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**A FUNNY THING HAPPENED ON THE WAY TO THE BOYCOTT: WHY WE SHOULD
RESPOND TO CHINA'S RELIGIOUS PERSECUTION AND HUMAN RIGHTS
VIOLATIONS BY MEANS OTHER THAN A BOYCOTT OF THE 2008 BEIJING
OLYMPIC GAMES**

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I. China's Persecution

A. Introduction

China's continuing human rights violations are contradictory to the over-arching spirit of the Olympic Games;² however a boycott of the 2008 Olympic Games, as with past boycotts, will not achieve the intended result. First, this article will discuss a few of the many acts by the Chinese government that are contradictory to the Olympic spirit, specifically: the religious persecution of the spiritual group Falun Gong, the human rights violations occurring in Tibet focusing on the recent protests and subsequent government response, and China's role in the financial backing of

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² INT'L OLYMPIC COMM., Olympic Charter, Fundamental Principles, at 1 (2007), [hereinafter Olympic Charter], full text available at http://www.olympic.org/uk/organisation/missions/charter_uk.asp (last visited Apr. 5, 2008) ("Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy found in effort, the educational value of good example and respect for universal fundamental ethical principles.").*Id.*

the ongoing crisis in Darfur. Second, this article will discuss why past boycotts have not been effective and why boycotting this Olympics will also not achieve the desired result. Finally, this article will briefly suggest other ways the international community can presently take action to pressure the Chinese government to take dramatic steps towards ending their gross injustices, but will not interfere with the sportsmanship of the Olympic Games.

B. Persecution of the Falun Gong

There are many groups in China that are persecuted by the government for their religious or spiritual practices. The Falun Gong (“FG”) is focused upon in this article because their particular persecution has risen to an extreme level. FG is a sub-section of Qigong - the prominent religious/spiritual practice in China.³ FG is very similar to Buddhism and the FG’s main tenants are compassion, benevolence, and forbearance; they are against violence.⁴ The FG do not consider themselves a religious or political group but are recognized as such by many countries.⁵ Before FG was outlawed, it was the most popular form of Qigong in China.⁶ However, in 1999 the Chinese Communist Party (“CCP”) banned FG for fear that they were advocating superstitions and gaining too much support which could become a threat to the government’s control.⁷ Since then, practitioners of FG have been beaten, tortured, arrested,

³ Seth Faison, *Subversion Trials Due for Leader of a Sect in China*, N.Y. TIMES, Aug. 25, 1999, at A1.

⁴ LI HONGZHI, ZHUAN FALUN ii (Eng. ed., 1999).

⁵ *Id.* For more information on Falun Gong visit www.faludafa.org.

⁶ *E.g.*, *Human Rights and the Rule of Law in China: Hearing Before the Cong. Exec. Comm. on China*, 109th Cong., 2d Sess. 23, 22 (2005).

⁷ *Id.*

raped, murdered and detained in “Re-education Through Labor” (“RTL”) camps.⁸ People detained in RTL are not considered prisoners, are held for an indefinite period, without charges, and without the right to an attorney, or judicial review.⁹ Since 2002, there have been many independent investigations that revealed the FG practitioners who are in RTL have not only been beaten and tortured but are having their organs harvested by the government.¹⁰

Since FG has been outlawed there has been a massive increase in organ transplant tourism by the CCP. Over 41,000 transplant patients since 2002 cannot name organ sources, experts think they are coming from FG practitioners.¹¹ Recently, China has made efforts to curb their organ transplant tourism business by no longer catering to foreign patients; however, many transplants are still taking place and many of the sources of the organs are believed to be from FG practitioners.¹²

⁸ David Matas & David Kilgour, *Bloody Harvest: Revised Report into Allegations of Organ Harvesting of Falun Gong Practitioners*, Prepared for the Coalition to Investigate the Persecution of the Falun Gong, Jan. 31, 2007, at 38, [hereinafter Revised Report] available at www.organharvestinvestigation.net (last visited Apr. 5, 2008) (“David Matas is an international human rights lawyer and David Kilgour is the former Canadian Secretary of State for Asia and the Pacific.”).

⁹ *Id.* at 37.

¹⁰ *Id.*

¹¹ *Falun Gong: Organ Harvesting and China’s Ongoing War on Human Rights: Hearing on H.R. 2447 Before the S.Comm. on Oversight and Investigation*, 109th Cong., 2d. (2006).

¹² Jennifer L. Zegel, *Bloody Persecution: Plight of the Falun Gong*, 9.1 RUTGERS J. OF L. & RELIG. NEW DEV. 4 (Fall 2007), <http://org.law.rutgers.edu/publications/lawreligion/Home.shtml>

There are many groups who have been advocating for a boycott of the 2008 Olympics due to the persecution of the FG.¹³ Initially, it seems like a great solution; however, for reasons that will be explained later, a boycott of the 2008 Beijing Olympics will not likely be the strongest action we can take to assist in ending the religious and spiritual persecution in China.

C. Turmoil in Tibet

Conflict and unrest are familiar concepts regarding the state of affairs between Tibet and China. On March 10, 2008, the forty-ninth anniversary of Tibet's failed uprising against China, three hundred Buddhist monks marched to the center of the Tibetan capital, Lhasa.¹⁴ Thereafter, the Tibetan monks peacefully protested and began a hunger strike.¹⁵ On March 14, protests led by the monks turned violent and mayhem broke out in Lhasa.¹⁶ The Chinese government has

(discussing the mounting evidence of organ harvestation of FG practitioners by the CCP).

¹³ *China's Human Rights Record Deteriorating Despite Promises of Reforms for Olympics, Says Amnesty Int'l in News Report*, Amnesty Int'l USA, Press Release, Sept. 20, 2006, <http://www.amnestyusa.org/document.php?lang=e&id=ENGUSA2006092001> (last visited Apr. 5, 2008) (discussing concerns that Chinese authorities may be using the forthcoming Olympic Games as incentive to retain unjust systems of re-education through labor practices).

¹⁴ *Key Places and Events in the Tibetan Unrest*, BBC NEWS: BEIJING, Mar. 19, 2008, <http://news.bbc.co.uk/1/hi/world/asia-pacific/7305288.stm> (last visited Mar. 22, 2008).

¹⁵ *Id.*

¹⁶ *China Ups Tibet Death Toll as Pressure Mounts*, ABC NEWS, Mar. 22, 2008, [hereinafter *Pressure Mounts*], <http://www.abc.net.au/news/stories/2008/03/23/2196861.htm?section=justin> (last visited Mar. 25, 2008).

reacted harshly: China has expelled all foreigners and journalists from Tibetan areas,¹⁷ China has blanketed Tibetan areas with thousands of troops,¹⁸ and China has published a most wanted list of twenty-one protesters pressuring the public to make their whereabouts known to the government.¹⁹ The security lock-down is expected to continue for up to three months,²⁰ “[S]ecurity measures are on par with those not seen since the government mobilized police to crush the Falun Gong in 1999-2000.”²¹ China has boldly stated in the *People’s Daily*, the official paper of the CCP, that they, “[V]ow to crush the conspiracy of sabotage and smash ‘Tibet independence forces.’”²² China accuses the Dalai Lama of being linked to the planning and aiding of the recent protests.²³ The Dalai Lama’s representatives have denied all of China’s

¹⁷ *Id.*

¹⁸ *China Deploys More Troops to Tibet: Reports*, ABC NEWS, Mar. 20, 2008, <http://www.abc.net.au/news/stories/2008/03/20/2196154.htm> (last visited Mar. 25, 2008).

¹⁹ *Pressure Mounts*, *supra* note 16.

²⁰ *China Rethinks Tiananmen Olympic Broadcasts*, CNN NEWS: ASIA, Mar. 22, 2008, <http://edition.cnn.com/2008/WORLD/asiapcf/03/22/oly.tiananmen.ap/index.html> (last visited Mar. 27, 2008).

²¹ *Id.*

²² *China Rejects Dialogue, Vows to Smash Tibetan Protests*, ABC NEWS: BEIJING, Mar. 22, 2008, [hereinafter referred to as *China Rejects Dialogue*], <http://www.abc.net.au/news/stories/2008/03/22/2196821.htm> (last visited Mar. 28, 2008).

²³ Chris Buckley, *China Lays Out Conspiracy Claims Against Dalai Lama*, ABC NEWS: BEIJING, Apr. 1, 2008, [hereinafter Buckley],

accusations and urge China to allow international probe.²⁴ The United States and many other countries reject allegations that Dalai Lama had any involvement in the plotting of the protests.²⁵ News of the protests to “Free Tibet” quickly spread across western China and around the globe.²⁶ Six-hundred people in Tokyo demonstrated in the streets against the Chinese crackdown.²⁷ Protestors in Paris burned Chinese flags, and demonstrators in New Delhi stormed the Chinese embassy.²⁸ United States House of Representatives Speaker, Nancy Pelosi, demanded that China stop the repression in Tibet.²⁹ During the Olympic torch lighting ceremony on Mount Olympia in Greece on March 22, 2008, members from the French organization “Reporters Without Borders” broke through the crowd and disrupted the event by displaying a picture of their version of the Olympic flag.³⁰ Their flag replaced the pure white background of the Olympic Flag with a pitch black background, and the colorful interlocking rings were changed to interlocking metal handcuffs.³¹

<http://abcnews.go.com/print?4563212> (last visited Apr. 3, 2008).

²⁴ *Id.*

²⁵ *Id.*

²⁶ China Rejects Dialogue, *supra* note 22.

²⁷ Buckley, *supra* note 23.

²⁸ *Id.*

²⁹ China Rejects Dialogue, *supra* note 22.

³⁰ *Id.*

³¹ *Id.*

On March 27, 2008, President George W. Bush, called on the President of the CCP, Hu Jintao, “to encourage the CCP to engage in substantive dialogue with the Dali Lama’s representatives... and to allow access [to China] for journalists and diplomats”³²

D. China’s Financial Backing of Sudan in the Darfur Crisis

Among other major groups opposing the Olympic Games in Beijing include Darfur activists; they are furious with the Chinese government’s support for Sudan, which is party to a civil war in Darfur.³³ China buys the majority of Sudan’s oil and supplies many of the weapons used in the Darfur conflict.³⁴ Sudan’s export of oil into China accounts for seventy percent of their exports.³⁵ Due to the Chinese government’s continued financial backing of Sudan despite their vows to aid in peace negotiations, activists have vowed to demonstrate in Beijing during the Games. International Olympics Committee (“IOC”) does not allow politics to interfere with the

³² *Bush Calls Hu to Urge Tibet Talks*, BBC NEWS, Mar. 27, 2008, <http://news.bbc.co.uk/1/hi/asia-pacific/7315691.stm> (last visited Mar. 28, 2008).

³³ James Reynolds, *UK Director’s Olympic Role Unease*, BBC NEWS, Feb. 25, 2008, [hereinafter Reynolds], <http://news.bbc.co.uk/2/hi/asia-pacific/7262942.stm> (last visited Mar. 28, 2008); see generally Dream for Darfur, <http://www.dreamfordarfur.org/> (last visited Apr. 5, 2008) (advocating that China should use its leverage to persuade the Sudanese government to allow Darfur the full protection outlined by United Nations and also coined the phrase ‘genocide Olympics’).

³⁴ *Dutch Lawmaker Calls for Olympic Boycott*, CNN NEWS, Mar. 22, 2008, http://edition.cnn.com/2008/WORLD/europe/02/19/olympics.boycott.ap/index.html?eref=edition_asia (last visited Apr. 5, 2008).

³⁵ Reynolds, *supra* note 33.

Games.³⁶ The IOC's position is that a sports organization is unable to pressure China or any other country on political matters and has been forced to lobby against boycotts and the possibility of turning the games into a political demonstration.³⁷ Last month, award-winning director, Steven Spielberg, resigned as an artistic advisor to the opening and closing ceremonies because he felt China has failed to increase pressure on Sudan to cease bloodshed in Darfur.³⁸

II. Past Boycotts Have Not Achieved their Intended Effect and Neither Will a Present Boycott of the 2008 Beijing Olympics

A. Effects of Past Boycotts

There have been three major boycotts of past Olympic Games: first, the African boycott of the 1976 Montreal Olympics; second, the United States led boycott of the 1980 USSR Olympics due to the Soviet invasion in Afghanistan; and third, the retaliatory boycott by the Soviets in the 1984 U.S. Olympics.³⁹ Paradoxically, in 1984 China returned to the Olympic Games after a

³⁶ Olympic Charter, *supra* note 2, at 99. By-Law 51.3 states, "No kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas." *Id.*

³⁷ *Human Rights 'Sacrificed for Sake of Games,'* CNN NEWS, Mar. 18, 2008, [hereinafter referred to as Human Rights], <http://edition.cnn.com/2008/SPORT/03/18/olympics.boycott.ap/index.html?eref=edition> (last visited Mar. 25, 2008).

³⁸ Reynolds, *supra* note 33.

³⁹ Andy Walton, *Olympic Boycotts: In Propaganda War, Refusing to Play is a Risky Move*, CNN NEWS 1, 2, [hereinafter Olympic Boycotts], <http://www/cnn.com/SPECIALS/cold.war/episodes/20/spotlight/> (last visited Mar. 18, 2008).

thirty-two year absence.⁴⁰ Also of note is the twenty-eight-year-ban (1964-1992) against the regime in South Africa from participation in the Olympic Games.⁴¹

Unfortunately, the brunt of these boycotts were felt by the athletes who trained and sacrificed for years only to be unable to compete in the most important event of their lives, and not against the boycotted country. For example, Africa's 1976 boycott still haunts Tanzanian runner, Filbert Bayi, who was favored to win the fifteen-hundred meter race and never even had a chance to compete.⁴² Additionally, the 1980 and 1984 boycotts cannot be attributed to the ending of the Cold War or the fall of the Soviet Union.⁴³ Further, the ban against South Africa from Olympic participation did not change South African policies; change required stronger, longer-lasting forces.⁴⁴ Despite past Olympic boycotts, the Olympic ceremonies still thrived.⁴⁵ A boycott to the 2008 Olympic Games would similarly not have the intended result; it could even achieve the opposite effect.⁴⁶

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Basil Ince, *Boycotts and the Olympic Games*, TRINAD & TEBAGO EXPRESS, Mar. 22, 2008, [hereinafter Ince], http://www.trinidadexpress.com/index.pl/article_opinion?id=161297105 (last visited Mar. 31, 2008).

⁴³ *Olympic Boycotts*, *supra* note 39, at 2.

⁴⁴ *Id.* at 3.

⁴⁵ *Id.*

⁴⁶ Ince, *supra* note 42.

B. Why a Boycott of the 2008 Beijing Olympics Will be Similar to Past Boycotts

The Olympic Games should be utilized as part of the process to help religious freedom and other basic human rights develop in China. The Games are a platform to further push China towards correcting their human rights record by having other countries set positive examples of their own.⁴⁷ A boycott of the Olympics will squash this opportunity and also will not bring about the desired change because China has never been ruled by international pressure.⁴⁸ China has always been ruled internally by pressure from their workers, real change will only come through the development of free trade unions, and the right to collective bargaining.⁴⁹ China does not submit to international pressure due to their fast rising status as a world power. Han Dongfang, the Hong Kong-based labor rights activist for the China Labour Bulletin organization, insists "The Chinese leadership does not care about international pressure. It is not China who is knocking at the door of the international community looking for favors -- it is the other way around."⁵⁰ When China was picked to host the 2008 Olympic Games their policies and stances were known to the world. Although China's recent actions have not displayed the fundamental

⁴⁷ *Olympics Shouldn't be Jeopardized: Smith*, THE WEST, Mar. 17, 2008, <http://ww.thewest.com.au/aapstory.aspx?StoryName=468413> (last visited Mar. 28, 2008).

⁴⁸ Niall Fraser, *Human Rights Questions Remains for China*, CNN NEWS, Jan. 24, 2008, [hereinafter Fraser], <http://edition.cnn.com/2008/WORLD/asiapcf/01/23/china.promises/index.html> (last visited Apr. 5, 2008).

⁴⁹ *Id.*

⁵⁰ *Id.*

ethical values the Olympic Games intend to impose, the IOC will not support a boycott.⁵¹ The Committee did not boycott the 1968 Games in Mexico City even though governmental authorities had killed hundreds of nonviolent protesters days before the Games.⁵² By having China host the Olympic Games, the world is finally allowed to glimpse at what goes on behind the wall.⁵³ What the world witnesses could dramatically affect how China is viewed in the future and may be the catapult to winds of change.

This opportunity cannot be cast aside and must be recognized for the potential long-term benefits that could ensue. The European Union stated recently, “A boycott would be counterproductive to efforts to improve human rights in China... [A] boycott could signify actually losing an opportunity to promote human rights and could, at the same time, cause considerable harm to the populations of China as a whole.”⁵⁴ Canada has also announced that it will not participate in a boycott stating, “[T]hings may not be happening in China as quickly as we would like but to use the athletes as pawns is entirely inappropriate, past boycotts have shown that.”⁵⁵ The Dalai Lama also agrees that a boycott is not the answer.⁵⁶ He only wants

⁵¹ *Olympic Chief Rejects Boycott Over Tibet*, CNN NEWS, Mar. 16, 2008, <http://www.cnn.com/2008/WORLD/americas/03/16/olympics.boycott.ap/index.html?iref=newssearch.cnn.com> (last visited Apr. 5, 2008).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Assoc. Press, Amid Tibet Protests, EU Parliament President Says Don't Rule Out Boycott*, ESPN.COM, Mar. 22, 2008, <http://sports.espn.go.com/espn/print?id=3306522&type=story> (last visited Mar. 28, 2008).

⁵⁵ *Olympics Winter Games Host Canada Won't Boycott Beijing Olympics*, YAHOO NEWS, Mar. 18, 2008,

more autonomy for Tibet, not independence, and has stated, "It doesn't matter whether Tibet is independent or not, as long as Tibetans live in happiness."⁵⁷

III. Suggestions in Lieu of a Boycott

Instead of a boycott of the 2008 Beijing Olympic Games which hurts athletes and will not be strongly effective on curbing the CCP's religious persecution and human rights violations, we as a united international community can take action now by utilizing the following suggestions. First, the international community should make every effort to immediately begin a boycott of products made from China, and begin to invest in other sources to supply and manufacture products currently exported from China. China will only succumb to financial pressure,⁵⁸ which consumers can directly exert: individual consumers are the most powerful force to effect their economy and thereby end the injustice.⁵⁹

http://news.yahoo.com/s/afp/20080318/w1_anada_afp/oly2008chncanboycott_080318205 (last visited Mar. 31, 2008).

⁵⁶ Human Rights, *supra* note 37.

⁵⁷ Michael Bristow, *Tibetan Monk Speaks Out*, BBC NEWS: BEIJING, (Mar. 21, 2008), <http://news.bbc.co.uk/1/hi/world/asia-pacific/7308890.stm> (last visited Mar. 31, 2008).

⁵⁸ Fraser, *supra* note 48.

⁵⁹ Boycott Made In China Free Tibet, <http://www.boycottmadeinchina.org/> (last visited Apr. 5, 2008) (discussing the only remaining way for concerned people to exert some positive influence on China seems to be through the power of the individual consumer).

Second, people around the globe should continue to have peaceful demonstrations and non-violent protests against the CCP's atrocities leading up to the Olympic Games but not against the Olympic Games.⁶⁰ Third, the Games should be utilized as an opportunity to further encourage the Chinese government to practice equality and adhere to universal fundamental ethical principles.⁶¹ Fourth, foreign spectators should attend the Olympics wearing and utilizing the color orange which activists are using to represent and highlight the ongoing violations of human rights in China.⁶² Fifth, during the Olympic Games, journalists and reporters should be encouraged to conduct investigations and news stories aiming to reveal the true state of affairs in China; further, the Internet must also be fully functional during the Games so everyone can immediately communicate unedited versions of events that transpire.⁶³

Sixth, during the Olympic Games foreigners should hold peaceful protests outside Olympic venues where reporters have live broadcast feed and are able to document any reaction by the

⁶⁰ Ince, *supra* note 42; see generally Students for a Free Tibet, <http://www.studentsforafreetibet.org/> (last visited Apr. 5, 2008) (outlining their campaign composed of non-violent means to help aid Tibet).

⁶¹ Olympic Charter, *supra* note 2.

⁶² The Color Orange Project, *Can China Ban the Color Orange?* (2008), <http://www.thecolororange.net/uk/> (last visited Apr. 5, 2008) ("Danish sculptor, Jens Galschiot and his art workshop is behind the 'color Orange' project... [N]ot even China can forbid the color orange and this gives thousands of athlete, journalists, spectators, and others in Beijing as opportunity to show that they are aware of that the Olympics are held in a country that openly violates basic human rights.").

⁶³ Stephen Wade, *IOC Tells Beijing: Don't Block Internet*, ABC NEWS: BEIJING, Apr. 1, 2008, <http://abcnews.go.com/print?id=4564371> (last visited Apr. 3, 2008).

Chinese government to the protests.⁶⁴ Finally, heads of state, political officials, and celebrities should boycott the opening ceremonies of the Olympic Games which are meant to honor the host country but will not prohibit athletes from competing.⁶⁵ German Chancellor, Angela Merkel, has already announced that she would not be attending the opening ceremonies and the idea is being given serious consideration by other foreign officials.⁶⁶

IV. Conclusion

At first glance it seems tempting to boycott the 2008 Beijing Olympic Games but after much thought, research, and debate the reality of a boycott would be ineffective to achieve the intended purposes of curbing the religious persecution and human rights violations ongoing in China. China will respond faster to a financial boycott of their products instead of their venue to host the Games. The Games enable the world to view China in the international spotlight, which could be the match to spark world-wide action long after the Games are over: to pressure the Chinese government into ending their religious persecution, curb their human rights violations, and cease their financial backing of the Darfur Crisis. Boycotting the Games hurts the athletes who have sacrificed for years and is not the solution to curb China's human rights violations. The goal of

⁶⁴ Assoc. Press, *China Bars Olympics Coverage from Tiananmen Square*, N.Y. TIMES, Mar. 24, 2008 at A1.

⁶⁵ Human Rights, *supra* note 37.

⁶⁶ Carl Hulse, *Pelosi Suggests Bush Skip Olympics Opening*, N.Y. TIMES, Apr. 1, 2008, at A1 (discussing that President Bush plans on attending the opening ceremonies).

the Olympic movement is to contribute to building a peaceful and better world by encouraging the establishment of a peaceful society⁶⁷- boycotts have yet to achieve this purpose.

⁶⁷ Olympic Charter, *supra* note 2, at 12.