

# FOCUS

## Tibet's politics of compromise

*Eva Herzer discusses big business, China and Tibetan freedom*

BY AARON DHIR

Last week, the Gazette printed the first half of an interview with Eva Herzer, the president of the International Committee of Lawyers for Tibet. This week, Herzer discusses the politics of compromise with regards to the Tibetan situation.

The Tibetan women's delegation to the 42nd session of the UN Commission on the Status of Women, which you co-ordinated, may very well have opened many eyes to the gender-specific oppression that Tibetan women, especially Tibetan nuns, have faced. Now the International Committee of Lawyers for Tibet (ICLT) is planning lobbying efforts for optional protocols to the UN Convention on Women, which would allow a mechanism to complain against states. Do you think that these optional protocols will become reality?

There has been a broad coalition of groups lobbying for those protocols very intensely since 1992. However, at the end of the Commission on the Status of Women this March, it was clear that there was very substantial opposition, and that these protocols could only be passed by making compromises that were simply unacceptable to human rights activists.

**What kinds of compromises?**

The kinds of compromises we are talking about involve requiring that the only complainants under the optional protocols could be women who reside in the countries in which the human rights violations occur. In other words, if you had a Tibetan refugee in the United States, that refugee could not make a complaint because that refugee is no longer in Tibet. Or, for example, advocacy groups could not make complaints. The only people left to make a complaint are those whose human rights are violated in that country, and whose situation will only be aggravated if they attempt to make

a complaint under the protocols. So you would in fact be endangering these women even further by encouraging them to use the protocols. That is why such limitations are unacceptable

**International remedies that have been used with regards to other states — sanctions, armed force — are not going to happen in the Chinese case because China has permanent membership in the UN Security Council, and thus veto power. In light of this, what effective options are left for other UN member states, and will the potential of losing big business with China always act as a qualifier to any such options?**

I think that the business card is always a qualifier because governments depend on big money to exist, and as individual politicians depend on campaign contributions, they depend on the lobby of businesses. Thus governments will always look, to some extent at least, at short term economic profit. So it is always a card on the table. I think that compromises can be made. For example, I feel that the "most favoured nation" status debates that took place in the United States several years in a row were useful, and that limiting certain exports or imposing certain trade restrictions, or import tax restrictions, would put pressure on China while not cutting off business altogether.

**But this is something that the US government has run into conflict with.**

Yes, that is correct. However, I think that these kinds of policies can be used by governments all over the world to make it clear to China that things are not okay, and that changes are necessary for a full normalization of relations. I think the Dalai Lama is correct when he says that it is not in Tibet's best interests to isolate China, because if China is isolated the Chinese population is likely to become more nationalist and develop sentiments that in the long run will only further hurt Tibetans. I also think that it will have an effect on the Chinese population, and its ability to come

into contact with concepts such as democracy, if China is completely isolated.

**Would your position be that there is merit to the idea that other countries should not largely qualify economic relations with China because a prosperous China will inevitably lead to a freer China?**

I would not quite put it that way. I think that trade should take place, and that relationships should be expanded with China. At the same time these relationships should have significant limitations which act as an incentive for China to bring its human rights policies in compliance with international human rights law. So I am suggesting compromise. I am suggesting not a complete isolation of China, as was the case with South Africa, but rather contact within a framework of clear limitations and demands for a change in human rights policy. Also, the trade that does take place should be linked to human rights policies. In other words, there should be pressure on the corporations to abide by principles of democratic good business and pressure on governments to ensure compliance of certain standards for the projects that take place.

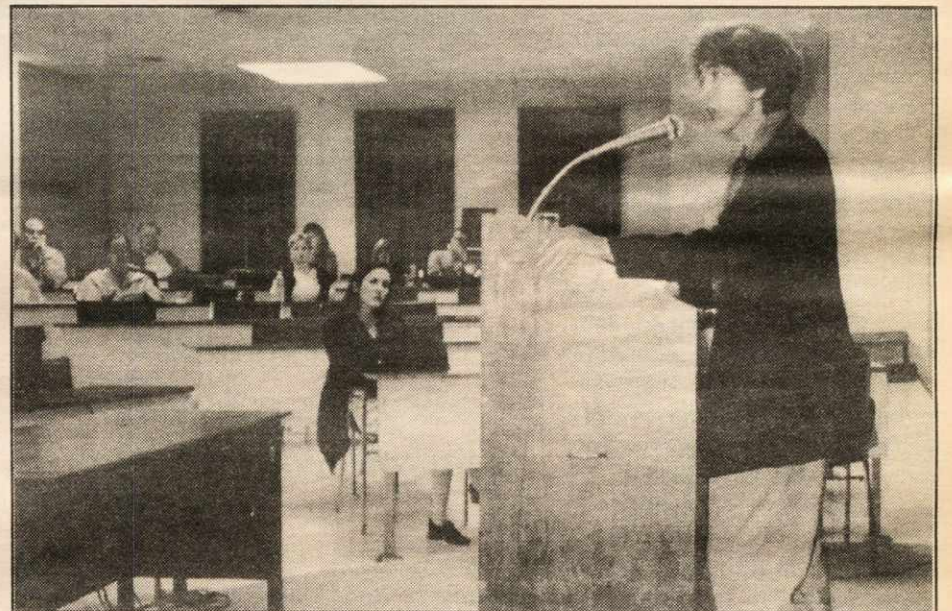
**At the age of eight, the 11th Tibetan Panchen Lama may be the youngest political prisoner in the world. But despite concerns from various non-governmental organizations and government officials, China has maintained that he is being kept in hiding for his own protection. What has been the Chinese rationale for keeping the Panchen Lama in custody for over three years now?**

Very little has been said by the Chinese government. They finally admitted a year and a half ago to

the UN Committee on the Rights of the Child that they were holding him, and that his whereabouts were not being disclosed for his own safety. The way China formulates the issue is as a matter of protection for the Panchen Lama — that the Tibetans would do something to

**is Tibetan sovereignty a realistic goal in the near future?**

I do not think so. From my perspective of participating in events at the UN and speaking to politicians, there is an inherent shyness in even speaking about the issue of Tibet. So if the issue is



Eva Herzer, president of the ICLT, discussing the Tibetan situation.

him if they knew where he was... [this], of course, is a lame excuse when you are holding the second highest religious leader of the Tibetan people — it simply does not hold much water. The bottom line is that the Chinese realize that the Panchen Lama and Dalai Lama have conferred mutual recognition of each other, and if they control the position of the Panchen Lama, which they are now doing by having put their own Panchen Lama in power, they will have some semblance of legitimacy in controlling the election of the next Dalai Lama. In all likelihood the Tibetans will find their new Dalai Lama, possibly in exile. However, at the same time the Chinese will be raising a Dalai Lama whom they will recognize, and thus they will pretend to control that position.

**In November of 1997 I asked you if Tibetan independence will occur in the foreseeable future, and you responded in the negative. Now, one year later, I pose the same question to you —**

formulated in terms of independence, the conversation pretty much stops right there.

Taking sides in this conflict always means a loss of economic advantage, and politicians are not going to do that over the issue of independence. They are already getting so much reaction from China over the issue of human rights violations, which is much less threatening than the issue of independence. That is why you see dozens of resolutions around the world that recognize the human rights violations in Tibet, and condemn China for these violations, and yet there is not a single government in the world that recognizes Tibet as a country entitled to independence.

From a legal point of view, and a moral point of view, countries should be supporting independence. But from a realistic political point of view, I simply do not see the slightest inclination of countries to do so. That is why my answer is in the negative.

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