Acknowledging the Armenian Genocide

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Spring 2004
The separation that exists between Stanford and the rest of the world seems far greater than six degrees. But our connection to the world is real. This publication is committed to providing an arena for Stanford students to create awareness of human rights issues across the globe based on their personal experience and inspiration.

sixdegrees
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# Executive Board

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To the Stanford Community:

As students committed to human rights awareness and activism, we come together to create a forum in which Stanford students can express their personal connections to human rights abuses across the globe. We come from a wide range of backgrounds, geographical interests, majors, and experiences. Some of us have witnessed these abuses firsthand, others have studied them at great length, and some of us are new to these issues and are looking for a way to get involved in the promotion of human rights. This is the beginning of what we hope will be a continuous campaign for human rights awareness on campus. We encourage those interested to get involved in Six Degrees.

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Lija McHugh
Jess Steinberg
Kate Pedatella
contributing authors

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Alien Tort Claims Act
Gina is a senior majoring in History. She became interested in the Alien Tort Claims Act when she started working as a research assistant for a professor who is involved in two ATCA cases, Doe v. Saravia and Chavez v. Carranza. The cases have been filed by the Center for Justice and Accountability. This summer, Gina will be working for CJA, with support from an Abrams Public Interest Law Fellowship.

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Charles is a senior majoring in Human Biology. He was inspired to write this essay while taking International Women’s Health, a class taught by Anne Firth Murray. Next year, while applying to medical school, he will volunteer at a Los Angeles clinic that aids trafficked women, many of whom are from China. Contact him at cfeng@stanford.edu.

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Georgia
Eugene is a third-year law student at Stanford and a doctoral candidate in Political Science at Oxford. He worked in Georgia, for the United Nations Office for the Coordination of Humanitarian Affairs, before enrolling in Stanford Law School.
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Letters of 250 words or fewer can be submitted to stanfordsixdegrees@hotmail.com
Iñaki Uria

Letter from Aranjuez Jail

Basque newspaper editor and prisoner of conscience reaches out to Stanford from prison in Aranjuez, Spain.

Professor John Perry and Provost John Etchemendy received this letter from Iñaki Uria, a Basque newspaper editor, shortly before the terrorist bombing of Spanish trains on March 11, 2004. Though the vast majority of Basques have no part in Euskadi ta Askatasuna (ETA)—the group Spain first assumed was responsible for the attack—ordinary Basque writers, politicians, and activists of all sorts have been thrown in jail, held without charges, and treated as terrorists.

I have been imprisoned in the Aranjuez jail for more than a year for editing Euskaldunon Egunkaria, then the only daily newspaper written entirely in Basque. My name is Iñaki Uria. I’m 43 years-old, and I’ve spent 25 working in the Basque press. Basque is the oldest living language in Europe. It has about 800,000 speakers, about 30 percent of all inhabitants of the Basque Country. Three wars in the 19th century, the loss to dictator Francisco Franco in the 20th, the 40 years of Franco’s dictatorship, and the waves of massive immigration worsened the health of the Basque language. It would be dead by now, save for the efforts of many Basque people in the 1960s. They created Basque primary schools, unified the language, and made it useful for all aspects of modern society, from art to science, from religion to business, and, of course, including the press. Until then, the only publications written in Basque were some Catholic journals, with religious content, directed at rural folk.

So in the 1970s, Basque journalists did not begin from scratch, but nearly so. We were volunteers, without salaries, driven by day-to-day necessities. Our young vocations as journalists and writers were wholly involved in the effort to start Basque publications, even if we had to work on something else—often during weekends—to earn a living. We managed to initiate Argia, a weekly magazine, Susa, first a literature magazine, then a publishing company, and Larrun, a journal of political essays.

By the 1980s, we saw our projects becoming solid realities. We realized that creating a daily newspaper was the next decisive step on the way to normalizing our language—that is, enabling Basque speakers to communicate in Basque in the normal ways people
use their language. We were young and brave—or crazy—enough to embark on a new and difficult project. To begin with, who was going to finance it? In the Basque Country, there are no big Maecenas, or patrons for cultural projects. No big businessman or political institution volunteered to support the project. They saw no future in a Basque newspaper. Apparently, all the principles of the market ran against it, but we made it. We begged for money, and we got the support of hundreds of citizens. It is these hundreds of individual stakeholders that constituted the financial basis of Euskaldunon Egunkaria. After a difficult birth, it was a success. The potential market of Basque readers was small, but Egunkaria gained a significant part of it and, slowly, came to occupy an important place among the papers in the Basque Country. It gained prestige, credibility, and influence. The Basque autonomous institutions came to acknowledge its value and began to contribute to its financing. One of its latest projects was the edition of a series of local newspapers, initially distributed for free, which hopefully would attract new readers to the Basque language. And then, unexpectedly, one year ago, judge Juan del Olmo from the Spanish special court called Audiencia Nacional decided to close down Egunkaria.

Yes, it is as easy as that. In Spain, at the beginning of the 21st century, a judge closed a daily newspaper with 50,000 readers. He sent 200 troops of the Guardia Civil (a paramilitary police force) to close down Egunkaria’s offices in five towns. They arrested 10 people, both current and former staff members. Those arrested included the editor-in-chief, Martxelo Otamendi, and myself, the managing editor. I can tell you what happened to me.

February 20, 2003; about 1:15am. I am alone at home, sleeping. The bell rings; someone bangs on the door. I open it. Members of the Guardia Civil enter with assault guns. There is also a judicial secretary, or so I think. They handcuff me, arms on the back. They search the house. They take all they want. There is no witness. Three hours and a half later, now blindfolded, they take me to Egunkaria’s headquarters. After searching these premises, they drive me—still handcuffed and blindfolded—to Madrid, the Guardia Civil’s headquarters. They ask me questions, silly questions. “Do you know who we are? The Guardia Civil!” they proudly say. I have reason to be scared, for I am, after all, a Basque. Basque people know that lots of people have been tortured by the Guardia Civil. Some of them have been killed by torture: Joseba Arregi, Mikel Zabaltza, and Gurutze Yantzi are just three famous cases.

I have reasons to be frightened. I am not frightened because I have done anything wrong. My “crime” was just editing a newspaper. I am frightened because I am being held incommunicado in the hands of Guardia Civil.

They take my jacket away, and leave me just my t-shirt and shirt. I have only one blanket. I am freezing, and I cannot sleep. I cannot see, either. I am blindfolded most of the time. When it is removed, I still can’t see much with my myopic eyes: they have also taken my glasses away. I spend five long days and nights incommunicado. I endure I don’t know how many interrogatory sessions. I suffer techniques for physical exhaustion and psychological humiliation: they beat me, they put a plastic bag over my head, they put a gun against my head and pull the trigger, they aim at me with some red laser light in the dark of the punishment cell. They do with me whatever they want, but what do they seek from me? A confession. They want a connection between ETA and Egunkaria: they want me to serve as the intellectual and economic link and, therefore, as the justification for the closure of Egunkaria.

On February 22, 2003, over 100,000 people assembled in the Basque city of Donostia to protest the closure of Egunkaria and the arrest and torture of 10 of its employees.
There has never been any tie, not the smallest tie, not economic nor of any other kind, between Egunkaria and ETA. Regarding this, I am not worried. I am suffering a lot, but surely, after those five hard days, the truth will be clear. After the isolation and torture, I am led to the judge in the Audiencia Nacional. I am not allowed to be assisted by, or appear with, or even talk to my attorney. The judge’s questions are all incriminatory. No evidence. He will not listen to the truth. I decide not to declare. Everybody knows that Audiencia Nacional is a special court reserved for Basques and big drug dealers as well. Thus, he sends me to jail—a jail which is more than 500 kilometers from my town.

Here in jail, as far as the wardens are concerned, I am another ETA prisoner—a dangerous fellow. I, who have devoted myself to journalism and other media, am a dangerous prisoner for Spain. This has direct consequences for my quality of life. Basque political prisoners live in a jail within the jail. To discourage visits we are moved at least 500 kilometers away from our hometowns and relatives—many to more than 1,000 kilometers. Cell inspections, naked body inspections, and isolation cells are the rule for Basques. Had our skin been black we could talk of a racist regime, an apartheid within the jail.

It is a year since I was sent here. There has been no trial. But this is not surprising in Spain: you could spend up to four years in prison without a trial—even if you are innocent! I've met people here with two and three years of “pre-emptive” prison for being members of organizations that work for prisoners’ rights, or members of a juvenile political organization, or an association of town councilors. We are Basque political prisoners. We are accused of being dangerous terrorists—with no evidence, and no trial!

The daily newspaper we worked so hard to create, Euskaldunon Egunkaria, remains closed down. Its five sites are sealed, its bank accounts closed, and the publishing company in process of liquidation, following orders of the judge. Of the 10 people arrested on February 20, 2003, I am the only one in prison. On October 20, 2003, nine more people were arrested. They all have been freed. The judge has turned down two requests by my attorney for my freedom. My appeal is now in the hands of a higher court. The judge says, “There is risk of flight.” I tell him no. I do not intend to run away, and I dare say he knows it. I suspect his real motives are others. How could he keep the paper closed down if no one is incriminated? If nobody had committed any crime, what would be his justification for the closure?

What are the real reasons for this attack on freedom of speech, freedom of the press, and the right for information? To understand this we must consider it in the context of the Basque issue, the conflict of the Basque Country with Spain.

Spain has been particularly skillful to take the big wave against terrorism generated after the September 11 attack on America. Spanish president Aznar, good servant of president Bush, began his own attack against Basque nationalism after he won the elections in Spain by an absolute majority. The attack intensified after 9/11, exploiting the international atmosphere the attack created. Aznar equated Basque nationalism with terrorism, banned a political party, almost 300 electors’ associations, an association of town councilors, and closed down a daily newspaper. This is, sad to say, all within Spanish law—that’s true. In 1996, he promised that his policy against terrorism would always be within the law, that he would not create his own terrorist group to make war on Basques, like former president Felipe González, from the Spanish Socialist Party, and the so-called GAL group did (27 people were killed in “selective murders” from 1983 to 1989).

During the last years, using ETA as an excuse, Spain has committed big injustices against Basque people. Political, social, and cultural organizations and media have been attacked, under the umbrella of made-to-order laws. The Supreme Court, the Constitutional Court, the Attorney General, and the National Court of Spain have all subordinated to the executive. I’m not alone denouncing it. All Basque political parties and the Spanish parties not in office have made the same claim, but mass media are highly controlled, no less in Spain than in Berlusconi’s Italy. In a nutshell, the health of democracy in Spain is in very bad condition.

In these circumstances, the rights of the Basque minority (2.6 million people) are ignored by the government of Spain (43 million
Most Basque people want ETA, the armed separatist organization, to end its violent activities once and for all. But we also want the Spanish government to stop the war it conducts with its media, its police, its judiciary, and its control of political and economic forces against the Basque Country and its people.

Today, there are more than 700 Basque prisoners distributed in jails of Spain and France; there are more than 3,000 refugees. Since 1968, there have been 1,150 people killed; almost 6,000 injured; 5,300 reported cases of torture; 30,000 detentions, with 10,000 of them for demonstrations; thousands of fines, billions of euros in losses.  

Today, Bush and Aznar are friends. In the context of their “war against terrorism” they don’t distinguish among Basques, Algerians, or Iraqis—all are the same. The Spanish government doesn’t distinguish among Basque nationalists. Town councilors, journalists, businessmen, and members of the parliament are basically assumed to be in league with terrorists. Dialogue is banned as a means of resolving the conflict. In Spain, the war on Basques, portrayed as a brave battle against terrorists, gains votes. The Basque Country is for Aznar’s government what Iraq is for the USA’s or Chechnya is for Russia’s, with a difference: in the Basque Country, there have been almost no terrorist attacks in the last few years. Why? The Basque people do not support it.

Most Basque people want a new political status for the Basque Country within Europe. We know that concepts like sovereignty, nation, and state are subject to change (especially in a Europe in the process of re-inventing itself), but we are a European country and we want to be recognized as such, without the obstacles posed by Spain and France. We don’t want terrorism, that’s clear—neither ETA’s nor anyone else’s—but our country needs new ways of peace and self-determination. Our country needs its voice. It needs and it has the right to be listened to, to be respected, whatever it democratically decides. But Spain wants to hear nothing about that: “There is no conflict with the Basque Country. In fact, there is no Basque Country. All people are Spanish. Anything else is terrorism.”

I’ve been in prison a year for having worked for 13 years in Euskaldunon Egunkaria. This is my only crime: being the managing editor of the daily newspaper entirely written in the oldest living language in Europe, an endangered language, according to UNESCO. I’m proud of having been part of Euskaldunon Egunkaria.

Fourteen years ago, our aim was to create a paper that would be in Basque language, national, open, plural, independent, militant, professional, and modern. In 13 years of seeking the truth, we made those aims reality, and we gained our readers’ trust. The Basque Autonomous Government partially supported the paper. The Spanish government did not. Eventual support from the Spanish government seems like a conceptual impossibility to Basque people. The Spanish Government likes to say that it “loves the old Basque language.” They love it only as a dead language. They don’t like to see its use promoted, its vocabulary standardized and updated, and the necessary infrastructure developed to keep it a live language. Linguistic diversity is a treasure…but one to be kept in a museum. If Basque is used in everyday life, or in mass media, or posed as a qualification for a job, that is called discrimination.

The party that has been in office in Spain for the last eight years, the Partido Popular, now directly or indirectly controls almost all TV channels, radio stations, and newspapers. In the Basque Country, it has closed down two newspapers and a radio station that it did not control. Recently, the heads of the Basque public TV were called to the Audiencia Nacional to explain their coverage of an ETA interview.

This is the state of liberty among us. Even this letter, I’m sure, would not be published by any Spanish paper or journal whatsoever, not even by those few nearer to the opposition. I don’t know whether it may be published in an American one without annoying the “Spanish friend.” When the Parliament of Idaho approved a memorial stating the right of the Basque Country for self-determination, the Spanish ambassador hurried up to look for the intervention of the White House.

I know that the path to truth and justice is difficult and silent. It could take years and a lot of work in the Basque Country, and also out of it, but there is no other way. If most people in the Basque Country believe they constitute a nation and want to live their future as a nation in Europe, speaking their own language, they have the right to do so. If they want to have newspapers, TV channels, or whatever in Basque, they have the right to do so.

We know that the international community has a lot of urgent injustices to deal with; we know that every day millions of people have their rights as humans violated. Given this, how will you remember a small daily newspaper that was closed down in a small country that is between Spain and France, or its managing editor that is in prison for more than a year? Perhaps we are too small.

Although Aznar’s party was recently voted out of power, Mr. Uria remains in prison. His bail, as well as the other conditions for his liberty, are greater than could reasonably be met. Euskaldunon Egunkaria, his newspaper, remains effectively dismantled.
Georgia’s Internally Displaced People
by Eugene Mazo

States emerging from civil wars find it hard to provide adequate protection and security for their citizens. Part of the reason for this is that these states often contain substantial populations of citizens who have abandoned their homes as a result of persecution or fighting and fled to other parts of the country where they are forced to remain in isolation for years. The emergence of a prominent displaced population of this kind has occurred in Africa after the civil wars in Somalia, Rwanda, Liberia, and Sudan. It has also occurred in other parts of the world that have experienced civil conflicts, including, most recently, former Yugoslavia and Afghanistan. The inability of the war-ravaged state to repatriate such citizens to their former homes has often led to a protracted and complex humanitarian crisis. Yet in many of these states, even after the fighting ceases, a curious phenomenon remains: the government will refuse to resettle these displaced populations when, in fact, it may readily have the capacity to do so. The protracted humanitarian crisis that results is not caused by war or fighting, but rather by a state government’s own unwillingness to take action. The experience of post-Soviet Georgia serves as a challenging example, highlighting this recent phenomenon.¹

After the Republic of Georgia won independence from the Soviet Union in 1991, its citizens spent the next two years fighting a bloody civil war that began when two Georgian republics, Abkhazia and South Ossetia, tried to secede from Georgia proper. Armed conflict between Georgian forces and ethnic militants from these republics forced thousands of citizens to flee their homes. Most of the citizens who fled were ethnic Georgians, Russians, Armenians, and Jews who had resided in Abkhazia and South Ossetia for decades.

“Refugees hold a special status in international law that could not be ordained on Georgia’s newly hungry and homeless, because these people, among other things, had failed to cross an international border.”

When, in the waning days of the Soviet Union, a revitalized Georgian nationalist movement eventually led Georgia to move towards secession from the Soviet Union, the Abkhaz and Ossetes reacted by demanding greater local autonomy and an equal say to that of the central government in the new independent state. But Georgian authorities refused, arguing that granting political equality might eventually pave the way for the creation of an autonomous Abkhazia.² Without the Kremlin’s strong hand to
keep down ethnic sentiment, however, Abkhazia and South Ossetia quickly became the scenes of mass-scale ethnic violence.

The brutal nature of the fighting that ensued was characterized on both sides “by ethnic sweep operations, terror, expulsions, looting and rape.” As a result, some 250,000 Georgians were forced to flee Abkhazia, giving the Abkhaz a demographic advantage that they had never experienced before and that they would never want to surrender. Some 30,000 Georgians fled South Ossetia as well. Since then, there has been little common ground for a resolution of these conflicts. This period of fighting with Abkhazia resulted in effectively splitting the country into two de facto autonomous regions. This pleased Abkhazia, of course, which had during Soviet times been so bold as to declare its own independence. This declaration took place on August 25, 1990. On September 20, 1990, South Ossetia followed suit.

In 1993, by the time the fighting in Georgia subsided, the country’s government found itself confronted with a population of almost 300,000 “internally displaced persons”—or “IDPs.” Most of these people had fled persecution and armed conflict, but nevertheless they were not “refugees.” Refugees hold a special status in international law that could not be ordained on Georgia’s newly hungry and homeless, because these people, among other things, had failed to cross an international border. The Georgian government, of course, promised that its internally displaced populations would be repatriated to their villages as soon as Abkhazia and South Ossetia reunited with Georgia. Yet these two separatist regions had become de facto independent, and Georgia’s reunification with them was unlikely to occur soon thereafter. Even if those who were displaced could return, many would have found their villages destroyed and neighborhoods burned to the ground. Realizing this, the international community called on Georgia’s government to resettle these people permanently in their new locations of displacement so that their humanitarian needs might be better met until the disputes with Abkhazia and South Ossetia were resolved.

Quietly, however, the government has repeatedly refused to act on this suggestion. The status quo in Georgia has been maintained for reasons of legal, political, and economic prudence. This has led to a situation of “perpetual stalemate” for Georgia’s large population of displaced people. While the government has repeatedly promised to repatriate its IDPs to their former homes, these promises have not been met. Instead, the IDPs have been forced to reside in their squalid, makeshift camps for the greater part of the last decade. At the same time, however, under Georgian law, the government has refused to grant the IDPs permanent residency status in their locations of resettlement or to provide, again under Georgian law, the political and social rights that other Georgian citizens enjoy. In fact, Georgia’s government has proudly publicized the situation faced by its IDPs to the international community, using it as a tool to attract more foreign assistance.
But foreign assistance, if anything, has been extremely hard to come by, for this is a crisis that has failed to produce any refugees. “[P]aradoxically, under modern international law, to be a refugee...is also to assume a position of privilege,” explain immigration scholars Aleinkoff, Martin, and Motomura. “Refugees, unlike millions of other deprived people across the globe, benefit from distinctive programs for relief and assistance.” But attaining international aid and assistance for “internally displaced persons”—the distinction is crucial—is significantly more challenging. Indeed, the question of what can be done to alleviate

The legal process of labeling refugees or displaced people in this way is formally known as “categorization.”

On one hand, categorization may be necessary to ensure that IDPs are recognized as a vulnerable group and receive appropriate assistance and protection, especially in situations where a government ignores or persecutes its displaced population. For this reason, prominent officials such as Francis M. Deng, the former Representative of the UN Secretary-General on Internally Displaced Persons, have favored the categorization of IDPs. As Deng explains: “The purpose of identifying the internally displaced is not to confer on them a privileged status but to ensure that in a given situation their unique needs are addressed along with those of others...Focusing attention on a vulnerable group is therefore a way to enhance assistance and protection for them.”

On the other hand, when, in recognizing this population, a government also benefits from keeping it distinct and vulnerable, categorization runs the risk of marginalizing or “ghettoizing” the population it is supposed to protect. Such action ultimately limits this population’s prospects for a better, or even adequate, life. For IDPs, rights and opportunities may be limited as a result of categorization. In addition, their distinct classification marks them as different from the rest of society and may result in isolation and estrangement, while the psychosocial impact of continual identification as IDPs may complicate long-term rehabilitation and reintegration initiatives.

There are two reasons why the Georgian government decided to continue providing a distinct legal status to its displaced population. First, categorizing IDPs allowed the government to justify its action of granting them some temporary rights and

Over 70,000 children became IDPs due to the Georgian Civil War, and many of them have filled orphanages.

the humanitarian crisis for displaced non-refugees remains one of the greatest challenges in international human rights. For the moment, however, modern international refugee law places Georgia—not to mention dozens of other similar governments around the world—in a bind.

To justify keeping its IDPs in regions where they did not permanently reside, Georgia’s government decided to create a special refugee status under Georgian law. This special status formally identified the separate legal category of “displaced persons,” granting anyone who fit within it (on paper, at least) certain rights that other citizens did not possess. The Georgian law “On the Forcibly Displaced and Persecuted Persons” defined internally displaced persons as:

“Those citizens of the Republic of Georgia or the stateless persons permanently living in the Republic of Georgia who were forced to flee their places of permanent residence and were displaced, because their or their family members' lives, health, or freedom were in danger at the places of their permanent residence, caused by the aggression of a foreign country, by internal conflicts, or by mass scale violations of human rights.”

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privileges, at least on paper, that other citizens did not hold. Secondly, the distinct classification served to place this population prominently in the eyes of the public, highlighting the need for these people to be repatriated to Abkhazia and South Ossetia. By broadcasting the fact that the IDPs were a drain on Georgia’s resources, the government reaffirmed to its own citizens and the international community the need to work quickly to try to resolve the conflicts with Abkhazia and South Ossetia.

But these conflicts have never been resolved. In 1999, the World Food Program found that “no major effort is undertaken to assist these [displaced people] in settling down elsewhere in Georgia or integrating them into local communities.” Indeed, Georgia’s IDPs have been described as “pawns” and “hostages” in a political negotiation process. While the Georgian government has claimed that these people should either be returned to Abkhazia and South Ossetia or else resettled permanently in their current locations of displacement, in reality the government wishes for neither solution. For the government, it is more advantageous to play the politics of stalemate than to promote the policies of humanitarian relief.

The government is satisfied with the status quo because both permanent integration and permanent resettlement of the IDPs would weaken Georgia’s claims of sovereignty over Abkhazia. The less integrated the displaced population remains, the more their desire lingers to return to their original homes. These feelings validate Georgia’s notion of territorial integrity, and for this reason, maintaining a distinct and visibly displaced community has become beneficial to the Georgian government. After all, the IDP population serves as a constant reminder to the international community, to Georgia’s own government and population, certainly to the IDPs themselves, and perhaps even to the de facto authorities in Abkhazia that the stalemate in which IDPs currently rest is the result of the Abkhaz separation.

There are several other reasons why the IDPs have not been resettled in their current communities of displacement. First, their prolonged official separation—by means of legal categorization—has led to their estrangement from the non-displaced populations of Georgia. The Horizonti Foundation found that IDPs have often become scapegoats for the myriad problems confronting transitional Georgia, due to the strains they place on local resources and their perceived special treatment by government and aid organizations.

Second, the prolonged period of displacement led to “donor fatigue” from “many years of providing humanitarian relief, without an end in sight to the
fundamental problems causing the displacement, and the frozen political situation.”
This led international donors not to provide for other needy communities in Georgia. Third, “host-community fatigue” led to animosity on the part of the non-displaced population towards the displaced.

Furthermore, the IDPs’ own sense of pride and their overarching desire to return to their homes have posed significant obstacles to integration. A significant part of the IDP identity has come from being displaced, which distances IDPs from the rest of the population. This isolation from the rest of society has kept their memories of war fresh and has served to deepen their identity as a victimized group. Also, the territorial separatists in Abkhazia and South Ossetia of the early 1990s have become, 10 years later, the legal state builders of the new century; any resolution to the conflict would involve displacing a set of elites. Indeed, the IDPs’ welfare could not be improved without making one set of interests in either camp worse off.

Finally, the IDPs have not been able to return because of pressure from the Government-in-Exile, as the former Georgian administration in Abkhazia that fled to Tbilisi is known. The members of this Government-in-Exile have been extremely vocal opponents of any political moves that might hinder their ability to return to power in Abkhazia one day. They have opposed any legislation that might provide for resettlement and integration of the displaced people in Georgia proper.

The protracted marginalization and isolation of the IDPs threatens to harm not only the IDPs but also Georgian society as a whole. The current situation is draining government and international resources, while creating deep divisions in society that promise to be long-lasting. Additionally, the IDPs have developed a dependency on humanitarian aid, which may stifle initiative and future contributions to society. The longer IDPs remain isolated, the deeper these divides will become and the harder it will be for the displaced populations to become self-sufficient, to eventually resettle in their host communities, or to reintegrate into their homes. Categorization has also led to a violation of human rights, impeding the opportunities of IDPs and obstructing their full participation in society. So what should be done about it?

Refugees, unlike millions of other deprived people throughout the world, benefit from distinctive aid programs for relief and assistance and from arrangements that provide, specifically, for their resettlement. A specialized office at the United Nations—the UN High Commissioner for Refugees (UNHCR)—carries a budget of millions of dollars and a staff of hundreds of international lawyers who watch over the treatment of refugees and seek to alleviate the crises of their displacement. In addition, over 130 states have become parties to treaties that set forth specific, and sometimes quite extensive, protections for refugees. Domestic legal provisions in many countries augment these requirements, spelling out the circumstances under which refugees who have reached a desired safe haven may claim political asylum—a legal status that usually entails indefinite rights to resettlement and establishes a new life in the receiving nation.

However, the legal conception of a refugee is narrower than the usual popular conception. A refugee’s status boils down to three criteria: first, the person has to be outside his or her country of nationality. Second, this person has to possess a “well-founded fear of persecution.” Third, the persecution has to have been enacted because of one’s race, religion, nationality, membership in a social group, or political opinion. The international definition of a refugee does not recognize those who fled their countries on account of other calamities such as economic deprivation or natural disasters or even the outbreak of military activities.
While some estimates put the number of worldwide refugees at 14.4 million,\textsuperscript{16} many of these people would not even come close to satisfying the definition of refugee utilized by the UN.

The IDPs in Georgia are not “refugees.” Many of them were not directly persecuted but rather fled their homes to escape an ensuing civil war. As such, none of them has crossed a recognized international border. If they had crossed an international border, they would have, at least to a greater extent, been legally provided with greater guarantees to assistance under the 1951 UN Convention. The stamp of official recognition as a refugee is far more advantageous than the moniker “internally displaced.” IDPs have to be marshaled whatever international aid and assistance they can get merely through ad hoc efforts. International assistance organizations have had to provide food and water to these people without a clear legal framework structuring humanitarian action or responses, often even over the objections of governments such as Georgia’s. Despite this, the number of internally displaced persons has far outgrown the number of refugees in the world, and stands somewhere in the vicinity of 25 to 30 million people.\textsuperscript{17}

“The real humanitarian problem in Georgia is not the conflict with Abkhazia and South Ossetia. Rather, the problem is the political “stalemate” concerning nearly 300,000 displaced persons that has resulted from the conflict. The IDPs should have the legal right to receive social services and participate in the polity on par with their non-displaced compatriots. Yet they have not been given this right. Although the crisis of displacement in Georgia was caused by war, it has not been perpetuated by war but by the bad policies of a functioning and otherwise viable government. Because Georgian citizens still live under this government, and not under the auspices of any neighboring government, they are not subject to the privileges of legal international assistance, almost all of which, for humanitarian crises, is earmarked for refugees.

Still, the first step towards intervention has to be taken by the government. Georgian elites have kept open the negotiating channels with Abkhazia to keep financial assistance flowing in from overseas. Yet there is less assistance than there could be under an international refugee regime. As well, current financial assistance goes towards sustaining the IDPs in their current conditions and not towards repatriating or resettling them. For this reason, one possible solution would be for the international community to pull away its financial assistance to make the Georgian government itself feel the financial burden of keeping its displaced population in limbo. Of course, opponents of this solution argue that pulling away will result in immediate detriment to the IDPs themselves, who rely heavily on whatever little foreign assistance they can get. For this reason, all future aid should be designated only for resettled IDPs, and not those who are in limbo.

Another possible solution might be to put international pressure on the Georgian government to recognize the power of the separatist regions and to grant them the level of autonomy that they desire. Georgia might offer equality in a federal union to Abkhazia and South Ossetia in exchange for repatriation of the IDPs. Currently, of course, Georgia does not have an incentive to give in to such international pressure or to grant autonomy to Abkhazia in an international union. The incentive would only appear if the Georgian government were to be given something, or else if something would be taken away from it. For example, in exchange for keeping open negotiations with Abkhazia previously, Georgia was admitted to the Council of Europe. Similarly, other international organizations, including NATO, should make it known that Georgia’s chances of joining them, however far off a prospect that may be, will be much slimmer if the IDPs are not resettled.

The most important solution to the humanitarian crisis in Georgia has to come from the Georgian people, themselves. Currently, they feel the results of having IDPs cohabitate their towns and cities, where for the past 10 years these IDPs have lived separately and unequally. Georgians are feeling the drain of the resources being spent on these IDPs, which could be put to better use elsewhere. Unfortunately, like most former Soviet Union citizens, Georgians are politically passive. Fewer than 20 percent of them trust the government’s institutions. Yet the Georgian people must be the ones to advocate change for their country. And the only way they could do this is to first understand that human rights should be shared universally. Changing people’s attitudes is difficult, of course, but not impossible. In this case, it might be easier than expected, since the change needs to be in Georgians’ attitudes toward their fellow citizens, and not toward the government. Of course, this is not an immediate solution, but it is a start. ■
isegarding the tenuous balance between long-standing cultural traditions and contemporary politics, the Chinese government readily capitalizes on its citizenry’s blind adherence to the past, and blitzkriegs cities and the countryside with propaganda echoing bygone eras. Cadres, operating on the local level, use physical and financial coercion to force couples to abide by the rules of the Communist party. The cadres derive their feudal-like power from the party-state, an organized body infused with patriarchal values, passed down from Confucius and two millennia of male dynasties and continuously evoked by Mao and his successors. Thus, the Chinese government, by hiding its questionable policies in the haze of a glorified past, acts on a very personal level, and it becomes a salient entity, determining the daily choices people make, the places they go, and even the ways they think.

After three decades of the one-child policy, the Chinese have taken birthing regulations as a fact of life, a status quo that should never be directly challenged—even if it is surreptitiously evaded. In the 1970s, rural couples wanted two sons and a daughter; now, however, one son and one daughter are ideal. Couples, with only a fuzzy inkling of the alternative birthing choices their parents had, are now, in a frighteningly Orwellian situation, mentally reformulating their notions of family to better fit, though not perfectly, the birth control rules of which they themselves are a product. In the process of exploring the history and repercussions of China’s one-child policy—a policy born out of necessity and shaped by a confluence of politics, culture, and gender ideology—I hope to gain some insight into the values and beliefs of my ancestral homeland. In the process, I want to understand how the Chinese government has used a long-held cultural belief—that of female inferiority—and co-opted it, under the guise of the one-child policy, to further the government’s own goals in regulating China’s total population.

Even though Mao, over three decades ago, boldly, if disingenuously, proclaimed that women hold up half the sky, the reality is that male preference remains as unflinchingly ingrained in Chinese sentiment as it was a century ago. In China, sons, in fulfilling their filial obligations, are supposed to carry on the family surname. During the New Year, males (not females—that would be a source of shame) are responsible for visiting family ancestral halls to pay heed to a genealogical line that they, post-death, will someday find themselves a part of, so that future descendants may also remember them in posterity. Gender stereotypes also pervade: males are synonymous with strength, fertility, and potency. Yet, from the Chinese perspective, the preference is as practical as it is mental. Sons, along with daughters-in-law, take care of parents in the frailty of old age. Females, on the other hand, are less useful, because they lack social status in a society built upon interactions between males. Ultimately, the prevailing notions hold that daughters eat up resources until they are married off, so that they can bear sons of their own—and have only themselves to blame should a daughter come from the
Like so many other Chinese policies conjured up in the last half-century, the story of the one-child policy’s birth begins with Communist leadership. In the 1970s, the Chinese government, under the helm of Mao Zedong, realized that the country’s population had been grossly underestimated by as much as 100 million. Of course, the country’s objectives for long-term development had not taken into account this unexpected burst in population. Agricultural output estimates, moreover, suggested that, with the new population measurements, the country would not be able to feed itself. Politicians also determined that social inadequacies, including insufficient education, health care services, and housing, would be exacerbated. If action were not immediately taken to curtail China’s exploding population, Deng Xiaoping, in a Malthusian statement, warned, “Economic growth would be consumed by population growth.”

Although Maoist doctrine, which stated that overflowing populations were indicative of a healthy empire, quashed two previous efforts to implement birth control, the government acted swiftly this time, partly out of fear, partly out of necessity. So in 1979, China, the only country in the world to punish its citizens for violating family planning, implemented the one-child policy. The system was a tortuous maze of bureaucracy, paperwork, and government enforcement. Initially, a one-child certificate was issued to all couples, promising widespread benefits, such as old-age pension, labor insurance, housing, children’s day care and education, and commuting subsidies, to parents who agreed to have only one child. In addition to incentives, the government also issued a long list of harsh penalties for violating the policy. Couples who bore two children could face the loss of membership in the Party, job demotion, deduction of salary, and even the inability to procure a private plot of land for housing. In addition, the central government allowed local officials to enforce this policy through such extreme measures as forcing women under their jurisdiction to undergo sterilization, abortion, or inter-uterine device (IUD) insertion.

Regardless of the laws dished out from on high, parents felt the need to evade the one-child policy in China. According to surveys taken in 1988 and 1993, 94 percent of young people felt that the ideal family consisted of two children. Despite a clear preference for sons, couples felt that one son and one daughter would best fulfill emotional and economic needs. Three quarters of women never accepted the one-child certificate, or women demonstrated their defiance by having a second child. Some women hid in secret locales during childbirth, and others put babies up for adoption on the black market. Couples’ families, furthermore, helped with IUD removals and in the obtainment of records indicating fake contraceptive operations and abortions. Unfortunately, there was also an increase in traditional practices of abandonment and infanticide—drowning being the method of choice. Even local officials aided in the corruption, issuing second permits for friends and relations, registering second children as twins, and falsifying statistical reports and medical certificates. Officials loyal to the one-child policy, however, were largely met with resentment: couples have been known to physically assault cadres and destroy the property of birth-planning personnel.

Between 1979 and 1983, the government put into play an extensive campaign to support the one-child policy through a combination of tactics including incentives for birth control use and harsh punishments for parents of multiple offspring. By the end of the campaign, the government had enlisted 1.37 million propagandists and 138,000 medical personnel toward its cause,
resulting in 2.68 million new sterilizations in January of 1983 alone—all so that China would not exceed its overall population target of 1.2 billion in 2000.\textsuperscript{7} Despite all the propaganda, education, regulations, and sanctions, Chinese couples still resisted the one-child policy. Cognizant of this dilemma, the government decided to relax the rigid one-child policies in 1984, and it assented to a conditional two-child policy. At this point, policies became more ambiguous, and couples, not surprisingly, used the opportunity to take advantage of the loopholes. While the one-child propaganda continued and was strictly enforced in rural areas, there were special exceptions for groups such as parents who were both only children, minority populations of the Chinese hinterlands, and rural parents whose first child was a daughter. By 1986, much to the government’s dismay, fertility rates once again got out of hand and threatened to inundate the country with enough babies to push the total population past its target of 1.2 billion—the point at which Party hardliners argued that the national infrastructure of food and services would threaten collapse. So in 1990, after several more years of infighting between the one-child and two-child policy camps, the government finally reversed its previously lenient laws, and since the mid-1990s, increasingly harsh surveillance measures have been re-introduced into both urban and rural areas.\textsuperscript{8} In retrospect, the return to a one-child policy was too late, as population totals, according to the PRB, were much closer to 1.3 billion in 2000—although China, contrary to the hardliners’ beliefs, continues to be a country heading towards economic prosperity.\textsuperscript{9} Surprisingly, there are indirect benefits for women living under the one-child policy. With large reductions in time devoted to pregnancy and childcare, contemporary women have been exposed to a number of options that their mothers never had the luxury to explore, much less contemplate. The women of Shijicun, for example, felt that freedom from reproductive obligations was a liberating aspect of the birth-control laws.\textsuperscript{10} With their free time, women, when not contributing to their family’s economic well-being through work in local agriculture, could devote a couple of hours each day to hobbies they personally enjoyed. Ironically, daughters, who are more likely than sons to provide emotional support, saw an increase in their cultural worth as unfilial sons, spurred to migrate and take advantage of China’s burgeoning economy, abandoned their parents.\textsuperscript{11} Although such news may be heartening, Chinese women still face overwhelming dangers from the enforcement of the one-child policy and have far fewer freedoms than their male counterparts. Ultimately, resistance to the policy also reinforces women’s social subordination, for in perpetuating the notion of the patriarchal family, the women are unwittingly voicing their acceptance of the very gender hierarchies that cause the problems in the first place.\textsuperscript{12} Nevertheless, the one-child policy, for all the evasion, served its purpose in suppressing population growth—although it cannot be considered a smashing success by any means. China’s crude birth rate has been halved in less than three decades, dropping from 33 to 15 per 1,000 between 1970 and 1998. Demographers, moreover, estimate that in that same time period, birth planning has averted over 340 million births. Instead, projections indicate that, given current fertility levels, the Chinese population will peak at 1.6 billion in 2050, and then steadily taper off.\textsuperscript{13} Because China’s population will continue to increase in the coming decades, the Politburo, a decision-making body comprising the most powerful men in the Party, turned down suggestions to steer towards a two-child policy. Yet a two-child policy still warrants some serious discussion. While couples may be relieved that they have the good fortune of having more than one child, a higher power is still ultimately exercising control over their families. By supporting a two-
child policy, however, the government would also be advocating
gender equality by removing the stipulation that currently allows
a second child only if the first one is female. The February 1998
decision to maintain the one-child policy, however, was based
upon the reasoning of Party hardliners who argue that a two-
child policy would trigger an immediate spike in fertility, akin to
the one in the mid-1980s, and it would result in a three-child
reality. Furthermore, Party members assert that such an abrupt
policy change would anger loyal couples who had adhered to the
one-child policy. Consequently, it seems that the government will
likely continue the flawed one-child policy as its population control
method. By wresting away from parents something as sacred as
childbirth, the government turns life into a commodity—something
that can be as tightly regulated as the monetary value of rice.
Indeed, the government, which is fervently trying to gain power in
the UN, transgresses policy outlined in the Universal Declaration
of Human Rights which states: “The family is the natural and
fundamental group unit of society and is entitled to protection by
society and the State.” Instead of protecting citizens’ cultural
beliefs, the Chinese government has tried to alter them to serve
the logistics of the population. In being the arbiter of life, then, the
government violates the very essence of a woman’s individuality.
By forcing sterilizations and inducing late-term abortions, the
government asserts control over the last thing that a woman has
control over—her body.

From a developmental perspective, the one-child policy, without the government taking any action, may eventually become
irrelevant on its own. As the country continues to urbanize, fertility
rates, in line with the demographic transition theory, will naturally
decline. In the process, women’s socioeconomic status will also
improve, hopefully elevating their position in the gender hierarchy.
After China reaches a certain point in its development, then, birth control laws may lose their necessity. In Italy and Japan, for
example, governments, rather than worrying about birth control,
are confronting an impending crisis in under-replacement. As
China continues its integration into the world economy, however, China should turn to India for inspiration in looking for alternative
birth control policies. India, whose population, currently at one
billion, is expected to exceed China’s in 2045, opts for a birth
control policy of choice, in which women are given the freedom
to participate in contraceptive programs. Using education
campaigns and promoting universal access to contraceptives, the
Indian government has been successful in reducing the crude birth
rate from 41 per 1000 in 1951 to 26 per 1000 in 1998, and it has
convinced 40 percent of urban women and a third of rural women
to go on some form of contraception. While the Indian policies
certainly have drawbacks, the Indian method is preferable to the
Chinese one, in large part because the Indian method operates
under an assumption of choice, rather than coercion.

Even though the Chinese government believes that maintenance
of the status quo—a strict adherence to the one-child policy—is
currently the best course of action, the social repercussions of the
one-child policy may eventually force the government to alter its
rules. In 1998, the male-to-female sex ratio was 1,170 to 1,000,
a statistic that has only been increasing since the implementation
of the one-child policy, so that there are now well over a million
“missing” girls in China. A number of reasons have been posited
for the skewed ratio, including female infanticide, abandonment,
and neglect. Ultrasound machines, which became widely available
in all counties beginning in the early 1980s, have now been co-
 opted for sex determination. Although the Ministry of Health has
continued to ban the misuse of ultrasound machines, ambitious
would-be parents continue to circumvent the laws. In South
Zhejiang, for example, researchers determined that, for couples
who did not have a son, the number of aborted female fetuses was
twice that of aborted male fetuses. These extreme actions are
being undertaken when, due to the stifling pressures of the one-
child policy, the couples are forced to choose between government
and cultural tradition. Among women with one birth, those with a
daughter, when compared with those with a son, are more likely
to have a second child. Thus, regardless of government edicts,
women will continue to bear children until a male heir arrives.

Now, with 50 million more males than females, it is not
surprising that young bachelors, members of the first wave of
children born under the policy, are having great difficulties finding
brides. While some families are forced to pay exorbitant prices
to lure women away from distant villages, other young males,
without the financial means, have resorted to marrying relatives.
Indeed, this problem is growing so commonplace that in certain
rural regions, communities are referred to as “incest villages.”
When these couples bear children, the physical deformities that
the progeny are born with—ranging from deafness to mental
retardation—add additional shame to that which the couple’s
relatives already have to endure. In the coming decades, the
number of bachelors will only increase, effectively exacerbating the
incest problem and, in the process, widening the chasm within
the gender hierarchy. Given enough onus—in this case, the pervasive
lack of females—perhaps a swarming hoard of angry young men
will finally storm Beijing, forcing the government to acquiesce and
abolish the one-child policy once and for all.
“Wake Up & Write About Us”

A Testimony by Oyungerel Tsedevdamba
Contributions by Naomi Abasta-Vilaplana, Alexandra Goldman, and Jess Steinberg

If you are a volunteer in a human rights organization, you probably don’t earn much money from your job. Instead, you probably have to donate to your office from your pocket. Your family and friends must have repeatedly reminded you that you could earn much more with your brilliant ability. But you stay with your human rights job at least part-time, because you believe it is something worth doing and something of value to society. Well, this is my situation, too.

At 12am of September 16, 2003, my 16 year-old son called nervously to my office: “Mom, we are going to go in six hours, haven’t you finished working?” I felt guilty before my family. My nine year-old daughter was awake, waiting for me, because I was supposed to leave for Stanford at 6am. She would be home in Mongolia without me for 10 months. I told my clients, who were still sitting in my room, that I had to stop working and go home. They understood, finally. They usually did not stay at my office that late, but when they heard that I was about to leave for the USA they came to discuss their cases while I was still at the Liberty Center in Mongolia.

The Liberty Center is a non-governmental organization in Mongolia aimed at the pursuit and defense of civil and political rights, strengthening democracy in Mongolia, and supporting the rule of law. Oyuna founded the organization upon the request of the Prime Minister of Mongolia, as there were no organizations that addressed the protection of political and civil liberties. It was difficult to obtain funding for the organization, as most potential donors believed the mission of the organization to be too political. Thus, Oyuna was forced to raise the money for the organization’s expenses for the first two years of its existence. One of the major functions of the center is to post alerts on the internet regarding specific and urgent cases of rights violations with the aim that transnational actors (other organizations, individuals, states) will respond. Every single alert posted as of now has been successful.

Many who come to my office have their case written and spread out via Internet and newspapers. Sometimes, I write at my own initiative. From 2000 to 2003, as a human rights activist and executive director of Liberty Center I wrote 40 alerts in English.
and in Mongolian. I also did a number of new things I have never done at any of my other paid jobs. These included free social activities to raise money for the center, organizing campaigns against human rights violations, maintaining websites, setting up a new library, publishing handbooks and leaflets, organizing training, giving legal advice, and working with the domestic and international human rights communities. While learning myself, I have been training non-lawyer activists for all provinces of Mongolia.

While some cases take a long time and require meticulous collection of information and data, some cases require immediate action.

One of these cases occurred in May of 2003. In a move away from Communism, Mongolia began to privatize land ownership. However, local authorities reserved the right to seize the land without due process. Farmers as well as suburban land owners (whose land was most desirable and thus most likely to be taken) demanded full property law ownership protection. In protest, farmers stormed the capital with their tractors. Complaining that the tractors were aesthetically displeasing, the police did not allow the farmers to continue their demonstration. As a result, the city inhabitants joined the farmers in demanding their right to demonstrate in a public place.

One night of 2003, my phone rang at 3am. A young journalist called me: “Oyuna egchee, here I am being arrested at Sukhbaatar Square while I was doing my work…” I was too sleepy to wake up and go to the main square of Ulaanbaatar. I lay back and slept again, but the phone ran for the second time, approximately half an hour later. “Oyuna, I am arrested. I see hundreds of policemen standing outside of this building blocking the Democratic Party headquarters. Wake up and write about us.” This was too shocking for me to sleep again. I got up quietly so that I could make sure not to wake up my father sleeping in the next room. I thought he would scold me as usual for not resting, but surprisingly, he got up by 4am and made hot tea for me, whispering “Write…write well my daughter.” So I sat behind my computer and made calls and started writing a story about farmers who came to the capital city to demonstrate, and how the police took midnight action to remove them and their tractors from the main square. This news was spread out via Internet by 6am. At 9am, the Ministry of Justice and Domestic Affairs held a press conference where the Vice Minister declared, “There was no arrest last night.” But the government could not lie any longer than three hours. All arrest-related photographs were put on newspapers and online. Arrested journalists, demonstrators, and their supporters were freed by 11am of the same day.

The first question I am usually asked by interested scholars, potential donors, and interviewers concerns my profession. They ask, “Are you a lawyer?” and, “Are you a journalist?” The answer to both is “No.” So, “How come you write a lot and give legal advice to clients,” meaning “Are you competent enough?”

That was one of the reasons why I never charge for my services. I was (and still am) professionally not competent enough to offer a paid legal defense or to report on court decisions, for example. I am merely an activist with an advanced degree in Economics. Human rights, especially civil and political rights, are my passion, but not a profession. I honestly say to my clients that I am not a professional lawyer or journalist, and that I can offer my advice only in the simplest and most evident violations I can see from their cases. Paradoxically, clients who come to my office often find the Liberty Center to be the final place to turn for justice.

From Professor Terry Karl’s classroom of “Global Politics of Human Rights,” I look back to my earlier writings. First of all, I find my English awkward. Secondly, I am so grateful to those who read my bad English and responded to me very supportively. I received many passionate responses to my alerts and cases brought to international attention. Thirdly, I find myself a part of a very dramatic, dedicated movement, with a long history of human struggle—the magnitude of which I did not realize before, although I enjoyed frequent international contacts.

“We had no money, no power, no weapons, just the power of words.”

Tonight I happened to have another sleepless night. When my class ended at 11pm, I thought I was going to bed by midnight. A long day of study was about to end after watching “Judgment in Nuremberg” in Building 420 of the Main Quad, but when I checked my email as soon as I got home, I saw a request from the Liberty Center to discuss a new case. A phone discussion on that case reinvigorated me. I began thinking back and writing this piece for the Stanford human rights magazine Six Degrees.

I wonder how many students of this famous school will dedicate their time, work, and life to human rights. I wonder if my story is the same as yours. If you are not one who has already made your decision to be a part of this global movement, I find Stanford a wonderful place to begin thinking about the importance of human rights to us, individually and collectively.
Here, in brief, are the human rights issues examined in this issue of *Six Degrees*. It is our aim to select articles that cover a large part of the globe. Please turn to the topics’ respective page numbers to learn more.

**Haiti**
Dr. Paul Farmer speaks of his experiences co-founding Partners in Health, a nonprofit organization providing medical treatment in rural Haiti. He also considers global health issues and advises students on creating their own paths in the field of international development. Page 32

**Armenia**
During World War I, the Ottoman Turks murdered 1.5 million Armenians. Since that time, the Turkish government has used its influence to coerce foreign governments (including the United States) into denying that the genocide ever occurred, despite a wealth of ample evidence. Page 26

**Georgia**
Victims of Georgia’s civil war are defined as “internally displaced people,” or IDPs. Like refugees, they are unable to return to their homes. Georgian IDPs, however, are denied the aid the international community designates for refugees, and are pawns in a political battle over sovereignty of their home regions. Page 12

**Alien Tort Claims Act**
The Alien Tort Claims Act (ATCA), passed in 1789, has been a powerful tool in using US courts to pursue civil suits for torts committed abroad. Recently, however, ATCA has met substantial criticism for being used to sue American corporations and for impeding US foreign policy and the war against terrorism. Page 42

**Basque Region**
Professor John Perry and Provost Etchemendy recently received a letter from Basque newspaper editor and prisoner of conscience Iñaki Uria, incarcerated in Aranjuez, Spain. Since Sept. 11, Spain has imprisoned many innocent Basque writers, politicians, and journalists. Page 8
China
For thirty years, the Chinese government has attempted both to control population growth and codify the belief of female inferiority through the country's one-child policy. Now, with 50 million more males than females, the social repercussions faced by the first generation born under the policy may finally force change. Page 18

North Korea
In China, North Koreans seeking asylum from their country's abusive practices are not recognized as refugees. Rather, they are categorized as "economic migrants." Due to this designation, an estimated 200,000 North Koreans are vulnerable to abuse and persecution, with little hope of legal recourse. Page 36

Mongolia
Oyuna Tsedevdamba, currently a graduate student at Stanford, also works in Mongolia at The Liberty Center, a non-governmental organization dedicated to supporting democracy and defending individual political and civil liberties. Page 22
Every year on April 24, close to a thousand Armenian-Americans protest in front of the Turkish consulate of Los Angeles to commemorate the Armenian Genocide of 1915. They march with signs that read “1915 Never Again” and “Turkey Run, Turkey Hide, Turkey Guilty of Genocide,” and they chant “Recognize the Genocide” in unison. I witnessed this demonstration for the first time as I drove down Wilshire Boulevard on April 24, 1998.

Reading the local newspaper the next morning, I learned that the Turkish consul issued a statement after the protests had ended. In it, he refuted the so-called Armenian Genocide as a mere tragedy resulting from casualties of war.¹ I later understood that this cycle of Armenian protest and Turkish dismissal has been perpetuated for decades. This cycle would compel Americans like me, who drive past the consulate every April 24, to wonder why these Armenians march and chant passionately every year to no avail.

In 1915, during World War I, 1.5 million Armenians were systematically massacred by the Ottoman Turks. The Allied powers were preoccupied with the supposed “war to end all wars,” and the Young Turk party ousted Sultan Abdul Hamid II, the last royal sovereign of the Ottoman Empire. Abdul Hamid had established separate millets, or religious communities, for the Christian Armenians—not for their own freedom and welfare, but because he viewed the Armenians as swine and, therefore, not members of the Islamic Turkish citizenry.² After the Young Turk party rose to power on a democratic platform, its triumvirate leadership decided to switch to more nationalistic ideals, presenting the idea of pan-Turkism to its people. The Armenians, already segregated from the Turkish population, were an obstacle to the formation of a pan-Turkish nation, and they became the victims of severe oppression and bigotry.³ Without a democracy protecting them, the Armenians were left defenseless under the dictatorial swords of leaders who wanted to rid the empire of Armenians. Behind the smokescreen of World War I, the Young Turk leaders Talaat, Enver, and Cemal Pasha saw the opportunity to do so, and they carried out the extermination of the Armenians under the cloak of deportation.⁴

On April 24, 1915 an estimated 1,100 Armenian intellectuals, including politicians, lawyers, doctors, authors, and composers, were murdered in the Turkish capital of Istanbul.⁵ Having disposed of the Armenian leadership, the Turks introduced the 20th century to its first genocide by deporting innocent Armenians en masse.
from their homes in Harput, Sivas, Ani, Van, Kars, Zeitoun, Ourfa, and many other Armenian cities across Anatolia. Reduced to animals, the Armenians found themselves in a new habitat—the desert of Der-el-Zor in Syria, where the rotting corpses of their fellow people lay under the glaring sun, foreshadowing the fate that awaited them. From 1915 until the end of 1916, an estimated 1.5 million Armenians—half of the entire Armenian population in the Ottoman Empire—met this fate as a result of the meticulously plotted and carefully executed plan of the Ottoman Turks.

Henry Morgenthau, US ambassador to Turkey, was there to witness the genocide unfold. Ambassador Morgenthau saw and heard the leadership of the Young Turk party surreptitiously plan and carry out its systematic calculations of genocide. Morgenthau established a wide network of peers in the Armenian, Greek, and Turkish communities of Constantinople, and with his diverse political and social relationships pervading multiple classes of society, Morgenthau heard the pleas of Armenians fortunate enough to have escaped the massacres. In vain, he begged Interior Minister Talaat Pasha to resign from his genocidal campaign against the Armenians. Through these experiences, Morgenthau discovered the real motivations behind the deportation of the Armenians to the Syrian Desert, noting in his diary:

“When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact.”

Henry Morgenthau observed the covert orchestration being conducted by the Turks, but Leslie Davis, the US Consul in Harput, witnessed the horrific results of these calculations. On June 23, 1915, Davis reported the disappearance of prominent figures of the Armenian community in Harput. After prodding Turkish soldiers with inquiries as to the whereabouts of these Armenian leaders, Consul Davis was told that they had been rounded up and taken to a desolate location to be “done away with.” Left without leadership and manpower, the elders, women, and children of Harput were deported three days later. Davis witnessed the tortures to which Armenians who resisted leaving their homes were subjected:

“In Harput...they have had their eye-brows plucked out, their breasts cut off, their nails torn off; their torturers hew off their feet or else hammer nails into them just as they do in shoeing horses... when they die, the [Turkish] soldiers cry: “Now let your Christ help you.”

Presently, the Turkish government responds to allegations of carrying out the Armenian Genocide by claiming the deaths were mere casualties of war, as the Turkish consul in Los Angeles repeats publicly every year. With an estimated 100,000 Turkish soldiers killed at Armenian gunpoint in Van and Bitlis, the consul and the Turkish government seem to be correct in their assertions. However, they fail to mention that these deaths were limited to Turkish soldiers and did not include Turkish civilians. Moreover, these casualties resulted from the Armenian resistance to the deportations and massacres of unarmed, innocent Armenian civilians throughout Anatolia. Most importantly, the accounts of educated US diplomats such as Morgenthau and Davis provide legitimate testimony that confirms the systematic massacre of 1.5 million Armenians by the Turkish regime.

Mount Ararat looms over a fortress that sits on the border with Armenia. The mountain was once part of Armenia, but is now on Turkish territory. To Armenians, it is a potent reminder of all that they have lost.
Passing by the Turkish consulate, I think about the horrors Morgenthau and Davis witnessed and the torture. 1.5 million Armenians failed to endure. These accounts and statistics make me wonder why the Armenian Genocide is not placed alongside the Jewish Holocaust in history books, popular media, and the common knowledge of the American public. Frequently, I wonder why the United States government denies the Armenian Genocide as historical fact, leaving American citizens uninformed of the Forgotten Genocide. I am sure American politicians understand the facts surrounding the Armenian Genocide or at least have the resources to gain that understanding. Even Mustafa Kemal Ataturk, President and founder of the Republic of Turkey, condemned the Young Turks for carrying out the Armenian Genocide. Yet, I am left to wonder why this genocide has gone unremembered through today?

Reading Ambassador Morgenthau’s Story at Stanford’s Green Library, I began to absorb the ambassador’s personal accounts through his own eyes and thoughts. Story after story and image after image helped create a more lucid picture of the atrocities in my mind. But then I turned to the illustration on page 312. According to the table of contents, the caption was supposed to be titled the “Fishing Village on Lake Van,” but I could only read “llage on Lake Van.” The page had been torn exactly where the caption listed the number of Armenians who were massacred in the region in 1915. Only “000 Armenians were massacred” was legible. The more material I read pertaining to the denial of the Armenian Genocide, the more I realized how commonplace this sort of historical erasure is—not only in books, but in politics and culture as well. Although 89 years had passed since the Armenian Genocide, I still experienced the atrocity in its new form: a cultural genocide designed to erase the modern history of the Armenian people.

The Turkish government refuses to accept that the Armenian Genocide ever happened. Not only does the government deny the historical facts surrounding the Genocide, but the government has also taken extensive steps to manipulate those facts into historical fallacies. The fog of World War I hid the massacres of the Armenians from the world, and today a thick cloud of political and social concealment by the Turkish regime achieves the same effect. To Armenians, who are well aware of this imminent threat to the recognition of their ill-fated past, the cultural genocide is termed the White Massacre.

A simple understanding of international law explains why Turkey has taken such unjust measures to hide the truth. If Turkey were to admit to carrying out the Armenian Genocide, it would face the fate of Germany, which has paid over $60 billion in reparations for the Holocaust and continues to compensate about 12 million Holocaust survivors. To the Turkish government, which has a current GDP estimated at $490 billion, recognizing the Armenian Genocide would severely impact the economy and is simply not a feasible option. A more devastating consequence for Turkey, if it chooses to accept the Armenian Genocide, would change the map of the world. Turkey would be forced to cede the lands surrounding Van, Bitlis, Ani, Kars, and Sivas to Armenia. The possible hemorrhage of this land has deterred the Turks from contributing to historical truth by recognizing their crimes against humanity. Accepting the Armenian Genocide would damage Turkish politics, economy, and society, and many in the Turkish community, including Ercument Kilich, President of the Assembly of Turkish American Associations, have expressed these grave worries, warning, “Armenians…are once again trying to squeeze Turkey economically.” However, Turkish historian Taner Akcam, now at the University of Minnesota, is urging his nation’s government to look past the losses and recognize the Genocide. He insists, “If and when the government of Turkey acknowledges its past wrongs and recognizes the Armenian Genocide, it will then be able to ensure a democratic future.” Yet Turkish historians like Akcam who accept the Armenian Genocide constitute a small minority of Turkish intellectuals, and fear of political and economic damage is still prevalent in Ankara. When a government is faced with high stakes, it will, in its own interest, resort to extreme measures.

To carry out its plans of cultural genocide, the Turkish government planned to completely erase archaeological evidence that could otherwise indicate the existence of an Armenian community in Eastern Turkey. Destroying the Armenians’ churches, uprooting their cemeteries, and demolishing their buildings.

“In 1915 the Turkish government began and ruthlessly carried out the infamous general massacre and deportation of Armenians in Asia Minor…[T]he clearance of the race from Asia Minor was about as complete as such an act, on a scale so great, could well be…There is no reasonable doubt that this crime was planned and
proved difficult and laborious for the Turks, primarily because the Armenian civilization had inhabited the land since the time of the Hittites, Phoenicians, and Chaldeans some 3,500 years ago. Regardless of the difficulties, the Young Turk government immediately started the campaign to erase history while it carried out the Genocide. The government leveled 1,036 Armenian churches and monasteries and half-destroyed 691 other religious buildings representative of Armenian society in Turkey.

In Istanbul, the government forbids repair on Armenian structures to this day, and Armenian Church property is repeatedly confiscated through the right of eminent domain. Moreover, Armenian churches in eastern Turkey have been converted to Islamic mosques in an effort to conceal the most visible beacon of an Armenian presence: Christianity. In other parts of eastern Turkey such as Ani, nicknamed by Armenians the “City of 1001 Churches,” the Turkish government has altogether neglected renovation projects to restore the archaeologically and culturally significant churches and monuments. Because of this government policy, Ani currently lies in ruins, symbolic of the destruction wrought upon it by the Turkish regime.

To absolve all memory of the Armenian Genocide, however, the Turkish government has had to shift its strategy of “rewriting history” by focusing on one other factor: the abundance of documentation, eyewitness accounts, and other media circulating the globe to educate the public about the Armenian Genocide. The Turkish government fights international recognition with claims that dispel the myth of the Genocide. Turkey has had to deal with foreign government resolutions that recognize the Armenian Genocide and call on Turkey to do the same.

Turkish diplomats like Nuzhet Kandemir, former ambassador to the United States, have proclaimed that the massacres of 1915 do not constitute the legally accepted definition of genocide. What happened, they say, was the consequence of war and was certainly not a systematic massacre determined to exterminate the entire Armenian population. Could US Ambassador Morgenthau have been wrong when he categorized the Turkish deportations as the “death warrant to an entire race?” Doubtful, especially because of a conversation between Talaat Pasha and Dr. Nazim, executive secretary of the Young Turk Central Board and member of the Genocide planning committee, in which the latter declares:

“If we are going to be satisfied with the kind of local massacres that occurred in Adana and other places in 1909…if this purge is not going to be universal and final, instead of good, it will inevitably result in harm. It is imperative that the Armenian people be completely exterminated; that not even one
single Armenian be left on our soil; that the name, Armenian, be obliterated...The procedure this time will be one of total annihilation—it is necessary that not even one single Armenian survive this annihilation.\textsuperscript{24}

Numerous other conversations and communications among the organizers of the Armenian Genocide have been archived as well. Not only do these verbatim records prove that the Armenian massacres were systematically planned and orchestrated, but they also discredit all statements made by the present Turkish government regarding the legitimacy of the Genocide.

Other countries also became targets of the Turkish determination to keep the Armenian Genocide hidden from the world. When the French Parliament took a moral step forward in recognizing the Armenian Genocide, Turkey immediately suspended a $10 billion arms defense deal with the Western European nation.\textsuperscript{25} Turkey then suspended contracts worth $300 million with the French construction companies Aeropostiale and Thomson CSF claiming its disgust with French recognition of the “so-called Armenian Genocide.” With its politically-tagged business withdrawals from France, Turkey has demonstrated its goal of compelling the world to forget the Genocide. More recently, after the Swiss National Assembly officially recognized the Armenian Genocide, the enraged Turkish government postponed the visit of Swiss Ambassador Micheline Calmy-Rey.\textsuperscript{26} In an effort to deter other countries from recognizing the Genocide, the government of Turkey has used France and Switzerland as examples of what will happen to countries if they choose the path of recognition.

In countries that are of imperative interest to Turkey, the government has taken more intensive measures to ensure that those nations deny the Armenian Genocide. In Israel, a state established by those victimized by the Holocaust, this Turkish determination has been a success. Through a set of political calculations, the Turkish government compelled the Israeli government, including Nobel Peace Prize Laureate and Foreign Minister Shimon Peres, to deny the Armenian Genocide. For example, the Turkish government explicitly threatened the security of the Jewish population currently living in Turkey because Israel proposed to include the Genocide in its textbooks and academic curricula.\textsuperscript{27} Furthermore, Turkey formed a military alliance with Israel in the 1990s, which allowed Turkey to purchase advanced Israeli weaponry and share high-level intelligence with the Israeli military, in exchange for Israeli denial of the Armenian Genocide.\textsuperscript{28}

Most importantly, the Turkish government used its favor with Israel as a means of accessing the powerful Jewish lobby in the United States. In 1985, through the lobby group and a huge investment of money, Turkey was able to publish advertisements in the \textit{New York Times} and \textit{Washington Post} denouncing the Armenian “allegations” and the “so-called Armenian Genocide.” Sixty-nine scholars of Turkey signed the advertisement. Turkish officials also encouraged the scholars to argue against establishing a Day of Commemoration for the victims of the Armenian Genocide in the US Congress.\textsuperscript{29} Through its political pressures and tactics, the Turkish government has convinced Israel to deny the truth for an advantageous political and military relationship. Moreover, Israel has primarily been used as one of Turkey’s routes of access into the political and business system of the US.

Having understood the motivations behind the Turkish denialist campaign, I am still left to wonder why the US government has done the same? Despite sending troops to Kosovo to liberate its people from the genocidal grip of Slobodan Milosevic, the American government denies the existence of the Armenian

In now-independent Armenia, a memorial commemorates victims of the Armenian genocide. Elsewhere, they have been forgotten.
Genocide. Our government recognizes the Jewish Holocaust, Cambodian Genocide, and Rwandan Genocide, yet it shuns the first genocide of the 20th century. This hypocrisy has been produced by a double standard inherent in US foreign policy. Collaborating with the Turkish government, the United States has chosen to prioritize its political and business interests over humanitarian justice. Because of this double standard, the 1.5 million Armenians that were massacred in 1915 remain alone and forgotten.

Historically, Turkey has been viewed by the United States as the link between the Middle East and the West. For this reason, the US has invested politically, militarily, and financially in Turkey to pursue American interests in the Middle East. In turn, US foreign policy towards Turkey has served to please that nation, primarily in reference to the Armenian Genocide. On one layer, the US claims to advance morality, democracy, and freedom around the world. Underneath that layer, however, the American government pursues its political and economic interests at the expense of the ideals that it claims to uphold. More importantly however, the lives of American politicians, businessmen, and citizens have also been affected by the American policy of Genocide denial.

The issue of recognizing the Armenian Genocide was presented in the House of Representatives numerous times throughout the 1990s. The passage of a resolution has failed on all occasions. In 1998, House Resolution 596 appeared on the House floor. The resolution demanded American recognition of the Armenian Genocide and condemned Turkey for its denial of the Genocide. Diplomatic and political pressure from the State Department and lobbyists paid by Turkey did not sway congressmen from proceeding to vote on the resolution. However, on October 19, Speaker of the House Dennis Hastert tabled the vote, which he later professed “would have enjoyed support among the majority of the house.” American congressmen were silenced on that day because the US government was courting Turkey for military interests. A last-minute letter from President Clinton convinced Hastert to take action so as not to “adversely impact the situation in the Middle East.”

Realistically, American recognition would only force Turkey to restrict the American military from using its NATO bases to patrol American interests in the Middle East. With its denial of the Armenian Genocide, the United States government proved to view morality and humanitarian justice as insignificant gears in its larger political machine. With obvious lobbying power in the Defense Department and Pentagon, weapons companies became a useful ally for Turkey to push its genocide-denial campaign in America. When the House Resolution bill was on the floor in 1998, the Turkish government immediately threatened to pull out of a $4.5 billion deal in which it would purchase 145 advanced Bell-Texton attack helicopters. Pressure from Bell-Texton persuaded the Defense Department to lobby against the passage of the Armenian Genocide resolution, which failed soon after.

Keeping the American public educated and informed is of paramount importance to perpetuating US democracy. The media are constantly criticized for being biased or for not presenting the full story. But few pay attention to another very important source of information: the education provided at American universities. Bernard Lewis, a professor at Princeton University and well-paid lobbyist for Turkish affairs, denied the Armenian Genocide on several occasions. In 1985, he argued against House Joint Resolution 192, which wanted to include the Armenians in the “National Day of Remembrance of Man’s Inhumanity to Man.” In a 1993 interview with Le Monde, Lewis also discredited the Genocide as an unfortunate massacre but certainly not a systematic annihilation. The Turkish government provided Princeton with an endowment of $1.5 million to open a Turkish Studies chair that would serve to discredit Genocide scholarship. If American politics, business, and education have been tainted by Turkish manipulation and the double standard in US foreign policy, how are we supposed to understand the world around us?

“It is not possible to erase the memory of the genocide that has afflicted you. It must be inscribed in human memory, and this sacrifice must serve as a lesson to young people. At the same time, it is a lesson in the will to survive. So that everyone will know for a long time to come that these people do not belong to the past, but they are part of the present and have a future.”

- Former French President Francois Mitterrand

I was denied a complete picture of the Armenian Genocide in Ambassador Morgenthau’s Story. I cannot be sure if the page was torn intentionally to erase the number of Armenians that were massacred in the fishing village near Van. I can be sure, however, that the Turkish denialist campaign and the double standard in US foreign policy have concealed the truth.

I do not drive down Wilshire Boulevard just to pass by the Turkish consulate on April 24. Instead, I join the Armenians in their protests against Turkish and American denial of the Genocide. Raising awareness and assuming an active role in pressuring our government to recognize the Forgotten Genocide will bring us closer to remembering the 1.5 million victims of 1915.
In 1991, Haiti was placed third highest on “the human suffering index,” according to international health and population experts. With daily plantation wages as low as $.07 to $.15 a day, an average life expectancy of fewer than 50 years, and the highest rate of HIV infection in the Western hemisphere, it is indexed as the only country in the West characterized by “extreme human suffering.”

Paul Farmer is a doctor who has dedicated his life to this cause. A specialist in infectious diseases with a PhD in anthropology, he is best known for his work in rural Haiti as co-founder of the non-profit organization Partners in Health (PIH). He is also the subject of the recently released book Mountains Beyond Mountains, by Tracy Kidder, which follows Farmer in his ongoing efforts to reduce global health inequities and rid the world of curable infectious diseases. Farmer currently balances his time between a professorship at Harvard Medical School, human rights advocacy at universities around the country, and various Partners in Health projects in Haiti, Russia, Peru, South Africa, Guatemala, and Mexico—where he has become a leading expert in multi-drug resistant Tuberculosis and new HIV/AIDS treatments.

Farmer still predominantly resides in Haiti, where his hospital, Zanmi Lasante (Creole for Partners in Health), houses rural Haiti’s sole HIV and Tuberculosis treatment facility. With Zanmi Lasante treating over a thousand patients daily for free, or virtually for free, the doctors of PIH have been deemed saints by their patients and leading authorities on infectious diseases by colleagues around the world. In an interview with Six Degrees, Farmer commented on global health, current projects, and advice for students who are interested in pursuing careers in the international development field.
Q: So what initially interested you about Haiti?
P: I had worked with migrant farm workers, well not really worked with migrant farm workers but been interested in, and writing about, them as an undergraduate and I met quite a few Haitians. They were living under very difficult circumstances and I was curious as to why they would leave their home country to come and work in very poor conditions, so I asked one of the Haitians just that question. And he said, “Well have you ever been to Haiti?” And I said no, so he said, “well you should go and you can ask me again.” So I went to Haiti and initially I wanted to learn how to speak Haitian Creole. Then I went to Haiti and never left. You know I’m still working in the same place; in fact, I still live in the same village I went to in May of 1983.

Q: What keeps you there?
P: Well, now I’m a doctor and there’s just a huge burden of disease there, and I come back to Boston, and let me put it this way: if I got run over by a truck, the quality of medical care in Boston is not going to suffer. There are a lot fewer resources in Haiti, actually, than in any place I’ve been, period. So that’s why I’m still there now. Plus, I find it very compelling work.

Q: What do you see as a realistic approach of solving these global health crises? What do you think needs the most attention right now?
P: Any pragmatic engagement is necessarily realistic. You are involved in a project that takes on global health inequalities; it will be realistic based on definition. Policy can be unrealistic, but projects themselves tend to be grounded in every day concerns of patients. So, again, I just get back to these first principles of identifying the problem, and if you are a student, find the thing you are moved to do and this being persistent and humble about it are really pretty realistic. Well people say it’s not realistic to treat AIDS in Haiti and Malawi, and you just show that to be faulty by doing it. You see if people say, “Well it’s unrealistic to us in Haiti,” we say, “Well, that’s not true. Here, meet the patients.”

Q: Zanmi Lasante has proven to be a great success in Haiti; do you think it is something that can be replicated to raise the standard of living in other developing countries?
P: Sure I do. It required a ton of sweat equity and a lot of resources, but if you can do it in rural Haiti you can do it anywhere else. A lot of people who were formerly unemployed [near my clinic] are now working in the healthcare sector, so I think that’s good too.

Q: Why do you think, then, people are not following this same path?
P: Because it’s difficult, and it would require maybe moving resources from one place to another; [it would require people] being willing to talk about redistribution of resources, but I think more people are willing to do that. We had a talk last night about Haiti in Marin County, and there was standing room only, so there is interest.

Q: What is an example of an obstacle you faced when creating Zanmi Lasante?
P: No money, no resources. You have to have resources. If someone is a diabetic and they don’t have insulin, all the good will in the world is not that important if insulin isn’t in the equation. So, you have to have resources, and that is not to be dismissed. But, you know, look around you; I can see resources everywhere.
Q: Are there certain obstacles you think we should overcome before we can kind of see any improvement?
PF: I think as we are removing obstacles we will see improvement. And there are plenty of obstacles, but they have to be regarded not as insurmountable problems but as soluble problems, or nothing happens.

Q: Right now you have to maintain a balance between being a professor, traveling between projects around the globe, and maintaining your clinic in Haiti; how do you maintain that balance?
PF: Barely—it’s very hard. The real answer is that I work with a lot of great people who are committed to work. You can only do this kind of work in teams, right? Because [in] Haiti, if the success of the project was dependent on my presence then I couldn’t be here at Stanford. I’m not sure I do keep balance, but weighing what to do next is a constant struggle, and I try to use projects themselves as a way of setting my schedule. How are we doing at keeping services going?

Q: What do you think is the most important part of your work?
PF: I think that changes with time. Right now, I think I should be doing things like this: raising awareness, raising money, increasing support, and teaching. Earlier on it was much more important to lay the groundwork for a good project: to build things, to put programs in place, and now that many of them are built it’s important to expand and sustain them.

Q: Do you find this part of your work enjoyable? I know in the past you have stated the most enjoyable part of your work is working with patients.
PF: Yeah, I still think that is the most enjoyable part. Seeing patients is the part I like best. You get a lot of gratification out of seeing patients and doing the small-scale work. I think it’s a personal thing. It’s the part I like the most, but I’m not sure that’s the most important thing for Haiti, for me to be seeing patients all the time.

Q: How do you think people should approach making a wealthy country like the US aware of issues like this, when it’s just kind of hard to see when you’re caught up in the wealth here?
PF: Someone like me who is coming back from Haiti to a place like Stanford or Harvard has a somewhat different role than someone who is based here doing education and consciousness raising here most of the time. I’m lucky in that I get to live and work in Haiti much of the time, but there are people who are in Haiti a little bit of the time, or only occasionally, who do really critical work toward the awareness part. So, I think there are a lot of different roles in that part of the work too.

A group of women waits outside Zanmi Lasante. The clinic treats as many as a thousand people every day.
Q: In an interview with National Public Radio (NPR) you said you are not looking for people to replicate what you’ve done, but you are looking for people to find their own path. Can you elaborate on that?
PF: That’s right. That’s true. I think that it’s a big mistake to try and follow someone else’s path. I don’t know if it’s a big mistake, but I think it’s a mistake. There are certainly admirable paths to follow, so I would just say there’s always room for another way of moving forward—there’s another path of moving forward.

Q: Do you have any advice for students who are looking to get involved or who are looking to promote awareness here on a college campus?
PF: I would say be persistent and be humble. I see students who are like, “Well, I can’t get into this work” or “I don’t see a way.” Well, you know, it is not like you’re going to have a pre-packaged form of engagement with some of the poorest populations in the world. Students have to make an investment in shaping those experiences. I think it’s just very difficult work. There are a lot of disappointments in it, and a lot of defeats, which engender a welcome humility. It’s better to be humble if you are in this line of work rather than arrogant about what your prospects are to change the world or make everybody better. Another thing I would say is when you’re a student, your job is to learn and to study, and I think students should do that. I don’t think students should not do their job of learning and studying and being in a place like this. My advice to students is don’t give up this great time in your life in order to do something else. If your end choice is to be a student, then be a student. At the same time there’s a way to be an activist and a way to be engaged in this stuff even when you’re far away from Haiti or Africa or Oakland even. When you’re in a sanctuary like Stanford, there are all sorts of challenges close by and far away and finding a little bit of time to be involved in these challenges, I think, is a good thing.

Q: Where do you think your success has come from?
PF: Well, I don’t really know if I feel that successful. When you say you are going to use really stringent criteria for defining success, I think that I’m successful. I’m a professor, I’m 44 therefore, but I just don’t think that’s all that interesting—that kind of success. I think it would be better not to feel successful if you are involved in this kind of work. I think it might be better not to go for the conventional criteria for success.

Q: How do you maintain daily inspiration, the motivation to persist day after day?
PF: Every day, smaller rewards are important. We’re lucky like that—some people are just doing fundraising and activism without getting the every day reward. Some of my coworkers don’t get the same rewards that I do. The rewards I’m talking about are patients getting better and seeing families affected in a positive way.

Q: What do you think is your greatest accomplishment?
PF: Perseverance. That’s all. Just sticking at something for a long time. I wouldn’t point to any specific project or book, a specific facility or effort or particular disease, just sticking at it seems like a good thing these days. I always worked with a lot of people, typically Haitians, so it’s never been about how I did it; it’s how we did it and, then again, sticking at it.

Q: What would you say to people who want to get involved in this line of work but don’t feel they can dedicate their entire lives to it?
PF: Well let me put it this way: we can say there’s not a long line of people wanting to do healthcare for the homeless or destitute, so just remind your readers there’s not a long line. There’s plenty of room.
There are currently an estimated 15 million refugees in the world who have crossed an international border to seek safety. They affect every continent and almost every country as a “by-product of every crisis.” Palestinians, who make up more than one-fourth of all refugees, have yet to find a home after more than half a century, while some 2.6 million Afghans live in squalid camps in Pakistan and Iran. Africa, plagued by wars and famine, provides a “sad catalogue of refugees,” including those in Angola, Burundi, Congo-Kinshasa, Eritrea, Somalia, and Sudan. However, Asia, as a continent, hosts the greatest number of refugees. Those fleeing from or within Burma, Cambodia, Laos, Sri Lanka, and Azerbaijan, to name a few, constitute 45 percent of all refugees. Unfortunately, while some refugee crises have been or are still being resolved—for example, the Vietnamese refugees who numbered in the millions in the late 1970s have mostly returned home or been resettled—there are other refugee crises on the rise, with a quickly growing number of refugees and an insufficient amount of international action to ameliorate their situations. The situation of North Korean refugees is one such crisis.

The plight of the 200,000 North Koreans who escaped their communist regime to find food and freedom elsewhere—mostly in neighboring China and Russia, with South Korea as the ultimate destination for the majority of them—exhibits common features of refugee experiences around the world. It illustrates the grim fact that life in exile is as bad as, or even worse than, the conditions in the countries from which they fled. North Korean refugees hide from Chinese authorities who are ordered to search for, arrest, and repatriate the refugees to the Democratic People’s Republic of Korea, where they will most likely face persecution.

Although some refugees escape North Korea in search of political freedom, most refugees are driven by economic reasons, desperate to find food. While food availability in North Korea was on a steady decline due to the withdrawal of Soviet and Chinese subsidies in the early 1990s and the cumulative effect of collective farming, flooding, followed by drought between 1995 and 1997, led to a severe famine. The central authorities perpetuated devastating famines when they shut down the public distribution system in the northeast region in 1994 and began providing selective food distributions to people in the capital city, workers in the critical industries, and party cadres. The rest of the population was left to fend for itself, and an estimated two to three million people died of starvation and hunger-related diseases. The World Food Program estimates that 57 percent of the population is malnourished, including 45 percent of children under five.

North Korean refugees are subjected to many forms of violence and exploitation without legal recourse. One refugee relates that he and his family were kept indoors for five months; they urinated in a room in a small bowl and went out only once a day to make a bowel movement. “At last there came a point where my mother and father couldn’t walk.” Extortion is rampant: he states, “Our landlord once threatened our uncle [in South Korea] to give some more money or ‘I’ll report these people,’” and “the people tied my hands and threw me into the water, saying that I had to give them more money or they’d let me drown.”

Women and children are particularly vulnerable to violations of their personal and physical rights; this population constitutes more than 80 percent of all refugees and displaced persons worldwide. North Korean women in China have become sexual
According to the International Herald Tribune, many refugees have been forced into marriages that they did not want and were kept in China under the guise of working. Some women sold into trafficking and prostitution, while others were duped or abducted and sold to men. The Chinese government's policy of arresting and repatriating North Korean refugees has been the decisive factor that has rendered these refugees vulnerable to human rights abuses in China. The women sold into trafficking and gottjaebi, who subsist on handouts from South Korean tourists in northeastern China, underline the extreme hardships that North Korean refugees face. Many of them, aided by humanitarian NGOs and church groups in the region, brave life-or-death risks, by attempting to enter foreign embassies in Beijing to ultimately gain asylum in South Korea. Although some who succeeded now reside in South Korea, many who failed are now unaccounted for somewhere in North Korea.

The North Korean government's denial of the right to seek asylum in other countries is one of the first human rights violations involving North Korean refugees. The Socialist Constitution of DPRK grants the right of asylum to "foreign nationals persecuted for struggling for peace and democracy," but not to its own citizens. Article 117 of the North Korean Criminal Code stipulates, "One who crosses the border without permission shall be punished by a sentence of three years or less labor re-education." The US State Department reports, "Defection and attempted defection (including the attempt to gain entry to a foreign embassy for the purpose of seeking political asylum)" have led to "capital punishment." Migrants state that DPRK border guards have received orders to "shoot-to-kill persons attempting to cross the border into China," while reports indicate that some refugees who involuntarily returned have been executed. The circumstances that North Koreans experience, however, motivate them to brave the punishments for defecting.

The Chinese government's policy of arresting and repatriating North Korean refugees has been the decisive factor that has rendered these refugees vulnerable to human rights abuses in China. Beijing justifies its treatment of North Korean refugees by claiming that they are mere "economic migrants," an argument in flagrant violation of international law.

Article 14 of the Universal Declaration of Human Rights, the 1948 document that specifies "minimum conditions for a dignified life, a life worthy of a human being," clearly establishes the right of their friends' deaths, including one who "never got anything to eat and her face and feet swelled up and she couldn't walk, then some germs went into her fingernails." At the very least, there is food in China, a chance of survival that refugees cannot find in their own country. However, the fear of arrest and forced return keeps refugees from protection when private citizens around them take advantage of their vulnerable situation.

The women sold into trafficking and gottjaebi, who subsist on handouts from South Korean tourists in northeastern China, underline the extreme hardships that North Korean refugees face. Many of them, aided by humanitarian NGOs and church groups in the region, brave life-or-death risks, by attempting to enter foreign embassies in Beijing to ultimately gain asylum in South Korea. Although some who succeeded now reside in South Korea, many to asylum in other countries as a fundamental political right to be applied everywhere. The 1951 Convention Relating to the Status of Refugees defines this right to asylum in an international legal framework, providing an explanation of what constitutes an internationally recognized refugee as compared to an economic migrant. Together with its 1967 Protocol, the Convention forms a Bill of Rights for refugees:

"Any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country..."
North Korea

of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

Personal testimonies have shown that most North Koreans in China are unwilling to return to the DPRK due to a fear of persecution. China, as a signatory to the 1951 Refugee Convention and the 1967 Protocol since 1982, has agreed to abide by its commitment to protect refugees’ human rights. North Koreans who flee from political oppression are political refugees that the Chinese government cannot misrepresent as economic migrants.

The requirement that a person must be outside his country to be a refugee does not mean that he must necessarily have left that country illegally, or even that he must have left it on account of well-founded fear. He may have decided to ask for recognition of his refugee status after having already been abroad for some time.”

Finally, the contracting parties to the 1951 Convention and 1967 Protocol are required to follow the rule of “non-refoulement.” Article 33 of the Refugee Convention stipulates: “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

Even though it is possible to show the refugee status of North Koreans in China based on interviews of defectors conducted by humanitarian groups, the official refugee status can be given only by the United Nations High Commissioner on Refugees (UNHCR) after the institution conducts interviews on an individual basis. The fact that China expelled the UNHCR in 1999 and has refused to allow it to interview North Koreans there only illuminates the government’s policy of denial. The Chinese government’s position has proved to be not only morally bankrupt but legally dishonest.

Estimates of the number of North Korean refugees in China differ widely, from conservative estimates of 10,000 by the Ministry of Unification in the Republic of Korea and 50,000 by the US Committee for Refugees, to higher estimates by humanitarian organizations, such as 200,000 by Médecins Sans Frontières and 300,000 by Human Rights Watch. The exact number, however, will never be known because most refugees are hiding from the Chinese police. Refugees state, “The first years were good” when Chinese Koreans opened “their arms, their wallets and their kitchens to the refugees.” The “streets of Yanji were filled with refugees,” and refugee children even went to Chinese schools. However, by 2000, Chinese officials cracked down following protests in Pyongyang, forcing churches to close soup kitchens, expelling South Korean pastors and aid workers, and arresting...
North Koreans. The Washington Post suggests that a “more aggressive policy” taken by South Korean activists from then on, such as encouraging refugees to break into embassies in Beijing, angered China and arguably brought a more stringent crackdown. Beijing has offered “rewards” to businessmen willing to reveal the names of North Koreans working for them illegally. The New York Times reports, “One businessman sent a busload of North Koreans into a police station after telling them they were on the way to a boat that would take them to South Korea.”

Some argue that Beijing’s increasingly harsh crackdown on refugees follows numerous heavily publicized incidents in which groups of refugees tried to break into embassies in Beijing in order to gain asylum in South Korea. Indeed, the walls of embassies in Beijing have now come to represent “a new boundary between the divided Koreas, something like a displaced Berlin Wall.” In place of the physical boundary between ROK and DPRK, which, despite its title as the Demilitarized Zone, is widely regarded as the world’s most militarized zone, embassies in Beijing have become the last resort for North Koreans who want to defect to South Korea.

On March 14, 2002, 25 North Korean refugees stormed the Spanish Embassy. They were so desperate that they carried poison in order to commit suicides in the event that China repatriated them. They also carried the following statement addressed to the world community:

“If we are to be forcefully repatriated to North Korea by the Chinese government yet again, without doubt, our lives will be in the greatest possible jeopardy. Moreover, there is no doubt in our minds that our freedoms in North Korea will be denied in light of the record of our earlier defections and this current attempt to go to South Korea. Yet we believe we are fully within our rights under universally recognized international law…The only power we have left is to appeal to you on our knees and with tears.”

Less than a day after the incident, they were allowed to leave for the Philippines, en route to South Korea. The success of this attempt, organized by Dr. Norman Vollertsen, a prominent German activist who was expelled from North Korea after taking western doctors on an unauthorized tour of an impoverished area, has been attributed to several factors. The factors include: “good timing” before a UN human rights review of China; “careful targeting” of the Spanish Embassy which was lightly guarded (not anymore); acute handling of media by tipping off a television crew beforehand; a “well-chosen group” of six families and two orphaned girls; and prepared press statements.

The incident on May 8, 2002 was more violent. A videotape clearly showed that Chinese security officers tackled two women who had already passed through the Japanese consulate gates and dragged them back out, together with a small child, Han Mee. The incident caused an international uproar over the forced removal, including a strong reaction by US Senator Sam Brownback. Fifteen days later, China finally relented to pressure from Japan and released the family to South Korea via the Philippines. Han Mee’s mother concludes that the human rights workers who arranged the incident and Japanese reporters who recorded the attempt from a nearby hotel room saved the women and child. The Chinese policeman who released her in prison said to her, “You were on TV, you are going to South Korea,” while seven other North Korean women remained captured in other cells.

As with any other human rights struggle, the plight of North Korean refugees in China has placed all state actors in diplomatic quandaries. Security issues too often overshadow the call for human rights. South Korea’s outgoing president, Kim Dae Jung, also a winner of the Nobel Peace Prize for his famous “Sunshine Policy” toward DPRK, stated, “The time is not ripe to raise the issue of [North Korean] human rights yet.” The recent nuclear threat posed by DPRK and the antagonistic reactions it has elicited from the international community have further complicated the effort to help North Korean refugees in China.

NGOs try to affect their own governments’ behaviors in order to ultimately influence Beijing. They do so by providing extensive information to the governments, such as by appearing before congressional hearings and testifying. NGOs then launch public awareness campaigns to elicit public support for particular policies that they deem necessary. With protests in front of the Chinese embassies in their respective countries and open letters to the...
Chinese government, NGOs have mobilized the international media against the Chinese government’s practices. Citizens’ Alliance for North Korean Human Rights, the leading South Korean NGO in this field, has been crucial in attracting 11.8 million signatures in the ROK—over a quarter of the population there—for international recognition of the plight of refugees. Helping Hands Korea has actively addressed the needs of runaway North Korean children by “supporting a number of secret orphanages for North Korean children in China.” The North Korea Freedom Coalition, a group of NGOs concerned about human rights of North Koreans, organized North Korea Freedom Day on April 28, 2004, staging a rally in front of the US Capitol in which several congressmen spoke, as well as a press conference, a demonstration in front of the Holocaust museum, a documentary showing, a photo exhibit, and a prayer vigil.

A curious optimism underlies all of these developments. According to the New York Times, growing numbers of policy experts and lawmakers hope that the history of divided Germany will repeat itself in North Korea. In 1989, thousands of East Germans escaped communism after Hungary opened its border with Austria, “hastening the collapse not only of East Germany, but of the Iron Curtain.” Many argue that the stream of refugees out of DPRK will “sharply increase,” particularly “if China agreed not to send North Koreans back and if South Korea and the United States took in more escapees.” Many hope that an increased flow of North Koreans out of their country would hasten the collapse of the brutal regime. A refugee who successfully defected to South Korea predicts, “The simplest way to destabilize North Korea would be for the world to guarantee safety for those escaping that Stalinist nation.” Identifying “the only reason people are reluctant to leave” as the fear of being “rounded up,” he estimates that “60 percent of North Korea’s 22 million people would leave if given guarantees” and predicts the cities would be “empty” in “only six months.” Such speculation has fueled humanitarian workers, who now view their efforts as ultimately leading to the collapse of North Korea, arguably the most oppressive regime in the world today. That may also explain why Pyongyang may fight tooth-and-nail to reclaim its escapees.

However, the political reality defies that optimism. The Bush administration is not likely to announce a major shift in its policy toward North Korea, given the sensitive ground of an election year. Neither is South Korea, where the election in April, 2004 gave control of the National Assembly to the Uri Party, the party of President Roh that favors engagement with the Pyongyang regime and thus shies away from the refugee issue. The most likely source of immediate change in the situation of North Korean refugees lies in the fate of the North Korea Freedom Act of 2003 (S1903), a bipartisan bill introduced by Senators Sam Brownback (R-KS) and Evan Bayh (D-IN). The bill provides humanitarian assistance inside North Korea, conditioned upon improvements in transparency, monitoring, and access to vulnerable populations, and it would provide humanitarian or legal assistance to refugees, orphans, and trafficking victims. The bill, among other things, promises to ameliorate the situation of North Korean refugees in China by calling on UNHCR to exert its influence over refugees and attempt to facilitate the immigration of North Koreans into the United States. Its companion bill in the House of Representatives (HR3573), also a bipartisan bill cosponsored by 15 congressmen, has more extensive immigration provisions. These bills are in need of citizens’ support.

### A Closer Look

**North Korea Freedom Act (S1903 / HR3573)**

Introduced by Senator Sam Brownback (R-KS) and Senator Evan Bayh (D-IN)

20 November 2003

**Purpose:**

a) To end the development, sale, and transfer of weapons of mass destruction and related delivery systems, materials, and technologies in and from the Korean peninsula;

b) To assist in the reunification of the Korean peninsula under a democratic system of government;

c) To achieve respect for and protection of human rights in North Korea in accordance with United Nations conventions

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*It is the sense of Congress that the people of the United States believe that the United Nations has a significant role to play in promoting and improving human rights in North Korea, and United States confidence in the United Nations will be enhanced if the United Nations deals aggressively with the issue of human rights in North Korea.*

For more information, please visit [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:s1903is.txt](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:s1903is.txt).
its non-citizen victims of human rights violations. Assessing the activeness and efficacy of this transnational network leads to the conclusion that despite its growing significance as a source of information and communicative structures, it has not been fully successful in influencing Beijing. Even though many separate NGOs are currently working underground to help the North Korean refugees, there has not been sufficient coordination among them under a united strategy. This may be due to many differences in opinions among several organizations. Some favor more international media blitzes over embassy break-in attempts, while others fear that media attention will threaten the success of their present underground activities. Because different actors operate with diverse aims and strategies, the international community has yet to see a well-coordinated attack on Beijing that involves all relevant NGOs.

Also, international intergovernmental bodies, which could exercise more moral leverage than the involved states, have not pursued the issue aggressively. The treaty regime is “the only venue in which governments are held accountable by independent experts who evaluate their performance of international obligations.”\(^{37}\) The influence of treaty bodies increases dramatically if “elements of civil society, such as NGOs, political bodies and the media, are prepared to follow up with publicity and pressure.”\(^{38}\) The failure of UNHCR to utilize its 1995 Treaty with China is a salient disappointment in the performance of that regime.

The final and most significant obstacle has been the ambivalence of South Korean, Japanese, and US governments in reconciling human rights concerns with their national interests. Global attitudes toward China’s human rights record are said to be “notoriously tempered,” to begin with, “by concerns about economic fallout and a need to keep China ‘at the table.’”\(^{39}\) The recent developments in Pyongyang only exacerbated the situation by taking states’ attention away from human rights to military discussions.

The only force that is able to shift the discussion back to the plight of North Korean refugees in China rests with NGOs. Non-governmental organizations have been pivotal in documenting abuses in China and encouraging discourse in the international arena. Indeed, it is difficult to imagine this issue, which is so well-documented and significant in world politics today, without the tremendous strides taken by these organizations. Through strong international awareness campaigns and continued pressure on their domestic governments, NGOs need to move beyond this particular issue and affect the involved governments’ overall behaviors toward refugees. They need to address South Korea and Japan, which are historically unwelcoming to refugees of foreign ethnicities, and the US, which recently repatriated Cubans and Haitians who sought asylum.\(^{40}\) Indeed, general attitude towards refugees needs to be transformed before North Korean refugees in China are able to seek and exercise their fundamental and universal human right, the right to asylum.

During Stanford’s North Korean Human Rights Week, students in White Plaza seek to raise awareness about North Korean rights violations and collect signatures on petitions.
In 1978, Edgaye Taye was brutally tortured in Ethiopia. She survived, emigrated, and left behind her nightmare past. Or so she thought. When Taye got a job as a waitress at a hotel in Atlanta, she was reacquainted with her former torturer from Ethiopia, Kelbessa Negewo. He was working as a bellhop at the same hotel. Immediately, Taye felt vulnerable once again; she had thought she was safe in the United States, and in an instant that illusion was crushed.¹

Such encounters are more common than one might think. After violent conflicts abroad, victims of torture and persecution often flock to the United States. Less widely known is the fact that their persecutors also immigrate to the United States with startling frequency. Amnesty International estimates that more than 1,000 perpetrators of human rights violations and war criminals are currently living in the United States.² Since immigrants from certain regions tend to settle in the same cities, there is a disturbingly high chance that a torture victim may run into his or her torturer.

These reunions can be quite traumatic, but there are legal remedies available to victims in the US who discover the locations of their former persecutors. The Alien Tort Claims Act (ATCA) allows aliens to bring civil suits in US federal courts for personal injuries or damages sustained abroad, in violation of “the law of nations.” Since 1980, federal courts have interpreted the ATCA to allow civil suits by victims of international human rights abuses.

Because of the ATCA, Taye was able to take Negewo to court. She contacted two other women who also had been tortured by him, and in 1990 they brought a civil suit against him and sought damages for torture in Ethiopia.³ The women won their suit, and though they never collected their monetary award, the trial was a highly cathartic and vindicating experience for them. As Abebe Jira, one of the women who joined the suit, said, “It felt good. Before I was tied up and hanging upside down. But this time I am standing up and facing him. I don’t have to be afraid of him.”⁴

The Alien Tort Claims Act is America’s oldest international human rights legislation, but today its future is in jeopardy. After nearly two centuries of obscurity, the ATCA is being applied in ways that, according to the Bush administration, unduly influence American foreign relations and impede the war on terrorism. On March 30, 2004, the US Supreme Court heard arguments about the ATCA, and the Court will issue a ruling on it by June, 2004.

The ATCA is both old and vague, leaving much room for interpretation.⁵ The ATCA was passed by Congress in 1789 and signed into law by President Washington. It states, “District courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations.” Most legal scholars believe that the ATCA was originally enacted to deal with piracy committed on the high seas.

For nearly 200 years after its passage, the ATCA lay forgotten in the statute books. In 1979, however, lawyers from the Center for Constitutional Rights and the City University of New York
helped Dolly Filartiga file a suit under the ATCA. In her native Paraguay, Dolly’s brother Joelito had been tortured and killed by the police. She discovered that a police inspector who supervised the killing had moved to New York, and when Dolly moved to the US, she found him and took him to court. Filartiga won her ATCA case against Americo Norberto Pena-Irala in federal court, and the Second Circuit Court of Appeals upheld the verdict against him. Second Circuit Court Justice Irving Kaufman explained, “The torturer has become—like the pirate and slave trader before him—hostis humanis generis, an enemy of all mankind.”

Since this revival of the ATCA, about 25 other cases have been brought against individual human rights violators, including relatively low-level officials like Kelbessa Negewo and more notorious offenders such as Osama bin Laden, Saddam Hussein, President of Zimbabwe Robert Mugabe, former Philippine leader Ferdinand Marcos, former Haitian dictator Jean-Claude Duvalier, Guatemalan general Hector Gramajo, and former Chinese president Jiang Zemin. A handful of ATCA suits have also targeted the US government.

In some sense, of course, by the time human rights violations come to trial, it is already too late. People have already been killed or tortured, and the symbolic monetary awards from civil suits cannot fully compensate victims for their suffering. However, human rights suits brought under the ATCA do establish an historical record of abuse, raise awareness about human rights issues, and allow victims to confront their oppressors in court. Additionally, ATCA cases sometimes result in the deportation of guilty parties, particularly if they lied on their immigration forms when they entered the US.

For the past two decades, ATCA cases against individuals have proceeded with tremendous publicity and fairly little opposition. Policy-makers realized that in most ATCA cases, the American courts were the last resort for plaintiffs because they were unable to bring charges against the defendants anywhere else. When Congress reviewed the ATCA, it chose to enlarge US courts’ jurisdiction over international human rights cases by passing the Torture Victim Protection Act, which expanded the ATCA to allow US citizens to sue in federal court for torture or extrajudicial killing committed abroad. President George H. W. Bush signed into law the Torture Victim Protection Act in 1992.

Since the mid-1990s, however, the ATCA has been embroiled in controversy. This is largely because innovative lawyers and plaintiffs have begun using the ATCA to sue transnational corporations for complicity in human rights abuses committed abroad. While monetary damages are rarely collected in suits against individuals, plaintiffs might actually collect judgments of millions or even billions of dollars from large corporations. Some of the suits against transnational corporations have been thrown in one ATCA case, plaintiffs are suing Unocal for using Burmese armed forces to clear the countryside of people in order to make room for an oil pipeline. Alleged abuses include forced relocation, forced labor, rape, torture, and murder. Burma has one of the world’s worst human rights records. Left: A military unit leaves only the charred remains of a Burmese village. Middle: The Yadana gas pipeline is constructed in one of the largest rainforest tracts in Southeast Asia. Right: Villagers flee from army units, with no promise of refuge elsewhere.
out, but others, such as John Doe I, et al. v. Unocal Corporation, have been allowed to proceed and may come to trial soon.

These suits have raised the ire of the business community. In Awakening Monster: The Alien Tort Statute of 1789, authors Gary Hufbauer and Nicholas K. Mitrokostas argue that ATCA suits have the potential to destroy the global economy. The US Chamber of Commerce has lobbied for constraints on the ATCA, and the National Foreign Trade Council has filed briefs against it.

Somewhat less predictably, however, the Bush administration has also emerged as a foe of the ATCA. According to Carroll Bogert, an associate director of Human Rights Watch, the Bush administration is engaged in “a full-frontal assault on a law that has provided a modicum of justice to victims of human-rights abuse.” The Bush administration recently intervened to stop an ATCA suit against the Chinese government by Falun Gong members, and in May, 2003, the US Department of Justice submitted an amicus curiae brief in the Unocal case in favor of Unocal. The government brief argued that expansive applications of the ATCA unconstitutionally interfered with foreign policy and threatened the war on terrorism.

Both of these arguments are somewhat ironic since the same men who wrote the Constitution also wrote, passed, and signed the ATCA, which was designed to combat piracy, the international terrorist scourge of the 18th century. Presently, Department of Justice opposition to the ATCA is even more puzzling, given that both Democratic and Republican administrations supported the ATCA for the past 20 years. Cynics argue that the Bush administration is suddenly worried about the ATCA because cases are now targeting American corporations, especially oil companies.

This background sets the stage for the current Supreme Court battle over the ATCA. On March 30, 2004, the Supreme Court heard oral arguments on Sosa v. Alvarez-Machain, the ATCA case about which they are deliberating.

This case is a highly atypical application of the ATCA. In 1990, Dr. Humberto Alvarez-Machain was indicted for murder in an American court. American law enforcement officials hired a Mexican, Jose Francisco Sosa, who kidnapped Alvarez-Machain from his home in Guadalajara and brought him to the US, where he stood trial. Alvarez-Machain was acquitted of the murder charge, and in 1993 he used the ATCA to sue the US government and Sosa. Though most ATCA cases deal with crimes against humanity such as torture or mass killing, Sosa v. Alvarez-Machain presents a muddled picture of a possibly illegal arrest orchestrated by US law enforcement officials.

Despite these peculiarities, Sosa v. Alvarez-Machain may determine the fate of the ATCA, so both its opponents and supporters are carefully following the case. Business groups submitted briefs on behalf of the defendants, and the Justice Department sent a deputy solicitor general to argue for curtailment of the ATCA. Human rights groups, including the Lawyer’s Committee for Human Rights and the Center for Justice and Accountability, submitted briefs supporting Alvarez-Machain.

During the oral arguments on March 30, all eyes were trained on the nine Supreme Court justices in an attempt to discern their conclusions about the ATCA. Much of the discussion focused on the specifics of the Alvarez-Machain case, but there was also some general conversation about the ATCA. Justice Sandra Day O’Connor was particularly curious why Congress had not simply repealed the ATCA if it were truly interfering with foreign policy, and Justice Ruth Bader Ginsburg posited that Congress may have endorsed the ATCA when it passed the Torture Victim Protection Act.

Justice Antonin Scalia raised doubts, which were also echoed by several other justices, about the wisdom of US courts defining the law of nations and impeding foreign relations. There was no apparent consensus on these key issues, and it is far from clear how the Court will rule on the ATCA.

The Supreme Court will announce its decision by June, 2004, and many court-watchers predict one of three outcomes. The Court could rule in favor of Alvarez-Machain, and it could either implicitly or explicitly endorse expansive modern applications of the ATCA. The Court could also rule against Alvarez-Machain because the ATCA is unconstitutional, which would be devastating for the ATCA trials now in progress. A third option is for the Court to determine that Alvarez-Machain’s case does not fall under the ATCA and rule against Alvarez-Machain while leaving the legal status of the ATCA ambiguous.

Come June, 2004, the ATCA will be fortified, debunked, or destined for further controversy. So when the Supreme Court verdict is released, read it carefully, for it may determine the future of human rights litigation in the United States.
works cited

Georgia’s IDP Problem


China’s One-Child Policy


Armenian Genocide

Refugees in North Korea


Alien Tort Claims Act

few will have the greatness to bend history; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation...it is from numberless diverse acts of courage and belief that human history is thus shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and, crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

-Robert F. Kennedy

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