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Editorial

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Editorial

This special issue comes when intercountry adoption (ICA) is in decline and undergoing changes related, in part, to regulations set forth by the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. The intent of the Hague Convention on Intercountry Adoption (HCIA) is to promote the best interests of children and to prevent the sales, theft and trafficking of children under the guise of ICA. Most simply, the convention requires that a state first attempt to keep the child living within its birth-family system, including the extended family or kinship group. If that is not possible, a domestic adoption, that preserves culture and language, is a second priority. When those options have been exhausted, a child may be approved as appropriate for ICA by the sending nation's central authority (Rotabi, 2008). These three stages of permanency planning, a continuum of child welfare, are required in order to meet the best interests of children.

While most agree that the HCIA is an important step in regulating ICA, its implementation is not without controversy. This is partly because ICA itself is a controversial topic and there are inherent disagreements about how the best interests of children may truly be realized.

Three lenses from which to view ICA and the Hague Convention

There are three lenses that are commonly used in analyzing ICA and its consequences: abolitionist, proponent and pragmatist (Masson, 2001).

Abolitionists often point to cases of child sales and theft in places like Cambodia and India (Smolin, 2006). They emphasize birth-family rights and the economic disparity of sending and receiving countries. Some, such as Kapstein in 'The Baby Trade' (2003), use provocative terms, referring to ICA as the commodification of children. Abolitionists' arguments also frequently note that children declared 'orphans' often have living parents or extensive family networks.

Proponents or promoters of ICA (Bartholet, 2007) focus on the positive developmental outcomes of children adopted internationally. Compared with their peers left behind, adoptees show significant gains in cognitive, emotional and physical development (Van IJzendoorn and Juffer, 2006). Proponents often criticize the HCIA for creating unnecessary delays or suspending ICA in the face of millions of needy children. Proponents view child sales and theft as representing a small minority of cases (Oreskovic and Maskew, 2008). Fundamentally, they take the position that adoption is the ultimate act of child welfare, and that ICA should be promoted and expedited on a global scale in order to promote the best interests of children.

Pragmatists take the middle ground in the debate. They recognize and openly acknowledge problems in the ICA process, and work to solve the problems analytically. They view the transaction itself as not only a reality in a globalized world, but also a legitimate manner in which to build a family. As such, it is the pragmatists' position that thoughtful legal regulation, including the HCIA, that encourages responsibility and efficiency, is essential. They also look to other means of reducing adoption fraud and irregular practices, including improving local child welfare systems. Pragmatists offer strategies to develop adequate and effective systems in adoption agencies, family courts and immigration offices (Masson, 2001). They focus on providing support systems within sending countries, including social workers trained to carry out case management, non-biased birth-mother counseling, respite and short-term foster care, day care and other programs that might engage the birth or extended family in supporting the child to remain in the local community. Pragmatists also investigate barriers to domestic adoption in the hope of breaking down those barriers; they seek local options other than institutional care (Gibbons et al., 2006). One example of such an approach is outlined by Rotabi and Bunkers (2008), in which they identify major areas of potential systems reform in Guatemala, a former sending state, which has essentially entered into an ICA moratorium.

Emergent voices and the best interests of the child

At this time of change in ICA, we hear all three voices in this special issue. A demographic analysis by Selman of the significant decline in ICA migration asserts that children may now be at greater risk for child trafficking. Social policy approaches are reviewed and Dickens' abolitionist voice is buttressed by the facts of the ICA situation in Romania. Bergquist provides a legal analysis and her pragmatic voice points to

some of the limitations of the HCIA in regards to humanitarian rescue and war zones. Roby and Ife explore a human rights-based approach starting from the bottom up, including voices from the family of origin. Bunkers, Groza and Lauer's piece further explores human rights and how ICA practices and adoption fraud have shaped systems of child care in Guatemala.

On a positive note about ICA, several authors present upbeat developmental outcomes of the adoptive environment. Wilson and Weaver demonstrate gains in language and conduct that occur within 19 months of ICA. Palacios, Román, Moreno and León explore factors that foster emotional development in ICA children and find that adoptive parents think about their children in optimistic and complex ways. With respect to children's interest in the birth culture, Juffer and Tieman's study shows that most children are interested in their adoption story, but many express a wish to look more like the adoptive parents. The pragmatic position is most clearly represented by Crea's report on SAFE practices for evaluating potential adoptive families.

As a collection, the articles of this special issue present a nuanced and complex picture of ICA and suggest directions for change in ensuring processes and procedures that protect and foster children's interests.

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