

**Resolution for the Berkeley City Council
passed 19 May 2009**

Supporting justice for survivors of the Bhopal gas disaster on its 25th anniversary

WHEREAS: On the night of December 3, 1984, the world's worst chemical disaster took place in Bhopal, India, when a Union Carbide Corporation chemical plant unleashed lethal methyl isocyanate gas that swept across the city, killing more than 3,000 people in a single night, and

WHEREAS: More than 20,000 deaths are now attributed to the Bhopal gas leak, including 15-30 monthly deaths that continue to occur in 2009; and

WHEREAS: For five years after the gas leak, Union Carbide Corporation abandoned the factory site and refused to aid the survivors and their children; and

WHEREAS: In 1989, the Supreme Court of India, without the participation of any victims of the gas leak, announced a settlement between Union Carbide Corporation and the Government of India that directed Union Carbide Corporation to pay \$470 million "to the Union of India as claimant and for the benefit of all victims of the Bhopal Gas and not as fines, penalties or punitive damages"*; and

WHEREAS: The 1989 settlement between the Government of India and Union Carbide has been consistently denounced by Bhopal survivors as vastly inadequate to compensate the victims; and the settlement funds controlled by the Indian Government have not been distributed for the benefit of the victims.

WHEREAS: Union Carbide Corporation has refused to submit to the jurisdiction of the Indian government in the pending criminal case against it where it is charged with culpable homicide for the deaths allegedly caused by its negligence; and

WHEREAS: The Dow Chemical Company purchased the Union Carbide Corporation as a wholly owned subsidiary in 2001, thereby acquiring its assets and liabilities, yet has refused to assume the civil and criminal liabilities of Union Carbide related to the disaster in Bhopal, including a refusal to appear in Indian court to face criminal charges; and

WHEREAS: Thousands of Bhopal residents today, living in neighborhoods adjacent to the abandoned plant, continue to be exposed to toxic chemicals through soil and groundwater contamination which has not been remediated and continues to spread; and

WHEREAS: During 2009, the 25th anniversary year of the Bhopal gas leak, a delegation of Bhopal survivors and activists is visiting the United States, including Berkeley in May 2009; and

WHEREAS: The City of Berkeley has a long history of leadership in environmental stewardship and social justice, including the adoption in 2006 of an ordinance on the Precautionary Principle as a strategy to make better health and environmental policy decisions that prevent harm before it

occurs, and to promote the health, safety, and general welfare of the community by minimizing health risks (City of Berkeley Municipal Code, Title 12 HEALTH AND SAFETY, Chapter 12.29 PRECAUTIONARY PRINCIPLE); now therefore be it

RESOLVED: That the City write a public letter to the Dow Chemical Company regarding the incidents in Bhopal, asking that it accept liability for the disaster, clean up the factory site, and provide safe drinking water to area residents; and be it further

RESOLVED: That the City Council reaffirm the City's divestment policy from the Dow Chemical Company until such time as Dow has reasonably cleaned up its former Union Carbide site in Bhopal; and be it further

RESOLVED: That the City Council proclaim December 3, 2009, the 25th anniversary of the disaster in Bhopal, as "Berkeley Day of Remembrance for Victims of Industrial Pollution in Bhopal;" and be it further

RESOLVED: That this day will be marked by educational and cultural events regarding the events in Bhopal and precautionary measures that can be taken by the public and private sectors to prevent harmful chemical releases; and be it further

RESOLVED: That the City Clerk forward a copy of this resolution to the Government of India, the Dow Chemical Company, and all members of the Dow Chemical Company Board of Directors.

* Order 15-02-1989 in Civil Appeal Nos 3187-89, *Union Carbide Corporation v Union of India*, Supreme Court of India, para 2c.; cited in Amnesty International's "Clouds of Injustice: Bhopal Disaster 20 Years On", Amnesty International Publications 2004, ISBN: 0-86210-364-9, page 59.