

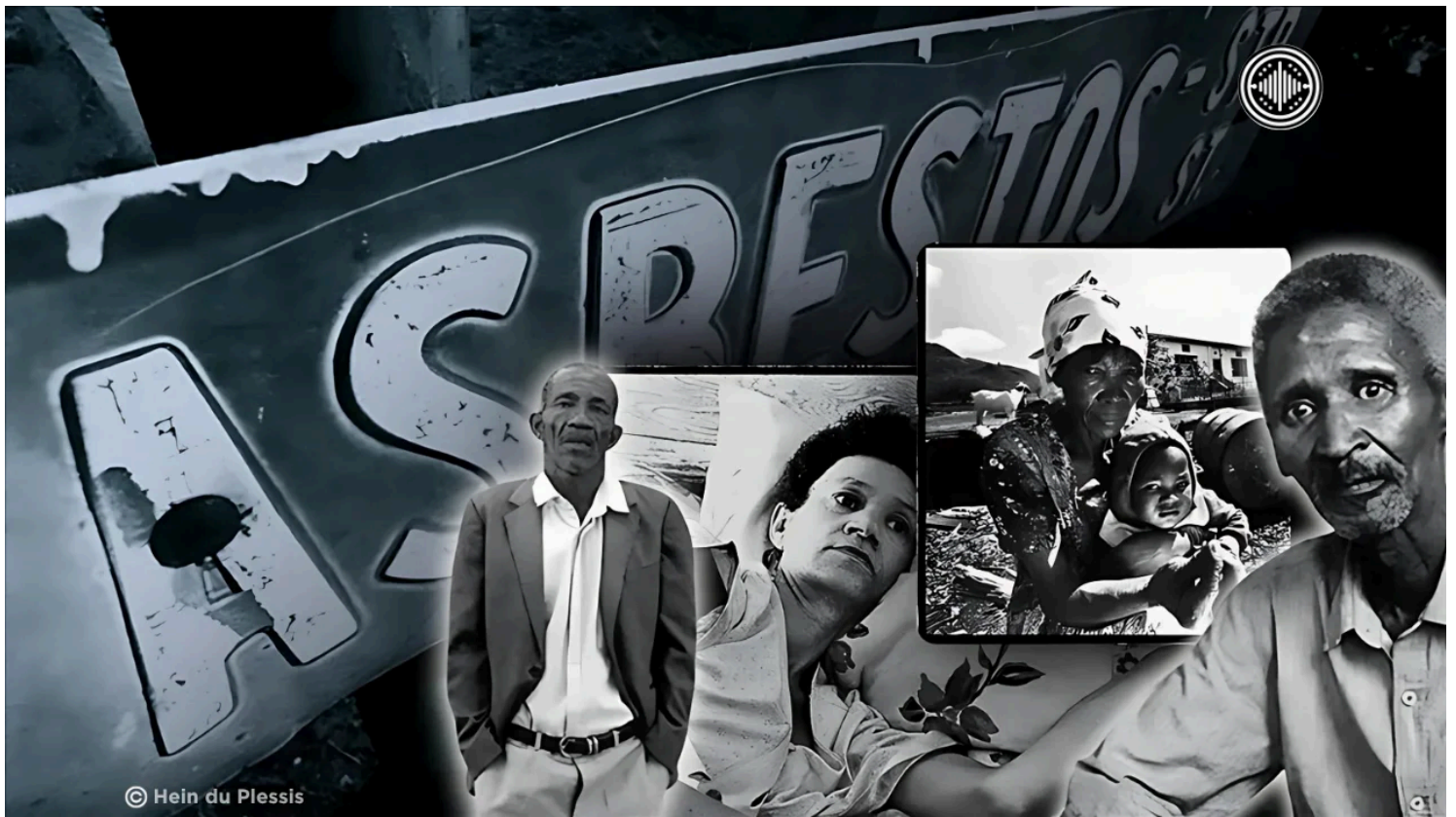
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## Unveiling Corporate Negligence: The Battle Against Big Asbestos

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In the mid-1990s, a determined English lawyer took on a formidable asbestos giant, exposing a grim saga of corporate negligence. David Kinley's book, *In a Rain of Dust*, chronicles this gripping legal fight with the intensity of a courtroom drama. It tells the story of a UK-based company, Cape Plc, and its South African asbestos operations, where profit trumped human lives, leaving a trail of devastation.

The narrative unfolds like a meticulously crafted novel, blending corporate deceit, scientific suppression, and the resilience of workers crushed by a ruthless industry. Kinley, a Sydney-based human rights lawyer and academic, delivers a compelling account of how one lawyer, Richard Meeran, challenged a corporate titan and reshaped the landscape of business accountability.

Asbestos, once prized for its fire-resistant properties, was a cornerstone of construction from the late 19th century. Yet, its deadly nature was no secret. As early as 1898, Britain's first female factory inspector, Lucy Deane, flagged the "evil effects of asbestos dust," as Kinley notes. By 1931, the UK introduced feeble regulations acknowledging its dangers. Decades later, medical evidence cemented the link between asbestos and mesothelioma, a brutal cancer. The World Health Organisation now unequivocally states that all forms of asbestos are carcinogenic.

Cape Plc, a titan in asbestos production, operated extensively in South Africa during the 1960s to 1980s. What did they know about the risks? Richard Meeran, a young lawyer with Anglo-Indian roots and a personal connection to South Africa, set out to uncover the truth. Approached by Britain's National Union of Mineworkers, he represented workers and families ravaged by asbestos-related diseases.

The legal battle was daunting. Filing the case involved navigating jurisdictional disputes, sifting through mountains of documents, and securing medical expertise. The notion that a UK parent company could be liable for its South African subsidiary's actions was dismissed as absurd by Cape Plc and its allies. Yet, Meeran persisted, driven by the stark racial disparities at the heart of the case. Black and coloured communities bore the brunt of the company's negligence, a point Kinley underscores as central to the story.

Launched in 1997, the case initially represented six plaintiffs: miners, their widows, a secretary, and a domestic servant exposed to asbestos dust. It grew to encompass 7,500 plaintiffs, though 1,000 did not survive to see justice. The claim hinged on proving negligence: that Cape Plc owed a duty of care, breached it, and caused harm. Evidence revealed the company knew of asbestos's dangers but prioritised profits, failing to protect workers or nearby communities from toxic dust.

The UK courts became the battleground, with three years spent debating jurisdiction. Meeran's team secured a landmark ruling affirming the UK's authority to hear the case, a

victory bolstered by the South African government's support. Without this, the plaintiffs would have faced insurmountable barriers in South Africa's under-resourced legal system.

In 2004, the case settled. Cape Plc initially agreed to £21 million, later reduced to £7.5 million due to financial constraints, alongside a £35 million trust from Gencor, a South African firm that inherited some of Cape's operations. This case marked a global first: a parent company held accountable for its subsidiary's human rights violations. It paved the way for the UN's Guiding Principles on Business and Human Rights in 2011, which demand corporate respect for human rights and remedies for victims.

Kinley's storytelling makes dense legal concepts accessible, spotlighting the human toll of corporate greed. The case exposed a corrupted nexus of science, politics, and profit. Today, industries like construction and apparel still exploit lax regulations and low wages, perpetuating global labour abuses. While the asbestos fight ended impunity in one corner, the broader struggle for corporate accountability endures.