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Nominated for the Public Eye Award 2005

in the category:

HUMAN RIGHTS

Nomination by: Greenpeace Switzerland and the International Campaign for Justice in Bhopal

The Dow Chemical Company

Headquarters:	Midland (Michigan/USA), branches in 54 countries, European headquarters in Horgen, Zurich.
Turnover/net profit:	Turnover 2003: US\$33 billion / net profit: US\$1.7 billion (largest chemical corporation)
Branch of trade:	chemicals, plastics and agricultural products
No. of employees:	2003: 46,000
CEO:	William S. Starvropoulos (chairman and CEO)
Member to the WEF:	YES (in January 2004)

Outline

In 1984, the worldwide largest chemical disaster occurred in Bhopal/India in a factory owned by Union Carbide, a later subsidiary of Dow Chemical. To this day, 20,000 people have died as a consequence of the catastrophe. The International Campaign for Justice in Bhopal and Greenpeace Switzerland demand that Dow Chemical assumes liability for the incident and compensates the victims adequately.

General Information on the Case

In the night of December 3, 1984, the Union Carbide factory in Bhopal/India exploded, releasing vast quantities of toxic gases such as methyl isocyanate. The toxic cloud spread over the city. The gaseous mix of chemicals seared eye and lung tissues and induced heart and breathing failures. 8,000 people died within days of the explosion. In 2001, Union Carbide was acquired by Dow Chemical.

Characteristics of irresponsible corporate behaviour

Unscrupulous greed: Union Carbide wanted to save money and did not install computerised monitoring systems in Bhopal, which are standard in similar plants in the US and Europe. The staff was badly trained. Moreover, from 1980 to 1984, the number of workers in the production section for methyl isocyanate was reduced considerably. Time and again there were incidents in the factory.

Criminal irresponsibility: The explosion of December 3, 1984 occurred because several safety stages were broken or shut-off (cooling system of storage tanks, pressure valves, alarms). Union Carbide argued that the incident was caused by sabotage rather than through criminal negligence.

Claiming protection of trade secrets, the company also refused to publish the formula of the escaped gas, which would have been vital for the medical treatment of the victims.

Using every last loophole in the book: By means of an out-of-court settlement Union Carbide has eluded the reach of Indian justice. The merger with Dow Chemical sought to ditch the company's tainted name and to efface all the traces to Bhopal. Dow Chemical denies any legal connection to the Bhopal disaster.

Bad crisis management: For Dow's CEO William S. Stavropoulos, the out-of-court settlement with the Indian government and the compensation paid are fair and equitable: Thus, the case is closed. This does not correspond to the reality, since both in the US and in India, there are pending civil and criminal suits. Asked if the paid compensation was sufficient, a Dow speaker even said: "500 Dollar is plenty good for an Indian." – Compare that to the US\$10 million that Dow paid to an American child as a compensation for health damage.

Consequences

20,000 people died as a result of the chemical disaster. More than 150,000 people are chronically ill. There are open damage claims worth billions. The soil as well as ground and drinking water are poisoned. The third generation of disaster victims is now growing up with health problems ranging from dwarfism and other physical deformities to massive menstrual irregularities and infertility.

Current status and demands

The International Campaign for Justice in Bhopal demands that Dow Chemical assume liability for the continuing and long-term health impact of the disaster. It should also release unpublished medical reports on the toxicity of the escaped gases. The company should moreover support and provide income opportunities to those who lost their source of livelihood because of the disaster. Dow Chemical should also remove the contamination of the soil and groundwater and ensure that the former chairman and the other authorised representatives of Union Carbide are brought to justice.

More examples of irresponsible corporate behaviour:

- Dow is brought to trial because of the use of the herbicide Agent Orange in the Vietnam War.
- Dow is forced to remove from the market the carcinogenic pesticide Dursban.
- Lawsuits are pending against Dow because of dioxin contamination of rivers in Michigan.

Link to the details of the nomination: www.evb.ch/nominations.htm

Further information and links:

Amnesty International Report on Bhopal:

[www.web.amnesty.org/library/pdf/ASA200152004ENGLISH/\\$File/ASA2001504.pdf](http://www.web.amnesty.org/library/pdf/ASA200152004ENGLISH/$File/ASA2001504.pdf)

The deadline for the submission of the nominations was 31 October 2004. Later developments were considered in the summaries as far as known.