

AMNESTY INTERNATIONAL INDIA

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Dow blocks Amnesty International calls to face up to toxic legacy of Bhopal

As we near the 30th anniversary of the devastating gas leak from the Union Carbide plant in Bhopal, The Dow Chemical Company (Dow) is still choosing to ignore the toxic legacy of the disaster. In stark contrast, survivors and residents of Bhopal have no choice but to live with the tragedy on a daily basis; over 100,000 people still suffer from health problems due to exposure to the gas and there remain high levels of contaminants in soil at the former factory site and the local groundwater due to the plant's prior operations.

As Dow shareholders today attend the company's annual general meeting (AGM) in the US, they will be denied a vital opportunity to understand the continuing impact of the Bhopal disaster. Dow has blocked Amnesty International and others from putting forward a shareholder resolution at the AGM, which called on Dow to face-up to the ongoing legacy of Bhopal. The resolution requested Dow to prepare a report for shareholders on the "financial, reputational and operational impacts...of...Bhopal...on Dow's Indian and global business opportunities".

The resolution underscored how Dow's name has become inextricably linked with the Bhopal disaster since its acquisition of Union Carbide Corporation (UCC) in 2001. Dow is now the focus of legal and campaign actions by Bhopal survivors and the Indian government. It is a defendant to two civil claims before Indian courts. Most recently, Dow has been ordered to appear before a Bhopal trial court on 4 July 2014, to explain why its 100% owned subsidiary, UCC, has repeatedly ignored summons to appear before the court in an ongoing criminal case concerning the disaster.

Dow stopped the resolution from being put to shareholders by taking advantage of a US rule that permits listed companies to reject a shareholder resolution if "the company has already substantially implemented the proposal".

Amnesty International is deeply disappointed by Dow's decision to block the resolution. Dow has again failed to alter its longstanding position that it has no responsibility for Bhopal, which completely ignores the continuing human rights abuses in Bhopal and its adverse effect on Dow's business and reputation. Dow has recently reiterated this position, stating that it "[does] not believe that Bhopal...will have any financial, operational or reputational impact on Dow's business opportunities in India or elsewhere in the world" and "will continue to oppose efforts to implicate Dow in the Bhopal matter".

Amnesty International strongly disagrees with Dow's statement, which reflects its refusal to take seriously its responsibility to disclose these issues to its shareholders. Amnesty International believes that shareholders should be informed of corporate involvement in ongoing human rights abuse cases – shareholders should play an essential role in ensuring that companies respect human rights and take active steps to address their human rights impacts.

Amnesty International urges shareholders to request Dow to provide full disclosure of the ongoing human rights and environmental impacts of Bhopal, given its materiality to Dow's Indian and global business opportunities.

Dow should acknowledge its responsibility towards survivors of the disaster and appear before the Bhopal trial court on 4 July 2014 to explain why it has failed to ensure that UCC faces the charges against it.

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