Carbide and Warren Anderson present themselves in the Indian courts, and cease to abscond from the Chief Judicial Magistrate's court in Bhopal.
2. **CLEAN UP THE POISON:** Clean up toxic wastes and contaminated groundwater in and around the Union Carbide factory site. Provide safe water to the community, and just compensation for those who have been injured or made ill by this contamination and/or have had their property damaged.
3. **PROVIDE LONG TERM HEALTH CARE**
4. **PROVIDE ECONOMIC AND SOCIAL SUPPORT**

The Indian Government Must:

1. **SET UP AN EMPOWERED COMMISSION** on Bhopal to deal with the social, economic, medical, and environmental issues that still plague the people of Bhopal.
2. **BRING ANDERSON AND UNION CARBIDE TO COURT:** Take immediate steps to send an amended request for extradition of Warren Anderson and for extradition of the authorized representative of the Union Carbide Corporation.
3. **BEGIN CLEAN UP:** Clean up cannot wait; the government must start the process, and ensure Dow's liability for on-site and off-site cleanup and payment of compensation for damage to health and property.
4. **BLACKLIST DOW AND UNION CARBIDE** for purchases by government departments.
5. **Declare December 3rd as a National Day of Mourning** for the victims of industrial disasters. The disaster in Bhopal must be made part of textbooks in school and university education in the country.

The State Government of Madhya Pradesh Must:

1. **CLEAN WATER:** Finish construction of the clean water pipeline to provide water to ALL of the people affected by the spreading contaminated water.
2. **ENSURE CARE:** Ensure free treatment of patients from communities affected by ground water contamination and persons born to exposed parents in gas relief hospitals.

The United States Government Must:

Send Warren Anderson and authorized representatives of Union Carbide to stand trial in Indian court.

DOW'S LIABILITIES: an overview

Dow Chemical and Union Carbide claim that it has no liability for the Bhopal disaster. They are simply not telling the truth. Eight years after Dow bought Union Carbide, two court cases remain pending: one **civil**, heard in the Southern District federal court in New York, the other **criminal**, heard before the Chief Judicial Magistrate's (CJM) court in Bhopal.

The **civil case** has evolved over the years. It began in 1985, shortly after the disaster, when in the Government of India filed for \$3 billion from Union Carbide. In 1989 the settlement reached was a miserly 15% of that figure, and no survivors had been consulted. The settlement also absolved Carbide of other liabilities. Needless to say, the survivors filed a complaint, and within a couple of years the settlement had been partially reversed. Two cases in the US Federal Court have been filed and have withstood dismissals and reinstatements; one of them is proceeding through the court system at the time of this writing (October 2009).

The **criminal case**, filed in the Bhopal Chief Judicial Magistrate's court, stems from then Carbide CEO Warren Anderson's decision to flee India and never return, in spite of the fact that he said he would. He, the company, and several key Carbide executives have been charged with culpable homicide and several other serious crimes. Because he has refused to face trial in India, he has been declared an "absconder", and survivors have long held out to get him extradited from the USA. In 2009 there was a fresh warrant out for him from the Bhopal court.

In spite of Dow/Carbide's refusal to admit any culpability, and in spite of the spin created by company PR agencies, the survivors have managed to generate some legal challenges for them. The ethical challenges are all too obvious. The slow pace of the cases is due in part by the structure of the system, and in larger part by the delaying tactics of Dow/Carbide. The survivors push on, knowing that justice is on their side.