

Poor Little Rich Corporation
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Are you inclined to violence, but are forced to restrain yourself for fear of law? Would you rather make your money by robbing others but are scared of the police? There are foolproof ways of killing or maiming legally, of robbing strangers, and going scot-free and even making a decent packet in the process if you're wise in the ways of the world. Believe it or not, the law will protect you - to a great extent. You may even have the sympathies of some of the judges regarding the extent of punishment if, a big IF, guilt is ever established or the case comes to sentencing. As time passes, significant sections of the public, may even find the demands of the victims against the perpetrator (s) unreasonable.

The vehicle for such perfect crimes is the limited liability company - a corporate entity. A company can poison an entire reservoir or river, or wipe out a town, or make away with a nationalized bank, run away with your grandmother's term deposit, or convert the sacred lands of native people to radioactive wastelands. For the worst of these, the liability is limited to civil damages not exceeding the assets of the company. And, any creative accountant will tell you how to manage your assets in times of liability.

Consider the Union Carbide disaster in Bhopal. Company documents reveal that the then Carbide CEO Warren Anderson and the senior management were explicitly warned that the plant design had several inherent flaws that compromised its safety. The company, through its senior management, decided that the risks posed by locating a hazardous factory with an inherently flawed design in a crowded locality in Bhopal, India, were worth the economic benefits it would bring the company.

They were right, it seems. The disaster may have killed more than 20,000, and left generations to suffer the long-term effects. Anderson, the man who signed the papers authorizing the location of the defective plant in a populated area, lives a life of luxury paying monthly golf bills at least four times in excess of the paltry Rs.25,000 paid to survivors as compensation for loss of life or lifelong ill-health.

The company recovered after a mild downturn in its stock value, and a major beating to its image, and subsequently sold itself to Dow Chemical. Despite its rhetoric of being a "responsible" corporation, Dow went ahead and acquired a criminal corporation and continues to shelter it. Dow's argument has little to do with "responsibilities" and all to do with money: The argument here is that it does not matter whether you're a criminal. All that matters is if your crimes are likely to be punished, and if the punishment is likely to have a "material adverse effect" on the Corporation's business.

See, for instance, Union Carbide's 25 May 1996 disclosure to the US Government's Securities & Exchange Commission: "Criminal proceedings continue in India, arising out of the 1984 gas release from the Bhopal plant of Union Carbide India Limited. The corporation has not appeared in those proceedings. In the opinion of counsel for the corporation, under generally recognized legal principles, the criminal proceedings should not have adverse financial consequences for the corporation outside of India."

Dow has announced that it will do nothing to address Carbide's outstanding liabilities in Bhopal. It has said that the Indian public (through the Government) is responsible for cleaning up Carbide's toxic wastes, taking poisoned Bhopalis, or of the thousands of yet-to-be-born Bhopali children who will suffer the effects of Carbide's poisons.

Those who are pressing to bring Dow-Carbide and Anderson to trial are having to contend with a justice system that is not well developed in addressing corporations as criminals. More than 75 percent of the corporate crimes in the US are in the labour and environmental protection areas.

Indeed, the corporate hand - in terms of its influence, products or activities - is never more than a few layers away in any of the most heinous crimes in the world.

Corporate power and democracy cannot co-exist. One of the true tests of a democracy is the power wielded by corporations over Governments vis-a-vis the power and rights of ordinary citizens. In people's experience of fighting corporations, it has already become clear that Governments - more and more - don't matter much. In their

campaigns against corporations, people are being forced to' pressurize the company directly, or through their financiers, shareholders or consumers.

But even while these avenues are explored and developed, activists around the world are coming together to redefine democracy and challenge corporate power by pushing for laws, systems and changes in worldview to rein in the most powerful, and often the most vicious of criminals – namely, the "faceless" corporation.