

Surrogacy Safari

First the tourists came to see our game, then to consult surgeons and buy up our prime properties. Now, it seems, they are lured by the promise of pregnancy – courtesy of a South African woman. **Jo Watson** goes in search of surrogate-seekers on safari

Not that long ago, South Africans watched in astonishment as foreigners flocked here in their droves, lured by 'scalpel safari' packages promising rhinos and rhinoplasty. Hot on its heels came the 'property safari' and foreigners acquired prime SA real estate. But the latest and most controversial of these expeditions is the 'surrogacy safari', which enables foreigners to leave with babies born of South African women.

It may sound like science fiction but fertility tourism is fast becoming established practice. Asian students as egg donors; lesbians seeking sperm in Belgium and wombs for sale in China are some of the stories that have been splashed across international newspapers. But controversy is coming closer to home, largely thanks to wealthy US-based travel agencies that seem to be spearheading this growing industry.

Sunsets, scenery – and surrogacy

These agencies offer all manner of fertility packages to South Africa and will organise flights, accommodation and clinic consultations, with hot-air ballooning, wine-tasting and a Big Five safari thrown in. Although some of their websites don't overtly advertise the use of South African surrogates, there are those – reputable members of the South African medical fraternity such as Dr Paul Dalmeyer, president of the South African Society of Science and Surgery and an executive member of the International Federation of Fertility Societies – who believe

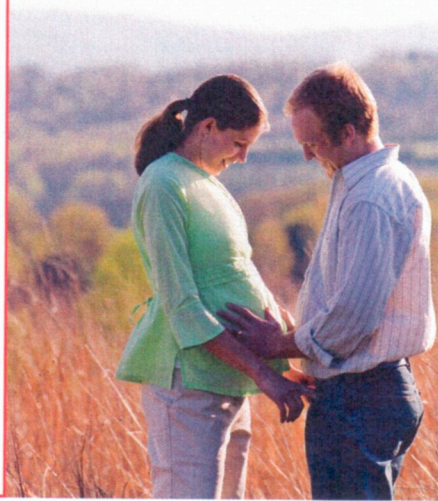
there are travel agencies that are 'involved in surrogacy'. Some have also been criticised for their egg donor programme, which is targeting young South Africans. 'They are advertising at universities and offering students enough money to pay off their loans. It's appalling,' says Dalmeyer.

A company that openly advertises 'surrogacy agreements' is Beautiful Africa Surgical Hosts and Tours, whose website showcases the exquisite beauty of our country, entices visitors with promises of hunting safaris, luxury spa treatments and shopping extravaganzas. All my efforts to contact this company were fruitless. Another company that used to be involved in surrogacy in South Africa is Babies Abroad. But it has fallen off the radar rather suddenly, perhaps because the moral quagmire it got caught up in became overwhelming.

Public pronouncements

The laws governing surrogacy differ greatly and in many European countries, as well as numerous American states, the practice has been outlawed. It's no surprise that desperate, infertile couples would cast their eyes towards countries with more lenient surrogacy laws, in the hope that their dreams might come true. However, the first issue to catch the media's attention earlier this year – the sale of South African eggs to international couples – evoked a strong response from the public. And now the sale of South African wombs to international ▷

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couples is causing an outcry. Surrogacy is already a touchy topic, but adding foreign couples and a safari adventure to the mix is considered by many to be outrageous.

It's not only heterosexual couples that are being offered fertility packages. Durban-based businesswoman Julie Jones* launched her 'Babies on Safari' concept at the Indaba International Trade Travel Show in Durban in 2004. She positioned her company to cater specifically for the international gay market.

'I have a personal interest in surrogacy and was inspired by the success of surgical safaris,' Jones says. She planned to offer international gay couples the chance to conceive in SA, using whatever fertility treatment was required. Most of the male couples she dealt with brought surrogates with them but if they didn't, the clinic could arrange one. There are many reasons why gay couples would want to come to SA for this purpose, Jones says. 'Either they cannot afford the fertility treatments offered in their own countries, or the laws there prevent them from becoming parents.'

But trying to fulfil the dreams of hopeful gay parents did not sit well with the public, and even ran into opposition from gay quarters. Dawie Nel, director of the gay organisation OUT, voices the opinion of many when he raises his concern about the psychological welfare of surrogates who rent out their wombs: 'Because of patriarchy, women more often end up having to make a living from selling their bodies.'

Even before her company was fully up and running, Jones was forced to close her doors. She still believes in her cause, though, and continues to assist many couples with surrogacy, but in her personal capacity only.

The role players

One of the directions in which Jones often points aspirant parents is the Medfem Clinic, a private fertility clinic in Sandton, Johannesburg. There, Sister Pam confirms that staff members of the clinic are aware of the existence of surrogate safaris but have no knowledge of how they operate. She does say, though, that the clinic helps many overseas couples with fertility treatments each year. 'And we have arranged surrogate mothers in the past, when required. But whether a couple is here on some kind of tourism package, we wouldn't know.'

Other clinics were far less willing to talk. Most admitted to acquiring surrogate mothers for international couples, but would not comment on the 'safari' concept.

Beverly Edwards is a Johannesburg-based advocate, an expert in the surrogacy field and founder of Surro-Moms SA, 'South Africa's first and only surrogacy information service, offering information and advice on surrogacy and egg donation', according to the website. She corroborates the existence of surrogacy safaris but is unable to say how many couples have chosen that option or how frequently it occurs. But she points out the obvious attractions of 'world-class clinics, an African holiday and, possibly, a baby.'

Another reason why the practice is widespread is that surrogacy is still legal here. Beverly herself has helped several foreign couples find South African surrogates, but insists that they meet stringent requirements, regardless of nationality. 'A foreign couple must go on my list, just like any local couple,' she states. 'I won't let them undercut local couples either ... nor will I allow abuse of either the surrogate or the couple.'

Legally speaking

Tour packages aside, should foreign couples be allowed to use South African citizens as surrogates in the first place? The local laws governing surrogacy are in the process of being changed. Currently, there is no direct law that governs surrogacy in South Africa. However, it has been indirectly governed by the Child Care and Adoption acts, as well as the Human Tissue Act. But this is set to change. There is a chapter concerning surrogacy in the new Children's Bill, which is awaiting Cabinet approval. When it is approved, surrogacy will become regulated, both in legalities and form, making it more difficult to use surrogates. This will not only have an impact on South African couples but will also have huge ramifications for international couples.

Currently, there is nothing illegal about a foreign couple coming here to use a South African surrogate. The legal issues arise when the baby is born. If a couple comes to South Africa with their own surrogate and she is impregnated here via IVF or any other fertility procedure, there is no law preventing the pregnant woman from returning to her home country and giving birth to the baby there. Even if the surrogate used sperm from a South African sperm bank, this would have no legal ramifications because South African law dictates that the sperm donor remains anonymous. The donor therefore forfeits all paternal rights. This situation would be akin to a woman coming to South Africa, having a holiday fling and returning home pregnant. Legally, the child would have no ties to South Africa and would assume citizenship in the mother's home country.

However, if the baby is born of a South African citizen, and on South African soil, and even if she has no genetic ties to the birth mother, that baby is a South African citizen, regardless of the commissioning parents' nationality. At this point, there are two ways in which the couple can take the baby home. The first one is by complying with the South African adoption laws, which are lengthy and require the parent to be a South African citizen or resident.

The other way would be to 'put their names and not the surrogate's on the birth registration forms at the Department of Home Affairs. Then they get the baby a passport at their embassy and off they go. This method is technically fraudulent, but is much faster,' says a Johannesburg attorney, who suspects that this is indeed going on.

Money matters

Debora L Spar, author of *The Baby Business: How Money, Science, and Politics Drive the Commerce of Conception* (Harvard Business School Publishing Corporation) claims that the monetary benefits of fertility tourism are potentially enormous, but its practices are largely unregulated. Herein lies the problem.

Businesses associated with the industry have flourished – South African companies from all sectors are starting to feel the benefits of the foreign currency that is dribbling in via fertility tourism and surrogacy. One such operation is a guest villa in the Cape, which has renamed one of its rooms 'the baby room' in honour of the 'many happy couples' it has accommodated.

According to a virtual conference hosted by Washington University in 2003, surrogacy tourism not only benefits the hospitality industry but also increases a country's GDP, helps improve infrastructure, builds better health-care facilities and boosts the service, transport and recreation industries.

Tholoana Qhobela of SA Tourism is aware of the income generated by this industry. She confirms that 'research does indicate that there are people coming to South Africa for medical tourism'. But they also say that it doesn't garner the same amount of money that 'normal' tourism does.

Worldwide womb rental

Surrogacy is certainly generating a massive amount of money in India. It is believed that the baby-making business – rented wombs in particular – now generates a whopping \$6 billion a year, according to research conducted by the Indian Council of Medical Research. Impoverished women are giving up their wombs and nine months of their lives to make others' dreams come true.

Dr Nayana Patel runs the Akanksha infertility clinic and is at the forefront of surrogacy in India. In April 2006 she told the *Sunday Tribune* that she receives many e-mails from couples in the US and Britain who are lured by the prospect of a surrogate child for 225 000 rupees (R31 900) compared with about \$40 000 (R235 000) in the US.

But does this imply that there is some kind of extortion taking place? And if there is, who is taking advantage of whom? Is it the young, fertile woman who is preying on the desperation of the childless couple, or is it the childless couple who take advantage; dangling the equivalent of six years' salary in front of a low-earning mother who is barely able to clothe and feed her

own children? Or is it, as Dr Patel suggests, a mutually beneficial situation?

It's not just Indian women who are renting their wombs. Students in Kuala Lumpur, Malaysia and impoverished women in China are also believed to be agreeing to act as surrogates for foreigners. Further west, in Cuba, it is now estimated that fertility tourism, including surrogacy, is generating \$25 million a year.

What is interesting to note (and calls into question the altruism of surrogacy) is that it is mostly women from the developing world who are offering their services. In these countries, which are synonymous with unemployment and economic strife, surrogacy seems to have become a viable way for women to make a living.

Carrie Shelver of POWA (People Opposing Women Abuse) says, 'People from the global north are exploiting women from the global south. In these countries, women are still viewed primarily as the bearers of children. International couples are taking advantage of that.'

Could this be the reason surrogacy is becoming an attractive option for South African women too? Dr Bola Omoniyi, spokesperson for Doctors for Life, a non-profit Christian medical organisation based in Durban, says, 'Surrogacy is becoming popular in South Africa for the same reason it is popular in India, but financial incentives in an environment of high poverty and lax laws are sure to result in the abuse of vulnerable people.'

Advocate Renay Kathawaroo says, 'I have been exposed to the mechanics of a similar concept under a different guise: foreign adoption of vulnerable South African children. I believe this ravages the sanctity of South African families, and the financial rewards that stem from these arrangements are consuming the integrity of our society.'

Dr Paul Dalmeyer is adamant that 'reproductive technology should be used in an altruistic manner and never for an individual's financial gain'.

One thing is for sure: there is no accurate way of measuring how big surrogate tourism in South Africa really is. 'When the new Children's Bill is gazetted and the new legislation regarding surrogacy comes into effect, it will become illegal for international couples to use South African women as surrogates,' says Edwards. But whether this will put an end to the industry or just drive it underground, remains to be seen. ☐

*Name has been changed