

The Bhopal Disaster 40 Years On: Dow's and Investors' Role in Ensuring Remedy for Victims



Wednesday, October 23rd, 2024

Speakers



Liz Umlas (Moderator) Senior Fellow, Croatan Institute; Lecturer, University of Fribourg



Tim Edwards
Executive Trustee,
Bhopal Medical
Appeal



Bennett
Freeman,
Associate Fellow,
Chatham House;
Former Senior
VP, Sustainability
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Gabriela Quijano

Independent Advisor on Business and Human Rights; Lead Author of the Amnesty Bhopal Report



Amishi Singh
Amnesty International
USA, Business and
Human Rights
Coordination Group,
Student Activist



Rachna Dhingra
India Coordinator,
International
Campaign for
Justice in Bhopal



Agenda:

Welcome and opening remarks: Rebecca DeWinter Schmitt, Investor Alliance for Human Rights and Liz Umlas, Croatan Institute & University of Fribourg

Presentation of Amnesty International Report - 40 Years of Injustice

Gabriela Quijano, Independent Business & Human Rights Advisor

Moderated Panel Discussion – The Lived Experience and Mobilization of Survivors and Ongoing Advocacy Efforts

- Rachna Dhingra, International Campaign for Justice in Bhopal
- Tim Edwards, Bhopal Medical Appeal
- Amishi Singh, Amnesty International Student Activist
- Bennet Freeman, Chatham House

Q&A / Discussion



BHOPAL: 40 YEARS OF INJUSTICE



Bhopal: 40 Years of Injustice

- Update to earlier publications by Amnesty International, assesses progress
 & setbacks for survivors since 2014
- Commemorates survivors, reminds readers that Bhopal is not an 'issue of the past'
- Lays out key recommendations to Dow & its subsidiaries, to the Indian government, and the U.S. government

BHOPAL: 40 YEARS OF INJUSTICE

The Madhya Pradesh government grants Union Carbide Corporation (UCC) and Union Carbide India Ltd (UCIL) a 100-year lease on land designated for a pesticide plant in the city of Bhopal

The Indian government grants UCC/UCIL a licence to manufacture and store MIC at the plant.

OCT 1975

The Department of Chemicals

& Petrochemicals of the Indian

Ministry of Chemicals and

Fertilizers requests an order for

Dow. UCC and Eveready to pay

US\$22 million as an advancement

for remediation costs.

UCC Chairman Warren Anderson is arrested, but released on the same day after US embassy intervention

7 DEC 1984

Bhopal's Chief Judicial

Magistrate (CJM)

issues the first

summons for Dow to

attend the criminal

proceedings

The date of a secret document describing an agreement UCC proposals for compensation.

between UCC and the Indian government to push forward

28 FEB 1985



Judge Keenan dismisses

the claim against UCC on

the grounds that India is

the appropriate jurisdiction

in which to hear the case.

AUG 1985

The Madhya Pradesh

government creates the

Department of Bhopal Gas

Tragedy Relief and

relief for gas victims.

A study of 865 women concludes that 43.8% of pregnancies exposed to the leak within 1km of the plant did not result in live births. three to four times higher than the normal rate.

SEPT 1987

files criminal charges against UCC, UCIL, UCE, and nine individuals

DEC1987

India's Central Bureau

of Investigation (CBI)

UCC is declared a proclaimed absconder from Indian justice

UCC sells its stock in UCIL, renamed Eveready Industries India Limited, and abandons the plant site without completing a clean-up.

1994

OCT 1972

DEC 1974

A confidential UCC report describes methyl isocyanate (MIC) as a "poison to humans" if inhaled.

2 DEC 1984

Deadly MIC gas leaks into the air from the plant, killing thousands of people overnight.

FEB 1985 All civil claims filed

against UCC in US courts are consolidated and assigned to Judge Keenan.

An epidemiological study details numerous enduring gas-related

diseases.

MAR 1985

The Indian government passes the Bhopal Gas Leak Disaster (Processing of Claims) Act. giving it an exclusive right to pursue claims on behalf of victims. It also passes the Bhopal Gas Leak Disaster (Registration and Processing of Claims) Scheme, adopting UCC's proposals.



District Court Rehabilitation to coordinate The Supreme Court of India

SEPT 1986

The Government of India files

a claim against UCC for

A study finds growth retardation in children born to gas-exposed parents.

1989 The Government of

India and UCC reach an

1998

Eveready surrenders the lease on the site to the Madhya Pradesh

Greenpeace finds the plant site and immediate surroundings to be highly contaminated.

NOV 1999

experienced by gas-exposed people and their children. OCT 2010

NIREH

The National Institute for

Research on Environmental

Health (NIREH) is established to

study the long-term health effects

JUN 2010

UCIL and seven Indian nationals are found guilty of causing death by negligence, fined, and the individuals given prison sentences.

AUG 2013

Five survivor organizations

to all affected residents.

accuse Madhya Pradesh officials

of "criminal neglect" for failure

to provide clean drinking water

MAR 2005

The Madhya Pradesh High Court orders the creation of a task force to monitor toxic waste removal.

> A preliminary study indicates congenital birth defects in the affected population to be seven times higher than in non-exposed populations.

JULY 2004

Public Interest Litigation begins before the Madhya Pradesh High Court against the Government of India, the Madhya Pradesh state government, UCC, Eveready and Dow, This case was still ongoing in 2024.



NIREH finds alarming rates of congenital malformations in babies of gas-exposed mothers.

JUN 2017



Contaminants are found in water

samples from 20 affected

communities.

IUN 2018

recognizes the extent of

contamination of groundwater

and drinking water supplies.

MAY 2004

The Madhya Pradesh Department for Gas Relief and Rehabilitation reports that more than half a million people had claimed varying degrees of injury and disability.

2003

The Supreme Court of India dismisses a Curative Petition filed by the Indian government in 2010 to rectify the flaws in the 1989 out-of-court settlement

MAR 2023

out-of-court settlement for US\$470 million.

government.

FEB 2001 **Dow Chemical Company** acquires UCC.



The Madhya Pradesh High Court holds three state government officials guilty of contempt of court for not complying with its orders to relieve victim suffering.

NOV 2023

9

2013

NIREH publishes the second large epidemiological study showing continuing acute health problems and higher morbidity rates amongst the gas-exposed population.

APR 2015

The Indian Minister of Environment, Forests and Climate Change refuses to invite the United Nations Environment Programme (UNEP) to carry out a comprehensive assessment of contamination. despite a request by survivor groups.

2017

Chromosomal aberrations are found in residents exposed to the environmental contamination.

DEC 2018

A study finds death rates to be 28% higher, and rates of illness 63% higher, in the exposed population.

OCT 2023

Dow appears before Bhopal's criminal court for the first time. following a summons from the US Department of Justice.



Thank you for attending!

Next Steps:

If you are an institutional investor interested in engaging Dow to ensure remedy for victims of the Bhopal disaster, please contact Dominic Twomey, Business & Human Rights Campaigner, Amnesty International dominic.twomey@amnesty.org



BHOPAL: 40 YEARS OF INJUSTICE

