



FOCUS

Tibetan self-determination and human rights

A Conversation with
Eva Herzer

BY AARON DHIR

Beginning in 1949, the People's Liberation Army of the People's Republic of China unilaterally invaded and forcefully annexed the country of Tibet. In the almost 50 years that have followed, over 1.2 million Tibetans have been killed as a result of this invasion. The International Committee of Lawyers for Tibet (ICLT) was created in 1989 at the request of representatives of the Tibetan people, and is the only international organization devoted solely to legal advocacy for Tibet. Eva Herzer, President of the ICLT, spoke at both

Dalhousie's Law and Dentistry buildings on Oct. 1, 1998. The title of her address was "Tibetan Self-Determination: Will the Non-Violent Path Prevail?" The following is the first half of an interview that I conducted with Eva Herzer during her stay in Nova Scotia.

In 1987 the Dalai Lama proposed his "Five-Point Peace Plan" to China, in which he adamantly called for the withdrawal of Chinese troops from Tibet. When this was met with little response he issued the "Strasbourg Proposal" in 1988, which offered the concession that China would remain responsible for Tibetan foreign policy. Do you think that the Dalai Lama has been too lenient in the game of diplomacy?

I do not think so. I think he is a realist who assesses the conditions as they are. China has refused to negotiate with Tibet for a long period of time. When faced on the one hand with that limitation by the Chinese... and a loss of culture in Tibet at a rapid pace, then I think that his assessment that time is against the Tibetans, and that change must occur quickly, is a realistic one.

Those who say that his proposals are unacceptable, and that nothing short of independence is acceptable, have not come forward with a plan of action that appears realistic. It seems to me that by not entering into negotiations for something short of independence, Tibet is leaving



Eva Herzer discusses the Tibetan situation.

itself with the status quo — and the status quo is destructive.

The Dalai Lama has referred to the violent Chinese suppression of Tibetan Buddhism as a form of "cultural genocide". Is there any legal merit to such a claim with regards to the Genocide Convention?

"Cultural genocide" is not a term that is contained in the Genocide Convention. Also, cultural genocide is not a concept that has a precise legal definition. But nonetheless, I think it is a good term and that it expresses what is taking place in Tibet. The fact that

the policies in effect in Tibet are reducing the Tibetan population, preventing births of a group of people — of a distinct culture and religion — I think this does fall within the Genocide Convention, and at a minimum these acts of interference with the births of Tibetans are acts of genocide.

Is the specific intent requirement of the Convention present?

I think a very good argument can be made that it is. China, of course, will argue that it has similar policies that affect Chinese people, and that it is therefore ludicrous to

say that they intend to eradicate [Tibetans] through these policies because clearly they do not intend to destroy their own people. However, within China, there are "rational" reasons for why such policies are appropriate. China has limited space and has the largest population in the world, which has gotten out of control. So that China would intend to reduce its population for the welfare of the whole society is a plausible argument, even though the manner in which it is conducted is clearly in violation of the Convention on the Elimination of Discrimination against Women.

With Tibet, there is really no legitimate reason for these policies. Tibetans are a very small group. They number six million people.

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THE ATTIC

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