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**“LOOKING FORWARD – A GLOBAL RESPONSE TO HOMELESS  
CHILDREN”**

**GETTING IT RIGHT – THE CAMBODIA EXPERIENCE**

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**EUGENE, OREGON**

Thank you for the opportunity to speak to you today on what I know for you is a very important issue – the adoption of children across national boundaries and across cultures.

Adoption of Cambodian children by Americans is an issue that has occupied a lot of my time and emotions over the past several years.

First, I understand the deep desire of American families to provide good, stable homes for these children, many of whom are in dire need. Unfortunately, the situation that exists in Cambodia, led to abuses that undermined the noble and praiseworthy intentions of many of these families; victimizing them – but worse, victimizing the innocent children who were meant to benefit.

Cambodia is a society in transition, still in the early stages. It is a poor, post-conflict nation that lacks the administrative and regulatory framework to properly operate an international adoption program. In addition, endemic corruption, poverty and lack of education made it possible for unscrupulous individuals to engage in what amounted to the buying and selling of children.

Through payments to government officials and often unsuspecting birth mothers, toddlers and infants were “documented” as foundlings or abandoned children who were subsequently adopted by American families in arrangements made by so-called “facilitators.” Using these fabricated documents, these families then obtained visas to take the children to the United States.

I’m not sure we know, or will ever know, exactly how many cases like this exist. I do know that in the case of just one of these facilitators, there were some 800 children adopted in just a few years.

How many of these 800 children were the victims of “identity theft” and were taken away from their Cambodian families to an alien land? I don’t know, but it really doesn’t matter, because one is too many.

In 2001, as most of you no doubt know, the U.S. Government suspended adoptions by US citizens in Cambodia, with the exception of those cases that had been pending prior to the suspension.

I assumed my duties as US Ambassador to Cambodia in December 2002, about a year into the suspension. This issue quickly became one of my most significant challenges – occupying my time and attention even before my Senate confirmation hearings. There were two distinct challenges – how to compassionately process the remaining or “pipeline” cases, and identifying and developing solutions for the problems that led to the situation in the first place.

Processing the pending cases was a delicate issue. On the one hand, we had to recognize that families had invested a lot of time, money and emotion, and in most cases had bonded with the children. On the other hand, it had to be made clear that the welfare of the children and the integrity of the legal system took precedence.

Some people argued for flexibility. After all, they reckoned, many of these children lived in abject poverty, needed medical attention, and would be better off in the United States. In the US, they continued, it was not unusual for women giving up their children for adoption to have their expenses paid, so what was wrong with some compensation in international cases? What, after all, is the difference?

The difference, I submit to you, is huge. First, under US immigration and visa law, it is illegal for money to change hands in these adoptions except for legitimately recognized fees to government agencies. Secondly, in the US, such transactions are usually done according to well known and understood law and procedures and are done with the mutual consent and understanding of all parties.

In Cambodia, there were no laws to regulate foreign adoptions properly. Many of the birth mothers of these “orphans” or “foundlings” were, in addition to being dreadfully poor, illiterate and totally unaware of the kind of agreement they were entering into.

Furthermore, our immigration law is clear on adoptions, who can be adopted and under what conditions. In Cambodia we had facilitators fabricating documents and inventing histories in order to get around this law, clearly and directly violating that law.

The defense offered for these people was that they were only trying to help poor children and people who wanted children by arranging these transactions. Maybe some of them even had these noble motives at the outset but this, ladies and gentlemen, was a criminal enterprise, pure and simple. In the case of the facilitator I previously mentioned, for example, investigation revealed that for those 800 known cases, over \$9 million was paid to this person. A lot of that amount went to payments to officials, birth mothers and

the like, but most of it went to the facilitator. That is just one facilitator, and we are only talking about US cases. When you consider that there were dozens of facilitators and citizens of many countries were adopting children, it staggers the mind.

The real losers in all this, though, were the children. Imagine, if you will, a two year old child who has had his or her real identity erased and recreated, who grows up in a different culture and who has reached the age to be able to take action to answer the question “who am I and where did I come from?” Now that child traces his or her life back to the blank wall that is the adoption itself. Legitimately adopted children have problems with their status. What must it be like to discover at the age of 18 or 20 that you don't exist before a certain point? That any effort to find out who you are will run into a blank wall.

That thought shaped my actions and decisions on how we should go about correcting the problem.

Any adoption system in Cambodia has to be legal, socially and culturally acceptable, and enforceable. But, the bottom line is, it has to put first and foremost the physical, mental and spiritual well-being of the children. As minors, they cannot protect themselves, so the system must speak aggressively on their behalf.

The system must also take into account that people from differing legal systems will be adopting. It has to comply with international conventions, Cambodian law, and with the various nations' laws. We as Americans have to recognize, though, that we are not the only ones on the dance floor.

Because this was and is an international issue, I decided that we need to work through the UN, with the UNICEF country office taking the lead. We also tried to work as closely as possible with other nations such as the UK, France, Canada and Australia, in order to find a common ground. And, I must not neglect to mention that we worked very closely with the Cambodians at every stage of the process. Without full buy in by the Cambodian government, nothing else is of any use.

Multinational cooperation and coordination is never easy but, let me tell you, when it involves an emotional issue like adoption, it's like walking with your eyes closed through an unmarked minefield. Families who have made the emotional decision to adopt have a low tolerance for how bureaucracies work. I sympathize with them, we do move slowly at times, but when it is a legally and culturally intricate and sensitive issue, you want to make haste slowly. That meant a huge amount of time had to be devoted to communicating with the families.

As a Deputy Chief of Mission in Africa, Consul General in Ho Chi Minh City, Vietnam, and as Ambassador in Cambodia, I made it a practice to avoid direct involvement in visa issuances as a rule. I have seen other managers who do get involved, and it has often undermined subordinates, compromised the integrity of the process, and gotten the managers into a lot of trouble. Adoptions are, I believe, a necessary exception

to this sensible rule. In the case of adoptions, I made myself personally available to families and individuals. Face-to-face meetings, emails and the occasional phone call – I actually hate talking about anything on the phone. I had a simple reason for doing this – for making this exception. While it was problems with visas that formed the legal center point of this situation, international adoptions are citizen service and child protection issues more than visa matters.

In addition, I realized that much of the problem in the Cambodian situation was due to lack of communication to the families, or because they perceived they had not been adequately informed.

I'd like to be able to tell you that the aforementioned led to a silver bullet and resolution to this problem. It didn't. As we speak, the administrative and legal impediments to adoption in Cambodia still exist. The Bureau of Consular Affairs and our Embassy in Phnom Penh have made and continue to make extraordinary efforts to set things right. I'm sure that our friends in the international community are working hard as well.

Having spent many hours wrestling with this issue, and my sympathies and best wishes for success go out to everyone who still deals with it.

After so many years and so much effort, I still don't have the answer to this problem. But, to those of you who are looking for answers, I would offer one small piece of advice – whatever you do, remember that part of the physician's oath that goes – “above all, do no harm.”

Thank you and again, good luck.