

Environmental Health

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Bangladeshis poisoned by arsenic sue British organisation

The House of Lords is being asked to consider a claim for compensation arising from charitable work undertaken in Bangladesh. There is some dispute as to the remit of that work and the standard to which it was performed.

Should Western organisations which perform charitable operations in developing countries be held to the same standards as they would be if the actions were undertaken in Britain?

Millions of people in Bangladesh drink water from boreholes drilled by charities. In 1992 the British Geological Survey (BGS) tested the water for a range of known contaminants, but did not test for arsenic. The actual purpose of the testing work is in dispute. Regarding the tested contaminants, the water was judged safe to drink, but this judgement was made by third parties who read the report and not by those directly involved in the survey.

Early assessments of liability came to the view that BGS was not proximal to the decision to drink the water. The purpose of the water testing was not directly to advise on potability, it is claimed by BGS. There is no doubt the research could have analysed for arsenic, but should it have done so?

Comment

Much foreign aid work depends on analyses made by technically well resourced organisations. If it is found that the purpose of the testing work was to advise on potability then it would seem to be clear that the work was not done to a standard that would be expected in the UK.

It would seem advisable that the remit of charitable interventions, and the standards to be adopted, be carefully specified in advance and that this is communicated clearly to those with an interest. In our view, the appropriate standard of care would depend on the facts in each case; it is very easy to imagine scenarios where it would not be reasonable or in the best interests of the recipient of aide, to insist on first world standards for all interventions.