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Introduction to the Special Issue on the Bhopal Chemical Disaster

TOMÁS MAC SHEOIN
Guest Editor

This special edition of *Global Social Policy* is published to mark the 25th anniversary of the world's worst industrial disaster when toxic gases from an American-owned pesticides factory laid waste to the city of Bhopal in December 1984. However the disaster was not confined to the events of that one night but has continued to unfold since, as the survivors encountered not only ill-health and continued contamination from waste dumped at the factory, but also had bruising experiences with the legal system, national and transnational, and with the rehabilitation and other governmental initiatives developed in response to the disaster. Neither was the disaster confined to those exposed on that night: the transgenerational effects of the disaster have been pronounced.

Bhopal represents a major example of the failure of national and transnational regulatory, legal and human rights regimes. Bhopal also points to the problem of differential access to global justice and the need for a global system to both effectively enforce human rights and punish their violation. On the legal front, refusal by US courts to hear claims against Union Carbide (UC), a US transnational corporation (TNC), led to the return of the cases to the Indian system, where an unsatisfactory settlement was made between UC and the Indian government. Distribution of compensation from this agreement to the victims was inadequate, while economic, medical and social rehabilitation programmes implemented by the Indian state have been desultory, of poor quality and affected by corruption and mis-utilization of funds. Basic information on the needs of those affected is lacking: the state ended medical research prematurely, and has failed to collect data on those in need of economic assistance, health care and social support. Finally, criminal and civil liability for the Bhopal disaster remains unresolved.

The issues raised by Bhopal resonate with many of the concerns of global social policy. The Bhopal disaster had adverse impacts on the rights to life, health, employment and a clean environment of both victims and survivors. It is a major reference point for debates around transnational corporate accountability, crime and regulation on the one hand and global environmental governance, justice and regulation on the other. Bhopal represents for many the ultimate representation of corporate impunity and corporate power in a globalized economy. Some analysts present Bhopal as the result of a corporate 'race to the bottom', whereby core country TNCs respond to state regulation by exporting risk to peripheral countries with underdeveloped regulatory systems, while others believe TNCs take advantage of differing environmental and other standards without deliberately exporting pollution. Both however agree on the need for the formation and implementation of *global* environmental and workplace safety standards.

This special issue makes several contributions to debates about Bhopal and to wider debates that directly concern Bhopal. The former are addressed in the *Forum* section, whose theme is 'Learning from Bhopal', while the latter are addressed in the full-length academic articles. The basic policy lessons to be drawn from Bhopal are implicitly or explicitly present in the contributions to the Forum: the delineations of the failings by TNCs, states, legal and medical professions and civil society show *what not to do*: consideration of the mistakes made in dealing with Bhopal allows us to learn policy lessons. The lessons are obvious (in no particular order of importance): undertake research, standardise and provide quality medical treatment, involve the community, clean up the site, implement freedom of information. More generally, address the imbalance between capital and community in facility siting, strengthen regulation and implement it, refuse to accept lower standards, examine alternative non-toxic means of production, heavily penalize corporate crime, address the 'space between laws' that allows TNCs commit criminal acts without fear of retribution. Of course, these changes will not occur without sustained struggle – locally, nationally, and transnationally – and state policy initiatives in this area will need sustained support from social movements and civil society.

The Bhopal disaster has a dual nature, reflecting the current era of globalization. Bhopal was a transnational disaster, the repercussions of which were left to national forces to deal with. The failure of these national responses is a common theme in contributions to the *Forum* by C. Sathyamala, Satinath Sarangi and Nityanand Jayaraman. While Bhopal was a transnational disaster, it occurred, and needed to be coped with, in a specific location. Thus the *Forum* necessarily begins with the local experience before widening to national and global scales. Sathyamala's angry account highlights the failings of the Indian state, medical and legal systems and civil society in responding to Bhopal. It is within this context of state failure to attend to the needs of the survivors and the politicization of healthcare provision that Sarangi's

account of community self-organization must be understood: abandoned and re-victimised by the activities of the state, activists with transnational support set up a health clinic which both responded to the need for healthcare and spurred action over continuing water contamination, thus providing an example of a local response supported by transnational ties. Jayaraman's contribution illustrates the failure to learn lessons from Bhopal through the experiences of other Indian communities faced with toxic hazards and highlights this failure as a political one: he demonstrates a continuing pattern of environmental injustice with the Indian state happily allowing environmental pollution to affect poor and marginal social strata.

H. Rajan Sharma provides a concise and insightful view of the 'uncertain promise of law' in attempts to obtain justice nationally and transnationally, showing that lessons have indeed been learned from Bhopal, just not the right ones: in his concise formulation 'globalize disaster, localize law'. Thus, instead of the development of a global legal system to respond to transnational injustices, in Bhopal the cause of justice was thrown back on the national legal system, with both American and Indian legal systems either unable or unwilling to take up the challenge posed by the transnational legal responsibility for the disaster. Finally, Reece Walters places the disaster in the wider global context of failure to regulate TNCs, clearly labelling Bhopal as a corporate crime and suggesting some major policy areas requiring global reach where challenges arise from the Bhopal experience.

The academic articles range wider in both their subject matter and the debates they address. They contribute to existing debates within global social policy on the global power of TNCs, global governance, regulation and self-regulation and the role of social movements and NGOs while introducing new subject areas (such as industrial safety) and widening existing global policy frames (by adding global environmental justice to global social justice). Chris Holden and Kelley Lee examine the power of TNCs, an increasingly important issue in global social policy. They extend Farnsworth and Holden's framework for the analysis of corporate power and TNC involvement in social policy to account for the activities of tobacco TNCs whose activities have direct adverse effects on health and welfare. Gordon Walker examines the globalization of the environmental justice frame that arose from the attempts by minority and marginalised communities in the USA to resist the dangers posed by toxic facilities, a frame immediately applicable to Bhopal. The frame was developed by activists and academics and Walker critically examines its globalization – both in its adoption transnationally and its extension to global environmental problems. Stephen Zavetowski addresses another core issue of global social policy – the role of social movements and global civil society – by describing and analysing attempts by various transnational alliances to support the struggle of Bhopal survivor organisations to obtain justice. Here again the dual nature of Bhopal was shown in the Tomás oscillation between local and global agitation on the part of activists. Finally,

Tomás Mac Sheoin brings a new area into global social policy by examining the public health problems posed by the globalization of the production, transport and use of toxic chemicals. He examines in detail the specific problem of chemical incidents, of which Bhopal is the worst to date. Showing that the potential for another Bhopal is still present, his presentation of the attempts at regulation by the state and self-regulation by capital documents the victory of a neoliberal approach to the regulation of risk. The *Review Essay* reviews the expanding impact of Bhopal in the literature, highlighting some of the frames within which academics and activists have grappled with Bhopal.

Twenty-five years after the disaster, the issues Bhopal raised – TNC impunity, failures of international regulatory systems to control TNCs, failure of the global legal system to provide justice, failure of states to defend their populations – remain as relevant as ever. Bhopal is an extreme example of corporate crime and an illustration of the imbalance of power between TNCs and states and civil society actors under current conditions of globalization. Bhopal also illustrates the failures of existing transnational systems of governance, policy and law to provide justice, compensation, rehabilitation and care to survivors. Furthermore, Bhopal urgently raises the question of global environmental justice – and, by implication, global environmental injustice – which may be seen as an aspect of global social justice. The situation of the Bhopal survivors exemplifies and emphasizes the need for the continuance of concerted transnational, national and local campaigns for global environmental and social justice.

In conclusion, I would like to thank all those who helped make this issue a reality. Most obviously, thanks are owed to all those who contributed articles to this special issue. In particular, I would like to thank Satinath Sarangi and Ramu Baru for suggesting authors for the Forum. My appreciation also extends to the referees – those invisible workers in the academic field – for their excellent comments and suggestions. Finally, special thanks to the editors of *Global Social Policy* – in particular Nicola Yeates, who initially suggested the special issue – for entrusting an issue of their journal to a non-academic editor, and, last but definitely not least, *GSP* Managing Editor Kara Vincent, who provided wonderful and wholehearted assistance at all stages of the production of this issue.

BIOGRAPHICAL NOTE

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