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# POPULATION IN THE UNITED NATIONS SYSTEM

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DEVELOPING THE LEGAL CAPACITY  
AND PROGRAMS OF UN AGENCIES

*by*

DANIEL G. PARTAN

LAW AND POPULATION  
BOOK SERIES NO. 3

A. W. SIJTHOFF | LEIDEN  
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UNITED NATIONS SYSTEM**

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*Developing the Legal Capacity and  
Programs of UN Agencies*

by

DANIEL G. PARTAN

*Professor of Law, Boston University*

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1973

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*For all my family*

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Boston University  
August 1972

*Daniel G. Partan*  
Professor of Law

## PREFACE

The Law and Population Programme takes particular pride in presenting in this volume Professor Daniel G. Partan's work on population in the United Nations system. It considers the present volume one of the most important and timely contributions among the Programme's activities in observance of the 1974 World Population Year.

After an initial period marked by hesitation and inaction, the United Nations and its agencies are now becoming increasingly involved with population and family planning. However, the autonomous character of U.N. agencies and the newness of their population programs have thus far prevented the U.N. system from utilizing its maximum capacity. Not only do many gaps in and overlappings of functions exist among U.N. agencies, but the unity of purpose and division of labor within each agency are by no means assured. To maximize and coordinate the U.N. role, it is necessary to reexamine the basic purpose and legal capacity of each of the U.N. bodies concerned. This task Professor Partan has performed admirably, in addition to proposing certain recommendations based on his findings. The World Population Year appears an opportune time for a self-review and -renewal by all concerned.

As Professor Partan himself stresses (p. vii), he alone remains responsible for the conclusions and recommendations made in this study. Although the Programme does not take any position with respect to his conclusions and recommendations, it does, by presenting this study, seek to stimulate enlightened and innovative thinking, discussion and action.

*Luke T. Lee*  
Director  
Law and Population Programme  
Fletcher School of Law and Diplomacy  
January, 1973

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## INTRODUCTION

United Nations action in the field of population has developed in what may be seen as three broad stages, corresponding roughly to three decades: the 1950's, the 1960's and the 1970's.

During the 1950's, the focus of United Nations action was on statistical studies and the collection of data on the size, structure, growth and distribution of national populations. During the 1960's, the UN system began to provide technical assistance on request by governments, centering at first on demographic and statistical studies, and gradually broadening to cover a wide range of national population activities. By the 1970's, the UN system had undertaken operational responsibilities in some areas at the request of governments, and had begun in a limited way to deal directly with individuals and professional and other non-governmental associations. The UN system had also begun in the 1970's to explore the many complex policy questions posed by national government action in the population field, and to consider the relationship of national population policies and objectives to international action and to the development of world community policy.

In 1970 the General Assembly, in designating the year 1974 as World Population Year, called for a "detailed programme" of action by the UN system during that year.<sup>1</sup> The Assembly resolution stressed that UN system assistance "should continue to be available upon request for evolving and implementing a dynamic population policy" meeting the needs of Member States. UN system population program assistance now includes assistance in developing for each state a comprehensive demo-

1. General Assembly Res. 2683 (XXV), "World Population Year," 25 GAOR Supp. 28, p. 55, at para. 3 (A/8028) (1970). In preparing the detailed program for UN agencies, the Secretary-General was directed to take into account "the different character of population problems in each country and region, [and] the population policies of Member States." *Ibid.* The abbreviations GAOR and ESCOR used in the footnotes in this report refer to the *Official Records* of the General Assembly and the Economic and Social Council, respectively, preceded by the number of the session and followed by the UN document series symbol and number.

graphic research and studies program, and UN advisory services and training programs that will make it possible for governments to formulate and implement national population policies and programs. Subject to limitations on funds, the UN system is now ready to provide governments with advice, financing and technical assistance for demographic studies and for the collection of data, the development of policies and programs, basic and applied or operational research, the training of personnel, the building, staffing and equipping of facilities and the evaluation of results.

In addition to the population program assistance made available on request by governments, the UN system is directly involved in population questions at three levels. First, dating back almost to the founding of the United Nations, the UN system collects and publishes data on the size, composition, growth and distribution of world population. Second, several UN agencies sponsor or conduct research on a wide variety of population questions, working at times directly with individual researchers or with non-governmental institutions. Finally, UN organs are increasingly becoming involved with population policy questions from the standpoints both of United Nations or world community policies, and of the impact on the world community of national population policies. As will appear more fully in the body of this report,<sup>2</sup> UN policy consideration has centered on three broad areas of United Nations concern: the protection of human rights, the economic development of developing countries, and the safeguarding of the human environment.

As no doubt is frequently true of evolutionary developments in any legal system, the evolution and growth of United Nations action in the population field has occurred with little explicit attention to the legal basis upon which that action may be founded. Resolutions of UN organs taking action on population questions, including action that diverges sharply from existing UN practice, most often refer only indirectly or by implication to the legal basis upon which the action may be taken. In particular there has been virtually no articulation of the basis for UN action in terms of the UN Charter, of the constitutions or statutes of the UN Specialized Agencies, or of customary international law. Consequently in UN practice there has been no systematic exposition of the legal basis for the present level of UN activity in the population field, and no exploration of the extent to which international law and the constitutional documents of UN agencies might permit the development of new lines of UN action in this field.

The present report analyzes the legal basis supporting UN system action in the population field and offers a concept of UN competence in this field upon which future UN action might be founded. In this sense

2. See Chapters 2 through 8.

the report is a study of the "legal capacity" of the UN system to act in the population field. The report is concerned with the legal basis supporting UN action and with the extent and form of UN action sustainable on that basis; the report does not evaluate the operational experience of the UN system in the population field or consider operational problems that may be encountered in implementing UN programs over the full range of action that may be considered to lie within the legal capacity of the UN system.

Part One of this report reviews the legal basis for existing United Nations action in the population field and attempts to suggest possible future UN action in terms of the legal basis upon which that action might be taken. Part Two contains an agency-by-agency review of current UN system population programs in terms of the mandates under which they were adopted and the constitutional authority of the UN agency concerned.<sup>3</sup> Part Three summarizes the conclusions reached, and the recommendations made in the report.

3. The author is indebted to John W. Halderman of the Rule of Law Research Center, Duke University, whose chapter on "The United Nations" in Lee and Larson, *Population and Law: A Study of the Relations Between Population Problems and Law*, pp. 387-436 (1971), provided valuable assistance in framing the issues dealt with in this report.

## Part One

### THE LEGAL BASIS FOR UN SYSTEM ACTION IN THE FIELD OF POPULATION

A basic premise of UN system action in the population field, reiterated by the General Assembly in its 1970 resolution designating 1974 as World Population Year, has been that the "formulation and implementation of population policies and programmes are matters falling under the internal competence of each country" and, consequently, that "international action in the population sphere should be responsive to the varied needs and requests of individual Member States."<sup>1</sup>

This report will consider, first, the legal basis for providing through the UN system the population program assistance requested by governments on the assumption that population questions are wholly matters of "internal competence", and the implications for the UN system of authority to provide the requested assistance in the population field. Second, the report will consider the extent to which the "internal competence" concept must be modified by international law doctrine relating principally to human rights, and the extent to which developments in international law and in United Nations practice might lead to further modifications of the concept that population questions fall within the "internal competence" of states. The inquiry into the distinction between "internal" and "international" competence in population matters leads finally to a consideration of the role of the United Nations in developing and implementing international law in the population field. The ultimate question concerns the extent to which UN agencies have the authority under their constitutional documents and under customary international law to develop international law standards in the population field, and to take action in aid of the implementation of those standards without regard to specific requests by governments.

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1. General Assembly Res. 2683 (XXV), 25 GAOR Supp. 28, p. 55 (A/8028) (1970).

## Chapter 1

# UN POPULATION POLICY AND ASSISTANCE TO GOVERNMENTS

The comprehensive mandate expressed in General Assembly Resolution 2683 (XXV), contemplating UN system assistance to governments in implementing "dynamic" national population policies, expresses the end-result of a twenty-year process that has moved the UN system from an unwillingness to provide assistance requested by governments to the point of calling upon governments to consider the desirability of adopting national population programs formulated and implemented with UN system assistance.

In the 1950's, when the question of population program assistance was first raised in UN agencies, objections to the competence of UN agencies to supply such assistance went so far as to assert that UN agencies had no authority even to study the "population problem", and hence no authority to provide, on the request of governments, either advisory services on population questions or technical assistance relating to national family planning programs.<sup>1</sup> In contrast to the early problems with assistance to governments, the UN system is now both actively generating and attempting to fill requests by governments both for advisory services and for technical assistance including family planning facilities, equipment and supplies. In its "International Development Strategy for the Second United Nations Development Decade," the General Assembly has sought to stimulate the government of each developing country to consider whether its rate of population growth hampers its economic development, and to "formulate [national] demographic objectives within the framework of its national development plan."<sup>2</sup>

As will appear more fully in the discussion that follows, UN action in the population field rests on three distinct grounds for UN concern: first, the human right to free choice in determining family size; second, the relationship between rapid population growth and economic development;

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1. See, e.g., the discussion of the mandate of the World Health Organization in Chapter 11.

2. General Assembly Res. 2626 (XXV), 25 GAOR Supp. 28, p. 39, at paras. 15 and 65, pp. 40-41 and 47 (A/8028)(1970).

and third, the impact on the environment anticipated to result from larger and rapidly growing national populations enjoying rising standards of living. In common with general United Nations practice, however, most UN action on population questions has not rested squarely on any single ground; most action can be seen as founded upon a combination of the three. For example, the draft resolution recommended by the Population Commission at its 16th Session for adoption by the Economic and Social Council makes use of all three grounds for UN action. The draft resolution urges Member States "to co-operate in achieving a substantial reduction of the rate of population growth in those countries which consider that their present rate of growth is too high," and "in accordance with their national population policies and needs, to ensure that information and education about family planning, as well as the means to effectively practice family planning, are made available to all individuals by the end of the Second United Nations Development Decade." It also calls upon the Secretary-General "to study the possibilities of developing a global population strategy, including population movements, for promoting and co-ordinating population policies in Member States with the objective of achieving a balance between population and other natural resources."<sup>3</sup>

Each of the three grounds for UN system action derives from the functions and powers conferred upon the United Nations by its Charter, and upon UN agencies by their constitutions or statutes. Pursuant to this constitutional authority, the UN system makes recommendations to governments on population questions, and formulates and declares world community policy as to the human rights, economic development and environmental impact aspects of the population problem. In the context of UN population program assistance to governments, the main questions today concern asserted limitations on the field of action of a particular UN agency as defined in its constitution or statute,<sup>4</sup> and to asserted prohibitions on the sponsorship by governments of particular methods of family planning or of population limitation arising out of international law standards for the protection of human rights.<sup>5</sup>

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3. Population Commission, Report of the 16th Session, 1971, 52 ESCOR Supp. 3, pp. 44-48, at paras. A(1)(b) and (c), p. 45, and para. D(4)(a), p. 47 (E/5090)(E/CN.9/263) (1972). See E/RES/1672 (LII) (1972) for the resolution as adopted by the Economic and Social Council in June 1972.

4. See, e.g., the discussion of the mandates of the World Health Organization and of the United Nations Children's Fund in Chapters 11 and 12.

5. See Chapters 2 and 3.

## *Constitutional Foundations*

The fundamental constitutional basis for UN system action in the population field lies in the United Nations "Purpose" stated in Article 1, paragraph 3, of the UN Charter, of achieving through the UN system "international cooperation in solving international problems of an economic, social, cultural, or humanitarian character" including the promotion of respect for human rights and fundamental freedoms. Article 55 of the UN Charter elaborates this basic UN Purpose in the following terms:

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Both the UN Economic and Social Council under Article 62 of the UN Charter,<sup>6</sup> and the UN General Assembly under Articles 10 and 13,<sup>7</sup> are empowered to make recommendations to Member States on the matters embraced within Article 55. Finally, under UN Charter Article 56, the Members have pledged that they will take "joint and separate action" in co-operation with the United Nations to achieve the purposes set out in Article 55.

The economic and social questions embraced within the general language of UN Charter Article 55 are also brought within the competence of the Specialized Agencies under their separate constitutions and statutes

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6. UN Charter Article 62, para. 1, provides:

The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

7. UN Charter Article 10 provides:

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 13, para. 1(b), directs the General Assembly to "initiate studies and make recommendations for the purpose of . . . promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

or basic agreements. As they relate to population, the specific provisions of the Specialized Agency constitutional documents are set forth in the sections in Part Two of this report relating to the Specialized Agencies.<sup>8</sup>

### *Domestic Jurisdiction*

To the extent that population questions relate to "economic and social progress," or to "social" or "health" problems, or to "human rights" and "fundamental freedoms," there can be no question that, in general, the agencies of the UN system are legally competent to consider such questions and to adopt recommendations addressed to Member States. The limit on UN authority in this area would seem to arise from the general prohibition on UN intervention in the "domestic jurisdiction" of Member States, rather than from the nature of the subject matter under discussion.

UN Charter Article 2, paragraph 7, states that the Charter does not authorize the UN to "intervene in matters which are essentially within the domestic jurisdiction of any state." Although the precise scope of the "domestic jurisdiction" clause has not been made clear in UN practice,<sup>9</sup> it seems established that the prohibition does not prevent discussion of any issue,<sup>10</sup> and does not apply to generalized resolutions recommending that states follow particular policies or practices on the subjects included within Article 55.<sup>11</sup> Neither discussion in a UN organ nor a general

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8. See Chapters 11 and 13 through 16.

9. Goodrich and Hambro, *Charter of the United Nations* 66-67 (3d ed., 1969), comment as follows:

Efforts to elucidate the substantive meaning given to this paragraph in United Nations practice encounter difficulties common to efforts to interpret other Charter provisions, but in certain respects more serious. These difficulties arise from the highly decentralized system of Charter interpretation which often produces uncertainty as to whether a particular interpretation has general acceptance, and the failure of United Nations organs to be explicit with respect to the Charter bases for their decisions. In order for the limitation of Article 2(7) to apply, it is necessary that the action constitute intervention, that the substantive matter be "essentially within the domestic jurisdiction" of a state, and that the application of enforcement measures not be in question.

10. Goodrich and Hambro, *supra* note 9, at p. 67, comment that "United Nations practice is conclusive, however, on one point, namely, that placing a matter on the agenda for discussion does not constitute intervention. With regard to discussion, the same would appear to be true, although some members have taken an opposing view." The authors cite a 1952 statement by the Union of South Africa; the point does not seem to have been raised in more recent practice.

11. *The Repertory of Practice of United Nations Organs*, vol. III, UN Sales No. 1955.V.2 (Vol. III), pp. 7-54, takes nearly fifty pages to give a brief account of early UN practice in promoting the economic and social objectives mentioned in Article 55. The summary discussion includes references to early resolutions on such popu-

recommendation addressed to all states would be considered “intervention” even if the subject matter involved were considered to fall “essentially” within the domestic jurisdiction of states.

Furthermore, the scope of the subject matter properly to be regarded as falling essentially within the domestic jurisdiction of states can be determined only by reference to international law. If, for example, aspects of the population problem are considered to be governed by international law human rights standards,<sup>12</sup> those aspects would not be considered as falling “essentially within the domestic jurisdiction” of states.

### *UN Policy Declaration and Domestic Jurisdiction*

The policy declaration function has grown in UN practice as a natural result of the UN “Purposes” of achieving international co-operation in solving economic, social, cultural and humanitarian problems, and of becoming “a centre for harmonizing the actions of nations in the attainment of these common ends.” When acting to carry out these UN Purposes, the Assembly’s decisions, termed “recommendations” in Articles 10 and 13, are founded upon and express world community policy. This is true both when the resolution in which decisions are framed speaks of the decisions as “declarations”, and when the decisions are termed “recommendations.” In both cases, the policy contained in the resolution expresses the world community view of the solution of the economic, social, cultural or humanitarian problem addressed by the resolution. In this sense, the resolution is an expression of UN policy. In neither case, however, does the resolution by itself go beyond “recommendation” in the sense of imposing legal obligations on Member States. Policy declaration through UN resolution is therefore both a legitimate function of the UN system under the Charter and outside the scope of the domestic jurisdiction prohibition.

Turning to a second ground upon which it is clear that the “domestic jurisdiction” limitation does not prohibit UN policy declaration on popu-

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lation questions as the “size and structure of populations,” the “interrelationships of demographic, economic and social factors,” and “policies designed to influence the size and structure of populations.” *Id.*, at p. 49. With regard to human rights, Goodrich and Hambro, *supra* note 9, at p. 70, comment that “No one questions the competence of the General Assembly to deal with questions of human rights in general terms by adopting the Universal Declaration and preparing draft covenants.” The problems in UN practice under Articles 2(7) and 55 have been concerned with the competence of UN organs to deal with particular disputes or situations, rather than to their competence address general recommendations to Member States on the questions of economic and social policy enumerated in Article 55.

12. See Chapters 2 and 3.

lation questions, even if policy declaration were to be considered "intervention" in some contexts, population questions may have ceased to be matters "essentially within the domestic jurisdiction." Although the division between matters essentially domestic and matters of concern to the world community has never been called to apply in areas that have been traditionally governed by national policies, it is established that the dividing line is ambulatory and shifts to reflect developments in international law. The argument, then, is that in the population field, the human rights, economic development and environmental impact aspects are rapidly acquiring international dimensions that may justify the conclusion that they are no longer matters "essentially within the domestic jurisdiction" of states.

As to the human rights aspects of the population problem, the pledge in UN Charter Article 56 to promote and to respect "human rights and fundamental freedoms" clearly extends to the human right to free choice in determining family size. In common with other human rights, it is therefore no longer open to governments to deny authority in the United Nations to take up the question of respect for the family planning right, to define that right through a General Assembly declaration, and to make recommendations concerning the implementation of the right.<sup>13</sup>

Questions of the economic development impact of rapid population growth are "international" in the sense that, in the words of the Preamble to the ILO Constitution, "universal and lasting peace can be established only if it is based upon social justice," and of the ILO Philadelphia Declaration "poverty anywhere constitutes a danger to prosperity everywhere."<sup>14</sup> Economic development questions are also international in a human rights sense. The International Covenant on Economic, Social and Cultural Rights, for example, recognizes "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions," and provides that the States Parties to the Covenant "will take appropriate steps to ensure the realization of this right."<sup>15</sup>

Questions of the environmental impact of rapid population growth and of total population size are equally clearly within the area of "international" as opposed to "essentially domestic" jurisdiction. In addition to the obvious international concern aroused by threatened pollution of

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13. See the discussion of human rights in Chapters 3 and 4.

14. Constitution of the International Labour Organization, Oct. 9, 1946, 15 UNTS 35, 40; and Declaration Concerning the Aims and Purposes of the International Labour Organization, Philadelphia, May 10, 1944, 15 UNTS 104, 106.

15. UN International Covenant on Economic, Social and Cultural Rights, Art. 11, para. 1, 21 GAOR Supp. 16, pp. 49, 50 (A/6316)(1966).

common air and water resources, UN discussions are beginning to recognize that population must be brought into balance with resources, and the United Nations is increasingly being seen as an appropriate vehicle for developing world community policy to achieve this end.<sup>16</sup>

It may therefore be concluded that the United Nations possesses legal authority not only to study, discuss and make recommendations on population questions, but also to formulate and declare world community policy concerning the human rights, economic development and environmental impact aspects of the population problem.

### *Operational Activities*

A question of a different order might be raised concerning the authority of the UN to engage in operational tasks as distinguished from UN authority to engage in research, study and debate. The UN Charter and the constitutional documents of most of the Specialized Agencies do not plainly empower the organizations to undertake the wide range of technical assistance and operational activities that have come to dominate the activities of these organizations. Although some objections have been raised along these lines in some contexts in the past, no objection in principle has been sustained in practice.<sup>17</sup> Considering that UN agencies now carry out operational tasks in many fields without objection, it would not now be possible to consider that such tasks lie outside the competence of UN agencies. Furthermore, there would seem to be no basis upon which to distinguish operational activities relating to population from operational activities in other areas; general acceptance of UN competence to undertake operational tasks sustains the practice in the population field.<sup>18</sup>

Finally, in the context of UN assistance at the request of governments as distinguished from UN recommendations or policy declarations on population questions, the domestic jurisdiction limitation would not apply to UN assistance programs even if all aspects of population matters were considered to fall "essentially within the domestic jurisdiction." Assistance freely requested and received could not be "intervention." The question of "intervention" is of importance only at a later stage in con-

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16. See, e.g., the draft resolution adopted by the Population Commission at its 16th Session in 1971, quoted in the text at note 3 above. See also Chapter 8, and the discussion of the development of population activities in ECAFE and in ECLA, in Chapter 17.

17. See the discussion of the mandate of the World Health Organization in Chapter 11.

18. See Chapter 5.

nection with possible UN activities founded on a basis other than the request or consent of Member States.

### *UN System Limitations*

Two types of limits on the authority of UN agencies to respond to government requests for assistance remain to be considered.

First, with regard to some UN agencies it has been thought that a particular agency having a particular specially defined focus and purpose for its activities, should not exceed that purpose in its work in any field including population. Thus, in some instances, it has been considered that some forms of requested aid may not be rendered by a particular UN agency even though the specific aid would itself fall within the scope of UN concern. Examples in which such a limit has been thought to exist are reviewed in Part Two of this report.<sup>19</sup>

Second, to the extent that the human rights aspects of family planning described in the next chapter are considered to place limits on government conduct from either a pro-natalist or an anti-natalist point of view, these same limits would certainly apply to United Nations action taken at the request of governments.<sup>20</sup> Furthermore, where the UN is competent to adopt world community policies on questions in the population field, the UN system should certainly be responsive to UN policies and might apply them in its decisions to grant or to deny requested assistance.<sup>21</sup> Considering solely the question of UN competence to respond to government requests for aid, however, the only limitation of principle would appear to be that the UN system must respect the human rights standards that may be considered to limit government action on population questions.

### *The Role of the UN System*

As has been noted above, the competence of the United Nations system to act in the population field stems from the broad authority granted in UN Charter Articles 1, paragraph 3, and 55, reflected in analogous provisions in the constitutional documents of the UN Specialized Agencies. The general language of these articles, though it does not use the word population, appears broad enough to encompass all aspects of UN system research, study, debate and recommendation leading to the pro-

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19. See the discussion of the mandates of the World Health Organization and the United Nations Children's Fund in Chapters 11 and 12.

20. See Chapter 3.

21. See Chapter 6.

vision of assistance on population matters at the request of governments.<sup>22</sup> To use the language of Article 10 of the UN Charter, population is a matter “within the scope” of the UN Charter and, subject to human rights standards, the UN system as a whole, in contrast to any particular UN agency, has the legal authority to provide all forms of population program assistance that may be requested by governments.

Although there would appear to be no limitation of principle outside of human rights standards, the general competence of the UN system to assist governments does not establish that it would be appropriate for the UN system to render every form of population program assistance that might be requested by governments. For example, as discussed in later chapters of this report,<sup>23</sup> the United Nations has the legal authority to consider and adopt goals, and to recommend policies, relating to economic development and to environmental protection, and in adopting such goals and recommendations the United Nations may either imply or explicitly adopt policies relating to population size, distribution or growth rate. When the UN takes steps to formulate such goals or policies, it is natural to expect that the UN standards would be applied to UN assistance programs and would be used to determine what forms of aid will be supplied on request by governments.<sup>24</sup>

The legal competence of the United Nations system to function in the population field derives fundamentally from UN Charter Article 55 and from the conception of the UN system as the vehicle for developing community standards on world problems over the field indicated in Article 1, paragraph 3, of the UN Charter. The UN system, headed for this purpose by the General Assembly, articulates and coalesces United Nations policy on population questions through its debates and resolutions. The Assembly and the other organs of the UN system have no legislative authority to establish legally binding obligations for Member States in the population field, but the great contribution of the UN system can be to provide a means through which a consensus on world community policy can be developed, and through which that policy can be implemented on the basis of co-operative action voluntarily undertaken by Member States.

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22. See the discussion of the programs and mandates of UN agencies in Part Two, Chapters 11 through 17.

23. See Chapters 6 and 8.

24. See Chapter 6.

## Chapter 2

### HUMAN RIGHTS ASPECTS OF FAMILY PLANNING

Under UN Charter Article 55 quoted above, the United Nations is charged with the responsibility of promoting "universal respect for, and observance of, human rights and fundamental freedoms." Article 13 directs the General Assembly to "initiate studies and make recommendations" to promote "the realization of human rights and fundamental freedoms," and Article 62 authorizes the Economic and Social Council to study, to make recommendations and to draft conventions on human rights for submission to the General Assembly. Under the authority of these provisions, the United Nations has adopted the Universal Declaration of Human Rights (1948), the two International Covenants on Human Rights (1966), and numerous other human rights conventions, declarations and recommendations.<sup>1</sup>

Family planning has only recently been identified as a subject falling within the human rights concepts of the UN Charter. Family planning is not mentioned in the Universal Declaration of Human Rights<sup>2</sup> or in either of the UN International Covenants on Human Rights,<sup>3</sup> and has not been made the subject of separate study by the United Nations bodies principally responsible for the promotion of human rights. Family planning has been widely recognized as a human right in many contexts, however,

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1. See, e.g., *Human Rights: A Compilation of International Instruments of the United Nations*, UN Sales No. E.68.XIV.6 (1968), containing the texts of thirty-four UN human rights conventions, declarations and other instruments. See also Brownlie, *Basic Documents on Human Rights* (1971).

2. The Universal Declaration of Human Rights was adopted by the General Assembly on December 10, 1948, in Assembly Res. 217A (III), 3 GAOR, Part I, Resolutions, p. 71 (A/810)(1948). It is reprinted by Brownlie, *supra* note 1, at p. 106.

3. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights were adopted by the General Assembly on December 16, 1966, in Assembly Res. 2200 (XXI), 21 GAOR Supp. 16, pp. 49-58 (A/6316)(1966). They are reprinted by Brownlie, *supra* note 1, at pp. 199-231.

notably in discussions in the General Assembly and other UN organs,<sup>4</sup> in the 1966 and 1967 Declarations on Population by World Leaders,<sup>5</sup> in resolutions adopted by UN bodies including the Population Commission,<sup>6</sup> the Economic and Social Council<sup>7</sup> and the General Assembly,<sup>8</sup> and, most prominently, in the Proclamation of Teheran and in Resolution XVIII entitled "Human Rights Aspects of Family Planning" adopted by the International Conference on Human Rights at Teheran in 1968.<sup>9</sup>

The "Human Rights Aspects of Family Planning" resolution of the Teheran Conference states that:

couples have a basic human right to decide freely and responsibly on the number and spacing of their children and a right to adequate education and information in this respect.<sup>10</sup>

The family planning right is stated more briefly in a passage from the Proclamation of Teheran relating to the protection of the family and the

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4. See, e.g., the discussion of the development of General Assembly Res. 2211 (XXI) in the text accompanying notes 14 to 24 below.

5. The "Declaration on Population by World Leaders" appears in the *Population Newsletter*, No. 1, p. 44 (1968), published by the Population Division of the UN Secretariat. The Declaration, ultimately signed by thirty heads of governments, states that the signers believe "that the majority of parents desire to have the knowledge and the means to plan their families; that the opportunity to decide the number and spacing of children is a basic human right."

6. The draft resolution recommended by the Population Commission to the Economic and Social Council in 1971 would urge Member States to take the following action:

To ensure, in accordance with their national population policies and needs, that information and education about family planning, as well as the means to effectively practise family planning, are made available to all individuals by the end of the Second United Nations Development Decade.

Population Commission, Report of the 16th Session, 1971, 52 ESCOR Supp. 3, pp. 44-48, para. A(1)(c), p. 45 (E/5090)(E/CN.9/263)(1972). The draft resolution would also, *id.*, at para. D(4)(h), p. 48, request the Secretary-General:

To make the necessary arrangements for the inclusion of population questions in the programmes of work of the United Nations Secretariat, with particular regard to population and social development, public administration, human rights and natural resources.

The quoted provisions were adopted by the Economic and Social Council without change. See E/RES/1672 (LII), paras. A(1) (c) and D(4) (f) (1972).

7. See, e.g., ECOSOC Res. 1347 (XLV), "Population and its Relation to Economic and Social Development," 45 ESCOR Supp. 1, p. 2 (E/4561)(1968).

8. See, e.g., General Assembly Res. 2211 (XXI), 21 GAOR Supp. 16, p. 41 (A/6316) (1966).

9. The Proclamation of Teheran and Res. XVIII of the Teheran Conference, entitled "Human Rights Aspects of Family Planning," appear in the Final Act of the International Conference on Human Rights, UN Sales No. E.68.XIV.2, pp. 3 and 14 (1968). See also UN Doc. A/CONF.32/41 (1968); and *Population Newsletter*, No. 2, p. 21. (1968).

10. Final Act of the Teheran Conference, *supra* note 9, at pp. 14-15.

rights of children. The Proclamation states that: "Parents have a basic human right to determine freely and responsibly the number and the spacing of their children."<sup>11</sup>

The derivation and implications of the "basic human right" of couples to plan the number and spacing of their children are perhaps best summarized in a 1967 Human Rights Day statement by UN Secretary-General U Thant:

The Universal Declaration of Human Rights describes the family as the natural and fundamental unit of society. It follows that any choice and decision with regard to the size of the family must irrevocably rest with the family itself, and cannot be made by anyone else. But this right of parents to free choice will remain illusory unless they are aware of the alternatives open to them. Hence, the right of every family to information and to the availability of services in this field is increasingly considered as a basic human right and as an indispensable ingredient of human dignity.<sup>12</sup>

### *The Origin of the Family Planning Right*

The concept of family planning as a human right arose in the UN system in tandem with the movement of the system towards the provision of technical assistance in family planning projects at the request of Member States. The General Assembly's 1962 resolution on "Population Growth and Economic Development," Resolution 1838 (XVII), which defined the UN role as assisting governments in obtaining basic data and in carrying out demographic studies, mentions the "health and welfare of the family" as "of paramount importance," but does not mention family planning.<sup>13</sup> The Assembly's 1966 resolution on the same subject, Resolution 2211 (XXI), which authorized the Secretary-General to provide UN technical assistance in family planning including advisory services and action programs, recognized "the principle that the size of the family should be the free choice of each individual family."<sup>14</sup>

The change apparently came about in the formulation during 1965 and 1966 of the basic principles that should guide the UN system in providing technical assistance in family planning on request by governments.

The Population Commission recommended in 1965 that the UN should expand the scope of UN assistance to include "training, the collection of basic statistics, research, gathering of information and experience, and

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11. *Id.*, at pp. 3, 4.

12. Quoted from *Population Newsletter*, No. 1, at p. 43 (1968).

13. General Assembly Res. 1838 (XVII), "Population Growth and Economic Development," 17 GAOR, Supp. 17, p. 25 (A/5217)(1962).

14. General Assembly Res. 2211 (XXI), *supra* note 8.

action programmes," although the Commission maintained that the UN must continue to refrain "from espousing any particular population policies or attempting to promote adoption of such policies by Governments."<sup>15</sup> The Economic and Social Council accepted the Population Commission's recommendation in July 1965 and specifically requested the Secretary-General in Resolution 1084 (XXXIX) to provide "advisory services and training on (sic) action programmes in the field of population at the request of Governments."<sup>16</sup>

A move in the General Assembly that autumn to authorize the "expanded programme of assistance in the field of population" recommended by the Population Commission and endorsed by the Economic and Social Council ran into heavy opposition. The opposition was crystalized in an Irish amendment that sought to replace the operative paragraph of the suggested draft resolution with the following text by which the General Assembly would:

[Authorize] the Secretary-General to provide within the limits of available resources for an expanded programme of advisory services for the intensification of demographic studies, research and training, it being understood that the Organization would not undertake any operational activities in the field of family planning.<sup>17</sup>

In the course of the Assembly debate on this proposal, the Mauritanian delegate, Mrs. Miske, rose to answer "those representatives who had opposed the draft resolution on religious and moral grounds." Mrs. Miske pointed out that "women must play the major role in childbirth and in the raising of children," and to do so with the proper sense of responsibility,

[A] woman, in consultation with her husband, must have the right to choose the number of children that were to be brought into the world and the extent to which birth control should be practised. . . . [Women in developing countries] lacked the material means of practising birth control and were therefore condemned to the degrading task of continual reproduction. . . . Surely, the United Nations could not condemn the women of the developing countries to such an ordeal and must give them the free choice of deciding how many pregnancies they wanted.<sup>18</sup>

The Indian delegate referred to Mrs. Miske's statement and concluded

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15. Population Commission, Report of the Thirteenth Session, 1965, 39 ESCOR Supp. 9, para. 106, p. 33 (E/4019)(E/CN.9/202)(1965).

16. ECOSOC Res. 1084 (XXXIX), 39 ESCOR Supp. 1, p. 18 (E/4117)(1965). Considering the background of the resolution, the word "on" in the passage quoted in the text should probably have read "and".

17. UN Doc. A/C.2/L.842 (1965).

18. 20 GAOR Second Committee Summary Records, 1016th Meeting, para. 21, p. 358 (1965).

that UN action should be guided by the principle that “parents alone should decide how many children they wished to have.”<sup>19</sup>

The Assembly was unable to reach agreement at the 1965 session, however, and put the question over to the 1966 session.

In his presentation to the Second Committee at the 1966 Assembly session, the UN Under-Secretary for Economic and Social Affairs, Mr. de Seynes, made the following points in stating the basic principles that guide the Secretariat in providing advisory services on family planning at the request of governments:

[The Secretariat is] mainly guided, here as elsewhere, by the principle of the sovereignty of nations. It is States which frame their own population policy and our activities are free of propaganda. . . . [We] respect the responsibility of parents and their exclusive right to decide on their family size. . . .<sup>20</sup>

The principles stated by the Under-Secretary were incorporated in a compromise resolution introduced at the 1966 Assembly session, and later adopted as Assembly Resolution 2211 (XXI). The draft resolution stated the family planning principle in its final preambulatory paragraph in the following terms:

[The Assembly recognized] the sovereignty of nations in formulating and promoting their own population policies, with due regard to the principle that the size of the family should be the free choice of each individual family. . . .<sup>21</sup>

The Indian delegate sought to explain the effect of the compromise:

In recognizing that each nation had a sovereign right to formulate and promote its own population policy and that parents should be able freely to decide the size of the family, the sponsors fully respected the position of countries which opposed artificial means of curbing population growth, while at the same time recognizing the important role that the international community could play in providing assistance and advice at the request of Governments.<sup>22</sup>

The compromise resolution was adopted without objection in the Second Committee,<sup>23</sup> and unanimously in the Plenary Meeting as General Assembly Resolution 2211 (XXI).<sup>24</sup>

Contemporaneously with the recognition of the right to “free choice” of family size by the General Assembly, much the same concept was framed in a “Declaration on Population” issued on Human Rights Day, December 10, 1966, by twelve Heads of State in the following terms:

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19. *Id.*, at para. 30, p. 359.

20. UN Doc. A/C.2/L.941 (1966).

21. UN Doc. A/C.2/L.936 (1966). See also General Assembly Res. 2211 (XXI), *supra* note 8, at p. 42.

22. 21 GAOR Second Committee Summary Records, 1098th Meeting, para. 26, p. 441 (1966).

23. *Id.*, at 1099th Meeting, para. 9, p. 446.

24. General Assembly Res. 2211 (XXI), *supra* note 8.

*We believe that the majority of parents desire to have the knowledge and the means to plan their families; that the opportunity to decide the number and spacing of children is a basic human right.*<sup>25</sup>

Although the questions of principle that divided the Assembly in 1965 were not further discussed in public meeting, it seems clear that they were resolved on the understanding that UN advisory services and action programs would respect the human right of parents to free choice in determining family size. In this context it seems evident that the "human right" thus recognized is at least as much directed at compulsory anti-natalist measures as it is directed at compulsory pro-natalist measures. The governments that initially opposed the provision by the United Nations of family planning assistance at the request of governments may be assumed to have acquiesced in the Assembly resolution on the understanding that while governments might seek and receive assistance in family planning programs that leave the ultimate decision as to family size to the "free choice" of the individuals concerned, no UN assistance could be had where compulsory measures were contemplated. The formulation of the compromise resolution in terms of a "free choice" principle has applications beyond the realm of UN decisions to provide family planning-assistance on request by governments, however. Cast in these terms, the "free choice" principle applies equally to government action, and marks the beginning point in the development of a human right to free choice in family planning.

### *The Family Planning Right at Teheran*

The International Conference on Human Rights, convened by the United Nations at Teheran in 1968, took up the "Human Rights Aspects of Family Planning" as one of the measures considered by the Conference to "Strengthen the Defence of Human Rights and Freedoms of Individuals." As has been mentioned, the consideration of this subject resulted in the adoption by the Teheran Conference of Resolution XVIII entitled "Human Rights Aspects of Family Planning,"<sup>26</sup> and of a passage in the

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25. *Population Newsletter*, No. 1, p. 45 (1968).

26. Res. XVIII, Teheran Conference, *supra* note 9. The resolution notes General Assembly Res. 2211 (XXI) and other resolutions of UN agencies, and contains the following four operative paragraphs:

1. *Observes* that the present rapid rate of population growth in some areas of the world hampers the struggle against hunger and poverty, and in particular reduces the possibilities of rapidly achieving adequate standards of living, including food, clothing, housing, medical care, social security, education and social services, thereby impairing the full realization of human rights.
2. *Recognizes* that moderation of the present rate of population growth in such

### Proclamation of Teheran.<sup>27</sup>

Resolution XVIII gives the family planning right a double aspect. It states that "couples" have "a basic human right to decide freely and responsibly on the number and spacing of their children" and that "couples" have a "right to adequate education and information in this respect." The term "couples" rather than "parents" or "families" was chosen to make clear that "the right of couples to decide to have no children at all should also be protected."<sup>28</sup> Without noticing this point in the recorded discussion, the Proclamation of Teheran, quoted above, reverted to the term "parents."

The basic family planning right was referred to by the Yugoslavian delegate as "the fundamental right of women to conscious motherhood."<sup>29</sup> There was no discussion of the meaning to be given to the terms "freely" and "responsibly" used in the resolution, however.

As to the right to "adequate education and information", a Belgian amendment that would have framed the right as a "right to information and available services"<sup>30</sup> was withdrawn with the explanation by the Belgian representative that "since the sponsors had incorporated the Belgian proposal in the revised version [later adopted as Resolution XVIII], his delegation was satisfied and withdrew its amendment."<sup>31</sup> The French delegate, who stressed that a family planning program should provide "educational and technical information and the means for birth control,"<sup>32</sup> seemed to assume that the draft resolution satisfied both requirements.

Resolution XVIII was then adopted by the Conference Committee by a vote of 49 in favor to none opposed, with 7 abstentions, without further comment as to whether it was intended to embrace the Belgian "right

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areas would enhance the conditions for offering greater opportunities for the enjoyment of human rights and the improvement of living conditions for each person.

3. *Considers* that couples have a basic human right to decide freely and responsibly on the number and spacing of their children and a right to adequate education and information in this respect.

4. *Urges* Member States and United Nations bodies and specialized agencies concerned to give close attention to the implications for the exercise of human rights of the present rapid rate of increase in world population.

27. Proclamation of Teheran, Final Act of the Teheran Conference, *supra* note 9, at pp. 3, 4.

28. UN Doc. A/CONF.32/C.2/SR.5, Second Committee Summary Records, p. 57 (1968).

29. *Id.*, at SR.12, p. 143.

30. UN Doc. A/CONF.32/C.2/L.19 (1968).

31. UN Doc. A/CONF.32/C.2/SR.12, Second Committee Summary Records, p. 142 (1968).

32. *Id.*, at SR.12, p. 144.

to . . . available services.”<sup>33</sup> Transmitted by the Committee to the Plenary Meeting, the Resolution was adopted in the Plenary Meeting without debate by a vote of 56 in favor, to none opposed, with 7 abstentions.<sup>34</sup>

The Teheran Conference took up so many complex human rights questions, and considered so many draft resolutions in a three week period that many of the subjects coming before it received little close attention. Family planning was such a subject. The family planning resolution was not debated in the Plenary Meeting and was considered during only part of two meetings of a Conference committee at which several unrelated proposals were also considered. The full record of the debate on the family planning resolution takes up less than six pages in the summary records. There is as a result little that can be said about the scope of the family planning right based on its consideration at the Teheran Conference.

### *The Scope of the Family Planning Right*

More recent formulations of the family planning right by the General Assembly offer some assistance in ascertaining the content to be given to the right. The General Assembly's 1969 Declaration on Social Progress and Development, Resolution 2542 (XXIV), states in Article 4 the following principle related to family planning:

The family as a basic unit of society and the natural environment for the growth and well-being of all its members, particularly children and youth, should be assisted and protected so that it may fully assume its responsibilities within the community. Parents have the exclusive right to determine freely and responsibly the number and spacing of their children.<sup>35</sup>

The Assembly in addition stated, in Article 22(b), that the implementation of the Article 4 principle requires “the provision to families of the *knowledge* and *means* necessary to enable them to exercise their right to determine freely and responsibly the number and spacing of their children.” (Italics supplied.) General Assembly Resolution 2542 (XXIV) was adopted by a vote of 119 in favor, to none opposed, with 2 abstentions.<sup>36</sup>

Article 22(b) appears in Part III of the Social Progress and Development Declaration as one of the “Means and Methods” that are to be used to accomplish the principles and objectives of the Declaration through the “mobilization of the necessary resources by national and

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33. *Ibid.*

34. UN Doc. A/CONF.32/SR.25, Plenary Meetings Summary Records, p. 148 (1968).

35. General Assembly Res. 2542 (XXIV), “Declaration on Social Progress and Development,” 24 GAOR Supp. 30, pp. 49, 50 (A/7630)(1969).

36. *Id.*, at. p. 49.

international action." The placing of Article 22(b) in Part III of the Declaration indicates that there was no intention to establish an individual "right" of families to family planning "knowledge and means." Governments may have an obligation under the Declaration to mobilize their resources to provide families with the "knowledge and means necessary to enable them to exercise" their family planning right, but the Declaration does not anticipate that a legal remedy will be made available to individuals or to families who may consider that a particular government has not been conscientious in meeting this obligation. Thus, in the 1969 Declaration, the General Assembly has stopped short of characterizing the provision of "knowledge and means" as a part of the family planning right. Although the "knowledge and means" standard may fairly be implied from the basic human right to "free and responsible" family planning, it is in the Social Progress Declaration at most a derivative obligation of governments to mobilize resources to make available the "knowledge and means" necessary for the free exercise of the family planning right.

In 1970, in adopting a "Programme of Concerted International Action for the Advancement of Women," the General Assembly reaffirmed the importance of access to family planning knowledge in the context of setting a series of "Minimum Targets to be achieved during the Second United Nations Development Decade." As one such minimum target in the area of "health and maternity protection," the General Assembly invited Member States and UN agencies to co-operate in achieving the following objective:

Making available to all persons who so desire the necessary information and advice to enable them to decide freely and responsibly on the number and spacing of their children and to prepare them for responsible parenthood, including information on the ways in which women can benefit from family planning. Such information and advice should be based on valid and proven scientific expertise, with due regard to the risks that may be involved.<sup>37</sup>

Thus stated, a right to the "necessary information and advice" for free and responsible family planning is directly derived from the family planning right, and should be seen as inseparable from that right. The UN system has, therefore, reached the point of articulating as part of the family planning human right, a right to access to the "knowledge and means" necessary to freely and responsibly determine the number and spacing of children.

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37. General Assembly Res. 2716 (XXV), "Programme of Concerted International Action for the Advancement of Women," 25 GAOR Supp. 28, p. 81 at Annex, Part II, para C(4), p. 82 (A/8028)(1970).

## *The Status of Women and Family Planning*

The Commission on the Status of Women has undertaken a study of the relationship between the status of women and family planning that promises both to clarify the human rights aspects of family planning, and to stimulate governments to consider the degree to which they might act to make family planning knowledge and means available in their countries.

The study was begun in 1968 with the appointment of a Special Rapporteur, Mrs. Helvi Sipilä of Finland, and a request to governments to conduct national surveys or case studies on the relationship between the status of women and family planning.<sup>38</sup> In her progress report submitted to the Commission in 1970, Mrs. Sipilä noted that a "first consideration would be to try to define the scope of family planning." She concluded that:

The basic aim of family planning for the purposes of the present study, whatever direction specific programmes may take, seems to be to ensure the right of persons to decide freely and responsibly on the number of, and spacing of their children, and to provide adequate education and information to enable them to take such a decision.<sup>39</sup>

Mrs. Sipilä reported that much of the information she had received "emphasizes that a higher status of women, measured especially in terms of education and employment, is required if family planning programmes are to be effective." At the same time, she found a need "to look at the extent to which family planning enables women to improve their status, including also their health which, in turn, has a marked effect on the health and well-being of the children."<sup>40</sup>

Guidelines for the proposed national surveys were sent to governments in 1971, together with an explanatory note calling for detailed study at the national level of the following three closely interrelated questions:

- (a) "The influence of family planning on the status of women," meaning "the extent to which family planning, or the lack of family planning, has helped or hindered . . . women as individuals . . . in exercising" their human rights, including especially the rights stated in the Declaration on the Elimination of Discrimination against Women;
- (b) "The status of women as a factor influencing fertility," meaning "the extent to which the exercise by women of their various rights has been found to influence, or may be expected to influence fertility;" and
- (c) "The implications for the status of women of current trends in population growth," meaning "the effects of the population factor on the status of women and its implications for national development."<sup>41</sup>

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38. Economic and Social Council Res. 1326 (XLIV), 44 ESCOR Supp. 1, p. 13 (E/4548)(1968).

39. UN Doc. E/CN.6/542, para. 13, p. 5 (1970).

40. *Id.*, at para. 16, p. 6.

41. UN Doc. E/CN.6/564, Annex, pp. 3-4 (1971).

The guidelines contain a detailed set of questions under each heading offered to assist governments in designing a national survey as part of the study. For example, governments are asked to describe "the schemes or programmes that provide information and services needed to enable persons to decide on the number and spacing of their children and to prepare them for responsible parenthood."<sup>42</sup> Governments are also asked:

What legislation, if any, governs access to information, advice and other services to enable persons to decide on the number and spacing of their children, including contraceptive devices, and abortion?<sup>43</sup>

More detailed questions ask for judgments as to the effect family planning has had, or might be expected to have, on the exercise by women of the rights set forth in the Declaration on the Elimination of Discrimination against Women;<sup>44</sup> as to the extent to which family laws and practices have influenced fertility;<sup>45</sup> and as to the effects on the status of women to be expected from current population trends.<sup>46</sup>

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42. *Id.*, at Annex, p. 4, question 3.

43. *Id.*, at Annex, p. 5, question 7.

44. *Id.*, at Annex, p. 5, question 10. The question suggests that the following particular points might be examined:

- (a) Political rights (especially participation in public life, including voluntary activities);
- (b) Rights under civil law (especially rights as to marriage, during marriage and at its dissolution);
- (c) Rights to education and training at all levels (especially vocational training and higher education);
- (d) Economic rights (especially free choice of profession and employment, professional and vocational advancement, equal remuneration, and equality of treatment in respect of work of equal value).

45. *Id.*, at Annex, p. 6, question 14. The question singles out the following points for examination:

- (a) Age of marriage (legal minimum age and age at which persons normally marry);
- (b) Personal rights and obligations of the spouses;
- (c) Property rights, including maintenance and inheritance laws;
- (d) Taxation;
- (e) Parental rights and responsibilities (with respect to children born in wedlock and those born out of wedlock);
- (f) Polygamy;
- (g) Annulment of marriage, judicial separation or divorce;
- (h) Re-marriage.

46. *Id.*, at Annex, p. 7, question 20. The question suggests examination of the following particular points in the context of the effects of current population trends:

- (a) The access of women to education and training (e.g. the availability of schools and educational institutions at all levels, and of teachers and the quality of education);
- (b) Employment opportunities and conditions of work for women;

Based on the national surveys made in response to the Commission's request and the Special Rapporteur's guidelines, the study is expected to be completed for submission to the Commission at its twenty-fifth session in 1974.

### *A UN Declaration on the Human Rights Aspects of Family Planning*

The legislative histories of the General Assembly and Teheran Conference formulations of the family planning right do little to solve the many questions that may arise concerning the scope of the right. In the context of its enunciation in General Assembly Resolution 2211 (XXI) on "Population Growth and Economic Development" the "right" of free choice of family size seems at least equally directed at compulsory anti-natalist policies as at compulsory pro-natalist policies. Its subsequent elaboration at Teheran made explicit the implicit derivative "right" to "adequate education and information" to exercise the family planning right, and made clear that the right should extend to childless couples, and is not limited to "parents" or to "families". Beyond this there has been no guidance in the discussions leading up to the several resolutions as to the scope of the family planning right.

The family planning right might have greater substance and stature if it were defined with greater precision. Consideration might be given, to achieving this end through the development of a "Declaration on the Human Rights Aspects of Family Planning," perhaps through joint consideration by the Commission on Human Rights, the Commission on the Status of Women, and the Population Commission. A draft declaration prepared, for example, by an *ad hoc* joint committee representing the three Economic and Social Council commissions might be submitted to the 1974 World Population Conference and transmitted by that conference to the General Assembly for adoption. The development of such a declaration could be expected to provide answers to some of the difficult questions that are presented by the existing formulations of the family planning right. At present it is possible only to indicate the range of the problems of scope and content presented, and to suggest the direction that an elaboration of the family planning right might be expected to take.

At base a right to determine freely and responsibly the number and spacing of children would seem to embrace both a right to purchase and

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- (c) Availability of facilities to assist working women with family responsibilities (including child-care facilities and labour saving devices in the home);
  - (d) Health facilities (including maternal and child health facilities);
  - (e) Housing;
  - (f) Other aspects of the status of women and the welfare of the family.

to use all medically approved forms of contraception, and a right to be free of compulsory anti-natalist policies involving compulsory contraception, sterilization or abortion. Except as required by reasonable public health standards, the "right" would seem to mean that governments may not forbid the sale or use of contraceptives, or forbid the operation of birth control clinics, or the use of birth control practices extending to and perhaps including voluntary sterilization. Similarly subject to reasonable regulation, the "right" would seem to mean that governments may not forbid sex education in the schools or ban public information programs designed to influence the exercise of the free choice guaranteed by the family planning right.<sup>47</sup>

Abortion presents a difficult problem. Discussions leading to family planning statements have sometimes noted that voluntary abortion is common even where unlawful, and may be the leading "birth control" method in some countries.<sup>48</sup> No government representative appears to have characterized voluntary abortion as a "human right" however, and many appear to hold the view that abortion at any stage of pregnancy is to be sharply distinguished from contraception.<sup>49</sup> Given these views, it is unlikely to be fruitful to take up the issue in the early stages of developing the family planning right.

Outside of the areas of prohibitions on government conduct implied from the family planning right, it would seem that the right of governments to pursue their national population policies is qualified only by the unclear and unquantifiable obligation of governments to make available the knowledge and means needed to exercise the family planning right. The government's "knowledge and means" obligation may, for example, be interpreted as placing limits on government pro-natalist propaganda, and as obligating the government to support birth control clinics and family planning public education programs. The "knowledge

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47. The suggestions advanced in the text are offered by way of illustration only. In as much as there has been no detailed discussion of the family planning right in UN organs, no conclusions can be drawn as to the content to be given to that right in terms of the obligations of governments.

48. The study entitled "Human Fertility and National Development," UN Doc. ST/ECA/138, UN Sales No. E.71.II.A.12 (1971), prepared for the UN Advisory Committee on the Application of Science and Technology to Development (ACASTD), states at p. 49 that "Induced abortion is probably the single most widely used method of fertility control in the world today and has been associated with declining birth rates in many countries."

49. See, e.g., the provisional report of the Secretary-General to the Population Commission at its Fifteenth Session entitled "Measures, Policies and Programmes Affecting Fertility, with Particular Reference to National Family Planning Programmes," UN Doc. E/CN.9/232, at Part II, section D, "Laws relevant to abortion, contraception and sterilization," pp. 62-77 (1969).

and means” standard of the Assembly’s Social Progress Declaration certainly calls for some efforts in this direction, and cannot be satisfied by an official “hands-off” policy.<sup>50</sup>

Government policies in other areas that may affect fertility appear to be untouched by the human rights standard. For example, governments appear to retain freedom of choice concerning such subjects as marriage and divorce laws, and child care and benefit programs, as well as income and tax policies including social security and inheritance policies. A substantial range of government actions that may in fact influence family planning choices, and hence fertility and population growth, may nevertheless be regarded as non-compulsory, and hence as not violative of the free choice in family planning reserved to individuals as a human right.<sup>51</sup>

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50. See, e.g., the Second Development Decade objective quoted in the text at note 37 above, and the Population Commission’s draft resolution quoted in note 6 above.

51. See, e.g., Part II of the Secretary-General’s provisional report cited note 49 above. Part II surveys “Social, Economic, Demographic and Other Measures Affecting Fertility,” at pp. 26–89.

## Chapter 3

### THE LEGAL STATUS OF THE FAMILY PLANNING RIGHT

Human rights in the UN system have come to fall into two categories: those that are embodied in treaties signed and ratified by Member States and those that are not. Rights that are not codified in treaty form are typically formulated as “declarations” adopted by the General Assembly such as, in the case of the family planning right, the Assembly’s Declaration on Social Progress and Development quoted in Chapter 2. Frequently the same “right” will be elaborated first as part of an Assembly declaration and then incorporated in a treaty adopted by the General Assembly and opened for signature and ratification by Member States.

Examples include the many “rights” stated in the Universal Declaration of Human Rights adopted by the Assembly in 1948, and then codified over the nearly two decades that it took to produce the two UN Human Rights Covenants, that is, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.<sup>1</sup> The two Covenants were adopted by the General Assembly in 1966, but neither Covenant has yet been ratified by enough states to enter into force.<sup>2</sup> Several individual “rights” were declared by the General Assembly in 1963 in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, Assembly Resolution 1904 (XVIII) (1963), and then promptly codified by the Assembly in the International Convention on the Elimination of All Forms of Racial Discrimination, adopted and opened for signature and ratification by the General Assembly in 1965 in Assembly Resolution 2106 (XX).<sup>3</sup> The

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1. The Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights are cited in notes 2 and 3 of Chapter 2.

2. Each of the two Human Rights Covenants will enter into force three months after ratification or accession by 35 states. As of June 15, 1971, the following eleven states had ratified or acceded to both Covenants: Bulgaria, Colombia, Costa Rica, Cyprus, Ecuador, Iraq, Libyan Arab Republic, Syria, Tunisia, Uruguay and Yugoslavia. Report of the Secretary-General on the Work of the Organization, 1970-1971, 25 GAOR Supp. 1, pp. 109-10 (A/8401)(1971).

3. General Assembly Res. 2106 (XX), “International Convention on the Elimination of All Forms of Racial Discrimination,” 20 GAOR Supp. 14, p. 47 (A/6014) (1965).

Racial Discrimination Convention has been signed by seventy-two states and entered into force in 1969 after ratification by twenty-seven states. Fifty-three states had ratified or acceded to the Convention by September 30, 1971.<sup>4</sup>

What is the difference between a "right" declared by the General Assembly, and a "right" incorporated in a treaty, convention or covenant adopted by the Assembly and signed and ratified by Member States?

### *Human Rights Treaties*

A ratified treaty or convention has three effects that are relevant here.

First, a treaty defines the international law obligations of the parties who by their ratifications clearly intend to accept and carry out the duties set forth in the treaty. In the case of human rights conventions, the international law obligation established in the convention generally includes a duty to observe the individual human rights embodied in the convention.

Second, a treaty may contain special rules relating to its implementation. In the human rights area, such special implementation provisions may include review by international agencies of practice under the treaty, and dispute settlement provisions ranging from fact-finding and conciliation to binding adjudication.<sup>5</sup> International review procedures established by the treaty may even extend to adjudication of complaints raised by individuals against their own governments.<sup>6</sup>

Third, a ratified treaty may have special standing in the municipal law of a party. In the United States, for example, a treaty ratified with the advice and consent of the Senate is declared by the Constitution to be the "Law of the Land," and will in appropriate cases be given direct

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4. UN Doc. A/8439 (1971).

5. The implementation of human rights standards is discussed in Van Dyke, *Human Rights, The United States, and World Community*, pp. 159-238 (1970). See also Carey, *UN Protection of Civil and Political Rights* (1970), and Robertson, *Human Rights in Europe* (1963).

6. The Optional Protocol to the International Covenant on Civil and Political Rights provides in Article 1 as follows:

A State Party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a party to the present Protocol.

21 GAOR Supp. 16, p. 59 (A/6316)(1966). As of June 15, 1971, the Optional Protocol had been ratified by the following four states: Colombia, Costa Rica, Ecuador and Uruguay. Report of the Secretary-General on the Work of the Organization, 1970-1971, *supra* note 2, at p. 110.

effect in the courts without implementing legislation.<sup>7</sup> Thus, in some countries the ratification of a human rights treaty may transport the treaty standards directly into municipal law, giving the treaty standards effect as municipal law equivalent to acts of the legislature.

A ratified human rights convention thus unquestionably defines the international law obligation of the parties to respect the rights contained in the treaty, and may both provide international enforcement machinery and in some countries operate directly as internal law. In contrast, the effect to be given to a General Assembly human rights declaration is neither as clearly defined nor as unquestionably settled in the practice of Member States of the United Nations.

### *Human Rights Declarations*

Acting within the framework of Articles 10, 13, 55 and 62 of the UN Charter,<sup>8</sup> the General Assembly has unquestioned authority to study and discuss human rights questions, and to make recommendations designed to promote the realization of human rights.

In adopting declarations on human rights questions, however, the Assembly frequently uses language of obligation that may seem inconsistent with the constitutional limitation of the Assembly's authority to a power of recommendation. For example, the Assembly's Declaration on the Elimination of Discrimination Against Women, Resolution 2263 (XXII) (1967),<sup>9</sup> recites in its preamble that "discrimination against women is incompatible with human dignity" and that "it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women." The Assembly then "solemnly proclaims" the Declaration, which consists of ten articles defining equal treatment standards, and an eleventh article that states the principle of equality in the following terms:

1. The principle of equality of rights of men and women demands implementation in all States in accordance with the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights.
2. Governments, non-governmental organizations and individuals are urged, therefore, to do all in their power to promote the implementation of the principles contained in this Declaration.<sup>10</sup>

Assembly declarations adopted in this form do not purport to be binding on Member States by reason of their adoption by the Assembly. In this

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7. See, e.g., *Foster and Elam v. Neilson*, 27 U.S. 253 (1829); and *United States v. Percheman*, 32 U.S. 51 (1833).

8. See the text accompanying notes 9 to 11 of Chapter 1.

9. General Assembly Res. 2263 (XXII), "Declaration on the Elimination of Discrimination Against Women," 22 GAOR Supp. 16, p. 35 (A/6716)(1967).

10. *Id.*, at Art. 11, p. 37.

sense it is acknowledged that the Assembly has no legislative power. Assembly declarations frequently invoke the UN Charter or refer to international law as establishing the basis upon which the standards defined in the declaration are considered to be binding upon Member States, however. If the human rights standards thus framed in such an Assembly resolution can be derived from the UN Charter or shown to exist in customary international law, the Assembly's formulation amounts to the restatement, or the codification of an obligation that can be established under international law sources external to the Assembly process. The human right "declared" by the Assembly in such a context thus depends for its status as a "right" upon the usual methods of proof of custom or of treaty interpretation.<sup>11</sup>

### *The Legal Effect of Assembly Declarations*

The Assembly's claim to law-making capacity may go beyond the reiteration or codification of standards that are binding independently of the Assembly process, however. In the 1966 *South West Africa Cases*,<sup>12</sup> the applicant or plaintiff states, Ethiopia and Liberia, sought to establish the existence of an internationally binding norm of non-discrimination, founded upon the repeated resolutions and declarations of the General Assembly and other international organs. The Court, which dismissed the case due to a failure of the applicants to establish a "legal right or interest" in the subject-matter of the claim,<sup>13</sup> did not reach the issue of the effect to be given to the international organization practice in terms of customary international law.

Judge Tanaka dissented from the Court's "legal right or interest" holding,<sup>14</sup> and went on to consider whether "resolutions and declarations of international organs can be recognized as a factor in the custom-generating process." Judge Tanaka wrote as follows:

According to traditional international law, a general practice is the result of the repetition of individual acts of States constituting consensus in regard to a certain content of a rule of law. Such repetition of acts is an historical process extending over a long period of time. . . . The appearance of organizations such as the League of Nations and the United Nations, with their agencies and affiliated institutions, replacing an important part of the traditional individualistic method of international negotiation by the method of "parliamentary diplomacy" . . . is bound to influence the mode of generation of customary

11. See, e.g., Schachter, "The Relation of Law, Politics and Action in the United Nations," 1963 *Recueil des Cours*, vol. II, pp. 171-200. See also Castaneda, *Legal Effects of United Nations Resolutions* (1969).

12. *South West Africa Cases, Second Phase, Judgment, I.C.J. Reports*, 1966, p. 6.

13. *Id.*, at pp. 18-19, 28-31, 51.

14. *Id.*, at p. 250.

international law. A State, instead of pronouncing its view to a few States directly concerned, has the opportunity, through the medium of an organization, to declare its position to all members of the organization and to know immediately their reaction on the same matter. In former days, practice, repetition and *opinio juris sive necessitatis*, which are the ingredients of customary law might be combined together in a very long and slow process extending over centuries. In the contemporary age of highly developed techniques of communication and information, the formation of a custom through the medium of international organizations is greatly facilitated and accelerated; the establishment of such a custom would require no more than one generation or even far less than that. This is one of the examples of the transformation of law inevitably produced by change in the social substratum.<sup>15</sup>

Judge Tanaka acknowledged that the process of customary law formation through Assembly resolutions and declarations will require more than isolated acts adopted in an Assembly process dominated by considerations of transitory political advantage. To gain stature as a law-making process, repetition will be required, and the resolutions adopted by the Assembly will have to be "considered as the manifestation of the collective will of individual participant States." In this way, the "collective, cumulative and organic process of custom-generation can be characterized as the middle way between legislation by convention and the traditional process of custom making."<sup>16</sup>

Viewed as part of a customary international law process, an Assembly human rights declaration adopted in circumstances that indicate both an intention to frame world community policy and the acceptance of that policy by a consensus of Member States, would be an important step in the establishment of a binding international law obligation to observe the human right in question. Whether at any given point the right embodied in the declaration could be characterized as binding in international law would be a function of at least three factors: the degree to which the right is supported by a consensus expressed through the UN process; the degree to which the right had been carefully and consciously developed in the UN process as involving the legal obligations of states; and the degree to which state practice in addition to the UN process appeared to support the concept of obligation with regard to the human right in question. The UN contribution to the generation of customary international law can accelerate the process and provide instant evidence of the "sense of obligation" through intent to regard the standard as binding, but the UN process does not function in a vacuum, and would not replace reference to the actual practice of states.<sup>17</sup>

15. *Id.*, at p. 291.

16. *Id.*, at p. 292.

17. See, e.g., Higgins, *The Development of International Law through the Political Organs of the United Nations*, pp. 1-10, (1963). Professor Falk goes somewhat

A General Assembly declaration may thus "make" the international law of human rights as part of a UN-centered customary law process. In this sense, then, the adoption of an Assembly declaration may result in customary international law obligations for Member States that would be equally as binding as they would have been had the obligations been incorporated in a ratified treaty.

### *Enforcing Human Rights*

Ratified human rights treaties may go further, however, and tie the obligation to respect a particular human right to a specific enforcement or implementation procedure established by the treaty that would not be available in the case of an Assembly declaration. For example, the Racial Discrimination Convention<sup>18</sup> establishes a Committee on the Elimination of Racial Discrimination to which any state party to the Convention may complain if it considers that another party is not giving effect to the provisions of the Convention. The Committee may also receive complaints from individuals or groups claiming to have been victims of violations of the Convention, but only if the state concerned has declared that it recognizes the competence of the Committee to receive such complaints. Finally, the Convention provides that disputes arising under the Convention may be referred by any party to the International Court of Justice for final decision binding on the parties.<sup>19</sup> There is no precedent for the establishment by Assembly resolution of special implementation or judicial enforcement procedures similar to those established by the Racial Discrimination Convention.

In addition to the possibility that international implementation or enforcement procedures may be made available to individuals by a human rights convention, individuals claiming rights under a ratified treaty may have municipal law remedies that might not be available in the case of human rights incorporated in General Assembly declarations. In the United States, for example, the Supreme Court has stated that:

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further in his comment "On the Quasi-Legislative Competence of the General Assembly," 60 *am. J. Int'l Law*, pp. 782, 786 (1966):

In a social system without effective central institutions of government, it is almost always difficult, in the absence of a formal agreement, to determine when a rule of law *exists*. It is a matter of degree and reflects the expectations of states toward what is permissible and impermissible. Certainly norm-declaring resolutions are legal data that will be taken into account in legal argument among and within states.

18. International Convention on the Elimination of All Forms of Racial Discrimination, General Assembly Res. 2106 (XX), *supra* note 3, at Part II, Articles 8-16, pp. 49-51.

19. *Id.*, at Art. 22, p. 51.

International law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction as often as questions of right depending upon it are duly presented for determination.<sup>20</sup>

The Supreme Court in the same passage went on to state that international customary law will be given effect as part of United States law "where there is no treaty and no controlling executive or legislative act or judicial decision," seeming to imply that the municipal law sources mentioned would be given precedence over customary international law. Human rights established by international custom are therefore not likely to be enforced by courts in the United States in the face of contrary federal government action, but this does not exclude the possibility that customary law standards may govern in cases involving state government action or in private law controversies not covered by federal statute or executive action.

In most countries customary international law will generally be treated as subordinate to municipal law, and applied only where there is no contrary municipal law standard. Some countries appear to give greater effect to customary international law, however. An illustration is Article 25 of the Basic Law (Grundgesetz) of the Federal Republic of Germany which provides that:

The general rules of international law shall form part of federal law. They shall take precedence over the laws and create rights and duties directly for the inhabitants of the federal territory.<sup>21</sup>

Another example is Article 10, paragraph 1, of the Italian Constitution, which provides that the "Italian legal system conforms to the generally recognized principles of international law."<sup>22</sup> The Italian constitutional provision has been considered to result in the automatic incorporation of customary international law principles into Italian law in contrast to Italian treatment of treaty obligations, which generally become effective in Italian law only through implementing acts of the legislature.<sup>23</sup> Since in the Italian system rules of customary international law are incorporated directly into municipal law by force of the Constitution, it might be considered that customary international law has the same force as the Constitution, while treaty provisions dependent upon legislative acts have no greater standing than ordinary municipal law.<sup>24</sup> An Italian court apply-

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20. *The Paquete Habana*, 175 U.S. 677, 700 (1900).

21. Quoted in translation from Sasse, "The Common Market: Between International and Municipal Law," 75 *Yale Law Journal* 695, 712 n. 58 (1966).

22. *Ibid.*

23. Neri, "Le droit communautaire et l'ordre constitutionnel italien," *Cahiers de Droit Européen*, pp. 366-367 (1966).

24. The argument is explained in a brief entitled "Contraception: International

ing this analysis has given constitutional law effect to provisions of the Universal Declaration of Human Rights, considering those provisions to have become established through practice as generally recognized rules of international law.<sup>25</sup> In Italy, therefore, the establishment of human rights through the customary international law process may be more effective in securing the implementation of human rights as part of Italian law in Italian courts than the establishment of the same rights by treaty.

### *Establishing the Family Planning Right*

Turning to the question of strategy in choosing between international treaty and General Assembly declaration as a vehicle for establishing family planning as a human right, it appears that the Assembly declaration process may be a better choice than the treaty process.

Three questions seem important in this context. First, which process, treaty or Assembly declaration, holds greater promise for affecting the opinions of governments? Second, which will provide the most effective means of defining the scope of government obligations? Third, which will provide the most effective means of enforcing of the family planning right?

As to governments that are willing to accept the family planning right as stating a binding obligation, the definition of the scope of that obligation can come into being equally as effectively through customary law generated by Assembly declaration as through the drafting of a treaty. Considering the early stage of development of the family planning right, there is no reason to suppose that the drafting of a treaty would be any more precise or would settle any more questions than the drafting of an Assembly declaration. And, in the case of a treaty, governments are not likely to be denied an opportunity to become party to the treaty subject to reservations as to the portions that they are not prepared to accept.

As to governments that appear unwilling to acknowledge an international law obligation to respect the family planning right, the UN process leading to an Assembly declaration may have a greater impact in shaping the views of the government than the treaty process. For example, where a government is divided on a human rights issue, a draft treaty might be dismissed as formulating new obligations that may be accepted or ignored. In contrast, an Assembly declaration that treats the family planning right as involving existing customary international law obligations of governments, may strengthen the hand of the supporters of human rights within the government. The legal force of the declaration would of course be limited by the care and attention given to it in the United Nations, and

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and Italian Law," submitted in the case cited in note 25 below.

25. Corte d'Appello di Milano, Italy, decision of 8 September 1964.

the degree to which governments are in fact willing to accept the declaration as framing human rights that they consider themselves under an obligation to respect.

The question of enforcing the family planning right can be divided into two parts: first, the effect given to the right in municipal law; and, second, its enforcement at the level of international law.

The municipal law status of the family planning right is likely to depend upon affirmative action by the government regardless of whether the right is established by treaty or by Assembly declaration. An Assembly declaration standing alone would not form the basis for municipal law rights. As explained above, an Assembly declaration backed by state practice may develop customary international law, which may in some countries be considered as "part" of the municipal law applied by the courts. In most such countries, however, the courts will look first to national legislative and executive action, and give effect to customary international law only where no conflict is found. If, on the other hand, the family planning right is codified in a treaty, the treaty may in theory have direct or "self-executing" effect as municipal law in some countries. At present, however, such a family planning treaty is not likely to define the family planning right with the precision needed for direct effect in municipal law. The treaty is likely to frame the right in general language, placing an obligation on the parties to give effect to the right by appropriate legislation.

In international law, an Assembly declaration, being only a contribution to the customary law process, would lack the immediacy of formal effect achieved through the ratification of a treaty. UN experience in the human rights area has shown, however, that governments have generally been unwilling to accept international implementation procedures. If governments remain unwilling to submit most aspects of their observance of human rights obligations to international review or adjudication, there seems little purpose in casting those obligations in solemn treaty form. The effective "realization of human rights and fundamental freedoms for all"<sup>26</sup> might more readily be advanced through the UN process of review, study and debate, leading to periodic reiteration of particular human rights as obligations of governments.

### *The Status of the Family Planning Declaration*

As shown in the preceding chapter, the family planning right has been accepted in resolutions adopted almost unanimously by several UN agen-

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26. UN Charter Art. 1, para. 3.

cies, but it has not been articulated with the precision necessary to make clear its scope and content. The lack of precision also leads to a lack of clarity as to the degree to which governments consider that they have an international law obligation to respect the "basic human right to determine freely and responsibly" the size of the family. In this context, it would be a great contribution for the UN to develop, and ultimately to adopt through a General Assembly resolution, a United Nations Declaration on the Human Rights Aspects of Family Planning.<sup>27</sup> Such a declaration would not in itself be legally binding on Member States, but its preparation and adoption through the Assembly process would move the family planning right both towards legal obligation as part of UN-generated customary international law, and towards practical application in shaping the attitudes of governments.

The proposed UN declaration should be cast in language stating, or at least implying, that governments have an obligation under international law to recognize and to respect the family planning right defined in the declaration. The Assembly would, in effect, be declaring its belief that the standards contained in the declaration had become part of the international law of human rights, and hence that governments have an international law duty to observe these standards. In this context, the standards declared by the Assembly to be obligatory under international law should be equally obligatory on the United Nations when it acts in the population field.

Considered from the standpoint of governments, a UN Declaration on the Human Rights Aspects of Family Planning would have the status of a recommendation which should be considered in formulating national policy, but need not be accepted and put into effect. To the extent that the Assembly views the declaration as expressing international law standards, however, the adoption of the declaration by the Assembly will be a factor in the development of international law. The Assembly has not been given legislative powers, and, by itself, the adoption by the Assembly of a declaration does not make international law, but the declaration forms part of the international law process and gains its status as law through that process.

Considered from the standpoint of United Nations agencies, however, a declaration expressing a United Nations view of the international law obligations of governments should be regarded as conclusive in the sense that United Nations action in the population field should be governed by the standards set forth in the declaration. The extent to which the United Nations may take action to give effect to the family planning right in this context is considered in the next chapter.

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27. See Chapter 2.

## Chapter 4

### UN ACTION TO GIVE EFFECT TO THE FAMILY PLANNING RIGHT

The tension that exists in the population area between fundamental and deeply cherished concepts of national sovereignty and the developing international law of human rights is perhaps best expressed in the final preambulatory paragraph of the General Assembly's 1966 resolution on Population Growth and Economic Development, General Assembly Resolution 2211 (XXI). In that paragraph, the Assembly explicitly endorses both the "sovereignty" of nations in determining population policies, and the "free choice" of individuals in determining family size, without attempting to reconcile the two. The Assembly "recognized:"

the sovereignty of nations in formulating and promoting their own population policies, with due regard to the principle that the size of the family should be the free choice of each individual family.<sup>1</sup>

A similar dichotomy appears in the records of the Teheran Conference. For example, the spokesman for the sponsors of the draft resolution on "Human Rights Aspects of Family Planning" introduced the subject with the statement that every country has "the right to decide whether it wished to adopt family planning, according to its economic and population requirements," but then added that "it was the right of every individual to decide on the number of children he (sic) wished to have and to be informed about the measures which would help him to limit and space out his family."<sup>2</sup> The family planning right was given precedence in the remarks of a later speaker who interpreted the draft resolution and the sponsors' statement to mean that every country "was free to determine its population policy in order to ensure the protection of human rights."<sup>3</sup>

The full emergence of the family planning right, and its clear articulation in the proposed UN Declaration on the Human Rights Aspects of Family Planning, will decisively tip the scales in favor of the individual.

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1. General Assembly Res. 2211 (XXI), 21 GAOR Supp. 16, pp. 41, 42 (A/6316) (1966).

2. UN Doc. A/CONF.32/C.2/SR.5, Second Committee Summary Records, pp. 55-56 (1968).

3. UN Doc. A/CONF.32/C.2/SR.12, Second Committee Summary Records, p. 143 (1968).

Governments will retain a "sovereign right" to formulate and to promote their own population policies, but, as with other forms of government action bearing on human rights, governments will have an obligation to respect the right of individuals to free and responsible choice in family planning. Once that right has been given precise content through the UN process, there remains the question of the action that might be taken through the UN system to give effect to the family planning right.

Two possibilities are presented in this context. First, to what extent might the UN develop an institutional means of interpreting the family planning right and applying it to government conduct? Second, to what extent might the United Nations be entitled to act on the basis of its own understanding of the meaning to be ascribed to the family planning right? Both questions raise issues related to the concept of national sovereignty and the "domestic jurisdiction" limitation on UN action under the UN Charter.

### *Population Reports by UN Member States*

In carrying out its functions under the human rights provisions of the Charter, the Assembly has authority to study, debate and make recommendations, which, as with family planning, may ultimately crystallize human rights. The Assembly and the UN system have been given no explicit authority to take coercive measures to enforce the international law human rights obligations of Member States, however. It would therefore be considered beyond UN power for the Assembly to attempt to subject governments to judicial or other review of their actions relating to human rights without their consent. The principle just referred to certainly applies to review in any forum of the facts in any particular case where the purpose of the review is to determine whether the government involved has breached its international law obligations. It may not extend to a more generalized UN review of action taken by Member States to give effect to human rights in accordance with their obligations under the UN Charter and customary international law.

The Assembly has frequently called upon states for reports on aspects of human rights, including detailed reports on relatively narrow subjects.<sup>4</sup> An Assembly resolution might, for example, call for population reports to be submitted annually by Member States showing the steps they have taken in developing national population policies and changes in population size, composition, distribution and growth rate during the year. Each government might also be asked specifically to report on the measures it

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4. See, eg., the summary by the Secretary-General in his Report on the Work of the Organization, 1970-1971, 25 GAOR Supp. 1, p. 112 (A/8401)(1971).

has taken to give effect to the family planning right in both its aspects, that is, measures taken to protect the free exercise of the right, and measures taken to provide adequate knowledge and means to enable persons to exercise the right. The information requested could cover all aspects of family planning from the economic, social and legal points of view.<sup>5</sup>

At its Sixteenth Session in November 1971, the Population Commission recommended that the Economic and Social Council call upon Member States to take part in the 1974 World Population Conference and "to report on the actions they have taken in developing their population policies, programmes and activities."<sup>6</sup> The reports to be called for under this proposal might specifically include family planning measures and might be made the first in a series of regular annual population reports following the pattern suggested here. To achieve this result, the Economic and Social Council resolution should authorize the Secretary-General or perhaps the Population Commission to prescribe a format to be followed by Member States in submitting the requested reports.<sup>7</sup>

### *Review by a Committee of Experts*

Reports by Member States on their "population policies, programmes and activities" might then be reviewed by a committee of experts selected by the three ECOSOC commissions that first drafted the Family Planning Declaration: the Population Commission, the Human Rights Commission and the Commission on the Status of Women. The new committee of experts could be empowered to request clarifications of information submitted by governments, and to ask questions about the conformity of particular government practices with UN human rights policy as developed in the proposed UN Declaration on the Human Rights Aspects of Family Planning and in other Assembly resolutions. The expert committee's observations and conclusions might be reported to the Economic

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5. Some of the ground to be covered in the proposed population reports is included in the request made by the Commission on the Status of Women for national surveys on the question of the relationship between the status of women and family planning. See the Special Rapporteur's guidelines quoted above at notes 41 through 46 of Chapter 2.

6. Population Commission, Report of the 16th Session, 1971, 52 ESCOR Supp. 3, pp. 44-48, para. B(3), p. 46 (E/5090)(E/CN.9/263)(1972).

7. The draft resolution quoted in the text at note 6 above, though worded generally, might be interpreted as authorizing a detailed reporting request if the point is clearly made in the discussion of the draft resolution in the Economic and Social Council. As adopted by the Council, however, the resolution merely "urges interested Member States to report on the actions they have taken in developing their population policies, programmes and activities." E/RES/1672 (LII), para. B(2) (1972).

and Social Council for transmission to the General Assembly.

The expert committee reporting and review process, which would parallel the work done by the ILO Committee of Experts that reviews reports on the implementation of International Labor Conventions,<sup>8</sup> would give the Assembly the information it needs to further develop the human rights aspects of family planning. The reports might also provide the Assembly with the data needed to develop UN policy on other population questions,<sup>9</sup> and might serve as the basis for an annual Population Status Report to be issued by the Secretary-General.

A reporting system instituted by Assembly decision would rest on the Assembly's power to study, debate and recommend on population questions, and on the pledge undertaken in UN Charter Article 56 "to take joint and separate action in cooperation with the Organization" to achieve the purposes set out in Article 55.<sup>10</sup> There is thus some basis to characterize an Assembly decision to call for population reports as obligatory, but there would be no means of ensuring compliance. Even if compliance were wholly voluntary, however, the suggested annual population reports might produce much useful information and aid in the process of defining the family planning right. Any effort to go beyond voluntary reporting, for example to investigate or to hold hearings on specific events, would neither be accepted by governments nor regarded as within the authority of the General Assembly under the UN Charter.

### *The Family Planning Right as a Standard Governing UN Action*

Turning to actions that the United Nations might take to give effect to a United Nations view of the scope and content of the family planning right, two points should be made. First, as indicated earlier,<sup>11</sup> the international law obligations of governments to respect the family planning right would apply to the United Nations with equal force. The UN system could not support government programs or take direct action that did not fully respect the right of free choice of family size. Second, the UN system might choose to use its resources to stimulate and to support population programs that promote the effective realization of the human right to determine family size. Considering that the promotion of respect for fundamental human rights is a basic Purpose of the United Nations set

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8. The work of the ILO Committee of Experts is discussed in Landy, *The Effectiveness of International Supervision* (1966), and in Partan, "The Development of International Law by the International Labor Organization," 1965 *Proceedings of the American Society of International Law* 139.

9. See Chapters 6 and 8.

10. U.N. Charter Art. 55 is quoted in the text at note 6 of Chapter 1.

11. See Chapter 3.

forth in Article 1, paragraph 3, of the Charter, it is natural to expect UN system action to be geared to the accomplishment of this Purpose whenever possible. Lacking the means for authoritative determination of such issues as the scope and content of the family planning right, the UN system is nevertheless compelled to resolve such questions for itself in the human rights area, and, having taken a view that can be characterized as the UN view, the UN system should then adhere to that view in its dealings with Member States.

At a minimum, United Nations agencies receiving requests for support of government activities in the field should decline to support activities that are inconsistent with the standards set forth in the proposed UN Declaration on the Human Rights Aspects of Family Planning. One example, in the context of a UN family planning right declaration, might be a government program of mass compulsory contraception through the addition of a new contraceptive agent to the water supply. If the family planning declaration includes as a human right the right to determine freely and responsibly the number and spacing of children, it would seem that compulsory contraception would be inconsistent with that right and ought not to be supported by the United Nations.<sup>12</sup> This conclusion is not the equivalent of stating that compulsory contraception is a violation of international law; to come to the latter conclusion it must in addition be shown that the standard of the UN family planning declaration has become part of customary international law.

Two additional implications of a UN family planning declaration for United Nations population programs should be considered. First, the standards contained in a United Nations policy declaration in the population field might be made part of the standards governing United Nations population program assistance in the sense that applications for support of government programs that are designed affirmatively to implement the human rights defined by the Assembly might be preferred in comparison with applications for support of programs that are not so designed. Second, it might be considered that United Nations aid should be given only where it appears that the human rights in question are recognized and supported by the government seeking population program assistance.

The first suggestion in effect incorporates the UN human rights standards as one of the factors to be considered in the allocation of UN population program funds. The second would impose the UN human rights standards as a condition of obtaining UN population program assistance. Although the difference between the two approaches may thus be made to appear to be a matter of degree, the difference is probably central to a determination both of the validity of the approach and the probability

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12. See Chapter 3.

that it might be adopted in the United Nations.

UN agencies mounting population programs must determine the objectives of their programs, and there are many cases in which the objectives adopted for a UN program imply criteria for grants of assistance to national programs that prefer one set of national policies to another. One example is the World Health Organization program of support for family planning services in the context of maternal and child health programs.<sup>13</sup> It appears to be accepted that UN agencies are competent to prescribe standards governing their assistance programs in the sense both of establishing special programs to support desired actions, and of giving preference in the allocation of funds to programs that contain the desired components. In the human rights context, therefore, there would appear to be no objection either to special UN programs designed to assist governments in implementing UN human rights standards, or to a UN agency practice that gives preference to national population programs so structured as to implement UN human rights standards.<sup>14</sup>

In contrast, a UN agency practice that required conformity to UN human rights standards as a condition for the receipt of UN population program assistance would appear to be a direct effort to enforce standards that the United Nations is authorized to recommend, but not to require. The United Nations might legitimately decide that national population programs that implement UN human rights standards are more appropriate for UN assistance than programs that do not, for in such a case, the United Nations would be carrying out its function of setting guidelines for the allocation of international assistance funds that concentrate support in the areas found most beneficial according to UN standards. If, on the other hand, the United Nations were to condition UN assistance in terms of the policies of the applicant government rather than the characteristics of the program for which support is being sought, the United Nations would be using its authority to engage in development assistance for the purpose of implementing international law standards, a purpose that lies outside of the powers vested in the United Nations.

In summary, it appears that from the standpoint of human rights, UN agencies should refuse to support national population programs that contravene UN human rights standards, and that UN agencies may use their development assistance funds to stimulate programs designed affirmatively to give effect to UN human rights standards. It would however, be regarded as beyond UN competence to condition the receipt of UN population program assistance on the adoption of policies that implement UN human rights standards.

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13. See Chapter 11.

14. See Chapter 1.

## Chapter 5

### A UN FAMILY PLANNING PROGRAM: THE RIGHT TO “KNOWLEDGE AND MEANS”

The basic suggestions advanced in earlier chapters of this report<sup>1</sup> with regard to United Nations action concerning human rights in the population field were: first, that the General Assembly adopt a “Declaration on the Human Rights Aspects of Family Planning” to give specific content to the family planning right that has been developed through United Nations resolutions; second, that the United Nations observe that right in taking decisions relating to UN support of national population programs; and, third, that the United Nations seek to give effect to that right through persuasion buttressed by a system of annual population reports submitted by Member States for review and comment by a special United Nations committee of experts. This chapter considers one additional suggestion, namely that the United Nations take a form of direct action to implement the family planning right through a United Nations “knowledge and means” program made available within Member States.

The development of the family planning right in the United Nations has reached the point of indicating that, as stated in the Assembly’s 1969 Declaration on Social Progress and Development, the family planning right implies an obligation on governments, and on the international community, to mobilize resources to ensure “the provision to families of the knowledge and means necessary to enable them to exercise their right to determine freely and responsibly the number and spacing of their children.” The Assembly’s Social Progress Declaration refers to the “mobilization of the necessary resources by national and international action,” but itself takes no action to mobilize UN resources to provide families with the knowledge and means required for family planning.<sup>2</sup>

In view of the conclusion that a right to “knowledge and means” must be part of the family planning right, a determination that should be clearly

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1. See Chapters 2 and 4.

2. General Assembly Res. 2542 (XXIV), “Declaration on Social Progress and Development,” 24 GAOR Supp. 30, pp. 49, 50 (A/7630)(1969). See also the discussion in Chapter 2 at notes 35 and 36 above, and General Assembly Res. 2716 (XXV), quoted in Chapter 2 at note 37 above.

articulated in the proposed UN Declaration on the Human Rights Aspects of Family Planning, the United Nations might establish a family planning program designed to bring family planning knowledge and means directly to the people of Member States. The program might function on two levels. First, the program might seek to define precisely the concepts of “knowledge” and “means” in the contexts in which those concepts will have a bearing on action programs relating to family planning. Second, making use of the guidelines arrived at through the elaboration of the knowledge and means concepts, the program might take action to give effect within Member States to the knowledge and means right thus defined.

### *Defining the Right to “Knowledge and Means”*

The first step in mounting a UN family planning “knowledge and means” program must be the development of a more precise definition of the family planning right as a whole. The boundaries thus established will mark the outer limits to which the United Nations may go in its direct action program to give effect to the right.

As indicated in the preceding chapters, the scope and content of the family planning right are by no means clear, and have not been made clear through UN practice. For example, although the point has not been fully articulated, the family planning right should render unlawful government policies forbidding sale or use of contraceptives or banning sterilization, recognizing in each case the right of the government to regulate these practices from the public health viewpoint. As to access to “knowledge and means” the UN resolutions seem to indicate that governments may not prevent such educational practices as sex instruction in the schools, and that governments have an obligation to mobilize resources to provide the necessary “knowledge and means”, but it has not been possible to quantify the government’s obligations in this regard. There are also substantial grounds for considering that, as formulated by the UN system, the family planning right does not prevent governments from adopting pro-natalist policies so long as couples are free to acquire the “knowledge and means” necessary for family planning. Such policies might embrace, for example, family allowances, maternity benefits, various child and family services and tax measures designed to equalize standards of living regardless of family size. The family planning right also seems to have no bearing on other government policies that may affect fertility, such as marriage and divorce laws, laws regulating extra-marital sexual relations and homosexuality, and economic measures such as social security and descent and distribution laws.

Finally, from the extreme anti-natalist point of view, some compulsory

measures that have been suggested by some commentators but have not been adopted by governments would seem to conflict with the right of free choice of family size. Examples include the universal contraceptive placed in water supplies, the "licensing" of children, criminal penalties for unauthorized child-bearing and compulsory sterilization and abortion.<sup>3</sup>

The proposed UN Declaration on the Human Rights Aspects of Family Planning would provide the beginning point for the elaboration of the right to family planning knowledge and means. To render the right capable of effective application through the UN program, additional steps are likely to be needed, however. This phase of the proposed program might include, for example, regional and sub-regional or national expert seminars on the interpretation and application of the family planning knowledge and means right in different social and cultural settings,<sup>4</sup> the drafting of model family planning laws and procedures, and the development of sets, or "packages," of components for national family planning programs designed to give effect to the knowledge and means right in different national contexts.

In this regard, it would be important to obtain information on national laws and practices affecting fertility and family planning, and to stimulate sociological research concerning the effectiveness of particular laws and regulations. The family planning knowledge and means program might establish a clearing house for the collection and publication of national population laws and regulations, and for information about sociological and legal research in this area. The program might also develop model family planning laws, and study their effectiveness in countries in which they are adopted. Finally, the program might provide technical assistance to governments in drafting family planning laws and putting them into effect.

The "packages" of components for national family planning programs designed by the proposed UN family planning knowledge and means program should be tailored to suit the requirements of countries at differing stages of development, and having differing social and cultural values. To accomplish this end, much more would have to be known than is at present known about the effect of particular laws and practices in different social and cultural settings, information which would in part be sup-

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3. See, e.g., Falk, *This Endangered Planet*, pp. 397-403 (1971).

4. The regional, sub-regional and national expert seminars might be followed by an international seminar or other expert meeting on the family planning knowledge and means right, whose resolutions might be influential in the development of a Declaration on the Right to Family Planning Knowledge and Means. The international meeting would also have before it the results of a 1973-1974 seminar on law and population being planned by the Law and Population Programme of the Fletcher School of Law and Diplomacy.

plied through the legal and sociological research carried out under the program. In designing packages for particular countries, the effort should also be to co-ordinate the family planning program with the country's development program, and as always, to structure the contents of the package according to the needs of the country rather than the interests or the existing capabilities of UN agencies.<sup>5</sup>

Within the limits set by the definition reached in the United Nations for the right to family planning knowledge and means, components for the package should cover the full range of family planning practices and equipment. For example, all medically approved means of contraception should be available through the program, together with the necessary equipment and supplies, and the means of training local personnel to administer the program. Sterilization and abortion should also be included, to the extent that the availability of these procedures is recognized as forming part of the right to family planning knowledge and means.<sup>6</sup>

The experience gained through the work of the proposed UN family planning knowledge and means program would be expected to lead to a more detailed and precise statement of the knowledge and means concepts, which might ultimately be adopted by the General Assembly as a "Declaration on the Right to Family Planning Knowledge and Means."<sup>7</sup>

### *A UN Action Program*

The second level of action suggested for the program presents questions as to the extent of United Nations authority to take action to give effect to human rights principles. At one end of the scale, there is no doubt that the United Nations has the authority to recommend the adoption by governments of the knowledge and means action proposals developed through the first level of the proposed program, and to make the family planning "packages" available to governments at their request. At the

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5. See Chapter 7.

6. UNFPA has expanded the scope of its population activities "to comprise, in principle, all forms of assistance required, even those not normally considered as falling within the range [of] multilateral technical co-operation." UN Doc. UNFPA/PCC/IV/4, para. 8, p. 6 (1972).

7. Both the proposed Declaration on the Human Rights Aspects of Family Planning, and the proposed Declaration on the Right to Family Planning Knowledge and Means, might be prepared in their initial stages through a special joint committee consisting of members of the Population Commission, the Human Rights Commission and the Commission on the Status of Women. The draft declarations might then be submitted through the Economic and Social Council to the General Assembly for adoption. In this way a new channel would be created, and the drafting of the declarations would not be delayed due to other pending human rights documents.

other end of the scale, it would not be suggested that the United Nations would have the authority to mount a direct action program within all Member States, carrying family planning knowledge and means to the people in the face of objections by the government. The United Nations, as has been discussed in earlier chapters, has the authority to articulate and to declare human rights standards, and in doing so helps to develop the international law of human rights, but the United Nations has been given no authority to enforce human rights standards, and must rely on recommendation, persuasion and assistance for their implementation.<sup>8</sup>

There is a middle ground between assistance rendered at the request of governments, and direct action mounted in the face of government protest, however. Some governments that have no official population policies, and would not be likely to request United Nations family planning program assistance, might nonetheless permit or tolerate family planning activities within their territories. In such cases, family planning programs are sometimes conducted by national or local non-governmental associations, which may obtain the assistance of international non-governmental organizations.<sup>9</sup> It might therefore be suggested that where governments would tolerate, but not sponsor family planning programs, the United Nations might make its "packages" of family planning knowledge and means assistance available either directly to the national and local non-governmental associations involved, or through the programs of international non-governmental organizations, such as those of the International Planned Parenthood Federation (IPPF).

Finally, as to the means through which the UN "package" family planning programs are to be implemented within states, it might be suggested that the United Nations should both offer the usual forms of assistance to national and local agencies, and offer in some cases direct action teams composed of UN family planning program staff specialists. The UN specialists might design, establish and operate family planning programs on a demonstration basis for an interim period until the programs can be taken over by trained local staff. This suggestion is offered on the assumption that some areas in need of family planning programs may be so short of skilled personnel as to be unable to mount an adequate family planning program without massive assistance in the form of skilled manpower.

The dangers involved in using UN personnel to design and to establish and operate family planning programs within states are clear, however,

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8. See Chapters 3 and 4.

9. The International Planned Parenthood Federation participates in family planning programs operated by non-governmental agencies in some countries whose governments have no official population policies.

and the approach should be used with extreme caution. In a 1969 report on the "Role of the United Nations in Population Action Programmes," the view is expressed that international organizations might properly stimulate and fund pilot and demonstration family planning projects, but should not staff or execute them. The report states that these responsibilities should not be undertaken by international organizations since their personnel may then be working in "societies whose structure they do not well understand and in co-operation with Governments who do not understand, or adequately share the objectives" of the international agencies.<sup>10</sup> Taking these views into account, however, in family planning programs there may be contexts in which international staff might be required to a greater degree than is usually the case in population programs, and the staff might appropriately be supplied through the United Nations.

#### *Administration of the "Knowledge and Means" Program*

Turning to the organization and the place within the UN system of the proposed UN family planning knowledge and means program, the UN agencies that have acted as executing agents for UN population assistance programs might be utilized for parts of the "packages" to be developed within the family planning program, but no single agency has taken a broad enough approach to be made responsible for the program as a whole.<sup>11</sup> It might therefore be appropriate to give the program over to the administration of the United Nations Fund for Population Activities (UNFPA), functioning through a special family planning program unit established within the UNFPA staff.

#### *The United Nations Fund for Population Activities (UNFPA)*

UNFPA was established by the Secretary-General in July 1967 as the United Nations Trust Fund for Population Activities, and, with the name changed to United Nations Fund for Population Activities, is administered by the Administrator of UNDP under an agreement concluded with the Secretary-General in May 1969. The Fund was established to expand United Nations activities in the population field, and to undertake experimental field projects that might not be possible under the rules governing United Nations regular budget and technical assistance activities. UNFPA receives its funds through voluntary contributions from a number of

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10. Report on the United Nations Trust Fund for Population Activities and the Role of the United Nations in Population Action Programmes, [by Richard Symonds,] UN Doc. ST/SOA/SER.R/10, paras. 28-30, pp. 12-13 (1969).

11. See Chapters 11 through 15.

Member States. It presently has no intergovernmental policy body, but is operated with the advice of a 21-member Advisory Board appointed by the Secretary-General, and an Inter-Agency Consultative Committee consisting of representatives of UN agencies participating in the UNFPA program.<sup>12</sup>

The purposes of UNFPA are stated by the Fund as follows:

- (1) To assist in promoting an awareness of the social and economic implications of population problems in the developing countries and of their possible solutions;
- (2) To extend systematic and sustained assistance to developing countries desiring assistance to assess and cope with their population problems;
- (3) To extend the capabilities of the relevant organizations of the United Nations system within the framework of their respective mandates with the means for more efficient and effective assistance to member countries in planning, programming and implementing population projects; [and]
- (4) To co-ordinate population programmes executed by the organizations in the United Nations system and supported by the Fund.<sup>13</sup>

The "guiding principles" followed by UNFPA in carrying out its purposes include the following principles relevant to a United Nations family planning knowledge and means program:

- (1) Projects are undertaken at the request of an organization in the United Nations system, of a Government or group of Governments, or in some instances, of a non-governmental organization or institution; [and]
- (3) Population policy measures may be assisted by the Fund provided that participation in them is voluntary.<sup>14</sup>

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12. See the Report on the United Nations Trust Fund for Population Activities, *supra* note 10, at paras. 72-73, p. 23; and the 1971 UNFPA Report to the Population Commission, UN Doc. E/CN.9/260, pp. 1-4 (1971). In December 1972, the General Assembly decided to place UNFPA "under the authority of the General Assembly" and made the Governing Council of UNDP the governing body of UNFPA subject to conditions to be established by the Economic and Social Council. The Assembly resolution stresses the "separate identity" of UNFPA and "its need to operate under the guidance of the Economic and Social Council, in close relationship with interested Governments and with appropriate international and national bodies, governmental and non-governmental, interested in population activities." See UN Doc. A/8963, Report of the Second Committee, Draft Resolution V, pp. 46-47 (1972).

13. *Id.*, at pp. 1-2. Substantially the same statement appears in the UNFPA "Tentative Work Plan" for 1972-1975, UN Doc. UNFPA/PCC/IV/4, para. 9, p. 7 (1972).

14. *Id.*, at p. 2. The two other "guiding principles" are as follows:

2. Assistance provided by the Fund is closely co-ordinated with other types of development assistance and with over-all development planning; [and]
4. The resources supplied by the Fund are intended to supplement, and not supplant, the support being given to population activities from the regular budgets and other funding sources within the United Nations system.

The "guiding principles" are also set out in the UNFPA document, "Principles and Procedures," at Section III, "Guiding Principles" (1970) (mimeographed).

The proposed United Nations family planning knowledge and means program would seem to fall without question within the purposes of UNFPA, in particular within the purpose of promoting an awareness of the social implications of population problems, and the purpose of assisting countries in coping with population problems. And, considering that the Fund's terms of reference or "guiding principles" include undertaking projects at the request of non-governmental organizations, the Fund could extend family planning assistance to programs sponsored by non-governmental organizations at the international, national or local level.

As to the suggestion that the Fund extend its assistance to family planning programs in countries in which the government will tolerate, but will not sponsor such activities, the Fund's terms of reference are focussed on assistance to governments, but seem flexible enough to embrace projects that are not explicitly approved by the government of the country concerned. The terms of reference stipulate under "procedures" that requests for UNFPA assistance from non-governmental organizations are to be made to the UNDP Resident Representative "who will forward them to the Fund . . . after . . . assuring himself that the government favors the Fund's responding to the request."<sup>15</sup> The terms of reference also provide that governments will normally bear a major share of local costs, and that there must be "sufficient support for the project within the society and on the part of the government . . . to give the project a reasonable chance of success."<sup>16</sup>

The UNFPA terms of reference thus clearly authorize UNFPA to respond to requests for assistance from non-governmental sources, and to select non-governmental agencies as executing agents for Fund projects. The UNFPA terms of reference are also open to the interpretation that UNFPA may fund projects in countries that have not officially sanctioned family planning programs. This broad view has apparently been adopted by the Fund. In 1970, Rafael M. Salas, Director of the Fund, stated that in some instances UNFPA intends to fund projects through the International Planned Parenthood Federation, and that this "will be particularly true in areas, as in Latin America, where the governments wish family planning activities to take place but sometimes do not wish to have official policies or programmes supporting such activities."<sup>17</sup>

The UNFPA "Tentative Work Plan" for 1972-1975 announces that

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15. UNFPA, Principles and Procedures, Section V, "Types of Activity," para. 1, and Section VI, "Procedures," para. 2 (1970) (mimeographed).

16. *Id.*, at Section V, "Types of Activity," para. 7, "Conditions of Assistance."

17. UNFPA, Statement by Rafael M. Salas, Director, at the Regional Conference of the International Planned Parenthood Federation, Tokyo, Oct. 16, 1970 (mimeographed).

“the Fund will support, upon request and where the government does not object, the development of family planning delivery systems through non-governmental agencies in countries without an official programme.”<sup>18</sup> The Work Plan takes the view that:

The UNFPA is not limited to acting upon specific requests from Governments or organizations, but may take the initiative to promote additional activities in accordance with its terms of reference and priorities in order to shape an integrated and comprehensive population programme of assistance to meet the urgent needs of dealing with population problems.<sup>19</sup>

A UN family planning knowledge and means program as described in this chapter might therefore be adopted by UNFPA without a major change in UNFPA policy.

### *Administration by UNFPA*

The administration by UNFPA of a UN family planning “knowledge and means” program would bring to a head three questions that have plagued UNFPA since its creation. First, should the UNFPA acquire a more solid constitutional basis than the present decision of the Secretary-General and agreement between the Secretary-General and the Administrator of UNDP? Second, should UNFPA be given policy guidance through a council of government representatives, rather than the present Advisory Board and Inter-Agency Consultative Committee? And, third, should UNFPA develop its own field staff for contacts with governments and non-governmental organizations in the countries in which UNFPA programs are operated?

Each of these questions was raised in 1971 in the context of a review by the General Assembly of UN population programs and the role of UNFPA. The Assembly noted that UNFPA had become “a viable entity in the United Nations system,” and took the view that UNFPA “should play a leading role in the United Nations system in promoting population programmes—consistent with the decisions of the General Assembly and the Economic and Social Council.” The Assembly requested the Secretary-General to take steps and make recommendations to improve the “administrative machinery of the Fund aimed at the efficient and expeditious delivery of population programmes.”<sup>20</sup> A special committee of the UNFPA Advisory Board was established to aid in this task, and to make recommendations as to “ways in which the UNFPA may more effectively discharge its responsibilities for leadership within the UN sys-

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18. UN Doc. UNFPA/PCC/IV/4, para. 122, p. 48 (1972).

19. *Id.*, at para. 14, p. 10.

20. General Assembly Res. 2815 (XXVI)(1971).

tem and provide a focus for co-ordinated international efforts to deal with population problems.”<sup>21</sup>

If UNFPA were to acquire major operational responsibilities in a UN family planning “knowledge and means” program, it would most likely be considered necessary to give UNFPA both a constitutional document and a governing council. Both might be supplied through a General Assembly resolution tying UNFPA in some degree to UNDP. Responsibility for UNFPA might be given to the UNDP Governing Council, to a separate committee of that Council, or to an entirely new body. Whichever method is chosen, the special needs of UNFPA should be recognized, excluding full merger with UNDP.<sup>22</sup> Consideration might also be given to establishing a separate family planning program advisory committee, whose members might be drawn from among individuals prominently associated with UN human rights, status of women and population programs.<sup>23</sup>

As to UNFPA field representation, the present system utilizing Population Programme Officers directly responsible to the UN Secretariat Population Division, and the regional and country offices of UNDP, may need revision as UNFPA becomes involved in operational tasks. UNFPA may require its own staff in countries in which large-scale family planning programs are undertaken.<sup>24</sup>

Coupled with the proposed UN Declaration on the Human Rights Aspects of Family Planning, a UN family planning “knowledge and means” program would focus attention on practical means for giving effect to the family planning right. It would thus provide a powerful impetus towards making family planning services available even where governments are not prepared to sponsor family planning programs.

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21. UN Doc. UNFPA/AB/IV/3/Rev.2, p. 2 (1972). The committee was asked to make recommendations concerning the “capacity of the UNFPA and the collaborating organizations in the United Nations system in the effective execution of programmes and projects including the possibility of project implementation as appropriate by UNFPA and non-Governmental bodies,” and on “Ways of ensuring the effective execution of the regional and field responsibilities of UNFPA.” *Id.*, at p. 1. Its report was expected to be ready late in 1972.

22. See Chapter 7.

23. Individuals having distinguished service with the Population Commission, the Human Rights Commission and the Commission on the Status of Women, for example, might be invited to serve on the UNFPA family planning program advisory committee.

24. See Chapter 18. The Population Programme Officers were being phased out at the end of 1972 and replaced by UNFPA Coordinators assigned to UNDP offices as senior members of the Resident Representative’s staff working under his supervision but also directly responsible to UNFPA. (Information supplied by UNFPA.)

## Chapter 6

### POPULATION GROWTH AND ECONOMIC DEVELOPMENT

Population questions in any country can be seen as having four basic aspects: rate of growth; composition in terms of age and sex distribution; spatial distribution including in particular the urban-rural relationship and the rate of urbanization; and total population size.

In considering the relationship between “population” and economic development, a sharp distinction must be drawn between the first factor, rate of growth, and the fourth, total population size. Although it seems now to be generally agreed that too rapid a rate of population growth will seriously hinder the economic development of developing countries, most developing countries would not consider that their economic development has been hindered by population size alone. To the contrary, many consider that they are underpopulated in terms both of their resources and of the need for labor in the development process. Argentina, for example, considers that most sections of the country are underpopulated and that more people are needed if Argentina’s economic development problems are to be solved. Brazil similarly considers that large areas with abundant resources need people for development. Both countries and several others would reject any suggestion that population size should be limited for the purpose of achieving economic development.<sup>1</sup>

#### *Rapid Population Growth*

Present problems of economic development relate to rate of population growth rather than to total population size as such. Countries that may consider their present populations too large must, of course, focus their attention on rate of growth if, ultimately, gross size is to be brought within the limits considered appropriate. Countries that may have no specific goal in terms of population size, and countries that may consider that they are underpopulated, must also consider the effect on development of the rate at which their population grows. Thus, although total popula-

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1. See the debate in the Second Committee at the 25th Session of the General Assembly, 1970.

tion size may ultimately affect economic growth, the present concern in all developing countries relates to the rate of growth. The discussion in this chapter will accordingly be limited to the consideration of rate of growth as distinguished from total population size.

The second two factors mentioned above, population composition in terms of sex and age, and population distribution in rural-urban terms, are related to rapid growth rate. This is true, first, because age distribution affects and is affected by growth rate, and second, because there is some evidence that growth rate may affect or be affected by rapid urbanization.<sup>2</sup>

The concern of governments with rapid population growth has led increasingly to a willingness among governments to take up population policy questions and to adopt national family planning programs. In a 1971 report entitled, "Population and the United Nations Second Development Decade", the Secretary-General found that:

Thirty-five developing countries of the world have adopted policies and organized national family planning programmes, most of them with the objective of bringing down high rates of fertility and population growth. Prior to 1955, only three countries had such policies (China Mainland, India and Pakistan); in 1961 and 1962 there were two additional countries (Iran and the Republic of Korea), and in 1963 two others (Fiji and Jamaica). Six countries adopted population policies in 1965 (Barbados, Ceylon, Singapore, Tunisia, Turkey and the United Arab Republic), five in 1966 (Honduras, Kenya, Malaysia, Morocco and Mauritius), and three in 1967 (Chile, Tobago, Costa Rica and Trinidad). During the last three years, governments of fourteen countries have made decisions on population policies (in 1968: Afghanistan, Botswana, China (Taiwan), the Dominican Republic, the French Overseas Departments, Nepal, and Nicaragua; in 1969: Ghana, Indonesia, Panama and the Philippines, and in 1970: Colombia, Nigeria, and Thailand).<sup>3</sup>

The Secretary-General also reported that thirty-four additional developing countries that had no official government policy on fertility regulation would nonetheless either support or tolerate privately run family planning programs.<sup>4</sup>

The reasons underlying the willingness of developing countries to adopt family planning programs are well summarized in a recent report prepared for the United Nations Advisory Committee on the Application of Science and Technology to Development. The report describes the concern of developing countries with rapid population growth in the following terms:

Rapid population increase is a serious threat to development efforts in many areas. The task of providing not only food but also schools, housing, health

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2. See the Report of the Regional Seminar on the Ecological Implications of Rural and Urban Population Growth, UN Doc. E/CN.11/L.312 (1971).

3. UN Doc. E/CN.9/243, para. 10, p. 5 (1971).

4. *Id.*, at para. 12, p. 6.

facilities, employment, etc., for the growing numbers in the developing countries—which often double within a mere 20–25 years—is a staggering one. The problems are not merely quantitative in nature but also qualitative, considering the impact of population trends upon the quality of life and well-being. Most developing nations have to make a choice between continuing high fertility and rapid population growth, which will absorb most, if not all, the development resources needed to improve their present miserable living conditions, and taking steps to encourage some reduction in fertility and seeking to establish a more modest population increase in order to facilitate more rapid economic and social development.<sup>5</sup>

The Advisory Committee's report, entitled *Human Fertility and National Development: A Challenge to Science and Technology*, reviews the growth rates experienced by developing countries and the implications of high fertility and rapid population growth for the social, economic and cultural development of developing countries. The report summarizes the "serious threat to development efforts" in terms of the need to provide food, schools, employment, health facilities, housing, etc., for rapidly growing numbers of people, while at the same time attempting to raise levels of living and industrial output. It notes the emergence of national and international population policies and surveys factors affecting fertility, the problems of national family planning programs, and the work of the UN system in the field of population.<sup>6</sup>

#### *Population Growth and National Sovereignty*

Along with the studies, reports and amassed evidence concerning the relationship of rapid population growth to economic development, the UN system has maintained that population policy continues to be a question of "internal competence" within the national sovereignty of each country. General Assembly Resolution 2211 (XXI), adopted in 1966, includes a paragraph in the preamble recognizing "the sovereignty of nations in formulating and promoting their own population policies". It then calls upon the components of the UN system to provide assistance and advisory services in population matters when requested by governments.<sup>7</sup> Assembly Resolution 2683 (XXV), adopted in 1970, designating 1974 as World Population Year, is quite clear in acknowledging in operative paragraph 2 that:

the formulation and implementation of population policies and programmes are matters falling under the internal competence of each country and, conse-

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5. *Human Fertility and National Development: A Challenge to Science and Technology*, UN Sales No. E.71.II.A.12 (1971).

6. *Id.*, at pp. 31–84.

7. General Assembly Res. 2211 (XXI), 21 GAOR Supp. 16, pp. 41, 42 (A/6316) (1966).

quently, that international action in the population sphere should be responsive to the varied needs and requests of individual Member States.<sup>8</sup>

As has been discussed earlier in this report,<sup>9</sup> the UN system is competent to supply population program assistance to governments at their request even if all aspects of population questions are considered to fall within the "internal competence" of Member States. Assistance rendered on request by governments does not conflict with the domestic jurisdiction limit on UN action, and UN assistance may be rendered on the basis of UN policy adopted within the scope of the UN Charter and consistent with international law. Thus if the only question at issue is the competence of the UN system to respond to government requests for assistance in formulating and implementing national population policies, the legal framework within which the UN system may offer such assistance seems clearly settled.

There may, however, be a need for the UN to go beyond grants of population program assistance as requested by governments. In 1970 the General Assembly adopted a set of basic decisions defining the goals of the Second Development Decade and setting forth the role of the UN system in achieving those goals. The Assembly's decisions are contained in a resolution entitled "International Development: Strategy for the Second United Nations Development Decade," Assembly Resolution 2626 (XXV).

That resolution states in paragraph 15 that:

The target for growth in average income per head is calculated on the basis of an average annual increase of 2.5 per cent in the population of developing countries, which is less than the average rate at present forecast for the 1970s. In this context, each developing country should formulate its own demographic objectives within the framework of its national development plan.<sup>10</sup>

Paragraph 65 of the Assembly Resolution goes on to state that: "Those developing countries which consider that their rate of population growth hampers their development will adopt measures which they deem necessary in accordance with their concept of development."

Although the work of the UN system has shown clearly the link between rapid population growth and economic development, the General Assembly has failed to "decide" that such a link in fact exists, and to consider and adopt a UN policy that UN development assistance should be tied to progress towards reducing the rate of population growth.

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8. General Assembly Res. 2683 (XXV), 25 GAOR Supp. 28, p. 55 (A/8028) (1970).

9. See Chapter 1.

10. General Assembly Res. 2626 (XXV), 25 GAOR Supp. 28, pp. 39, 40-41 (A/8028)(1970).

The closest that the UN system has come to setting standards for population growth in this context appears to have been the 2.5 per cent annual population growth rate figure used in the 1970 Assembly definition of goals and objectives for the Second Development Decade in the Assembly resolution quoted above. In using the 2.5 per cent figure as the basis for establishing the Second Development Decade income growth rate targets, the Assembly acknowledged that the 2.5 per cent figure for average annual increase in the population of developing countries "is less than the average rate at present forecast for the 1970's."<sup>11</sup> The Assembly therefore appears to have based its Second Development Decade planning on the assumption that the developing countries will implement population policies designed to reduce their population growth rates to the 2.5 per cent standard, but at the same time the Assembly has taken no steps to structure the UN development assistance machinery around the 2.5 per cent figure.

### *The Scope of UN Authority*

There is no question that the Assembly's authority in the economic development area extends to study, discussion and recommendation on economic development matters, and to the provision of development assistance on request by governments. It is also unquestioned in the UN framework that national population policies fall within the "internal competence" and "national sovereignty" of Member States such that, subject to human rights limitations, the establishment of national population goals, policies and programs must be left to national governments. Where development questions and population questions intersect, however, has the United Nations the authority to adopt a UN population growth rate policy, and to incorporate that policy into UN development assistance programs?

From the legal point of view, it seems clear that the authority of the United Nations to operate development assistance programs should carry with it the authority to determine the conditions under which UN assistance will be granted. Given the limited resources at the disposal of the United Nations, some choices must be made, and a choice founded on a judgment as to the likelihood of success of classes of development assistance programs could not be condemned as arbitrary or discriminatory.

C. W. Jenks, presently Director-General of the International Labour Organization, wrote in 1969 that: "No State can expect to receive over

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11. *Ibid.* UNFPA estimates the present rate of population growth in the developing region at about 2.8% annually, and expects this rate to continue for at least another decade. UN Doc. UNFPA/PCC/IV/4, para. 3, pp. 1, 2 (1972).

a substantial period continuing international aid which its own rate of population increase makes wholly ineffective to revitalise its economy and trigger self-sustaining growth." It was his view that "[c]ertain forms of aid might be granted only to States which had adopted rational population policies which made it possible for such aid to be practically effective in achieving its intended purpose of raising standards."<sup>12</sup>

Thus, although it would be improper for the United Nations to use UN development assistance funds as a means of coercing governments to accept UN development assistance policies, the United Nations might legitimately decide to give preference to development assistance plans that attempt to moderate population growth rates. The distinction drawn in this regard would be between UN economic aid decisions that distinguish between governments in terms of their conformity to UN policy, which would be regarded as beyond UN authority, and UN decisions that distinguish between development plans in terms of their probability of success, which would be regarded as legitimate choices in the allocation of UN funds.

### *UN Development Assistance*

UN development assistance funds administered by the United Nations Development Programme (UNDP) are now subject to "country programming" through the "United Nations Development Co-operation Cycle" established under General Assembly Resolution 2688 (XXV). The country programming process will assign "indicative planning figures" to each developing country showing the total amount of UN resources expected to be available for implementing the country's development program. The Assembly resolution explicitly reserves to each government "the exclusive responsibility for formulating its national development plan," and places UNDP in the subordinate role of assisting and co-operating "at an appropriate stage" in the government's formulation of its "country programme."<sup>13</sup> In this context there would seem to be little scope for UNDP to draw distinctions in terms of national development plans that attempt to moderate population growth rates. The United Nations Fund for Population Activities, on the other hand, although it is administered through UNDP, is a separate special-purpose fund, and

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12. Jenks, *A New World of Law?*, p. 89 (1969).

13. General Assembly Res. 2688 (XXV), "The Capacity of the United Nations Development System," Annex, "The United Nations Development Co-operation Cycle," 25 GAOR Supp. 28, paras. 5, 7, and 13, pp. 58-59 (A/8028)(1970). See also the discussion in the text at notes 14, 15, and 16 above. Compare the position of UNFPA indicated in note 3 of Chapter 7 below.

is not subject to the indicative planning figure structure of the country programming exercise. The possibility that UNFPA may have more freedom of action in this regard is considered in the next chapter.<sup>13a</sup>

The UNDP country program will contain a "broad identification" of the country's needs growing out of its own development objectives and a "preliminary list of projects" to implement the program. Once the country programs are approved by the UNDP Governing Council, the UNDP Administrator will have authority to approve projects within a country program over a three-year period subject to the right of the government and the UNDP Governing Council to request the Administrator to submit particular projects to the UNDP Governing Council for its consideration and approval.

It is emphasized in General Assembly Resolution 2688 (XXV),<sup>14</sup> however, that in the drafting of the country program as the framework within which UN development assistance will be provided, the country concerned had "the exclusive responsibility for formulating its national development plan or priorities and objectives." The UN Development Programme "country programme" will be based on "national development plans, priorities or objectives" and on UNDP "indicative planning figures" showing the UN financial resources expected to be available for implementing each country program. The UNDP "country programme. . . will be formulated by the Government of the recipient country in co-operation, *at an appropriate stage*, with representatives of the United Nations system."<sup>15</sup> (Italics supplied). The italicized words were added at the insistence of developing countries who sought to make clear that their governments were to remain exclusively in control of the goals and methods of their development.<sup>16</sup> As formulated by the government "in co-operation . . . at an appropriate stage" with UN representatives, the country program will be submitted by the UNDP Administrator to the UNDP Governing Council for its consideration and approval.

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13a. The 1972 decision of the General Assembly making the UNDP Governing Council the governing body of UNFPA recognizes the "separate identity" of UNFPA, but does not mention the indicative planning figure concept. See notes 12 and 22 of Chapter 5. Presumably UNFPA funds will continue to be allocated independently of the indicative planning figure structure.

14. General Assembly Res. 2688 (XXV), "The Capacity of the United Nations Development System," 25 GAOR Supp. 28, p. 58 (A/8028)(1970).

15. *Id.*, at Annex, "The United Nations Development Co-operation Cycle," Part II, "United Nations Development Programme Country Programming," para. 7, p. 58.

16. See the debate in the Second Committee at the 25th Session of the General Assembly, 1970.

## *A UN Recommendation on Population Growth and Economic Development*

Although it is apparent from General Assembly resolutions relating to the Second United Nations Development Decade that population growth rates are of central importance in achieving the goals set for the decade, it is equally clear that the Assembly has not sought to adopt an explicit UN policy on the link between population growth rate and development. The present position is well stated in the draft resolution recommended by the Population Commission at its Sixteenth Session in which the Economic and Social Council would urge all Member States:

To co-operate in achieving a substantial reduction of the rate of population growth in those countries which consider that their present rate of growth is too high and in exploring the possibility for the setting of targets for such a reduction in those countries.<sup>17</sup>

It seems clear that the United Nations would be legally competent to take a more forceful position on the question of population growth rates, however. The United Nations might consider adopting an explicit UN policy on the relationship between population growth rates and economic development as a recommendation to Member States.

The reluctance of the United Nations to articulate a population growth rate policy has been based both upon the “internal competence” concept and upon the belief that the “diversity of demographic, economic and social conditions affecting population requires that objectives and goals for population policies be formulated for and by societies themselves.”<sup>18</sup> If a UN population growth rate policy were cast as a recommendation, and no coercive action were to be taken to implement the policy, the “internal competence” of countries in matters of population policy would be preserved. If, on the other hand, diversity of demographic, economic and social conditions in fact requires local determination of policy on all population questions, it would consequently not be appropriate for the UN to adopt a standard population growth rate policy.

Although most questions of population policy undoubtedly would be considered inappropriate for UN policy-making, the “local determination” concept probably does not apply to the economic development consequences of rapid population growth. A 1971 report of a United Nations

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17. Population Commission, Report of the 16th Session, 1971, 52 ESCOR Supp. 3, pp. 44–48, para. A(1)(b), p. 45 (E/5090) (E/CN.9/263) (1972). The quoted language was adopted by the Economic and Social Council without change. See E/RES/1672 (LII), para. A(1)(b) (1972).

18. Proposed Measures and Activities for World Population Year, 1974, UN Doc. E/CN.9/245, Annex, para. 34 (1971).

Expert Working Group on Population Research in National Institutions found that there were gaps of "outstanding importance" in the knowledge of the interrelationships between demographic and economic planning, and that the gaps were among the most difficult to fill due to "the limitations of present statistical information," but the report does not treat rapid population growth as such as within the class of subjects on which knowledge of demographic and economic interrelationships is inadequate.<sup>19</sup>

A similar assumption is apparent in the Secretary-General's 1971 report to the Population Commission entitled "Population and the Second United Nations Development Decade." The Secretary-General recognized the "significant variations in the pattern and trends of population change" but nonetheless considered that:

more of the developing countries may wish to consider the following demographic objectives: (a) moderation in population growth; (b) reduced mortality, particularly infant mortality; (c) reduced fertility; (d) improved sex-age structure and dependency ratio (i.e., ratio between economically active and dependent population); (e) regional distribution of population, particularly distribution between urban and rural areas and between big cities and small towns; and (f) under some circumstances, emigration to reduce excess population.<sup>20</sup>

In considering the adoption of a United Nations policy on the relationship between rapid population growth and economic development, the United Nations would of course have to resolve any doubts concerning the appropriateness of framing a uniform policy concerning the rate of population growth.

Assuming that the Assembly will find no barrier in principle to the adoption of a uniform population growth rate policy, the policy adopted by the Assembly might take the form of an Assembly recommendation concerning "Population Growth Rate and Economic Development" that drew on UN studies to find a link between population growth rate and effective development, and recommended that Member States take this link into account in formulating their national development programs. The Assembly might recommend, for example, that governments adopt population programs designed to reduce their population growth rates to a figure found by the Assembly to be compatible with their economic

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19. UN Doc. E/CN.9/242, para. 88 (1971). The report recommends the development of "multisectoral models" in which "economic factors such as consumption, savings, capital formation, investments, technology, labour requirements, production, foreign trade, income distribution and levels of living, were linked with demographic factors, such as the size, growth, structure and distribution of population, labour force participation rates, structure of the labour force, and number and composition of households." *Id.*, at para. 89.

20. UN Doc. E/CN.9/243, para. 22 (1971).

development goals. For the moment, the Assembly's recommended figure might be the 2.5% average annual population growth assumed in determining development goals for the Second United Nations Development Decade. The Assembly's recommendation would be made to all governments, and not limited to governments that consider that their country's present rate of population growth is too high.

The UN population growth rate policy stated in the proposed Assembly resolution would not be considered as obligatory under international law. The recommendation would represent only the Assembly's practical judgment that the suggested limitation of population growth rates is required for progress in economic development. Thus the adoption of the uniform policy would not necessarily lead to its uniform application, but the adoption of such a policy by the United Nations should stimulate its consideration and acceptance by Member States. The extent to which the United Nations might take action to give effect to the UN population growth rate policy is considered in the next chapter.

### POPULATION POLICY AND DEVELOPMENT ASSISTANCE

In addition to adopting the recommendation on the relationship between population growth rates and economic development proposed in the preceding chapter, the United Nations might consider the extent to which UN population policies might become part of UN development assistance programs. Three possibilities are presented in this regard. First, the UN system might stimulate the integration of demographic and development planning. Second, consideration might be given to giving preference in UN development assistance to proposals that include steps to moderate population growth rates. Third, UN population program assistance should be closely meshed with the overall country programs to be formulated in co-operation with the United Nations Development Programme.

#### *Integrating Demographic and Development Planning*

The Secretary-General's 1971 report to the Population Commission entitled "Population and the Second United Nations Development Decade" stresses the interrelationship between demographic and development planning, but acknowledges the difficulties of carrying out "elaborate analysis and planning procedures" with the limited facilities commonly available in developing countries. The report suggests that, at a minimum, the following facilities are needed:

- (a) reliable statistics, including population census and vital statistics;
- (b) adequate demographic and related research facilities;
- (c) comprehensive demographic projections with the necessary number of alternative variants;
- (d) demographic staff in the planning agency; and
- (e) direct contacts between the policy-making body and technical staff.<sup>1</sup>

Considering the urgent need for such facilities, the Secretary-General's 1972-1976 population program proposals give high priority to assisting governments in developing the facilities needed to formulate demographic objectives that are co-ordinated with development objectives. UN technical co-operation will have a fundamental goal of helping governments

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1. Report by the Secretary-General on Population and the Second United Nations Development Decade, UN Doc. E/CN.9/243, paras. 18 and 20, pp. 8-10 (1971.)

to acquire a "capacity to deal with demographic aspects of development in accordance with their respective needs and circumstances."<sup>2</sup>

At the time of their consultations on the formulation of the country development programs, the UNDP Resident Representatives should urge governments to improve their facilities for demographic and development planning, and to endeavor to moderate their population growth rates to the 2.5% standard used by the General Assembly. The Resident Representatives might be directed by the UNDP Governing Council to raise these issues during their consultations with governments, but the UNDP would not be expected to use its control over United Nations development funds to coerce governments into accepting these policies.<sup>3</sup> As has been seen to be the case with economic development effects of population growth rates, the United Nations role in inducing governments to integrate population and development planning will be limited to study, recommendation and policy declaration.

An example is the 1971 recommendation of the Population Commission that the Economic and Social Council urge all Member States:

To give full attention to their demographic objectives and measures during the biennial review and appraisal of the implementation of the Second United Nations Development Decade, and to take such steps as may be necessary to improve demographic statistics, research, and planning machinery needed for development of population policies and programmes.<sup>4</sup>

Governments cannot avoid affecting fertility and population growth rates whether or not they adopt a conscious and deliberate population policy. As pointed out in a recent UNFPA paper:

The majority of Governments do not as yet have a population policy in the sense of deliberate Government action to achieve desired goals with regard to population size, structure, distribution and rate of growth, even though such a *laissez faire* approach actually ignores the considerable influence that Government policies and measures in a number of social and economic fields may have on population trends.<sup>5</sup>

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2. UN Doc. E/CN.9/246, para. 18, p. 7 (1971).

3. UNFPA, whose relationship to country programming and to the "indicative planning figures" does not appear to have been clearly settled at this writing, might retain more independence of action in the allocation of its funds. The three major program emphases reported by UNFPA in 1971 appear to channel UNFPA funds in directions consistent with the suggestions made in this report. See the 1971 UNFPA Report to the Population Commission, UN Doc. E/CN.9/260, pp. 3-4 (1971), quoted at note 12 below.

4. Draft resolution recommended by the Population Commission to the Economic and Social Council, Population Commission, Report of the 16th Session, 1971, 52 ESCOR Supp. 3, pp. 44-48, para. A(1)(a), p. 45 (E/5090)(E/CN.9/263)(1972). The quoted language was adopted by the Economic and Social Council without change. E/RES/1672 (LII), para. A(1)(a) (1972).

5. UN Doc. UNFPA/PCC/IV/4, para. 90, p. 37 (1972).

A chief example is the marked increase in population growth rates that has resulted from the success of government public health programs. In view of the influence of a wide range of government policies on population trends, and the "far-reaching implications of population trends on the quality of life," UNFPA concludes that "it is desirable that each country have a clear, well-defined and consistent policy with regard to population."<sup>6</sup>

### *Preference in UN Development Assistance*

Although, as indicated in Chapter 6, it seems clear that UNDP will not be authorized to require moderation of population growth rates as a condition of UN development assistance, there may be room for a measure of preferential treatment for development plans that take steps towards moderating population growth rates.

In line with the Pearson Commission's conclusion that "there can be no serious social and economic planning unless the ominous implications of uncontrolled population growth are understood and acted upon,"<sup>7</sup> it would be appropriate for the Assembly to recommend that developing countries take into account the need for moderating population growth rates in formulating country programs within the framework of the UN Development Programme. It would also be appropriate for the Assembly to stress the need to integrate demographic and development planning, and to make special funds available for the acquisition of the necessary planning facilities.

Beyond this point, since the bulk of UNDP funds are tied to country programming and to the indicative planning figure concept, it is necessary to turn to the special funds distributed through the United Nations Fund for Population Activities (UNFPA). Although UNFPA is administered through UNDP, UNFPA funds are not part of the UNDP indicative planning figure structure, and can be concentrated where they will do the most good from the standpoint of population policies. Thus, a modest degree of preference might be expressed in UN development assistance through allocation of UNFPA funds to activities designed to integrate population factors into development planning, and to moderate population growth rates.<sup>7a</sup>

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6. *Ibid.* The paper notes that "there are a wide range of measures, including marriage and divorce laws, policies affecting the status of women and social welfare schemes which influence population trends, in particular fertility, to a greater or lesser degree."

7. Pearson, *Report of the Commission on International Development submitted to the International Bank for Reconstruction and Development*, p. 58 (1969).

7a. See note 13a of Chapter 6, and notes 12 and 22 of Chapter 5.

## *Population Programs and Development Plans*

In developing countries which recognize the need to moderate population growth rates, and which undertake to integrate demographic and development planning, the present need appears to be to consolidate UN population program assistance into a co-ordinated program, which meshes with the country's development plan. The assistance thus rendered by the United Nations system should be tailored to fit and to fulfill the needs of the recipient country. It should not, as may often have been true in the past, be designed to make the fullest, or the most convenient use, of the resources of the agency which renders assistance. The aid given should also be sequenced, or phased, in the fashion required by the recipient; it should not be delivered on a schedule that suits only the convenience or the programming of the UN agency concerned.

The desiderata just outlined for UN population program assistance are not easy to fulfill in a system of autonomous executing agents. Each UN agency tends to take its own view of the priorities in population programming, and each develops its own "packages" or population programs geared to the individual agency's special area of interest and self-developed mandate in the population field. The primary need, therefore, is to bring the development assistance agencies of the UN system together in support of comprehensive national population programs.

### *The Jackson Capacity Study*

The difficulties suggested are not unique to the population program assistance field. *The Study of the Capacity of the United Nations Development System*, prepared for UNDP by Sir Robert Jackson, found that analogous problems existed throughout the development assistance field. First, the *Jackson Capacity Study* found that there were frequently serious delays in formulating, approving and executing development assistance projects. Second, the study found a "donor bias" that resulted in the approval of projects ill-suited to the needs of the recipient country.<sup>8</sup>

As to delays in executing projects, the Jackson report found widespread evidence of a failure of executing agents to supply internationally recruited personnel at the required stage in the implementation of projects. The report commented as follows:

If the direct recruitment of experts in the numbers now needed imposes an excessive burden on the Agencies, it would seem sensible to resort more fre-

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8. *A Study of the Capacity of the United Nations Development System*, [by Sir Robert Jackson,] UN Sales No. E.70.I.10, Vol. II, Chapter 3, pp. 25, 33-62, 66-67 and 74-77 (1970).

quently to subcontracting, which would do much to expand the effective capacity of the system and could have other notable advantages. Yet it is surprising to note that, although the use of subcontracts has increased with the growth of the programme, it has certainly not grown in the same proportion.<sup>9</sup>

As to "donor bias," the report quoted, for example, the comment of a UN Evaluation Mission sent to Iran that "sometimes the so-called needs of a country reflect no more than the supply position within the Agency concerned."<sup>10</sup> The most frequent criticism concerned "Agency salesmanship" to the effect that "too many project requests are drafted by Agency salesmen." One Resident Representative commented:

Some projects have been initiated through the visits of staff members from Specialized Agencies who were concerned only about their specific fields of competence without due regard to the general needs of the country and to the importance of establishing an order of priority to obtain the maximum benefit from the global allocation for the country.<sup>11</sup>

### *The Role of UNFPA*

The United Nations Fund for Population Activities has embarked upon a system of programming that may solve some of the problems both of "donor bias" and of the fragmentary nature of UN population program assistance.

The largest share of UNFPA funds is now being used to finance large or medium-scale "multidisciplinary projects in support of national family planning programmes [that] demand the competencies of more than one executing agency."<sup>12</sup> Programs of this nature are developed with the recipient countries through the assistance of the UN Population Programme Officers and the office of the UNDP Resident Representative, and funded through UNFPA. Such programs therefore offer an opportunity for project development in terms of the needs of the recipient country, rather than the strengths of the participating agencies.

The UNFPA large-scale family planning programs are "multidisciplinary" in the sense that they require the skills and participation of the

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9. *Id.*, at para. 53, p. 52.

10. *Id.*, at para. 101, p. 75.

11. *Id.*, at para. 101, pp. 75, 76.

12. 1971 UNFPA Report to the Population Commission, UN Doc. E/CN.9/260, pp. 3-4 (1971). The other major UNFPA programs are described, *ibid.*, as providing the following:

Assistance to countries in setting up and operating the administrative and processing systems for obtaining the basic demographic data essential for economic and social development planning and for the formulation of population policies; [and]

The services of advisory missions to assist in the preparation of national development plans which will include population components.

United Nations and UNICEF and of several of the Specialized Agencies, such as WHO, FAO, ILO and UNESCO. For example, the first such project, the UNFPA family planning project in Pakistan, utilizes five executing agents having the following tasks:

The United Nations is furnishing economic and demographic advisers and administering a fellowship programme to train nationals in various levels of demographic skills. WHO is supervising the setting up of training courses for all levels of medical and paramedical personnel, and the addition of family planning services to maternal and child welfare clinics. UNICEF is undertaking the procurement of the necessary medicines, contraceptive supplies, training equipment and transport. UNESCO is developing curricula for the inclusion of population subjects in the educational system, and ILO is advising on the provision of family planning services for industrial workers.<sup>13</sup>

The UNFPA-Pakistan "Project Agreement on Family Planning" concluded on August 27, 1970, details the scope and cost of UNFPA assistance, and provides that the Government, UNFPA and the five named Executing Organizations (UN, UNICEF, WHO, ILO and UNESCO) "shall jointly be responsible for the execution of the project and the realization of its objectives." Each Executing Organization defines its participation in the project through a separate "Plan of Action" concluded between the Executing Organization concerned, UNFPA and the Pakistan Central Family Planning Council. When UNFPA authorizes the commencement of the project, "the Executing Organizations shall assume primary responsibility for its execution."<sup>14</sup>

The UNFPA-Pakistan Agreement then provides that:

The [UNDP] Resident Representative will in his usual capacity, be responsible for the participation of the Executing Organizations in the project and for ensuring that all UNFPA inputs are used for the purposes intended.<sup>15</sup>

The UNDP Resident Representative is assisted in carrying out his functions by a Senior Adviser appointed by UNFPA. The Agreement also provides for periodic meetings of a project review committee chaired by the UNDP Resident Representative and consisting of government representatives, the UNFPA Senior Adviser and a representative of each of the five Executing Organizations.<sup>16</sup>

The pattern set in Pakistan has been followed in a "Project Agreement on Family Planning" concluded between UNFPA and the United Arab Republic. The same five UN agencies are named as "Executing Organizations" and define their participation in separate tri-partite "plans of

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13. UN Doc. E/CN.9/260, pp. 3-4 (1971).

14. UNFPA-Pakistan Project Agreement on Family Planning, August 27, 1970, paras. 4.1 and 4.4. (1970)(mimeographed).

15. *Id.*, at para. 4.13.

16. *Id.*, at paras. 4.14 and 4.15.

action” concluded with UNFPA and the Government within the framework of the UNFPA-UAR Agreement. The project is then implemented with the UNDP Resident Representative made responsible “in his usual capacity” for the participation of the Executing Organizations.<sup>17</sup>

#### *Non-Governmental Executing Agents*

The UNFPA system followed in the Pakistan and United Arab Republic agreements is responsive to the policies and capabilities of the UN agencies participating as Executing Organizations. It is not tied to UN agency policies or capabilities, however. Each agreement leaves open the question of naming additional Executing Organizations, which may under the UNFPA terms of reference include agencies outside the United Nations system.

The UNFPA terms of reference, called the “Principles and Procedures” of UNFPA, provide that the UNDP Administrator “normally” selects executing agents from among UN agencies, but that “He may, however, choose an agency outside the United Nations system if it seems advisable to do so.”<sup>18</sup> If the appropriate UN agency is either unwilling to supply requested assistance on its own policy grounds, or unable to do so, UNFPA may turn to non-UN sources to supply the assistance. The UNFPA system is therefore in principle capable of meeting the family planning needs of developing countries without reference to the policies and practical capabilities of UN agencies.<sup>19</sup>

The UN Development Programme enjoys the same flexibility in the choice of executing agents. The UNDP’s consensus concerning the UN Development Co-operation Cycle, approved in General Assembly Resolution 2688 (XXV), provides that the appropriate organs of the UN system will have “first consideration as executing agents,” but that, when necessary and subject to the agreement of the recipient government, “increased

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17. UNFPA-United Arab Republic Project Agreement on Family Planning, paras. 3.1 and 3.15 (1970). See also paras. 3.16 and 3.17, *ibid.*

18. UNFPA Principles and Procedures, para. 9(a) (April 27, 1970) (mimeographed). See also the 1971 UNFPA Report to the Population Commission, UN Doc. E/CN.9/260, p. 7 (1971), which states that UNFPA projects are normally implemented by UN agencies, but that the Fund may also use the services of non-governmental organizations having “special capabilities in the population field.”

19. The UNFPA 1972 “Tentative Work Plan” for 1972–1975 states that UNFPA projects are normally executed through UN agencies, but that in some cases execution “may best be undertaken directly or through an appropriate non-governmental body.” In such cases, the support “is for specific identifiable projects, and . . . the Government concerned is informed through the UNDP Resident Representative and does not object to the UNFPA financing in question.” UN Doc. UNFPA/PCC/IV/4, paras. 25–26, p. 15 (1972).

use may appropriately be made of suitable services obtained from governmental and non-governmental institutions and firms.”<sup>20</sup>

The authority of both UNDP and UNFPA to go outside of the UN system for executing agents should enable them to avoid “donor bias” in the formulation and execution of population programs, and to stimulate the development of comprehensive population programs integrated with the recipient country’s development program.

### *Comprehensive Country Programming*

Country programming, as envisaged in the United Nations Development Co-operation Cycle, should proceed from the definition of the development needs of each country outwards to the UN agencies capable of providing portions of the assistance required. Planning for each country should take account of UN policy recommendations, particularly as regards the integration of demographic and development planning, but should result in a comprehensive UN assistance program designed according to the needs of the country program, rather than a program responsive to the interests or strengths available in UN agencies. When country programming proceeds as intended, the task of UNDP and UNFPA is to fill the needs of the country program, using in the first instance UN agencies as executing agents, but going beyond UN agencies where a country program calls for assistance that cannot be found within the UN system.

The capacities and programs of UN agencies are therefore important to the success of the development process, but it is no longer essential that UN agencies have both the legal and the practical capacity to render all the assistance required. When necessary to achieve country program goals, both UNDP and UNFPA may call upon outside governmental and non-governmental institutions to provide aid that UN agencies either cannot or will not supply. The independent UN agencies retain their authority both to generate their own population program packages, and to apply their own conceptual limits to the types of aid that they will supply,<sup>21</sup>

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20. General Assembly Res. 2688 (XXV), Annex, *supra* note 13 of Chapter 6, at paras. 40–41, pp. 58, 60.

21. The review of the mandates of UN agencies in Part II indicates that UN agencies as a group are now regarded as competent to provide all the forms of assistance that might be required both for the formulation and the implementation of national population policies. Earlier limits on the forms or the scope of UN assistance have been abandoned. Contraceptives, and the equipment to manufacture contraceptives, for example, can now be made available through UNICEF, and WHO appears prepared to moderate its insistence that family planning programs be integrated into health services. See Chapters 11 and 12.

but these limitations are no longer a barrier to the scope and effectiveness of United Nations population program assistance.

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UNFPA will consider financing local costs, such as “group training, the payment of enumerators for demographic and KAP [Knowledge, Awareness, and Practice] surveys, and the rental of equipment.” See UN Doc. E/CN.9/238, para. 49, pp. 22–23 (1971). UN technical assistance for population programs now covers so broad a field that it has been found necessary to prepare a handbook on “technical co-operation in population available through the United Nations system.” *Id.*, at para. 71, p. 29.

POPULATION AND THE HUMAN ENVIRONMENT

In 1971, the President of the World Bank Group, Robert S. McNamara, reported in his review of the status of population planning that:

The latest demographic studies, completed within this past year, indicate that if a net reproduction rate of one (an average of two children per couple) is reached in the developing countries by the year 2040—a possible but by no means certain achievement—their present population of 2.6 billion will increase more than fivefold to nearly 14 billion. If the net reproduction rate of one could be reached two decades sooner, the ultimate size of the population of the developing countries alone would be reduced by over 4 billion, a figure substantially in excess of the planet's total population today.<sup>1</sup>

Mr. McNamara's figures show present total world population at 3.7 billion people, with the projected total "ultimate population" of 15.7 billion people if the "replacement rate" is reached by developing countries in the year 2040 and by developed countries in the year 2020. The projected total "ultimate population" of the world drops to 11.2 billion people if the replacement rate is reached two decades earlier.

Mr. McNamara concludes from the projections that with even "very favorable assumptions, the populations of the developing countries will continue to grow rapidly for several decades, expanding perhaps fourfold from present levels [2.6 billion people] and reaching a total of nearly 10 billion."<sup>2</sup>

United Nations concern with rapid population growth has centered on the relationship between population growth rate and economic development discussed in the preceding chapters. In terms of the ultimate total size of world population, or the rapid increase in size of segments of world population, the problem has generally been seen as raising the possibility that the growth of the world's population might outstrip world food production, resulting in mass famine on a scale never before experienced.<sup>3</sup>

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1. McNamara, *Address to the Board of Governors*, Sept. 27, 1971, at p. 5.

2. *Ibid.*

3. See, e.g., Falk, *This Endangered Planet*, pp. 397–403 (1971).

As pressing and as difficult as the problems of economic development and food production may appear, this may be too narrow a view of the impact of population growth. Coupled with rising expectations in living standards, a more immediate and more threatening problem may be presented by the relationship between total world population size and total available natural resources. As stated in General Assembly Resolution 2398 (XXIII) on Problems of the Human Environment, the chief problem may be the "continuing and accelerating impairment of the quality of the human environment caused by such factors as air and water pollution, erosion and other forms of soil deterioration, waste, noise and the secondary effects of biocides, which are accentuated by rapidly increasing population and accelerating urbanization. . ."<sup>4</sup>

With regard to the "environmental impact" basis for United Nations action on population questions, however, so little is known at present about the relationships between population growth rates, structure, distribution and total size, on the one hand, and production, consumption and environmental impact on the other, that the United Nations is not now able to formulate UN policy in this area. The UN role is therefore at present confined to research, study and discussion, looking to the development of the knowledge upon which future action might be based.

#### *Population at the Stockholm Conference*

The mandate of the UN Conference on the Human Environment, held at Stockholm in June 1972, is defined by Assembly Resolution 2398 (XXIII) to include the impact both of rapid population growth and of rapid urbanization on the quality of the environment.<sup>5</sup> Planning for the Conference concentrated on "urbanization" as the chief environmental impact of population growth, however. The Stockholm Conference Preparatory Committee defined six main subjects for the Conference, of which the first was "The Planning and Management of Human Settlements for Environmental Quality." Within this subject, population growth is treated in the following terms:

*Population growth and distribution* – factors affecting population flows to urban areas; trends in urbanization; urban-rural relationships; integral planning of urban and rural development; social and environmental aspects of settlements patterns.<sup>6</sup>

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4. General Assembly Res. 2398 (XXIII), "Problems of the Human Environment," 23 GAOR Supp. 18, p. 2 (A/7218)(1968).

5. *Ibid.*

6. UN Doc. A/CONF.48/PC.9 (1971).

With population growth and distribution defined as one of ten components to be taken into account by the Stockholm Conference in considering a major agenda item on the planning and management of human settlements, it is apparent that direct attention could not be given either to rapid population growth apart from urbanization, or to the impact on the environment of total world population size. At its Third Session in September 1971, the Preparatory Committee considered that the main areas of concern in the field of human settlements were "health, population distribution, excessive population growth in some countries and regions, water supply, sewerage, waste disposal, the siting and management of industries, construction processes, housing and transport."<sup>7</sup> The Preparatory Committee's report states:

It was felt that the high levels of population density existing in certain countries as well as the problem of population growth which exists in some regions may have a global significance, but that it was the responsibility of each State to determine policies on the matter.<sup>8</sup>

Within this framework, the Conference recommended that UN agencies provide increased assistance in family planning to countries which requested it, and asked WHO to promote and to intensify research into human reproduction. The Conference declared that:

Demographic policies, which are without prejudice to basic human rights and which are deemed appropriate by Governments concerned, should be applied in those regions where the rate of population growth or excessive population concentrations are likely to have adverse effects on the environment or development, or where low population density may prevent improvement of the human environment and impede development.<sup>9</sup>

The Conference also declared that the "natural growth of population continuously presents problems on the preservation of the environment,"<sup>10</sup> and asked the Secretary-General to ensure that, during the observance in 1974 of World Population Year, special attention is given to population concerns as they relate to the environment.

The Stockholm Conference on the Human Environment thus did not consider the following questions that might have been thought to fall within the scope of its mandate: What is the relationship between total

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7. UN Doc. A/CONF.48/PC.13, para. 43, p. 15 (1971).

8. *Id.*, at para. 48, p. 16.

9. Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm, June 16, 1972, para. 16. UN Press Release.

10. *Id.*, at para. 5. The paragraph states that "adequate policies and measures should be adopted as appropriate to face these problems." It also states that: "Of all things in the world, people are the most precious. It is the people that propel social progress, create social wealth, develop science and technology and through their hard work, continuously transform the human environment."

world population size and the quality of the human environment? Is there a maximum or an optimum population size for a country or for a particular area, given the available natural resources and the stage of economic development? If so, how should the maximum or optimum population size be determined? Finally, would the sum of the maximum or optimum population sizes determined for each country yield a world maximum or optimum population size?

### *The Basis for UN Action*

The questions just posed have not yet received systematic consideration in the UN system, which has only recently begun to consider the implications for the environment of population growth rates and of total population size. The scope of the questions raised, and the appropriateness of their consideration in the UN system, can be illustrated through the report of the recent Lyon meeting of the UN Expert Working Group on Population Research in National Institutions. The Lyon Working Group found the following relationships between population and the quality of the environment:

In recent years, it had frequently been pointed out that policy-makers in their decisions as well as scientists in their research, had insufficiently taken into account the consequences of the development of society and technology on the quality of the environment. Although there existed some literature in this area, it seemed that the role of demographic variables in environmental change had not yet been properly disentangled from complex interaction of technology, consumption patterns, ecological relationships and resource allocation.

The human impact on the environment might be decomposed into effects of three factors: (a) population size, spatial distribution and composition; (b) income *per capita*; and (c) a multiplier that was determined by the ways in which income was produced and consumed hence involving the state of resource endowment, technology and tastes. Changes in the environment, both favourable and unfavourable might come about through the cumulative impact of these factors and their changes over time.<sup>11</sup>

Considering that one of the anticipated effects of rapid population growth is a greatly increased total world population size, and considering that the anticipated growth in total world population size is expected to be accompanied by greatly increased resource use that may affect the "quality of the human environment," the great increase expected in total world population size presents an international problem within the scope of United Nations concern under the UN Charter. The UN concern is acknowledged in reports presented to the Sixteenth Session of the Population Commission in 1971. The Secretary-General's report entitled "Popu-

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11. UN Doc. E/CN.9/242, paras. 106-09, p. 32-33 (1971).

lation and the Second United Nations Development Decade” states that comprehensive demographic projections prepared by the UN system “suggest that the world is entering a stage when the size and the growth of population, and the combined effects of diverse population structures and migration will increasingly affect human life.”<sup>12</sup> The report notes that there is an “awareness that immediate action by Governments is necessary to direct future population changes in the desired directions,” but that population policies “are being shaped in national isolation and in the absence of real international contact.” The Secretary-General’s report therefore concludes that “a viable international approach to national population is needed” and that the subject might be considered by the Population Commission.<sup>13</sup>

The Population Commission’s 1971 draft resolution recommended to the Economic and Social Council gives special attention to the environmental aspects of population policies. The Commission recommended that the Secretary-General be requested:

To study the possibilities of developing a global population strategy, including population movements, for promoting and co-ordinating population policies in Member States with the objective of achieving a balance between population and other natural resources.<sup>14</sup>

Thus from the environmental protection viewpoint the basis for UN concern with national population policies differs from the basis for UN concern in the economic development area. As to economic development, the UN policy problem arises out of population growth rates that are considered to hamper economic development through too rapid an increase in population size rather than too large a total population size as such. In contrast, the environmental problem arises out of the possibility that population growth coupled with rising standards of living may result in a population that is “too large” in the sense that its production and consumption demands cannot be satisfied without damage to the environment.

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12. UN Doc. E/CN.9/243, para. 35, p. 16 (1971).

13. *Id.*, at paras. 35–36, pp. 16–17.

14. Population Commission, Report of the 16th Session, 1971, 52 ESCOR Supp. 3, pp. 44–48, para. D(4)(a), p. 47 (E/5090)(E/CN.9/263)(1972). The quoted language was deleted by the Economic and Social Council, which instead requested the Secretary-General to elaborate a draft World Population Plan of Action with the assistance of an Advisory Committee of Experts on Global Population Strategy. E/RES/1672 (LII), para. B(4) (1972). The draft World Population Plan of Action will be submitted to the 1974 World Population Conference. See UN Doc. E/CN.9/268 (1972).

## *Population Size and the Environment*

The concept of "too large" a population from the environmental standpoint is more difficult to define than the concept of "too rapid" a rate of population growth from the economic development standpoint. As might be inferred from the distinctions drawn in the Lyon Working Group report quoted above,<sup>15</sup> whether a population is "too large" for its environment might depend upon a number of factors including the spatial distribution of the population, its composition and characteristics, the natural resources available, the *per capita* income of the population, the ways in which the income is produced and the ways in which income is consumed. Each of these factors, and others, may have a bearing on an assessment of the potential impact of the population's size on the environment.

In examining the relationship between population size, consumption levels and the impact on the environment, some commentators have concluded that "the ecological dangers come principally from the rich, not from the poor." Professor Richard Falk has written:

In terms of garbage production, pollution, land use, and resource depletion each additional person to the United States is equivalent in ecological terms to the addition of at least 25 people to India; Davis suggests that 500 might be a more realistic figure and recommends that we think of our population growth in terms of "Indian equivalents." If we examine the situation in this light the U.S. population expressed in the conservative-measure Indian equivalents is now 5.15 billion ( $25 \times 203$  million)—or far more than the total world population of 3.5 billion. By the end of the century the U.S. population will be 7.5 billion in Indian equivalents (as measured by present per capita GNP in India—that is,  $25 \times 300$  million), but given expected increases in American standards of living it would be closer to the higher reading of Indian equivalents (500:1) or 150 billion, far above even the most optimistic view of the theoretical carrying capacity of the earth, as measured in terms of food supply.<sup>16</sup>

The Davis-Falk analysis might more appropriately be expressed in terms of "modernized" or "economically-developed" "man-equivalents." The fact that the development process leads to industrialization, to higher levels of living and to greater resource use, that is, to the "multiplier" effect referred to in the UN report quoted above,<sup>17</sup> is probably as relevant to environmental impact as simple growth in population size. If the level of resource use of the "average man" in an "average" developed country could be quantified in terms of its impact on the

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15. Quoted in the text at note 11 above.

16. Falk, *This Endangered Planet*, pp. 139–140 (1971), citing Wayne H. Davis, "Overpopulated America," *New Republic*, January 10, 1970, pp. 13–15.

17. Quoted in the text at note 11 above.

environment, and if rising living standards could be quantified in the same way, it would be possible to compare the environmental impact of various combinations of population growth and economic development. If, in addition, the economies and cultures of all countries could be translated to a standard environmental impact framework, the resulting standard "economically-developed-man equivalent" would provide a rough means of comparing the environmental impact of the population growth plus economic development of various countries using alternate planning assumptions. Such a uniform standard would also provide a more meaningful measure of the total environmental impact of any assumed rise in total world population than is offered by gross world population figures, even when the figures are divided into population totals for developed and for developing countries.

As a rough means of comparing the "pollution potential" of Asian countries, a 1971 Regional Seminar on the Ecological Implications of Rural and Urban Population Growth convened by the Economic Commission for Asia and the Far East (ECAFE),<sup>18</sup> assumed that "pollution of human environment was a function of population density (DP) and of density of gross national product (DGNP) both per same unit of area," and computed an "index of pollution potential" (IPP) by the formula:

$$IPP = \sqrt{\frac{DP \times DGNP}{k}}$$

The application of this formula to the data of countries in the ECAFE region showed that "Japan's current IPP of 92.1 is about seven times the current IPP of 13.3 for the United States" and "the IPP of Hong-Kong is almost eight times, and that of Singapore nine times, the IPP of Japan."<sup>19</sup>

The application of such a common simplified standard to the facts of any given country for comparison with another country yields at best a very rough measure of the relative "pollution potential."<sup>20</sup> Such a standard leaves out of consideration a whole range of factors that may

18. UN Doc. E/CN.11/L.312, p. 9 (1971).

19. *Id.*, at Annex IV, "Formula for computing Index of Pollution Potential," p. 63. In this formula the constant K has been set at 100. *Ibid.*

20. The "Pollution Potential" index assumption is explained as follows, *id.*, at Annex IV, p. 63:

It is assumed that IPP is a function of DP and DGNP. A more detailed model could be prepared by taking into account distribution of DP and DGNP within a country and if empirical evidence is available different weights could be assigned to each of the two parameters and its components. For example, DP could be obtained separately for urban and rural areas and urban areas might be further subdivided by size of place or functional classification. Or,

affect the environmental impact of a given population. For example, it would be relevant to ask whether the population is primarily rural or urban, what its age and sex characteristics are, how its income is produced, and how its income is consumed. These factors and many others would complicate the effort to translate the economic and cultural facts of any society to a common base for the purpose of comparing environmental impact.

### *A Role for the United Nations*

Three points seem clear at this stage. First, the interrelationships between population size, economic development and environmental impact are not understood well enough to formulate environmental protection goals for use in planning population and economic development policies and objectives. Second, although man's understanding of these interrelationships may not be adequate to form policy, the fact of a relationship between environmental impact and gross population size and level of economic development is plain enough to call for serious and immediate study through the UN system. Third, unlike the question of the relationship between population growth and economic development, the question of the environmental impact of total population size coupled with level of economic development does not apply solely to the developing countries. The environmental impact question applies with equal if not greater force to the policies of the economically developed countries.

The Secretary-General's 1971 report to the Population Commission entitled, "Population and the Second United Nations Development Decade" envisages a UN system concern with the population policies of the developed as well as of the developing countries. The report states the following:

If it were to be restricted to developing countries and to the 1970s only, a discussion of policy issues would be incomplete and deficient. It is true that developing countries operate and plan under the strong pressure of population growth and that the Decade offers a unique opportunity for a faster economic and social development and for a gradual solution of population problems. These two facts demand that adequate attention be given to the conditions in developing countries. But serious population-related problems that affect more advanced regions... call for a global outlook. There is a need, as suggested recently by a United Nations expert group, that national policies and actions "take into account not only each country's own conditions and problems, but also international and world-wide problems and how national policies and actions would relate to these" (E/CN.9/242). Moreover, the concept of globalism which

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DP might be obtained for economic areas of a country. Similarly DGNP should also be obtained for the corresponding areas for computing IPP of subnational areas.

emerged from the recognition that the "spaceship earth" is faced with the long-range consequences of population growth and technological development, adds a new dimension to the subject.<sup>21</sup>

The new dimension referred to by the Secretary-General can be framed in terms of the questions posed earlier in this section: whether, given the available natural resources and the stage of economic development, there is a maximum or an optimum population size for each country, and if so, would the sum of the maximum or the optimum population sizes determined for each country yield a world maximum or optimum population size?

As to any given country, the answer appears to be "most likely yes" from the environmental viewpoint, but not enough is known about the factors involved to permit even a tentative estimate of a country's maximum or optimum population size at this stage. Furthermore, the "maximum or optimum" population size for any country would appear to depend upon many factors that reflect the customs and values of the country concerned. Hence the maximum or optimum population size would be subject to change in so many ways that possibly the most that might be done is to suggest a probable range for the maximum or optimum population size seen in relation to environmental impact.

As to the world as a whole, the possibility that some means might be found for formulating a maximum or optimum population size, cannot be excluded, but this is not very likely considering the close relationship between environmental impact and population size, and style and level of living. While the concept of maximum or optimum population size may have some value as applied to a single country or to a region, and for rough comparison purposes, there appears at present to be no feasible means of extrapolating the concept to the world level.<sup>22</sup>

Recognizing the present limitations on knowledge concerning the impact on the environment of projected population-development combinations, the UN role would appear to be confined at present to research, study and debate. Should viable concepts and measurements emerge, the UN system might then appropriately articulate world policy as to maximum or optimum population size as related to the expected impact on the environment.

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21. UN Doc. E/CN.9/243, para. 29, p. 13 (1971).

22. Professor Falk acknowledges that it is "obviously premature" at present to select an ideal world population figure. He comments that "it would be desirable to study the various consequences of different world populations upon world-order issues such as survival and welfare, environmental quality, the habitability of the planet, and the prospects for future availability of resources and energy." Falk, *This Endangered Planet*, p. 402 (1971).

## *The 1974 World Population Conference*

The need for research "on the impact of current and prospective population trends on the human environment" is affirmed in the "Tentative Work Plan" for 1972-1975 of the UN Fund for Population Activities.<sup>23</sup> Pointing out that in many developing countries, "the pressure of population on land and other resources has already reached serious proportions," UNFPA warned that:

A combination of continuing population growth coupled with the spread of modern technology and improved material levels of living throughout the world may well create a situation in which impossible demands are made on the earth's complex and delicate ecological balance.

The Fund concluded that studies are needed of the "possible carrying capacity" both of the planet as a whole, and of the various regions, "taking into account different assumptions concerning levels of technological development and their consequences."<sup>24</sup>

The need for environmental research is also affirmed in the Secretary-General's proposed program for the 1974 World Population Conference, which includes the subject: "The Future: Population, Development and Environment." The proposed program states that:

The main objective of discussions under this topic of the agenda should be to develop a view of the future based on the most plausible long-range estimates of population trends, natural resources, environmental conditions and developmental prospects. While necessarily speculative, such a projection would make it possible for the Conference to consider current and prospective policies and their possible impact on the destiny of future generations.<sup>25</sup>

Consideration of environmental impact of population trends at the 1974 World Population Conference ought to take into account the results of the Stockholm Conference on any related questions, and ought ideally to be based on a thorough scientific review of all aspects of the environmental impact question. In view of the present lack of adequate data upon which such a scientific review might be based, however, and considering the unlikelihood that research during 1972 and 1973 could produce the required data, it may be that, in this respect, the 1974 World Population Conference should be confined to a general review of environmental

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23. UN Doc. UNFPA/PCC/IV/4, para. 71, pp. 31-32 (1972).

24. *ibid.*

25. UN Doc. E/CN.9/244, para. 25(3), p. 11 (1971). One of the background papers planned for the Conference, provisionally assigned to UNESCO, is entitled "population and environment." See UN Doc. E/CN.9/244, para. 35, pp. 17-18 (1971). See also UN Doc. E/CN.9/265, Annex I (1972), for Draft Outlines of Background Papers for the World Population Conference, 1974, as presented to the Special Session of the Population Commission in August 1972.

impact designed to draw attention to the problem, and to further a program of research that might generate the required data. If so, preparation for the 1974 World Population Conference should concentrate on the design of such a research program, possibly to be brought to the Conference through a report prepared by an appropriate United Nations body.

Several UN bodies might be considered suitable for the task of designing a research program covering the environmental impact aspects of the population problem. These include UNESCO, which has undertaken a similar task in its "Man and the Biosphere" program, UNFPA, which is becoming the central UN agency in the population field, and the Economic and Social Council's Advisory Committee on the Application of Science and Technology to Development (ACASTD), which has developed a broad interest in the population problem as it relates to developing countries.<sup>26</sup> Whichever body is chosen, the goal should be to recommend a UN research program capable of providing the information needed for developing a UN policy concerning the potential impact on the environment of population composition, distribution and growth rates, and of total population size in relation to levels and forms of production and consumption, and the use of natural resources.

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26. See the report entitled *Human Fertility and National Development: A Challenge to Science and Technology*, UN Sales No. E.71.II.A.12 (1971), prepared at ACASTD's direction, and note 19 of Chapter 9. ACASTD's terms of reference are contained in ECOSOC Res. 980 (XXXVI), which states among ACASTD's functions "(a) To keep under review progress in the application of science and technology, and propose to the Council practical measures for such application for the benefit of the less developed areas;" and "(c) To consider specific questions referred to it by the Council, or by the Secretary-General, or by the executive heads of the specialized agencies." 36 ESCOR Supp. 1, pp. 10, 11 (E/3816)(1963). ACASTD is thus directed towards the problems of developing countries, but a broader study of the environmental aspects of the population problem requested by the Economic and Social Council might fit within ACASTD's terms of reference.

## Chapter 9

### POPULATION RESEARCH

From the number of unanswered questions raised in the preceding chapters, it is apparent that the need for research dominates most areas of the population field. Whether the subject is the proper scope of the family planning right, or the impact on fertility of various laws or government policies, or the reciprocal relationships between population growth and economic development, there is rarely a question that can be satisfactorily answered on the basis of existing research findings. It is also apparent that the needed research would involve both a large number of traditionally separate disciplines and varying combinations of local, national, regional and global research designs. The range is illustrated by the question of voluntary abortion: To what extent is there a "human right" to terminate unwanted pregnancies? What effect would relaxed abortion laws have on population growth rates? How might attitudes towards abortion be changed? At what stage and by what techniques should abortions be performed? Answers to these and other questions must be found by national and international officials urgently concerned with formulating policy and taking action in this, as in many other areas of the population field.

Population research needs are briefly reviewed in this chapter in order to raise one basic question relevant to any discussion of the capacity of the UN system in the population field: What role should the United Nations play in organizing, conducting and co-ordinating population research?

#### *Population Research in the UN System*

UN agencies that are active in the population field are necessarily involved to some degree in population research related to their areas of interest. The population research activities of WHO, UNESCO, ILO, FAO and the regional economic commissions, especially ECAFE and ECA, are included in the discussion of the mandates and programs of

these agencies in Part Two below.<sup>1</sup> Some examples are mentioned here only to indicate the scope of UN agency research.

The population studies program of the Population Division of the UN Secretariat covers five priority areas selected by the Population Commission and endorsed by the Economic and Social Council and the General Assembly:

1. Fertility and Family Planning Studies
2. Mortality Studies
3. Migration and Urbanization
4. Demographic Aspects of Economic and Social Development
5. Demographic Estimates and Projections.<sup>2</sup>

Some examples of high priority studies included in the Population Division's research program for 1972-1976 as approved by the Population Commission in 1971 are described in the paragraphs that follow.

The focus in the fertility area has been to "broaden knowledge of fertility levels and trends and factors affecting them, particularly in the developing countries." Studies will attempt to identify "regions and population subgroups with high fertility and the particular features of their fertility patterns, and relate these features to the characteristics of the family in each region and subgroup, as well as to variations in the economic and social structural context."<sup>3</sup>

As to family planning, studies will examine the impact of national family planning programs on fertility, including the demographic, social, economic and psychological factors involved. Studies are also planned of "the demographic, social and psychological effects of abortion, and of the place of abortion in the population policies of various countries."<sup>4</sup>

In co-operation with WHO, the Population Division is studying the levels and trends of infant and childhood mortality. A high priority is given to this study "in view of the heavy toll exacted in infancy and early childhood, particularly in the developing countries, and the tendency of

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1. See the discussion of ECAFE and ECA programs in Chapter 17 and the discussion of FAO, ILO and UNESCO programs in Chapters 13, 14 and 15. See also UN Docs. E/CN.9/233/Add. 1-3 (1969), and E/CN.9/253, 254 and 259 (1971), for reports to the Population Commission in 1969 and 1971 covering the research and training activities of the three United Nations regional demographic research and training institutes, that is, the Cairo Demographic Centre, the Latin American Demographic Centre at Santiago, Chile (CELADE), and the International Institute for Population Studies at Chembur, India.

2. Population Commission, Report of the 16th Session, 1971, 52 ESCOR Supp. 3, para. 140, pp. 33-34 (E/5090)(E/CN.9/263)(1972).

3. *Id.*, at para. 141, p. 34.

4. *Id.*, at paras. 142-44, pp. 34-35.

comparatively high levels of infant mortality to remain unchanged in some developing countries.”<sup>5</sup>

Other studies underway or shortly to be begun include studies of the interrelationships between urbanization and economic and social development; the volume and structure of international migration; the interrelation between population growth and economic development; and, in collaboration with ILO, a study of labor force trends and demographic and economic change.<sup>6</sup>

Studies of the kind just mentioned are urgently needed to provide the data required for demographic and development planning. UNFPA has pointed out that inadequate understanding of the interrelationships of population trends and economic and social development is a main reason for the failure of governments to pay due regard to population factors in development planning. One example given by UNFPA follows:

[W]hat are the effects, if any, upon fertility, mortality and internal migration of improved levels of health, literacy, industrialization, urbanization and improvements in agricultural productivity—in particular the so-called “green revolution?” Adequate knowledge of the interplay of such factors is crucially important in the formulation of effective population policies.<sup>7</sup>

### *Medical and Biomedical Research*

Research questions relating to health, human reproduction, contraception and health services fall within the research program of the World Health Organization. The WHO research area, defined as including “reproductive health and disease, family planning, and the health aspects of population dynamics,” covers the following subjects:

- (i) the regulation of reproduction through methods and procedures for the control of fertility and the treatment of sterility.
- (ii) problems of reproductive health and disease as they relate to such phenomena as menstruation, lactation, abortion and growth and development.
- (iii) the physiology, biochemistry, pharmacology, and pathology of reproductive processes as they relate to medical and public health problems.

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5. *Id.*, at paras. 145–49, pp. 35–36.

6. *Id.*, at paras. 150–55, pp. 36–38. The project concerning the interrelationship between urbanization (internal migration) and economic and social development was considered in the Population Commission “to be so close to a project already under way in IUSSP that it might well be handled by that non-governmental organization.” *Id.*, at para. 115, p. 29.

7. UN Doc. UNFPA/PCC/IV/4, paras. 65–67, p. 30 (1972). UNFPA considered that “Investigation should be directed towards identifying the main determinants of human reproductive behaviour and family building patterns and towards establishing the circumstances in which a decline in fertility may be expected and, in particular, what combination of economic and social changes would be most conducive to bringing about motivation for family limitation.” *Id.*, at para. 68, p. 31.

- (iv) family planning practices and services for family planning care.
- (v) the general system of health care as it affects reproduction, including family planning.
- (vi) the interaction of health, health services, and population dynamics.
- (vii) health behaviour—as it applies to reproduction, including family planning.<sup>8</sup>

A major and urgent requirement is the development of improved contraceptive methods, methods that are fully effective, inexpensive, safe, acceptable and easy-to-use. UNFPA calls it essential that new contraceptive techniques “be tested in developing countries under various local conditions, and the results evaluated from the point of view of their effectiveness, their possible side effects and their acceptability” to the populations in these countries.<sup>9</sup>

### *The Lyon Review of Population Research*

The state of research in most areas of the population field was reviewed at Lyon in 1971 by a UN Expert Working Group on Population Research in National Institutions.<sup>10</sup> The Lyon Working Group dealt with all major subjects with the exception of medical and biomedical or scientific research related to health, human reproduction, contraception and health services.

The major finding of the Lyon Working Group was that there is a serious lack of knowledge and of basic data in many countries on important aspects of the population question. The Group concluded that there is an urgent need to develop knowledge on “the demographic situation, trends and prospects in each country, treating principal aspects of population distribution, structure and growth, fertility, mortality and migration, and giving attention to regional variations within each country.”<sup>11</sup>

To provide for the development of the basic data recommended by the

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8. 1971 WHO Report to the Population Commission, “WHO assistance to Health Aspects of Human Reproduction, Family Planning and Population Dynamics,” UN Doc. E/CN.9/258, pp. 7–8 (1971). See also the UNICEF-WHO Review, cited in note 39 of Chapter 11, at pp. 21–23 and Annex.

9. UN Doc. UNFPA/PCC/IV/4, para. 138, pp. 51–52 (1972). UNFPA states that it will “provide financial support for expanding research activities in the developing countries themselves, for co-ordinating such research activities at the international level, for promoting wider application of research finding in action programmes, and for training of research workers from these countries.” *Id.*, at para. 139, p. 52.

10. Report of the United Nations Expert Working Group on Population Research in National Institutions, UN Doc. E/CN.9/242 (1971), hereinafter cited as Lyon Working Group Report.

11. *Id.*, at para. 123, p. 39.

Lyon Working Group for each country, and to provide a basis for meaningful comparisons of the data acquired for various countries, the Working Group recommended that consideration be given to the preparation of a series of monographs, or country studies, covering a large number of countries having differing political, social, economic and cultural characteristics in different parts of the world. The Working Group recommended that each monograph follow a "common pattern of topical coverage and analytical design," with only those variations that may be required by differences in demographic situations and the scope of available data.<sup>12</sup>

In addition to recommending the basic parallel country studies, the Lyon Working Group compiled a list of basic studies needed in the population field and recommended that research institutions examine the list in selecting a focus for their research efforts in the period leading to World Population Year, 1974. In each case, the Working Group recommended that special consideration should be given in the design of such studies to the possibility "of heightening the value of findings by comparative analysis of phenomena and relationships in varied cultural, political, economic and demographic settings." The Working Group noted that comparative analyses "might require the replication of studies with a common design in several countries. . . to be carried out co-operatively by institutions in the countries concerned."<sup>13</sup>

The Lyon Working Group's list of basic research studies needed in the population field covers six main areas: (a) demographic and economic

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12. *Id.*, at para. 128, pp. 39-40. The Lyon Working Group was informed that "for the purposes of the World Population Conference, 1974, the United Nations organizations were preparing a comparative analysis of principal characteristics of population in various regional groupings of countries," and the Working Group recommended that the UN Secretariat consider adopting a common pattern for the comparative regional studies, that might become a model for the country monographs recommended by the Working Group. *Id.*, at para. 127, p. 39, and para. 128, pp. 39, 40.

13. *Id.*, at paras. 130-32, pp. 40-43. Para. 132, p. 43 is quoted. The Lyon Working Group's list of suggested population research areas, *id.*, at para. 130, pp. 40-42, was compiled on the basis of the following criteria, *id.*, at para. 129, p. 40:

- (a) Areas which have not received sufficient attention because work in them did not fit into the programmes of national institutions or because it called for studies of international scope which could not easily be carried out by national institutions working alone;
- (b) Those in which the questions for study were complex and findings might have far-reaching implications;
- (c) Those which were difficult to approach because of ideological or other sensitivities, but which could not be overlooked;
- (d) Those which required long-range views to the future; [and]
- (e) Those which offer the possibility of findings of major importance being obtained during the period of World Population Year activities.

relationships; (b) determinants of fertility and action programs to influence fertility; (c) demographic aspects of urbanization and internal migration; (d) population and the quality of the environment; (e) mortality, health and morbidity; and (f) international migration.<sup>14</sup> The list includes studies of the interrelationships between population growth rates and economic development, the motivations and behaviour of individuals relevant to fertility, the influence of law and government action in social and economic fields on fertility, and the relationships between population trends and the quality of the environment.

### *Co-ordination of Population Research*

Considering the volume of research undertaken by UN agencies in the population field, and the wide variety of subjects upon which research is conducted, it is apparent that there is a need for close co-operation among UN agencies and co-ordination of their population research programs. Considering also the degree to which national population research institutions are engaged in research of a similar character, and the benefits to

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14. The Lyon Working Group's list, *id.*, at para. 130, pp. 40-42, includes the following suggested areas for study in the population field:

(a) *Demographic and economic interrelations*

- (i) Specific linkages in the complex of economic-demographic interrelations, involved in the development of macromodels of population and economy;
- (ii) Responses to pressures generated by high or rising rates of natural increase in rural populations, especially in developing countries;
- (iii) Economic implications of low rates of population growth;
- (iv) Population as a resource for development and contributions to economic growth of investments in human capital;

(b) *Determinants of fertility and action programmes to influence it*

- (i) Motivations and rationales of behaviour of individuals relevant to fertility;
- (ii) Influences of government actions and laws in social and economic fields upon fertility;
- (iii) Influences of mortality levels and trends upon fertility;
- (iv) Efficiency of alternative ways of organizing and administering programmes of action to effect changes in fertility;
- (v) Evaluation of the impact of such programmes; . . .

(d) *Population and quality of the environment*

- (i) Population trends and quality of the environment;
- (ii) The development of models for integrated projections of aspects of the quality of the environment;
- (iii) Study of relations between population-policy measures and over-all policies to improve the quality of the environment;
- (iv) Studies of qualitative factors in the environment affecting morbidity, mortality and fecundity;

be derived from conducting certain types of research along substantially parallel lines in different countries, the co-ordination arrangements established for UN agency research programs should extend to the research programs of major national governmental and non-governmental research institutions.

Co-ordination of UN agency, governmental and non-governmental research in the population field would have three aspects. First, co-ordination is necessary to direct the flow of research funds and energies towards the most pressing problems and towards the institutions most capable of contributing to the solution of those problems. Second, co-ordination is necessary to stimulate the development of the parallel or "replicated" research designs that can be expected to yield results that could serve as the basis for comparative studies, where this technique appears likely to be of value. Third, co-ordination is necessary to bring about a more reliable and effective distribution of the results of research and of information concerning research planned or in progress, so that duplication will be avoided and research findings more fully used.

#### *Co-ordination of Medical and Biomedical Research*

The one area of population research that appears to enjoy adequate co-ordination of the work of all major research organizations, including international agencies and national governmental and non-governmental institutions, is the area of scientific and medical research within the field covered by the WHO population research program referred to above. WHO achieves co-ordination of population research in terms of research priorities and, where appropriate, common research designs, within its area of interest in the following two ways:

- (a) by co-ordinating collaborative research activities performed by various investigators in different institutions on a given subject, and
- (b) by co-ordinating the research promotion efforts of various medical research councils and agencies.<sup>15</sup>

WHO co-ordination thus satisfies the first two requirements described above. First, promotion and funding of medical research is carried out in

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(e) *Mortality, health and morbidity*

(i) Principal aspects of mortality (levels, trends, and differentials) viewed in relation to the economic, social, cultural and health-technological factors involved;

(ii) The problem of allocating resources to action in various fields of economic and social development in view of effects on mortality; [and]

(iii) Problems in the development of health and morbidity statistics.

15. 1971 WHO Report to the Population Commission, *supra* note 8, at para. vii, p. 9.

a framework that enables major agencies to know what others are doing, and to design their research interests accordingly. Second, investigators engaged in collaborative and parallel or “replicated” studies can have the benefit of a central mechanism for the co-ordination of their work.

The third requirement, that of a clearing-house for the results of research, is provided to some extent through WHO publications, but relies for the most part on existing external reference or bibliographic services. With regard to local or national activities that fall to some extent outside the traditional area of medical research, such as field trials of contraceptive techniques, it may be necessary to add to existing clearing-house resources. One solution would be to bring such research into any new clearing-house facility that might be established for population research generally, even if purely medical research is not included.

### *Research Priorities and Common Research Designs*

The basic functions of recommending research priorities and allocating projects or subjects among agencies and institutions, and of stimulating the use of common research designs, might be combined over the whole field of population research as they are in the field of medical and biomedical research. Co-ordination at this level could only be accomplished through agreement among all interested organizations establishing an agency or an institution as the focal point for population research co-ordination.

In this context, though speaking of population research in national institutions, the Lyon Working Group noted that the research programs of national institutions were frequently shaped by the interests of their financial supporters rather than by the research needs that the research institutions found to exist. The Working Group recommended that the United Nations Fund for Population Activities (UNFPA), which has shown an active interest in supporting population research, “should take the initiative in making arrangements for regular consultation and efficient co-ordination between grant-giving organizations at the national level.”<sup>16</sup> The Lyon Working Group also recommended that the UN Secretariat explore with the International Union for the Scientific Study of Population (IUSSP) the “utility and means of establishing an organizational arrangement of population research institutions.”<sup>17</sup>

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16. Lyon Working Group Report, *supra* note 10, at paras. 82–83, p. 25.

17. *Id.*, at para. 152, p. 49. The Lyon Working Group noted that the organizational arrangement for co-ordination of activities of national population research institutions “need not be entirely new; it could make use of existing facilities, such as those of the regional economic commissions of the United Nations, the regional

The population research activities of the UN Specialized Agencies are considered on a regular basis by the Subcommittee on Population of the Administrative Committee on Co-ordination (ACC), along with the Subcommittee's continuing review of population training programs, technical assistance, demographic projections and the future work plans of the Specialized Agencies. This review, although a valuable means of co-ordination of the work of UN agencies, does not extend to the work of national governmental and non-governmental population research institutions.<sup>18</sup>

The proposals of the Lyon Working Group, referred to above, are naturally limited to the question considered by the Working Group, that is, population research in national institutions. The population research co-ordination work of the ACC Subcommittee on Population, on the other hand, is limited to the programs of UN agencies. There is at present no institution capable of carrying out co-ordination functions with regard to the population research programs of all agencies and institutions.<sup>19</sup>

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centres for demographic training and research, the International Union for the Scientific Study of Population, national associations of demographers, facilities of national research institutions and the like." *Ibid.*

18. See the discussion of co-ordination of UN agency population programs in Chapter 18.

19. Research priorities in areas of the population field that have a "high scientific and technological component" are presently being reviewed by the ECOSOC Advisory Committee on the Application of Science and Technology to Development (ACASTD). ACASTD, 7th Report, 49 ESCOR Supp. 9, paras. 28-32, pp. 9-10 (E 4780)(1970). ACASTD considered, *id.*, at para. 31, p. 10, that it could make a meaningful contribution to consideration of population questions by examining matters:

- (a) That had a high scientific and technological component wherein gaps in activities in the United Nations family seemed to present themselves;
- (b) That revealed a certain amount of deficiency in data or effort; [and]
- (c) That seemed to require more effective dissemination of information geared to policy-makers.

ACASTD invited UN agencies "to submit biennial progress reports covering their activities in the application of science and technology in the field of population." *Id.*, at para. 32, p. 10. The reports should include the following subjects:

- (1) Population statistics and demographic analysis;
- (2) Knowledge of social, economic, cultural and population dynamics relevant to population and policies;
- (3) Knowledge relevant to biological and health aspects of reproduction and fertility control;
- (4) Motivation, communication, educational aspects and related studies; [and]
- (5) Studies on organizational and logistic aspects of family planning programmes in specific countries.

On the basis of the biennial progress reports, ACASTD intends to prepare a special report for the Economic and Social Council containing "an indication of priority

The Lyon Working Group's proposals may point the way to a means of satisfying the need for co-ordination of the population research activities of all international agencies and national institutions, however. As to national institutions, the Working Group recommended regular consultation between national grant-making institutions to co-ordinate their research support programs, and the establishment of an institutional means of regular contacts among national population research bodies. Extending the Lyon Working Group's proposals to the whole field of population research, co-ordination might be accomplished in two ways: first, through the establishment of a small standing expert committee that could keep population research priorities and programs under constant review; and, second, through the convening at regular intervals of a specialized conference of population research agencies and institutions at which research priorities, programs and results could be reviewed on a regular basis.

The proposed expert committee on population research priorities might be established as a collaborative project of the Population Division of the UN Secretariat, UNFPA and IUSSP. The Committee might also include representatives of the UN Specialized Agencies and regional economic commissions most active in the field of population research. It would have no authority to decide upon research priorities, but the committee's recommendations are likely to be influential in determinations by each agency and institution of its future programs of population research. The committee might also serve as a focal point for co-ordination of comparative research on population questions through parallel national or regional studies having common research designs.

The proposed committee might convene a conference of population research agencies and institutions at suitable intervals at which all research organizations might report on their activities and participate in the development of general policy recommendations concerning the scope and direction of future population research. The proposed conference of population research agencies and institutions, in common with the proposed expert committee on population research priorities, would have no authority to take decisions on population research programs and priorities, but it could become an effective vehicle for exchanges of views and co-ordination of population research.

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areas for research as well as judgements about future work that might be stimulated within the United Nations family." ACASTD, 8th Report, 51 ESCOR Supp. 10, para. 30, p. 9 (E/4970)(1971).

## *A Clearing-House for Population Research*

The final requirement for effective co-ordination of population research is a reliable means for distributing research results and information concerning research planned or in progress. This function could be accomplished through the establishment of an "international inventory or register of population research projects" covering research planned or in progress at all agencies and institutions, and an "international documentation centre" or clearing-house for population research to which all agencies and institutions would send all their publications and reports of research findings. Both proposals were suggested by the UN Expert Working Group on Population Research in National Institutions as activities that might be undertaken by the United Nations Secretariat.<sup>20</sup>

In establishing the new clearing-house facility, care would have to be taken to cover all fields relevant to population research and to include all agencies and institutions engaged in population research, whether governmental or non-governmental. Care would also be needed to avoid duplication of existing services, such as those in the medical area, that appear to be adequate to the needs of population research. For example, the clearing-house for the collection and publication of national population laws and regulations proposed earlier in this report,<sup>21</sup> could either be made part of the proposed population research clearing-house, or carried out in close co-operation with the new clearing-house. In either event, users of the proposed clearing-house would be able to avoid duplication in their work and to design their research to build upon the work of others.

Steps towards the establishment of a clearing-house for population research are being taken by CICRED, the Committee for International Co-ordination of National Research in Demography, established at Paris as a result of the Lyon meeting of the UN Expert Working Group on Population Research in National Institutions. CICRED is compiling a world-wide register of population research projects that will cover much of the ground for which clearing-house services are needed.

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20. Lyon Working Group Report, *supra* note 10 at paras. 72-76, pp. 22-23. The Lyon Working Group noted that the inventory of population research projects "could probably be most efficiently prepared first at the regional level and then consolidated into an international document." *Id.*, at para. 72, p. 22. The Working Group therefore recommended, *id.*, at para. 73, p. 22, that:

each regional organization should be urged to start, as soon as possible, a continuing programme of inventorying ongoing but not yet published research projects in its region, plus those planned for the next three years. These inventories should be prepared in a uniform format, to facilitate the compilation of an international inventory by the United Nations Secretariat. . .

21. See Chapter 5.

## TRAINING FOR POPULATION PROGRAMS

The demand for trained personnel in all areas of the population field has naturally risen sharply as increasing numbers of governments endeavor to obtain more adequate data concerning the size, structure, distribution and growth rates of their populations, and begin to consider and to adopt population policies and programs aimed at moderating population growth rates. Trained personnel are needed over a wide range of specialized skills, including, for example, demographers, planners, administrators, social workers and medical and para-medical family planning workers. In United Nations experience, the most common request for UN technical assistance in population programs has been for assistance in the training of personnel to plan and to implement programs at many levels with many distinct forms of specialized knowledge.<sup>1</sup>

Considering the large variety of specialized skills needed in population programs, and the large number of workers needed in many types of population programs, there can be no single or uniform answer to the training problem. This chapter briefly describes the main population training programs currently operated by UN agencies, and reviews proposals for the establishment of a World Population Training Institute within the framework of the United Nations. An effort is then made to draw some distinctions as to the types of trained personnel likely to be required, and to make some suggestions as to the most fruitful means of increasing the supply of the needed personnel.

### *UN System Population Training Programs*

In response to the wide-spread need for trained personnel, the UN Population Commission adopted in its long-term program of work an "in-

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1. Report of the Secretary-General on United Nations Population Activities, UN Doc. E/CN.9/238, para. 48, p. 22 (1971). The Secretary-General reported that: "Of the 282 projects in which United Nations participation has been requested, 140 were concerned with training personnel in various fields, while other forms of assistance were requested simultaneously in the same projects." *Ibid.*

creased emphasis on training of national personnel needed to assume responsibility for national population programmes." The Commission included in its program the goal of establishing international training and research facilities "as a co-operative project of the United Nations and several of the specialized agencies" in order to "provide interdisciplinary training at a high level," and to "support research, particularly on population policy and family planning programmes."<sup>2</sup> The Commission called upon the United Nations "to double or, if possible, triple the number of national personnel who are trained in one or more of the aspects of population," and to give every assistance to developing countries in training the personnel required "to carry out the demographic research necessary for development planning."<sup>3</sup>

The Population Division of the UN Secretariat reported in 1971 that the following were among the steps that had been taken in response to the Population Commission's 1969 call for doubling or tripling the number of persons trained for service with national population programs:

- (a) a United Nations fellowship programme for population training was established, financed by a United Nations Fund for Population Activities block allocation of funds;
- (b) wider utilization of facilities, available at the Centro Latinoamericano de Demografia, the Cairo Demographic Centre and the International Institute for Population Studies at Bombay, India, was encouraged;
- (c) financial and technical support of short-term training courses—both regional and country-oriented was granted;
- (d) students were placed at established universities in the more developed countries, and
- (e) study tours for Government officials were organized.<sup>4</sup>

In considering the report by the Population Division, the Population Commission reiterated its concern at the continued shortage of trained personnel, and requested the Secretary-General to assign priority in UN

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2. Report of the 15th Session of the Population Commission, 48 ESCOR Supp. 3, paras. 140–44, p. 39–40 (1969). Para. 143, p. 39, is quoted.

3. *Id.*, at para. 171(a) and (b), pp. 44–45. The Population Commission also recommended that separate regional demographic training and research centres be established for English-speaking and for French-speaking countries in Africa south of the Sahara, and that the possibility of establishing additional demographic training and research facilities in Asia be explored. *Id.*, at para. 171(d), pp. 44, 45. The sub-regional demographic training and research centres for Africa have been approved by the Economic Commission for Africa, and negotiations are in progress for their establishment at Accra and at Yaoundé. See ECA Res. 230 (X), 1970–1971 ECA Annual Report, 51 ESCOR Supp. 5, p. 122 (E/4997)(E/CN.14/519) (1971), and Report of the 2nd Meeting of the ECA Technical Committee of Experts, UN Doc. E/CN.14/512/Rev.1, paras. 201–15, pp. 41–44 (1971).

4. UN Doc. E/CN.9/238, para. 52, pp. 23–24 (1971).

population programs to providing assistance for the training of personnel.<sup>5</sup>

In addition to the training programs carried out through the UN Population Division, major training programs are operated by the three UN regional demographic training and research centers, and by some of the Specialized Agencies and the regional economic commissions. The training programs operated by the Specialized Agencies and by the regional economic commissions are mentioned in the discussion in Part Two of the mandates and programs of these agencies.

### *The UN Regional Demographic Training and Research Centers*

The UN Fund for Population Activities has pointed out that the "lack of research facilities and the shortage of trained demographers and specialists in related fields represents a major obstacle to the conduct of studies needed for a better understanding of population dynamics and [needed] in the application of population research in economic and social planning."<sup>6</sup> UNFPA will therefore provide support to strengthen the capacity of the three UN regional demographic training and research centers at Santiago, Chile, at Chembur, India, and at Cairo, Egypt, and the two new centers to be established by the Economic Commission for Africa at Yaoundé, Cameroon, and at Accra, Ghana.

The Latin American Demographic Centre (CELADE), at Santiago, Chile, functioning as an autonomous agency under the aegis of the Economic Commission for Latin America,<sup>7</sup> provides basic, advanced and specialized courses in demography, and in other aspects of population programs. CELADE reported in 1971 that "the demand for training facilities in demography has expanded considerably," and that the new interest in population problems has led to a need to instruct "professionals and experts in the field of global or sectorial planning (health, education, housing, etc.), to be able to understand and to a certain extent use, population data and, in general, to conduct fruitful discussions with demographic and other experts in the field of population studies."<sup>8</sup>

The International Institute for Population Studies at Chembur, India, is sponsored by the United Nations and the Government of India as a

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5. Population Commission, Report of the 16th Session, 1971, 52 ESCOR Supp. 3, pp. 44-48, para. D(4)(c), p. 47. (E/5090)(E/CN.9/263)(1972).

6. UN Doc. UNFPA/PCC/IV/4, para. 81, p. 34 (1972).

7. See Chapter 17 at note 59 below.

8. 1971 CELADE Report to the Population Commission, UN Doc. E/CN.9/259, pp. 1-2 (1971). See also the 1969 CELADE Report to the Population Commission, UN Doc. E/CN.9/233/Add.1 (1969).

regional demographic training center for the countries of the ECAFE region. The Institute functions as an autonomous institution organized and registered under Indian municipal law.<sup>9</sup> It conducts regular training programs in demography and in "family planning communication action research," and special programs designed "to advance the demographic know-how of faculties in universities and institutions in India and abroad."<sup>10</sup>

The third of the three regional demographic training and research centers, the Cairo Demographic Centre, was established by agreement between the United Nations and the Government of the United Arab Republic to serve countries in Africa and in south-west Asia.<sup>11</sup> In addition to regular demographic training programs, the Centre prepares monographs on demographic problems of the countries of the region, and translates demographic textbooks and United Nations manuals into Arabic.<sup>12</sup>

### *Multidisciplinary Training for Population Programs*

One result of the Population Commission's 1969 review of the need for training in population programs was the establishment in 1970 of a joint United Nations/UNESCO WHO Mission to study the need for, and the feasibility of setting up, an international institute for multidisciplinary training and research in population policy and family planning.<sup>13</sup> The joint Mission, established by agreement between the participating agencies with financial support from the United Nations Fund for Population Activities (UNFPA), was given the following two major tasks:

- (a) To determine the needs for multidisciplinary training, research and dissemination of information in population fields in developing countries, particularly as concerns population policy and family planning programs, indicating their objectives and scope; [and]

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9. 1969 Report to the Population Commission, UN Doc. E/CN.9/233/Add.3, paras. 2-3, pp. 1-2 (1969).

10. *Id.*, at paras. 9-19, pp. 3-5. Para. 19, p. 5, is quoted. See also the 1971 Report to the Population Commission, UN Doc. E/CN.9/254 (1971).

11. 1971 Report to the Population Commission, UN Doc. E/CN.9/253, paras. 1-2, p. 1(1971). Iraq, Jordan and Syria are among the countries of "south-west Asia" participating in the work of the Cairo Demographic Centre. *Ibid.*

12. *Id.*, at para. 4, p. 2, and para. 9, pp. 5-6.

13. "The Feasibility of Establishing a World Population Institute," Report of a United Nations/UNESCO WHO Mission, UN Doc. ST/SOA/SER.R/12 (1971). The joint Mission was established by agreement between the agencies involved following discussion and general approval by the Administrative Committee on Co-ordination at its 50th Session in April 1970. *Id.*, at p. 1.

(b) To determine, after reviewing existing national and regional facilities for multidisciplinary training and research in population policy and family planning, the desirability and feasibility of establishing an international institute on that subject. . . .<sup>14</sup>

The joint United Nations/UNESCO/WHO Mission reviewed existing national and international training and research facilities, and consulted with the major suppliers of population training programs in the United Nations system during the fall of 1970. Its report was issued early in 1971.

The Mission found a "major weakness" in multidisciplinary training opportunities. Its report notes that many academic institutions "provide specific in-depth instruction on two aspects: demographic; and public health and medical," but that much remains to be learned as to "ways in which to foster an interdisciplinary approach" that would "develop a balanced and systematic curricula and methodology adapted to the needs of different kinds of professionals."<sup>15</sup> The report finds that there is an "even more serious weakness in the instruction provided by many educational institutions," in that they provide "[i]nadequate practical orientation, particularly in connexion with the planning and management of family planning programmes." The Mission found that courses at such institutions "often tend to remain too academic and fail to harness for the benefit of the trainees the body of empirical knowledge growing out of the actual operation of family planning programmes."<sup>16</sup>

Based on its review of existing national and international training and research facilities, the Mission found "major gaps" in two areas:

- (1) facilities for the orientation in population matters of top echelons of Governments and society. . . [and]
- (2) facilities for the professional preparation and periodical refresher opportunities for top administrators of family planning programmes.<sup>17</sup>

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14. *Id.*, at p. 1.

15. *Id.*, at p. 35.

16. *Ibid.* The Mission found that: "In the developing countries, training activities specifically designed for family planning programme personnel tend to be hastily improvised; they often have a narrow focus concerned with imparting specific skills, and at times the efforts to provide broader orientation are amateurish because of inadequate educational capability and experience." *Ibid.*

17. *Id.*, at p. 36. The Mission noted that: "Well-conceived and well-prepared arrangements for discussion by Governments and political leaders are highly desirable, not only to foster awareness and understanding of the interrelationships between population and development in places where they matter, but, where appropriate, to promote acceptance and initiation of population policy and programmes and to ensure the subsequent continuing commitment to and support of these policies and programmes." *Ibid.*

The Mission especially stressed the need to develop special training opportunities for administrators of family planning programs. The Mission's report states that:

When a new programme is launched, top administrators tend to be drawn from persons with public health, medical administration, clinical or, at times, general administration backgrounds. For such officials, observation tours of training centres and ongoing programmes abroad are useful, but such tours should form only part of a well-rounded balanced interdisciplinary orientation in organization, management, information, extension education, mass communications, supplies and services.<sup>18</sup>

The joint Mission's report recommends the establishment of a "World Population Institute" with broad objectives both as to training and as to research in the population field. The Institute's chief goal would be to foster a "multidisciplinary approach to the comprehension and solution of problems in the field of population."<sup>19</sup>

The proposed World Population Institute's program of work would embrace training and research and the collection, analysis and dissemination of information on population questions, to be undertaken by a broad multidisciplinary staff. The Mission's report suggests that the Institute's staff should include "experts in all major disciplines related to population dynamics, such as economics, demography, statistics, public health and reproductive biology, social science, anthropology, education, mass communications and public administration." The staff would devote its efforts "to studying the various aspects in the formulation of a population policy and to evolving and testing in the field a multidisciplinary methodology in research and training for population programmes."<sup>20</sup>

#### *A UN World Population Training Institute*

Following a review of the joint Mission's proposals by an *Ad Hoc* Inter-Agency Working Group consisting of representatives of UNDP, UNITAR, UNICEF, ILO, FAO, UNESCO, WHO and the World Bank, a report issued by the Secretary-General generally approved of the earlier joint Mission's report, but shifted the focus slightly. The Secretary-General proposed the establishment of a "United Nations World Population Training Institute," in contrast to the "World Population Institute" that had been proposed by the joint Mission.<sup>21</sup>

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18. *Ibid.* See also the passage quoted in note 17 above.

19. *Id.*, at p. 40.

20. *Id.*, at pp. 41-42.

21. Report by the Secretary-General on Proposals for establishing a World Population Training Institute, UN Doc. E/CN.9/262 (1971).

The Secretary-General's report bases its recommendation on a recognition that the development of population policies and family planning programs calls for "a new expertise which goes beyond traditional approaches through which individual professions deal with individual aspects of population change." The report states that "a functional integration of the relevant disciplines" is required to bring about the essential "inter-disciplinary approach to population problems and consequently, to population policies and programmes."<sup>22</sup>

The United Nations World Population Training Institute recommended by the Secretary-General's report "would be concerned with the provision and promotion of interdisciplinary training and such supportive research as might be appropriate to assist in the expansion of adequately trained national and international personnel" needed to implement family planning and other population programs. The proposed Institute's objectives would be as follows:

- (a) To undertake to develop and foster interdisciplinary training needed for a better comprehension of factors underlying population changes and their implications, and in the development and implementation of population policies within the broad context of economic and social development;
- (b) To provide and promote interdisciplinary training needed for those with leadership and senior-level responsibilities in population and family planning programmes, and thereby support or supplement the capacities of regional and national training institutions and programmes;
- (c) The institute would also provide interdisciplinary training and orientation for the staff of the United Nations and the specialized agencies;
- (d) To promote and assist in research which is related to its interdisciplinary training functions; [and]
- (e) To advise and assist regional and national training institutions in developing an approach to training programmes and curricula, upon request, and within its capacity.<sup>23</sup>

The proposed Institute's research functions were thus limited by the Secretary-General's report to "supportive research" related to the training function. Examples include developing and testing curricula and teaching materials, assembling and synthesizing studies as required for the training program, and utilizing field studies "to provide insights into the basic interdisciplinary relationships required for training purposes."<sup>24</sup>

### *The Training of "Trainers"*

The proposed Institute's training programs "would be directed to persons who would also be able to find immediate application for their training

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22. *Id.*, at para. 9, p. 4.

23. *Id.*, at paras. 13-14, pp. 5-6.

24. *Id.*, at para. 23, p. 9.

and who would also be able to produce a multiplier effect by imparting the outlook and skills acquired by them to others.”<sup>25</sup> The Institute would have expert staff in many of the disciplines involved, but would “wherever possible, rely on the collaboration of non-governmental organizations active in population fields, [and] of universities and other learned bodies to supply their expertise and experience.”<sup>26</sup> The aim of the Institute would be “to provide adequate facilities for training personnel to meet present and future needs at the international, regional and national levels, employing for this purpose the principle of training ‘trainers’ who could then multiply the impact of the institute by re-imparting the training at other levels.”<sup>27</sup>

In directing its attention to the training of “trainers,” the proposed Institute would only indirectly aid in increasing the supply of the personnel needed for national population programs. The joint Mission’s report had adopted the same focus, defining its broad aim as accelerating “the multiplier process” by increasing the capability of the international system to “train trainers.” The joint Mission’s report recognized that:

National family planning programmes, particularly in countries where most of the people live in rural areas, need very large numbers of personnel, who require special training at all levels. Most of this training can only be usefully given in the countries themselves.<sup>28</sup>

As proposed by the joint Mission, the Institute would help to train “senior programme officers, the trainers of trainers needed to man additional training centres, and a variety of specialists who might need to be brought up-to-date.” The Mission’s report acknowledged, however, that even much of this assistance might be given at the regional or national level, with the proposed Institute “assisting by boosting existing facilities.”<sup>29</sup> As proposed by the Secretary-General, the Institute would be authorized to lend its staff to regional and national training institutions for short-term courses, but it would function chiefly at the world level through programs conducted at its central facility.

With the program of the proposed Institute concentrated on high level interdisciplinary training of senior officials to be conducted at the world level, the main burden of providing more basic training for the large numbers of operating level officials needed in national family planning programs would continue to fall on the regional, sub-regional and national

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25. *Id.*, at para. 19, p. 7.

26. *Id.*, at para. 16, pp. 6, 7.

27. *Ibid.*

28. Report of the United Nations/UNESCO/WHO Mission, *supra* note 13, at p. 11.

29. *Ibid.*

institutions presently engaged in this work. Although potentially of great value in the longer run, the proposed Institute would therefore not be expected to have very much impact for the immediate future.

### *Unanswered Questions*

A more basic question relating to the proposed Institute, however, concerns the degree to which the interdisciplinary method envisaged for the Institute can be effective in accomplishing the results sought from the Institute's high level training programs. Both the joint Mission report and the Secretary-General's report refer to the interdisciplinary method in broad general terms, leaving to the proposed Institute the task of giving specific content to the concept in terms of curricula for the training programs that are to be undertaken on an interdisciplinary basis.

In addition to the difficulty of articulating content and method for the interdisciplinary approach to be used by the proposed Institute, substantial questions exist as to the extent and nature of the need for training itself, and the relationship that the Institute would have to existing training facilities. The Secretary-General's report states that in its initial stages, the proposed Institute would be required "to make a thorough study of the needs for training of individual categories of personnel, of appropriate methods and techniques, of means for the interdisciplinary exposure, and of the relations with regional and national training facilities."<sup>30</sup>

During the discussion of the Secretary-General's proposals at the 1971 meeting of the Population Commission, several members expressed the view that further development of the proposals was needed before they could be considered for adoption. These members felt that more information was needed about "the actual contents of the training envisaged; the kind of trainees that [the Institute] would cater to; the relationships with existing national and regional training institutes; and the problem of which languages would be used in the proposed institute."<sup>31</sup>

The Population Commission therefore made no recommendation concerning the Secretary-General's proposal, but requested the Secretary-General to establish a committee "to study the matter further and to develop a programme for interdisciplinary training in population matters, including the expansion of the training programmes of existing regional and national institutions."<sup>32</sup> It was further recommended that "an ex-

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30. Report by the Secretary-General on Proposals for establishing a World Population Training Institute, UN Doc. E/CN.9/262, para. 21, p. 8 (1971).

31. Population Commission, Report of the 16th Session, 1971, 52 ESCOR Supp. 3, para. 173, p. 42 (E/5090)(E/CN.9/263)(1972).

32. *Id.*, at para. 176, p. 42. The committee is to be established in consultation with the UN agencies concerned.

perimental, high-level programme of training should be initiated as soon as possible, and that the experience gained should be taken into account by the proposed committee when making its recommendations."<sup>33</sup>

In view of the unanswered questions concerning both the multidisciplinary approach to training and the proposed UN World Population Training Institute, the Population Commission reached the right result in asking that the matter be more thoroughly explored before the launching of such an institute. In making its study, the Secretary-General's committee should explore the questions identified in the Secretary-General's report and during the discussion in the Population Commission. It should also experiment with the multidisciplinary method through demonstration training programs that attempt to apply the method to the training of population program personnel in a variety of contexts and at a number of levels.

### *A Systematic Approach to Training for Population Programs*

One of the chief problems in the area of training for population programs has been to analyze and to measure the need for skilled personnel in all of the aspects of the program that might be adopted in any given country. The UN system has supported training in such major essential specialities as demography and public health, for example, but it has yet to explore systematically the entire field. An effort must be made to find out just what skills will be needed at what time and in what parts of the world. A prerequisite for UN planning of assistance to population training programs should be a systematic survey of population program needs in terms of the types of workers expected to be needed in each country and the period during which they will be needed.

A survey of the kind suggested would necessarily be an ongoing task in view of the rapid change to be expected in the nature and scope of population programs. It might be conducted and regularly updated through

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33. *Id.*, at para. 177, p. 42. The Administrative Committee on Co-ordination recommended in 1972 that a high-level official be appointed to direct the "experimental high-level programme of multidisciplinary training," with the development of the program being guided by the ACC's Sub-Committee on Population in preference to the establishment of a new committee. Annual Report of the ACC for 1971-1972, UN Doc. E/5133, para. 122, p. 34 (1972). The proposed direction of the experimental program by the ACC's Sub-Committee was criticized by one member of the Population Commission, who proposed that the Executive Director of UNFPA chair a new committee on high-level training that would develop an actual project to be carried out by UNFPA. Population Commission, Report of the 1972 Special Session, 53 ESCOR Supp. 12, para. 79, p. 12 (E/5212) (E/CN.9/270)(1972). No decision was taken at the 1972 Commission session.

a committee that brings together representatives of UN agencies and of non-governmental organizations substantially involved in population training programs, including, for example, the Population Division, UNFPA, WHO, UNESCO, ILO, FAO, and the regional economic commissions. The task might, for example, be accomplished through the Inter-Agency Consultative Committee of UNFPA, or a sub-committee of that body, structured to have the appropriate membership.

With a better understanding of the skills and the numbers of trained persons likely to be needed in population programs as they are expected to be developed over the next decade, the committee would be able to make an informed judgment as to the types, and the locations, of training programs that ought to receive UN support. The committee could then give its attention to systematic planning of means to supply the required training, including the need to train "trainers" for ultimate use in training field personnel.

In terms of broad functional categories, the personnel needed in population programs might fall into four groups: top-level administrators, highly skilled technical experts, middle-level administrators, and field personnel. Different skills, and different degrees of skill, will be required in each group depending upon the nature and content of the particular population program.

It seems clear that in terms of numbers, the greatest need will be for relatively low-skilled field workers in large-scale family planning programs. Since these workers will have to understand both the language and the culture of the people with whom they are to work, it also seems clear that they must be recruited and trained locally, and that the training function should be carried out by the family planning program with which they are to work. The chief role of UN agencies in such programs may therefore be to supply, or to train, the trainers of the field personnel.

As to middle-level administrators, the skills required will vary greatly depending on the nature of the program, but it seems likely that such personnel should also be recruited and trained locally as part of the population program with which they will work. The UN role may therefore again be to supply, or to train, personnel to work with national population programs as trainers of middle-level administrators.

Turning to the question of training the "trainers", it seems likely that in most cases this function could be carried out on a regional, or at least a sub-regional, basis. The precedent of the regional demographic training and research centers may be useful in this regard. Where the numbers involved are large enough, and the skills required are not particularized in terms of a specific country program, it may make sense to train "trainers" at centers operated for this purpose within the framework of the regional economic commissions. Depending upon the skills required,

such centers might be jointly operated with universities or with university departments, thus ensuring an adequate flow both of persons with academic backgrounds and of persons with practical knowledge gained through experience in the field.

Beyond this point, the numbers of the personnel likely to be required decrease, and the degrees and diversity of the skills needed increase. There may therefore be no single pattern that can be followed in increasing the supply of highly-skilled technical personnel and of top-level administrators. To some extent, reliance will have to be placed upon the normal channels of education and training in universities, perhaps stimulated by grant programs in areas of special need. In addition, more specialized short-term training programs, or conferences, might be organized through the UN system to bring personnel at this level into contact with each other to exchange experiences and to meet with UN agency officials and outside experts to discuss common problems. Meetings of this character would function best in many cases at the regional level, where there is likely to be more of a common basis for an exchange of views and experience than would be true at the global level.

## Part Two

### THE MANDATES AND PROGRAMS OF UN AGENCIES

The foregoing review of the legal basis for United Nations action in the field of population has considered the legal capacity of the United Nations system as a whole, taken chiefly in terms of the provisions of the United Nations Charter and concepts of customary international law. The conclusions reached therefore apply to the United Nations system as a whole, and every conclusion does not necessarily apply to each one of the system's constituent parts. It is therefore relevant to ask whether the general legal authority of the United Nations system extends to, and has been adequately utilized by, each of the most significant constituent parts of the United Nations system.

Policy direction for the United Nations system in the population field emanates from the Economic and Social Council and the General Assembly, whose resolutions have been reviewed in Part One of this report. Many of these resolutions define or relate directly to the population activities of subsidiary bodies, chiefly the ECOSOC Population Commission and the Population Division of the UN Secretariat Department of Economic and Social Affairs. In addition, the provisions of the United Nations Charter and the policy decisions of the Economic and Social Council and the General Assembly define the field of action for other subsidiary agencies, including the United Nations Development Programme (UNDP) and, through UNDP administration, the United Nations Fund for Population Activities (UNFPA); the United Nations Industrial Development Organization (UNIDO); the four regional economic commissions, that is, the Economic Commission for Africa (ECA), the Economic Commission for Asia and the Far East (ECAFE), the Economic Commission for Europe (ECE) and the Economic Commission for Latin America (ECLA), and the UN Economic and Social Office in Beirut (UNESOB); the United Nations Children's Fund (UNICEF); and other specialized bodies of the Economic and Social Council, including the Commission on the Status of Women, the Statistical Commission and the Advisory Committee on the Application of Science and Technology to Development (ACASTD).

Policy direction for the population activities of the United Nations Specialized Agencies, on the other hand, emanates from the policy-making

bodies of the Specialized Agencies functioning within the frameworks established by their separate constitutions. Five Specialized Agencies are active in the population field: the World Health Organization (WHO); the Food and Agriculture Organization (FAO); the International Labour Organization (ILO); the United Nations Educational, Scientific and Cultural Organization (UNESCO); and the International Bank for Reconstruction and Development (World Bank). As to each of these agencies, it is important to consider its mandate for action in the population field and the development of that mandate through decisions of the policy-making bodies of the agency concerned.

This part reviews the mandates and programs in the population field of the five Specialized Agencies and of UNICEF and the regional economic commissions. The latter agencies are governed by the general legal considerations relating to the UN system as a whole, discussed in Part One, but are included here because of their significance in the context of United Nations population activities and, in the case of UNICEF, special factors relating to the competence of UNICEF to function in the population field.

WORLD HEALTH ORGANIZATION (WHO)

The Constitution of the World Health Organization,<sup>1</sup> adopted in 1946, incorporates in its preamble the widest possible definition of "health" as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." Article 1 states that the objective of WHO "shall be the attainment by all peoples of the highest possible level of health" and Article 2 lists among the functions of WHO in achieving its objective, assisting governments in strengthening health services, promoting maternal and child health, and fostering "the ability to live harmoniously in a changing total environment."<sup>2</sup>

*Developing the WHO Mandate*

Despite the breadth of the basic WHO constitutional provisions, early efforts to involve the organization in the "health aspects of the population problem", or even in the "medical and socio-medical aspects" of the problem, sharply divided the membership and were abandoned in the face of objections that activities in the population field lay outside the proper scope of WHO action under its Constitution.<sup>3</sup> It was argued that "the medical aspects of the population problem [could not] be examined without a conclusion being reached at the same time as to the solution to be adopted." If, for example, a solution involved "limiting the number of births, then certain medical aspects would of course have to be con-

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1. Constitution of the World Health Organization, July 22, 1946, 14 UNTS 185.

2. *Ibid.* The preamble to the WHO Constitution also states that "The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being" and that "The extension to all peoples of the benefits of medical, psychological and related knowledge is essential to the fullest attainment of health." Article 2 includes among the functions of the Organization promoting and conducting research in the field of health, providing "information, counsel and assistance in the field of health" and assisting "in developing an informed public opinion among all peoples on matters of health." Art. 2, paras. (n), (q) and (r).

3. See the discussion in the Committee on Programme and Budget at the 5th World Health Assembly, May 13-19, 1952, WHO, Official Records, No. 42, pp. 204-07 and 230-41.

sidered; if, however, it were considered that economic and social solutions should be applied (such as mass movement of population, etc.), the medical aspects would then be completely different.”<sup>4</sup>

It was not until 1965 that WHO acted to authorize the Director-General to develop “advisory services” for governments in the population field. In that year, the Director-General recommended to the World Health Assembly that:

WHO should be prepared to give advice, on request, to the health administrations of its Members and Associate Members on the...medical aspects of family planning. It should also be in a position to advise on the place such subjects should have in the health services of the community.<sup>5</sup>

The Director-General’s recommendations were approved by the 1965 Session of the World Health Assembly in Resolution WHA 18.49 (1965),<sup>6</sup> which is the first basic statement of WHO policy in the population field.

Resolution WHA 18.49 (1965) draws on Article 2(1) of the WHO Constitution, quoted above, which gives the organization the function of promoting “maternal and child health and welfare” and fostering “the ability to live harmoniously in a changing total environment.” The Health Assembly Resolution acknowledges that “changes in the size and structure of the population have repercussions on health conditions,” and recognizes that “problems of human reproduction involve the family unit as well as society as a whole, and that the size of the family should be the free choice of each individual family.” The resolution goes on to state, however, that “it is a matter for national administrations to decide whether and to what extent they should support the provision of information and services to their people on the health aspects of human reproduction,” and that “it is not the responsibility of WHO to endorse or promote any particular population policy.”<sup>7</sup>

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4. Remarks of the Italian representative, *id.*, at pp. 238–39. The Irish representative warned that if at any time WHO should have “an international birth-control programme included in its official programme, that might result in the loss not only of goodwill but also of Members; for some governments might be forced into a position where they would have to withdraw from WHO.” *Id.*, at pp. 234–35.

5. WHO, Official Records, No. 143, Annex 18, p. 158 (1965).

6. WHO, Official Records, No. 143, p. 35 (1965).

7. The conditions under which WHO would provide family planning assistance upon request by governments were restated in 1967 in a report on “Health Aspects of Family Planning” prepared by the UNICEF-WHO Joint Committee on Health Policy, UN Doc. JC15/UNICEF-WHO/66.6/Rev.1, reprinted in the 1967 Report of the UNICEF Executive Board, 43 ESCOR Supp. 8, at para. 48, p. 16 (E/4403)(E/ICEF/563)(1967). The 1967 statement of conditions is as follows:

(a) A policy of family planning has already been established independently by the Government concerned;

*"Operational Activities" by WHO in the Population Field*

The operative paragraphs of Health Assembly Resolution WHA 18.49 (1965) request the Director-General to develop a program on "health aspects of world population" with the following guidelines:

- (a) in the fields of reference services, studies on medical aspects of sterility and fertility control methods and health aspects of population dynamics; and
- (b) in the field of advisory services as outlined in . . . [the Director-General's] report, on the understanding that such services are related, within the responsibilities of WHO, to technical advice on the health aspects of human reproduction and should not involve operational activities.

At the following session of the World Health Assembly in 1966, the Director-General recommended that "WHO's role should be to advise governments, upon request, in the development of programmes, on a demonstration basis, where there is an organized health service, without impairing its normal preventive and curative activities." The Director-General also recommended that the WHO program "should include activities in the medical aspects both of sterility and of family planning as part of the overall functions of the local health services, particularly of their maternal and child health services . . ."<sup>8</sup> The Director-General's recommendations led to an extensive debate in the Health Assembly focusing on the meaning to be given to the "operational activities" exclusion contained in Health Assembly Resolution WHA 18.49 (1965), and the concept of limiting WHO assistance to family planning programs that were operated in the context of the health services of the Member State requesting WHO assistance.<sup>9</sup>

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- (b) WHO accepts no responsibility for endorsing or promoting any particular policy;
  - (c) The problems of human reproduction are recognized to involve the family unit as well as the society as a whole and that the size of the family is the free choice of each individual family; and
  - (d) It is recognized that it is a matter for national administrations to decide whether and to what extent they shall support the provision of information on the health aspects of human reproduction.

The statement in the preamble to Resolution WHA 18.49 (1965), leaving it to "national administrations to decide whether and to what extent they should support the provision of information and services to their people on the health aspects of human reproduction," followed in paragraph (d) quoted above, conflicts with the development by the General Assembly of the concept that governments have an obligation to provide families with "the knowledge and means necessary to enable them to exercise their right to determine freely and responsibly the number and spacing of their children." See Chapter 2.

8. WHO, Official Records, No. 151, Annex 13, pp. 63-64 (1966).

9. See the discussion in the Committee on Programme and Budget at the 19th World Health Assembly, May 17-18, 1966, WHO, Official Records, No. 152, pp. 365-86.

The following explanation of the "operational activities" limit made by the Norwegian representative during the 1966 debate was received without comment and was apparently taken as the accepted interpretation of Resolution WHA 18.49 (1965):

The Director-General had been asked whether [the "operational activities" limit] would mean that WHO, on request from Member countries, could for example provide expert advice on programme planning and execution. The answer had been in the affirmative, as it had been to the question of whether WHO, again on request from Members, could provide expert advice on the training of personnel. The resolution was therefore interpreted to mean that WHO, on request, could assist in the evaluation of such programmes and could advise on other health aspects of human reproduction. The phrase "should not involve operational activities" would only prevent WHO from establishing in a Member country a WHO family planning unit or other institution. It was understood that it would be the responsibility of the government and the public health service of the country concerned to run the programmes.<sup>10</sup>

At subsequent sessions of the World Health Assembly, some representatives have reiterated their governments' understanding that WHO resources shall not be used for "activities which might be described as operational,"<sup>11</sup> but there has been no further clarification of the nature of the activities that are to be excluded as "operational." The crux of the limitation therefore appears to be that family planning programs assisted by WHO must always be undertaken on the responsibility of the requesting government, and that WHO will not undertake to establish or to operate family planning programs through its own staff.

The policy established in Health Assembly Resolution WHA 18.49 (1965), including the "operational activities" limitation, was reaffirmed by the Health Assembly in Resolution WHA 19.43 (1966),<sup>12</sup> and has been continued in later resolutions.<sup>13</sup>

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10. *Id.*, at pp. 384-85.

11. See, e.g., the remarks of the French and Italian representatives in the Committee on Programme and Budget, Subcommittee II, at the 22nd World Health Assembly, 1969, WHO, Official Records, No. 177, pp. 422 and 426-27.

12. WHO, Official Records, No. 151, pp. 20-21 (1966).

13. World Health Assembly Resolutions WHA 20.41 (1967) and WHA 21.43 (1968) call for the continued development of the WHO program of family planning assistance to governments in accordance with the principles laid down in Resolutions WHA 18.49 (1965) and WHA 19.43 (1966). WHO, Official Records, No. 160, p. 25 (1967), and No. 168, pp. 21, 22 (1968). Resolution 22.32 notes "with satisfaction the further development of programme activities in the health aspects of human reproduction, family planning and population dynamics within the framework" of the earlier four resolutions, and requests the Director-General "to continue to develop the programme of advisory services, training, research and reference in this field in the direction undertaken." WHO, Official Records, No. 176, pp. 13-14 (1969).

## *Health Services and Family Planning*

As to the Director-General's recommendation that WHO family planning assistance be extended only where there is an organized health service, the 1966 Health Assembly had before it two draft resolutions. The first would authorize the Director-General to extend WHO assistance without reference to the existence of organized health services;<sup>14</sup> the second would confine WHO to advising Members on family planning activities "as part of an organized health service, without impairing its normal preventive and curative functions."<sup>15</sup> The Director-General clearly favored the latter resolution. He pointed out that some countries "were diverting funds from public health in order to establish family planning programmes." While he recognized the gravity of the problems faced by these countries, the Director-General asked whether "the policy which they had been forced to adopt [should] be transferred to an international forum and adopted as the policy of an international organization." The Director-General held the view that WHO "should continue to fight for the improvement of health services and not for the deviation of funds to other types of activity." and concluded that the promotion of family planning "at the expense of the health services was not a decision for an international organization working in the health field."<sup>16</sup>

The Director-General's view prevailed in Health Assembly Resolution WHA 19.43 (1966), which approves the report of the Director-General and:

Confirms that the role of WHO is to give Members technical advice, upon request, in the development of activities in family planning, as part of an organized health service, without impairing its normal preventive and curative functions.<sup>17</sup>

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14. WHO, Official Records, No. 152, pp. 367-68 (1966). The draft resolution was proposed by seventeen states including the United States. Paragraph 4 would authorize the Director-General "to extend, on request, WHO's services in this field to Member countries through such means as expert advice on programme planning and execution, training of personnel, and programme evaluation." Paragraph 5 would request the Director-General "to study how family planning services could be integrated in the overall health planning particularly in the maternal and child health services of those countries, which feel the need thereof." *Id.*, at p. 368.

15. *Id.*, at p. 375. The draft resolution, sponsored by Brazil, Argentina, Austria, Belgium, France and Mexico, was based on the Director-General's report.

16. *Id.*, at pp. 383-84. The Director-General spoke of "promoters" who "were going round the world, visiting all the regions trying to convince people that family planning should be given higher priority, regardless of the size of the population," and suggested "As Director-General of WHO. . .that they started before it was too late in the great majority of countries to make family planning part of the public health services." *Ibid.*

17. WHO, Official Records, No. 151, pp. 20, 21 (1966). The draft resolution,

World Health Assembly Resolution WHA 21.43 (1968), adopted two years later, noted that "family planning is viewed by many Member States as an important component of basic health services, particularly of maternal and child health," and specifically requested the Director-General to pay special attention in developing the WHO program of assistance to Member States to "the integration of family planning within basic health services without prejudice to the preventive and curative activities which normally are the responsibility of these services."<sup>18</sup>

*"Integration" into Health Services*

Resolution WHA 22.32 (1969), adopted at the 1969 session of the Health Assembly, reaffirms the importance of "an infrastructure of health services as the basis of all health services, including family planning." The resolution then requests the Director-General:

to evaluate various approaches to the introduction and development of services for family planning care *specifically* in the context of health services and *generally* in the context of community, economic and national development... [italics added.]<sup>19</sup>

The italicized words were added during the debate at the suggestion of the representative of Malaysia who offered the following explanation:

[The Malaysian delegation agreed] on the need to integrate family planning into health services. There were many reasons which favoured integration. One was that it was more economical and avoided duplication of staff, building and materials. Another was that family planning could be treated as part of a package deal in health, instead of being treated as a separate programme.

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based on the draft referred to in note 15 above, was approved in the Committee on Programme and Budget by a vote of 64 in favor to 19 opposed, with 13 abstentions. The 19 negative votes were cast by Ceylon, the Republic of China, Denmark, Finland, Iceland, India, Jamaica, Japan, the Republic of Korea, Nepal, New Zealand, Norway, Pakistan, Singapore, Sweden, Tunisia, the United Arab Republic, the United Kingdom and the United States. WHO, Official Records, No. 152, p. 389 (1966). It was adopted in the Plenary Meeting without objection and without debate. *Id.*, at pp. 208 and 508.

18. WHO, Official Records, No. 168, pp. 21, 22 (1968).

19. WHO, Official Records, No. 176, pp. 13, 14 (1969). The resolution also requests the Director-General "to continue to develop the programme of advisory services, training, research and reference in this field in the direction undertaken," see note 13 above, and "to continue to intensify the development of basic health services as the framework for meeting health needs, including family planning *in those countries where this is necessary.*" *Ibid.*, italics added. The italicized words were added at the request of the representative of Cameroon, who had expressed the view that an increase in population would help to bring developing countries to the "take-off" point for economic development. WHO, Official Records, No. 177, pp. 416-17 and 429 (1969).

However, several countries, including his own, faced problems in integrating family planning into health services. One problem was the workload, which might prove too heavy for existing personnel; another was the attitude of the staff, which might fail to place sufficient emphasis on family planning. There was also the problem of logistics and supply, of supervision, training, education and retraining of health personnel in family planning. Even in countries with a developed health infrastructure, there might be areas where there were few services and personnel. Even the types of contraceptives acceptable to people might have a bearing on the degree and type of integration in the basic health services. For instance, if intra-uterine devices were being used and advocated, integration would be possible only if auxiliary personnel, such as nurses and midwives, were available and qualified for the purpose.

There were two types of integration: physical integration, where the responsible agency actually formed part of the Ministry of Health; and functional integration, where family planning activities were carried out by health personnel as part of their daily duties. In addition there was the new concept of integrating family planning, not only into health services, but into community development and economic and national development programmes, as mentioned by many delegates. That involved also educational, agricultural and economic bodies.

More active research and pilot projects were needed to show that family planning could be integrated into health services within the framework of overall community and national development.<sup>20</sup>

Although the Malaysian amendment appears to call for a fresh look at a problem that had several times confronted the Health Assembly, the amendment was not debated, and the explanatory statement by the Malaysian representative evoked no comment in the Health Assembly.<sup>21</sup> The amendment was accepted by India on behalf of the sponsors of the pending draft resolution on "health aspects of human reproduction, family planning and population dynamics."<sup>22</sup> The amendment thereby became part of the draft resolution, and the draft resolution as amended was adopted without objection both in the Committee on Programme and Budget and in the Plenary Meeting to become Health Assembly Resolution WHA 22.32 (1969).<sup>23</sup>

The WHO policy concerning the integration of family planning services into health services was mentioned by several speakers during the general family planning debate, however. The representative of the Republic of China "hoped that WHO would extend its aid to countries where family planning was a priority from the point of view of the national economy and yet could not be integrated into a lower priority maternal and child

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20. *Id.*, at p. 426. The Malaysian statement is quoted from the summary records of the debate in Subcommittee II of the Committee on Programme and Budget.

21. The debate in Subcommittee II of the Committee on Programme and Budget appears in WHO, Official Records, No. 177, pp. 414-29 (1969).

22. *Id.*, at p. 427.

23. *Id.*, at pp. 187-88 and 551. Resolution WHA 22.32 (1969) appears at WHO, Official Records, No. 176, p. 13 (1969).

health programme.”<sup>24</sup> The Soviet representative expressed the contrary view that “more intensive integration of family planning services into the general health services was indispensable,” and deplored the tendency of certain countries “to set up autonomous family planning services . . . which would neither help the solution of the problem, nor afford the necessary protection of the health of mothers and children.”<sup>25</sup>

The issue is not settled by the 1969 resolution, which, as amended, calls only for the evaluation of various approaches to the introduction and the development of family planning services, both in the context of health services and in the context of “community, economic and national development.” The meaning to be given to the quoted terms, and the nature of the “integration” required of family planning services within health services under established WHO policy remain to be clarified.

### *Expert Views on the Need for “Integration”*

A WHO Scientific Group meeting just prior to the 1969 Health Assembly to consider “Health Aspects of Family Planning” found that there were many possibilities for co-ordinating family planning with other health activities. The Scientific Group listed eight possibilities, including maternal and gynecological care, child health services, nutrition activities, specific disease control programs, general medical care, registration of vital statistics, “education for family life” and “community development activities.”<sup>26</sup> The Scientific Group’s recommendation for study of the provision of family planning services within health services includes the following:

action research on the combination of family planning with domiciliary maternity care, with nutrition activities, with child health services, and with other activities; and on the comparative effectiveness and efficiency of these combinations at different levels of development of health services.<sup>27</sup>

In 1970 a WHO Expert Committee on “Family Planning in Health Services” considered the “principles and processes involved in the plan-

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24. WHO, Official Records, No. 177, p. 420 (1969).

25. *Id.*, at p. 425.

26. *Health Aspects of Family Planning*, Report of a WHO Scientific Group, WHO Technical Report Series, No. 442, pp. 21, 23–26 (1970). As to “Family Planning and Community Development Activities,” the report makes the following observations, *id.*, at pp. 25–26:

Both community development staff and village leaders have participated to good effect in educational activities relating to family planning. They have also been involved in the distribution of certain types of contraceptives. Further trials of such collaboration are needed.

27. *Id.*, at p. 49.

ning, administration, organization, operation and evaluation of family planning programmes within the overall health care system.”<sup>28</sup> The Expert Committee found that family planning programs might have distinct goals in terms of health, of human rights and of population control that are to a great extent compatible with one another.<sup>29</sup> The Expert Committee expressed the view that “health services play a key role in the successful provision and organization of family planning care, irrespective of the relative importance given by the government to health, human rights, or population control as rationales for family planning.”<sup>30</sup> While thus finding a leadership role for health services personnel in the family planning field, the Expert Committee noted that leadership “does not necessarily imply overall command,” and commented that:

Many aspects of family planning programmes are carried out in, or require the expertise of, not only the health services but also services concerned with education, welfare, labour, agriculture, commerce, demography, culture, religion, and communications.<sup>31</sup>

While recognizing that some health services have been developed more fully than others, the Expert Committee expressed the view that for all health services, “there are settings where some positive participation can occur.” and that family planning should be integrated into whatever health services are available.<sup>32</sup> The Expert Committee’s conclusion was

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28. *Family Planning in Health Services*, Report of a WHO Expert Committee, WHO Technical Report Series, No. 476, p. 7 (1971).

29. *Id.*, at p. 15. As to health goals, the Expert Committee commented that family planning “constitutes a vital preventive measure” and that “health services personnel have come to realize that action to achieve optimal reproductive patterns is as fundamental an aspect of health care as, for example, nutritional care, environmental sanitation, and communicable disease control.” *Id.*, at p. 13. As to human rights, the Expert Committee stated that the following “interpretations placed on the concept of human rights” have implications for health services, *id.*, at p. 14:

(a) the right of everyone, irrespective of socio-economic status, to readily available family planning services;

(b) the right of all people to knowledge and understanding on the basis of which to make informed choices in respect of patterns of family formation, methods of birth control, the nature and implications of the different methods, and the advantages and disadvantages of reversible and irreversible methods; [and]

(c) the responsibility of the health services to clarify for policy makers the health implications of changing patterns of sexual behaviour in relation to birth control.

30. *Id.*, at p. 15. The Expert Committee also commented that “Health professionals may, in certain situations, wish to seek out and encourage such additional rationales as human rights and population control, provided that these give further support to the health goals for family planning.” *Id.*, at p. 15.

31. *Id.*, at pp. 16–17.

32. *Id.* at pp. 28, 30. With regard to public health services, the Expert Committee

that "a country's ultimate objective must be the development of a permanent infrastructure for providing families with health and family planning care." The Expert Committee also noted that:

The possible combinations of general health and family planning activities to be provided by individual health workers and establishments should emerge from an assessment of overall needs: this will facilitate the planning of the types and amounts of general health and family planning services that are appropriate, feasible, and effective in particular circumstances.<sup>33</sup>

### *The Expert Committee's Conclusions*

The Expert Committee's conclusions relating to the integration of family planning services within health services appear to rest on three chief considerations: first, family planning programs must always have a health component and should include health as one of their goals; second, the health care system offers natural advantages for the provision of family planning services that may be essential to the success of the program; and third, the health services may be damaged and find their resources drained if they do not assume a leadership role in family planning programs.

As to the advantages for family planning programs offered by the health care system, the Expert Committee pointed to the opportunities that health workers have "to introduce the subject and services in the context of relevant activities, such as prenatal, postnatal, and post-abort care, infant and child care and immunization, family counselling on nutrition needs, and the management of special disease problems such as tuberculosis."<sup>34</sup> The Expert Committee noted the suspicion with which family planning programs are sometimes regarded, and commented that health care workers are less likely to arouse fear and hostility. The Expert Committee also stated that "Acceptance of family planning services, especially by the individual, may depend on the extent to which other needs are satisfied, for example those of maternal and child care."<sup>35</sup>

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noted that their participation in family planning "depends on the overall development of the health service structure and on the educational and economic levels of the community," *Id.*, at p. 28.

33. *Id.*, at p. 22.

34. *Id.*, at p. 32. The Expert Committee continued that: "Health workers not only have access to people at such critical periods, but are also capable of establishing the intimate rapport that is as important in dealing with problems related to reproduction. Furthermore, many types of health workers are trained and experienced in person-to-person and group education approaches, which are essential for family planning efforts." *Ibid.*

35. *Id.*, at p. 22. The Expert Committee commented that "Parents who are satisfied that their children are likely to remain alive appear to show a greater tendency to practise family planning." *id.*, at p. 13.

In contrasting use of health services with “single-purpose” family planning campaigns, the Expert Committee stated that it is often not realized “that the likelihood of the programme’s success is reduced when a sound health infrastructure is not developed.” This, said the Expert Committee, has been shown many times as to a variety of curative and preventive services, and is “as true in family planning as in other health services.” The Expert Committee continued:

The relative success of mass campaigns against specific diseases is not in itself a justification for mass family planning campaigns. An attack against an infectious disease may involve changing one or more components of man’s environment, or may require only a single injection. In the case of family planning the target is man himself, and couples are required to take repeated action of a personal nature . . . . [F]amily planning is a long-term process.<sup>36</sup>

As to the dangers to health services of independent family planning programs, the Expert Committee said:

Emphasis on human rights or population control [as the family planning goal] may lead to a demand, often imposed by policy makers and administrators outside the health services, for the reassignment of priorities within the health service. For example, in certain situations legislation enabling abortion on demand has created great pressures on hospital services. . . .

In other situations, emphasis placed entirely on population control has led to a deterioration in general health services, especially MCH [maternal and child health] services, to the detriment of the family planning activities.<sup>37</sup>

The Expert Committee’s conclusions on the need to “integrate” family planning services into health services are tempered by a realization that differing national conditions may call for differing kinds and degrees of integration. One of the Expert Committee’s recommendations is for further study of “the health service settings that are best suited to family planning activities,” and for further discussion of “the best means of promoting co-operation between the various services involved in family planning programmes.”<sup>38</sup>

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36. *Id.*, at p. 39. The Expert Committee acknowledged the problems of developing countries with “less-developed health resources” and a sense of urgency about population growth rates, and that “where a government desires immediate and extensive coverage by family planning services, the establishment of the minimum health infrastructure that is necessary requires manpower, resources, and money.” *Ibid.*

37. *Id.*, at p. 27. The Expert Committee continued that the deterioration in general health services was “especially true when there are numerically defined targets for birth control, in the absence of similarly publicized goals for other aspects of maternal and child welfare or for other health programmes; in such a situation the efforts of health personnel are fruitlessly diverted to the coercion of unwilling people to accept family planning.” *Ibid.*

38. *Id.*, at pp. 64, 65.

## *WHO Policy on the "Family Planning Aspects of Family Health"*

The views expressed by the WHO experts quoted above are reflected in a joint UNICEF-WHO secretariat review of the "Family Planning Aspects of Family Health," undertaken in 1971 at the request of the UNICEF-WHO Joint Committee on Health Policy. The joint secretariat review surveyed family planning programs in developing countries in order to "identify the weaknesses and strengths in present concepts and approaches," and to make recommendations for future WHO and UNICEF programs.<sup>39</sup>

The joint review's survey of family planning programs in developing countries is based in part on the findings of joint UN/Interagency missions to Ceylon, Egypt, India, Indonesia, Iran, Mauritius and Pakistan. The review summarizes UNICEF and WHO family planning mandates and programs, and discusses priorities for future programs. It makes recommendations as to ways in which UNICEF and WHO might assist governments on a broad range of questions related to the family planning aspects of family health.<sup>40</sup>

The concept that family planning is "one component of comprehensive health care for the family" is the basic concept expressed as the beginning point of the joint review. The review states that:

Effective family planning can favourably influence the health, development and well-being of family members, as well as the family unit, and is therefore considered as an important preventive measure in the health care of the family.<sup>41</sup>

The review sets forth the advantages of integrating family planning services into maternal and child health services, and the dangers for both family planning and health services when family planning programs are separated from health services. Its reasoning parallels that of the expert reports, and its framework is summarized in the statement that: "family planning care is an integral part of the health care of the family, and many aspects of that care require the personnel, skills, techniques and facilities of health services."<sup>42</sup>

From the standpoint of WHO family planning assistance policy, the basic conclusion of the joint review is that the primary aim of UNICEF

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39. "Review of Family Planning Aspects of Family Health with special reference to UNICEF/WHO assistance," UN Doc. JC19/UNICEF-WHO/72.3 (1972), attached to UN Doc. E/ICEF/L.1281 (1972), hereinafter cited as UNICEF-WHO Review.

40. The UNICEF-WHO Review is most detailed in its comments on the planning and evaluation, the organization and administration, and the education and training required for family planning programs. See *id.*, at pp. 24-34.

41. *Id.*, at p. i.

42. *Id.*, at p. iv.

and WHO family planning assistance is “the promotion of the health care of the family,” and that this objective is to be achieved through “the strengthening of basic health services.”<sup>43</sup> Together with its articulation of this primary aim, however, the joint review recognizes that “fundamental differences in the conditions that influence health care . . . make it indispensable for each country to find its own pattern of health services.”<sup>44</sup>

The joint review also expresses the view that changing requirements of family planning care in developing countries call for changes in the scope of the assistance offered by international agencies. The review states that the “type, magnitude and objectives of family planning assistance will vary according to the stage of national health service development,” and the national policy of the country to be assisted.<sup>45</sup> The review also notes that family planning is a relatively new activity in the health services of many developing countries, and that as a consequence:

Not only is there a need to learn more about what has to be done in different situations—in countries with different levels of health, within the context of different public health systems, and in a wide variety of social and cultural settings—but also there are many unknowns on how to accomplish the smooth introduction of family planning activities in an integrated manner.<sup>46</sup>

The joint review therefore recommends that UNICEF and WHO assist governments in undertaking operational research projects directed towards designing “alternative approaches to the delivery of family planning care in countries with different levels of health, within the context of different public health systems, and in a wide variety of social, economic and cultural settings.”<sup>47</sup>

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43. *Id.*, at p. 36. The UNICEF-WHO Review’s statement is that “Emphasis will be placed” on achieving the objective through strengthening basic health services; the quoted language is deleted in the conclusion as adopted by the UNICEF-WHO Joint Committee on Health Policy, in which it is stated that the objective “is to be achieved through the strengthening of basic health services.” Report of the 19th Session of the UNICEF-WHO Joint Committee on Health Policy, UN Doc. E/ICEF/618, p. 11 (1972), hereinafter cited as JCHP 19th Report. Both the UNICEF-WHO Review and the JCHP Report state that basic health services “must have a solid foundation in the community, provide care on a continuing basis, and attempt to attain country-wide coverage of the population as a whole.” *Ibid.*

44. UNICEF-WHO Review, *supra* note 39, at p. 36. The Review therefore recommends that UNICEF and WHO encourage governments to adopt comprehensive country programming. *Ibid.*

45. *Id.*, at p. 39. Having regard to a country’s capacity to absorb aid, the joint review recommends that “specific assistance to family planning activities, such as the provision of supplies, equipment and transport, be introduced only when the infrastructure is actually being expanded.” *Ibid.*

46. *Id.*, at p. 26.

47. *Id.*, at p. 39. The conclusion was reworded in the JCHP 19th Report, *supra* note 43, at p. 15, para. 7.6; see the text accompanying note 50 below.

Thus, although the main thrust of the joint review's recommendations is to continue the WHO policy of assisting in the development and strengthening of basic health services "in order to enable countries undertaking family planning programs to deliver the necessary care,"<sup>48</sup> the joint review expresses the opinion that WHO should also be prepared to offer assistance in exploring alternative approaches to the delivery of family planning care.

The conclusions and recommendations reached in the joint review were largely approved and adopted by the UNICEF-WHO Joint Committee on Health Policy at its 19th Session in 1972. The Joint Committee gave its full support to the view that "the development of family planning as part of family health should be within the context of the basic health services," and agreed on the over-riding importance of designing and operating "minimum health services, particularly in peripheral areas where essential services are yet to be developed."<sup>49</sup> In its final recommendation on the need for operational research, however, the Joint Committee also recognized that:

[T]here is an urgent need to design alternative approaches to the delivery of family planning care within the context of different health service systems, in countries with different levels of health, and in a wide variety of social, economic and cultural settings, and in peripheral areas where the health services are inadequate.<sup>50</sup>

### *WHO Programs*

The developments just reviewed indicate a growing flexibility within WHO as to the meaning to be given to the "integration" principle. Although WHO continues to regard its family planning assistance as "an integral part of its programme to develop health services," WHO also "stresses the need to evaluate various approaches to the introduction and development of services for family planning specifically in the context of health services and generally in the context of community, economic and national development."<sup>51</sup> In addition to WHO's research and training programs,<sup>52</sup> mentioned in Chapters 9 and 10 above, the two aspects of WHO's family planning interests have led to two WHO pro-

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48. UNICEF-WHO Review, *supra* note 39, at p. 37.

49. JCHP 19th Report, *supra* note 43, at p. 10.

50. *Id.*, at p. 15, para. 7.6.

51. UNICEF-WHO Review, *supra* note 39, at p. 16.

52. WHO research and training programs are described in the UNICEF-WHO Review, *id.*, at pp. 20-22 and 30-33. See also the Report of the 18th Session of the UNICEF-WHO Joint Committee on Health Policy, WHO, Official Records, No. 195, Annex 2 (1971).

grams: the "Maternity-Centered Approach to Family Planning" program and a program of operational studies.

Through its new Division of Family Health, WHO is developing guidelines for the "Maternity-Centered Approach to Family Planning" program, which "aims at improving the health of the family, and emphasizes the provision of qualified maternal and child health care including prenatal care and assistance during delivery; care of the newborn, infant, and child; educational counselling of the parents; nutritional advice; [and] immunizations." The program also includes "the provision of contraception, as appropriate; proper supervision of the use of fertility regulating methods; and the management of side-effects and complications."<sup>53</sup> In its 1971 report to the Population Commission, WHO states that the "Maternity-Centered Approach to Family Planning" program will be carried out through the WHO regional offices with the goal of extending "post-partum activities . . . [and] related maternity-centered family planning activities to an estimated 500 large hospital maternity services" and later to smaller units and rural maternity programs.<sup>54</sup>

The conclusions stated in the report are that:

The WHO approach is to help governments develop a permanent and integrated health service capable of dealing with family health, family planning, sickness and health education in a community. . . .

In the period 1972 to 1976, major emphais will be placed on country programmes in family health, including family planning, and on the expanded research programme in human reproduction. In the area of advisory services to governments, WHO will concentrate its efforts in family planning assistance on the maternity-centered family planning programme.<sup>55</sup>

The WHO program of operational studies is described as designed "to test and evaluate a variety of approaches to family planning and population dynamics, and to develop innovations in these fields."<sup>56</sup> One focus of the program is on the functions of nursing personnel in family planning; another is on parallel studies underway in seven countries of the following problems:

- (i) the inter-relationships between health, the pattern of family formation, and family size; and
- (ii) the relationship between infant mortality and family planning practice.<sup>57</sup>

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53. JCHP 19th Report, *supra* note 43, at p. 13.

54. UN Doc. E/CN.9/258, pp. 2-3 (1971).

55. *Id.*, at p. 11.

56. UNICEF-WHO Review, *supra* note 39, at p. 19.

57. *Ibid.* The studies are underway in the Republic of China, India, Iran, Lebanon, Pakistan, the Philippines and Turkey, and are being considered in Colombia, Egypt, Fiji, Kenya and Malaysia. *Ibid.*

The recommendation of the Joint Committee on Health Policy that UNICEF and WHO assist governments in undertaking such studies can be expected to lead to increased activity by WHO in exploring alternative approaches to the delivery of family planning care suited to the needs of developing countries.

UNITED NATIONS CHILDREN'S FUND (UNICEF)

The policies governing UNICEF assistance in the family planning field were first formulated by the UNICEF Executive Board in 1966 on the basis of a report by the Executive Director entitled "Possible Role of UNICEF in Family Planning."<sup>1</sup> The Executive Director recommended that UNICEF aid family planning programs on request by governments, but conditioned his recommendation in two important respects: first, that UNICEF family planning assistance "fit as far as possible into the basic child health and welfare services" of the countries aided; and second, that "UNICEF would not offer any advice on techniques, nor would it provide contraceptive supplies or equipment to make them."<sup>2</sup>

The Executive Director's proposals split the Executive Board.<sup>3</sup> Reactions ranged from enthusiastic support for the proposal with the qualifications indicated, to outright rejection of UNICEF participation in family planning. Some members felt that UNICEF should avoid controversy and limit its role to the education of health personnel and community leaders. Others considered that UNICEF might offer family planning aid within precise limits, including the limits suggested by the Executive Director.<sup>4</sup> The view was expressed that "It would be wrong for UNICEF

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1. UN Doc. E/ICEF/L.1259 (1966). A statement by the Executive Director to the Executive Board appears as UN Doc. E/ICEF/CRP/66-40 (1966).

2. See the 1966 Report of the UNICEF Executive Board, 41 ESCOR Supp. 13, para. 167, p. 54 (E/4220/Rev.1)(E/ICEF/548/Rev. 1)(1966).

3. The Executive Director's report was discussed on May 24 and 25, 1966, at meetings 346 through 349, reported in UN Docs. E/ICEF/SR.346-349 (1966). The debate is summarized in the 1966 Report of the UNICEF Executive Board, *supra* note 2, at paras. 169-87, pp. 55-59.

4. The French representative stressed that UNICEF should not supply contraceptives or set up birth control programs, although he would agree to UNICEF assistance to family planning programs initiated on the requesting government's own authority and integrated with its health services so long as the UNICEF role was "limited to the traditional forms of UNICEF assistance: training of personnel, supply of vehicles, etc., it being understood that UNICEF would not supply contraceptive materials," UN Doc. E/ICEF/SR.348 (1966).

to depart from its mandate of saving children to engage in activities designed to prevent them from being born.”<sup>5</sup>

*The UNICEF-WHO Joint Committee on Health Policy*

In view of the division in the Board, the Board decided to defer action on the Executive Director’s recommendations until its 1967 session, and in the meantime requested the advice of the UNICEF-WHO Joint Committee on Health Policy on the “best way in which UNICEF might participate in programmes of family planning, with particular reference to the technical aspects.”<sup>6</sup> The Board then directed the UNICEF members of the Joint Committee on Health Policy to be guided by the following principles adopted by the Board:

- (a) UNICEF assistance shall be given in response to Government requests, as part of a country’s health service and not as a separate category of assistance;
- (b) UNICEF assistance shall be limited to the usual forms of aid that have been approved by the Executive Board for many years, such as training of personnel, provision of vehicles, and supplies and equipment for maternal and child health services;
- (c) UNICEF shall not take any responsibility for the organization and administration of the governmental program relating to family planning;
- (d) UNICEF shall request the technical advice of WHO and the Bureau of Social Affairs of the United Nations Secretariat in connection with any such assistance.<sup>7</sup>

In the light of the Executive Director’s recommendations quoted above, the reference in paragraph (b) to the “usual forms of aid” was interpreted to include vehicles and the “usual” types of UNICEF supplies, but was understood specifically to exclude contraceptives and the equipment to manufacture contraceptives.

The report of the UNICEF-WHO Joint Committee on Health Policy (JCHP) first articulated four conditions under which WHO would provide family planning advice on request by governments, and then recommended that the UNICEF Executive Board apply the same standards to requests for UNICEF family planning assistance. The Joint Committee’s statement of the four conditions of WHO family planning assistance was as follows:

- (a) A policy of family planning has already been established independently by the Government concerned;
- (b) WHO accepts no responsibility for endorsing or promoting any particular policy;

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5. Quoted from the 1966 Report of the UNICEF Executive Board, *supra* note 2, at para. 180, p. 57.

6. *Id.*, at para. 189, pp. 59–60.

7. *Ibid.*

- (c) The problems of human reproduction are recognized to involve the family unit as well as the society as a whole and that the size of the family is the free choice of each individual family; and
- (d) It is recognized that it is a matter for national administrations to decide whether and to what extent they should support the provision of information on the health aspects of human reproduction to the people they serve.<sup>8</sup>

The Joint Committee's basic conclusions were that family planning programs supported by UNICEF should be "an integral part of comprehensive health services for mothers and children," and that "effective care of mothers and children including family planning advice [should be] based on an understanding of the principles of maternal and child health as well as on up-to-date knowledge of developments in human reproduction." The Joint Committee stated that:

The types of projects in family planning for which a country might request UNICEF/WHO assistance and which, if they meet the requirements outlined in . . . [(a) to (d) above] could receive WHO technical approval would be those directed at (1) training in [maternal and child health] care including family planning for the health personnel, (2) the expansion of the basic health services including the maternal and child health services. The need for rapid expansion of health services to provide scope for family planning as an integral part of them should be recognized. The normal preventive and curative activities of those services should in no way be reduced or impaired.<sup>9</sup>

The Joint Committee's conclusions just quoted were approved by the UNICEF Executive Board in 1967 as the basis for UNICEF policy in the family planning field.<sup>10</sup>

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8. Report of the UNICEF-WHO Joint Committee on Health Policy, UN Doc. E/ICEF/556, para. 10, pp. 13, 15 (1967). The four conditions of WHO family planning assistance were reprinted in the 1967 Report of the UNICEF Executive Board, 43 ESCOR Supp. 8, para. 48, p. 16 (E/4403)(E/ICEF/563)(1967). The fourth condition, relating to the discretion of national administrations to decide whether to provide family planning information to their people, is contradicted by the development through the General Assembly of the human rights aspects of family planning. See Chapter 2. It apparently is no longer WHO policy. See the Report of a WHO Expert Committee on *Family Planning in Health Services*, quoted *supra* note 29 of Chapter 11.

9. Report of the UNICEF-WHO Joint Committee on Health Policy, *supra* note 8, at pp. 13-15.

10. 1967 Report of the UNICEF Executive Board, *supra* note 8, at para. 58, p. 18. The Joint Committee's report was considered by the Board on June 16, 1967, at meetings 361 and 362. The Board's discussion is reported in UN Docs. E/ICEF/SR. 361-362 (1967), and summarized in the Board's 1967 Report at paras. 44-58, pp. 14-18. The Board was not unanimous in its eagerness to enter the family planning field or its approval of the conditions stated. The Soviet representative, for example, appeared reluctant to approve any UNICEF role, E/ICEF/SR.362, pp. 2-5 (1967), while the Indian representative, who reported that India had a "cafeteria" approach covering all types of family planning programs, found it "illogical to select some activities as suitable, and others as unsuitable, for UNICEF participation." E/ICEF/SR.361, p. 13 (1967).

## *Family Planning in Maternal and Child Health Services*

UNICEF policy, as articulated through the reports and discussions of the Executive Board in 1966 and 1967, was thus heavily influenced by the developments that had occurred in WHO, and accepted WHO policy at its central points. Family planning programs assisted through UNICEF, as stated in the Executive Board Report for 1967, must be "integrated into maternal and child health services, both for effectiveness and safety," and "no family planning programme which did not meet the criterion of integration with basic health services should be supported by UNICEF and WHO."<sup>11</sup> The UNICEF Executive Board reaffirmed this policy in 1969, following a brief discussion during which it was stressed that UNICEF must be "careful not to depart from its policy of providing aid for family planning within the context of maternal and child health services."<sup>12</sup>

UNICEF experience in assisting family planning in the context of maternal and child health services was reported in 1971 to have shown "the close relationship between successful family planning programmes and basic maternal and child health services." The reports also stressed, however, that:

family planning programmes needed better channels to the villages, hamlets and slums. While certain smaller countries had made substantial progress in extending family planning services, some of the large countries had serious obstacles to overcome: a higher proportion of the population living in rural areas, a lower female literacy rate, proportionally fewer health workers, a higher proportion of villages not reached by any government services, and fewer sources for the provision of new or expanded services.<sup>13</sup>

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11. 1967 Report of the UNICEF Executive Board, *supra* note 8, at para. 47, pp. 15-16.

12. 1969 Report of the UNICEF Executive Board, 47 ESCOR Supp., para. 139, p. 40 (E/4711)(E/ICEF/590)(1969). In 1970, the family planning discussion in the Executive Board stressed the complexity of the family planning problem and that:

Without the assurance that the children who were born would have a reasonable prospect of surviving, parents were not ready to accept the notion of limiting births. Thus, an adequate maternal and child health service was prerequisite for successful family planning. Moreover, experience had shown that to be efficient and safe, programmes of family planning should be closely associated with basic health services.

1970 Report of the UNICEF Executive Board, 49 ESCOR Supp. 8, para. 35, p. 12 (E/4854)(E/ICEF/605)(1970).

13. 1971 Report of the UNICEF Executive Board, 51 ESCOR Supp. 8, paras. 59 and 58, p. 17 (E/5035)(E/ICEF/612)(1971). The reports mentioned are referred to as "recent field reports." *Ibid.* Para. 59 also expresses the view that the availability and use of maternal and child health services "should strengthen parents' aspirations for their individual children and negate the widely held fatalistic view that only a few of the numerous children born would survive. In turn, their new confidence should encourage parents to have smaller families."

Despite the apparent success of the maternal and child health service approach to family planning supported by UNICEF, the problem, given the limitations of resources and personnel, remained of "how to provide such services to the mass of people who had not yet been reached."<sup>14</sup>

### *Beyond Health Services*

UNICEF has shown some flexibility in broadening its approach while maintaining the principle that family planning services must be integrated into maternal and child health services. In 1970, for example, the UNICEF Executive Board approved funds for UNICEF participation in a project in the United Arab Republic that involved "training of various types of personnel (health workers, teachers, social workers and community and religious leaders) in connection with the family planning programme being carried out mainly through the regular health services."<sup>15</sup> In 1971, in response to questions raised in the Executive Board, the Executive Director assured the Board that:

the objective of [UNICEF] aid was the health and well-being of the existing child and, indeed, of the entire family; in that connection, there was concern not only with greater maternal and child health coverage, but also with women's education and other social measures that would strengthen the motivation towards responsible parenthood.<sup>16</sup>

The UNICEF view reported to the Population Commission in 1971 combined the judgment that aid through maternal and child health services was basic to successful family planning with a recognition that maternal and child health services would not be adequate to educate and motivate many people who might be reached through other means such as school services, agricultural extension services and other com-

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14. *Id.*, at para. 60, p. 17. One suggestion was "to use women trained as auxiliaries in family planning and elementary maternal and child health, who would work with the indigenous village midwives." *Id.*, at para. 60, pp. 17-18. It was stressed, however, that this would not be enough, and that:

A broader view of responsible parenthood was required, involving other social measures—including a variety of agencies and approaches—closely related to overall development. The measures included various forms of women's education, including literacy campaigns, as a means of raising the status of women and increasing their motivation towards responsible parenthood. Other services, such as schools, agricultural and home economics extension, community development, social welfare, industrial health services and the communications media also had an important role to play. [*Id.*, at para. 61, p. 18.]

15. 1970 Report of the UNICEF Executive Board, *supra* note 12, at para. 37, p. 13.

16. 1971 Report of the UNICEF Executive Board, *supra* note 13, at para. 64, p. 18.

munity and welfare programs.<sup>17</sup> UNICEF is apparently now willing to consider some forms of participation in the family planning aspects of such programs at least to the extent that they seek to reach families and can be considered to benefit children.

### *Contraceptives supplied by UNICEF*

As to the second major restriction placed on UNICEF aid to family planning in 1966, that is, the limitation to the "usual" forms of aid excluding contraceptives and the equipment to manufacture contraceptives, the Executive Director reported in 1970 that:

Contraceptives are not so readily available from other sources [as the Executive Director had supposed in 1966,] and some Governments have indicated their preference to receive them from UNICEF as part of the overall aid to their [maternal and child health] family planning projects. The exclusion of contraceptives from UNICEF assistance has also been a complication in our discussions with the United Nations Fund for Population Activities when Governments' requests have included contraceptives. WHO, our chief technical partner in connection with family planning, considers that UNICEF should be able to provide contraceptives along with other supplies and equipment.<sup>18</sup>

The Executive Director therefore recommended that the Executive Board "authorize UNICEF to include contraceptives in the supplies which can be provided on governmental request."

The discussion at the 1970 session of the Executive Board generally favored the Executive Director's proposal,<sup>19</sup> but brought forth a renewal of the strong Soviet objections to UNICEF's role in family planning.<sup>20</sup> The Soviet representative stated that UNICEF should spend its money to combat disease, and that:

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17. UN Doc. E/CN.9/255 (1971). See also note 14 above.

18. UNICEF, General Progress Report of the Executive Director, UN Doc. E/ICEF/602, para. 73, p. 27 (1970). The Executive Director stated that:

In 1966, when the Executive Director first recommended that UNICEF assist family planning, he deliberately excluded the provision of contraceptives as a form of aid. This was done in order to avoid unnecessary controversy and also because it then appeared that contraceptives were adequately available from other sources. Since that time the situation has changed.

19. The Executive Director's General Progress Report, *supra* note 18, was discussed throughout a lengthy general debate during the 395th through 404th meetings reported in UN Docs. E/ICEF/SR.395-408 (1970). At the opening of the 404th meeting, the Chairman noted a clear majority in favor of the Executive Director's recommendation as a result of the comments made during the general debate. SR.404, *id.*, at p. 159.

20. See, e.g., the statements by the Soviet representative during the 1966 and 1967 Executive Board discussions, UN Docs. E/ICEF/SR.346-349 and SR.361-362; and note 10 above.

UNICEF's role was to protect the interests of children and to make provision for their health and nutrition. Family Planning was not part of its responsibilities.<sup>21</sup>

The French representative, however, was willing to give his approval if two conditions were satisfied:

First, it was to be clearly understood that contraceptives were to be provided only when specifically requested by Governments, in order to dispel the misgivings expressed by certain delegations that UNICEF might become a propagandist for family planning policies.

Second, it was necessary to ensure that Governments respected the complete freedom of choice of the family in the matter of family planning.<sup>22</sup>

Responding to these comments, the Executive Director assured the Board that UNICEF had no intention of becoming a propagandist for family planning, and that contraceptives would be supplied only at the request of governments and with the technical approval of WHO. The Executive Director also said that "The complete freedom of individuals to use family planning methods or not to use them was a question for Governments, not UNICEF."<sup>23</sup>

Rejecting a Soviet request to defer a decision on the Executive Director's recommendation in the light of the division of opinion in the Board,<sup>24</sup>

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21. UN Doc. E/ICEF/SR.395-408, at SR.400, pp. 84, 85-86, and SR.404, p. 161 (1970). The 1970 Report of the UNICEF Executive Board, *supra* note 12, summarizes in para. 42, p. 14, some general views on the population question that were expressed during the Executive Board debate:

There was a tendency... to over-simplify the problem: if under-development was caused by the population explosion, then family planning was fully justified; however, if it was caused by such factors as ignorance, poverty or lack of decent housing, then it was in those areas that action should be taken.

22. UN Doc. E/IC EF/SR.395-408, at SR.404, p. 160 (1970). Following the French statement, the chairman noted that "a further condition for UNICEF participation in the family planning aspect of maternal and child health programmes was the technical approval of WHO." *Ibid.* The Belgian representative stated that "Any requests for contraceptives should be made explicitly by Governments and UNICEF should not intervene except at Government request." *Ibid.*

23. *Id.*, at SR.404, p. 161. Compare the Executive Director's statement concerning the freedom of individuals to use or not to use family planning methods with the development through the General Assembly of the human rights aspects of family planning discussed in Chapter 2. See also note 29 of Chapter 11 and note 8 of Chapter 12.

24. The Soviet representative objected to the Chairman's statement concerning the clear majority in favor of the Executive Director's proposal, *supra* note 19, and stated that it had been the practice in the Executive Board to refer for further study those points on which members had raised objections. The Chairman stated that the Board followed no such practice, and put to a vote the question of whether a decision should be taken or the decision deferred. The Board decided by a vote of 14 to 4, with 4 abstentions, to act upon the Executive Director's recommendation. UN Doc. E/ICEF/SR.395-408, at SR.404, p. 159 (1970).

the Executive Board approved the Executive Director's recommendation. The Board authorized UNICEF to include contraceptives and the equipment to manufacture contraceptives "in the supplies which it furnished for the family planning and child welfare aspects of maternal and child health programmes, at the request of Governments, and with the technical approval of the World Health Organization."<sup>25</sup>

### *UNICEF Policy and Programs*

The UNICEF-WHO Review of Family Planning Aspects of Family Health, discussed in the preceding chapter, gives special attention to UNICEF's support of educational and motivational efforts in the family planning field, and UNICEF's view on the need for "creating more adequate and broader channels for the delivery of [family planning] services to population groups not yet covered by basic health services."<sup>26</sup>

Although UNICEF agreed that "increased efforts were needed to widen the coverage of the basic health infrastructure to include much larger population groups," UNICEF held the view that "other channels for reaching the bulk of the population also had to be found and encouraged." Therefore UNICEF considered that it should support educational and motivational efforts both by health services and by "whatever services were in touch with the great masses of people, such as the school system, agricultural extension services, community development programmes, social services, especially mothers' clubs, women's literacy and educational programmes, and the mass media."<sup>27</sup>

The UNICEF-WHO Review accepts the UNICEF view that family planning information and education are crucial to the success of any family planning program, but warns that "information and education

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25. *Id.*, at SR.404, p. 162. The quoted formulation of the Executive Board decision is taken from the 1970 Report of the UNICEF Executive Board, *supra* note 12, at para. 44, p. 14. In its summary of the Executive Director's recommendation and the Executive Board discussion, the Board's 1970 Report notes that family planning aid in the form of contraceptives "would be provided in accordance with UNICEF's general approach for country programming and it was not contemplated that large amounts of aid would be in the form of contraceptives." *Id.*, at para. 40, p. 13. The quoted statement does not appear in the Executive Director's recommendation in his "General Progress Report", UN Doc. E/ICEF/602, para. 73, p. 27 (1970), or in the summary records of the Executive Board meeting at which the Executive Director's recommendation was approved, meeting no. 404, UN Doc. E/ICEF/SR.395-408, at SR.404, p. 159-62 (1970). In any event, considering the relative cost of contraceptives and other components of family planning program assistance, it appears likely that in fact only a small proportion of UNICEF family planning aid will be in the form of contraceptives.

26. UNICEF-WHO Review, *supra* note 39, Chapter 11, at p. 15.

27. *Id.*, at p. 14.

activities should not outstrip the provision of family planning care.” The Review calls for close collaboration between the health administration and the mass media to ensure that education programs are supported by “accessible and good quality family planning care in which the people have confidence.”<sup>28</sup> Within such a framework, the Review affirms that both maternal and child health workers and a wide range of other community service workers can contribute to family planning education and information activities.<sup>29</sup> UNICEF’s participation in these activities can be expected to increase as family planning services become more widely and readily available.

UNICEF’s views on the need for broader channels for the provision of family planning services at the local level were considered at the inter-agency Sub-Committee on Population of the Administrative Committee on Co-ordination in 1972. The Sub-Committee agreed that although conditions vary from country to country, and the provision of family planning services was a long-term problem as to which it will take years to develop the “infrastructure capable of providing the needed services,” broader channels must be found to carry family planning services “to the mass of the reproductive age group.” The Sub-Committee’s conclusions on the relationship between family planning services and health services, later approved by the Administrative Committee, were as follows:

(b) The linking of family planning services to elementary maternity and child health services is now generally accepted as a particularly important element of the peripheral delivery system. A further solution to the deficiency of existing services may be sought in the wide extension of elementary and basic services, delivered by auxiliary personnel selected and trained in the provinces or districts concerned. These can be most effective if they are well co-ordinated, at all levels and particularly at the intermediate level, with the health services required for the provision of modern family planning methods. . . .;

(c) While the general health services, in particular maternity and child health services, should remain the principal channel for the delivery of family planning services, it is essential for the countries concerned to consider all available means of supporting and/or promoting family planning activities, including information and motivational aspects by means, for example, of women’s educational and literacy programmes, agriculture and home economics extension services, community development, in and out of school education, social welfare services, labour welfare education, communications media, and voluntary non-governmental organizations.<sup>30</sup>

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28. *Id.*, at pp. 28–29.

29. *Id.*, at pp. 29–30. The examples given include nutrition and immunization workers, school programs, functional literacy and vocational training programs, and environmental health workers. *Ibid.*

30. Annual Report of the Administrative Committee on Co-ordination for 1971–1972, UN Doc. E/5133, para. 125, pp. 35–36 (1972). The review was undertaken at the suggestion of the Executive Director of UNICEF. *Ibid.*

## Chapter 13

### FOOD AND AGRICULTURE ORGANIZATION (FAO)

The Constitution of the Food and Agriculture Organization, adopted in 1945, states in its Preamble that the Organization had been founded with a view to furthering separate and collective action for the following purposes:

- raising levels of nutrition and standards of living. . . ;
- securing improvements in the efficiency of the production and distribution of all food and agricultural products;
- bettering the condition of rural populations; and thus contributing toward an expanding world economy.<sup>1</sup>

In implementation of this broad mandate, the Organization was directed to “collect, analyse, interpret, and disseminate information relating to nutrition, food, and agriculture,” and, within the same field, to promote and recommend national and international action with respect to “scientific, technological, social, and economic research,” and “the improvement of education and administration” and the “spread of public knowledge.”<sup>2</sup>

#### *Developing the FAO Mandate*

The FAO mandate in the population field, founded on the general language of the FAO Constitution, has been developed to include the following three types of activities:

- (a) Research and informational activities concerned with the interrelationships between population trends and food and agricultural development;
- (b) Work on projections of sectors of the population directly relevant to agriculture; [and]

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1. Constitution of the Food and Agriculture Organization of the United Nations, October 16, 1945, 12 US Treaties 980, 987.

2. *Id.*, at Art. 1, paras. 1 and 2(a) and (b). Art. 1, para. 3(a), states that it is the function of the Organization “to furnish such technical assistance as governments may request.”

(c) Motivational and educational activities aimed at promoting family planning as part of general "Planning for Better Family Living."<sup>3</sup>

In its 1971 report to the Population Commission, FAO stated that the FAO mandate "is considered to be broad enough to provide for FAO's increasing involvement in the population field within its main responsibility for increasing food production and improving the welfare of rural people, through agricultural sector development."<sup>4</sup>

The first two activities mentioned, FAO's concern with trends in food production in relation to population growth,<sup>5</sup> and FAO's estimates and projections of populations economically active in agriculture and of populations dependent upon agriculture,<sup>6</sup> are relatively well-established and are adequately described in the publications cited. They give rise to no substantial questions concerning FAO competence and need not be discussed here. This report will discuss the development of family planning motivational and educational activities in FAO's "Planning for Better Family Living" program, and the efforts now being made to assist governments in integrating population planning with agricultural development planning.

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3. FAO 1971 Report to the Population Commission on "Activities and programmes... in the field of population and closely related fields," UN Doc. E/CN.9/261, para. 1, p. 1 (1971). The FAO program was stated in the 1969 Report to the Population Commission. UN Doc. E/CN.9/234/Add.1, para. 1, p. 1 (1969), to have the following two aspects:

first, policy-oriented research into the implications of population trends for agricultural development, rural employment, current and projected levels and patterns of long-term demand and supply for agricultural products, levels of food consumption and nutrition, and levels of living, and of the effects of food and nutritional factors on fertility and mortality, particularly among the young, and on other demographic variables; and,

secondly, the development of an educational approach that integrates family planning into a comprehensive better family living programme.

4. FAO 1971 Report to the Population Commission, *supra* note 3, at para. 2, p. 1.

5. FAO's annual report entitled *The State of Food and Agriculture* reviews trends in food production and population. Excerpts from the 1970 and 1971 issues are reproduced in the FAO 1971 Report to the Population Commission, *supra* note 3, at paras. 4-6, pp. 2-3, and Appendix I.

6. See *id.*, at para. 11, p. 5. See also FAO's *Indicative World Plan for Agricultural Development*, FAO Doc. C 69/4 (1969), which reviews the problems of agricultural development against the expected trends in population up to 1985, and "concludes that rapid population growth in rural areas stands in the way of increasing agricultural productivity and hence incomes and levels of living of the agricultural population by rendering it difficult if not impossible, to bring about a more productive sectoral distribution of the labour force between agriculture and other occupations, even if all the possibilities of labour-intensive methods in agriculture and agro-allied industries are fully exploited." FAO 1969 Report to the Population Commission, *supra* note 3, at para. 4, pp. 2, 3.

*“Planning for Better Family Living” (PBFL)*

In 1967, the Fourteenth Session of the FAO Conference considered the role that might be played by FAO in the context of rapidly expanding population as contrasted with slower rates of growth in the agricultural production of some developing countries. In the preamble to a resolution taking steps to reorganize the general structure of FAO to meet the needs of the Second United Nations Development Decade, the FAO Conference recognized that “the world is faced with a growing crisis in its efforts to achieve and maintain a reasonable balance between a rapidly expanding population and the food supply.”<sup>7</sup> Despite the expression by delegations at the Conference of “diverse opinions about the need to limit population growth in all parts of the world,” the Conference went on to reach agreement on the establishment of the “Planning for Better Family Living” program, which was described as “directed essentially towards the countries already heavily populated and where the food supplies cannot keep pace with population increase.”<sup>8</sup>

The Conference also recommended that the Director-General “increasingly involve the Organization in a study of the food/population dilemma,” and that:

FAO be prepared [on governmental request] to provide assistance in the organization of educational programs aiming at helping populations in their search for wellbalanced family life.<sup>9</sup>

In authorizing the Planning for Better Family Living program, the Conference stressed that “the nature of the program would be educational and that any field activities would be undertaken only on governmental request.”<sup>10</sup> The Conference recognized that:

...home economics and agriculture through their established extension programs, specialized programs for women and youth, and applied nutrition programs provided excellent channels through which to reach the family. It agreed that

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7. FAO Conference Resolution No. 1/67, “General Structure of the Food and Agriculture Organization,” Report of the 14th Session of the FAO Conference, p. 12 (1967). The Resolution also recognized the “necessity for organizations of the United Nations family in the field of economic and social co-operation to adopt their activities, and consequently their structures, to the requirements of co-ordinated and integrated action towards development.” *Ibid.*

8. Report of the 14th Session of the FAO Conference, *supra* note 7, at para. 256, p. 50. The Conference noted that “economic and social development was impeded in some countries by rapid population growth, and that in Asia and the Far East some Governments had accepted that population control was vital to long-term development and had already started successful programs.” *Id.*, at para. 257, p. 50.

9. *Id.*, at para. 260, p. 50.

10. *Id.*, at para. 256, p. 50.

the education and training activities which support national programs to improve the levels of family living through better utilization of resources and improved nutrition were within the competence of FAO.<sup>11</sup>

Although authorized by the FAO Conference in 1967, by 1969 the PBFL program had not gotten beyond the formulation of a "basic programme philosophy and an operational framework consistent with FAO responsibility in the field of agricultural development, raising the levels of nutrition and family living and the development of human resources."<sup>12</sup> The program was intended to be "initiated within established home economics field projects" with the aim of reinforcing "those services that are reaching families with a strong planning and family life education component."<sup>13</sup>

### *FAO and Family Planning*

In 1969, an FAO "Basic Study" paper describing "Mobilization of Human Resources for Rural Development" as one of five priority areas for FAO action programs, stated in a section entitled "Individual and family well-being," that:

The promotion of family planning programmes may be essential to the improvement of individual and family levels of living and well-being. In the absence of such programmes, in many countries all other measures proposed for mobilizing human resources may not bring about improved levels of living.<sup>14</sup>

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11. *Id.*, at para. 258, p. 50.

12. FAO 1969 Report to the Population Commission, *supra* note 3 at para. 15, p. 6. The Report states at para. 17, p. 6, that:

An intensive two-year developmental programme has been planned by the Home Economics Branch to include basic family life studies relevant to the problem of human fertility, development and testing of curricula, instructional materials, methodology and communication techniques with individuals, small groups and through mass media. . . . A regional pilot project has been prepared for East Africa to include four countries with FAO-assisted home economics training institutions and action programmes.

13. *Id.*, at para. 15, p. 6. During the 15th Session of the FAO Conference in November 1969, one delegation expressed concern "at the apparently limited impact of this programme so far and whether budgetary provisions for 1970-71 would be adequate." Report of the 15th Session of the FAO Conference, para. 344, p. 66 (1969).

14. *Toward a Strategy for Agricultural Development*, FAO Basic Study No. 21, p. 42 (1969). The five "Areas of Concentration" described in the booklet for public information purposes were: high-yielding varieties of basic food crops; filling the protein gap; the war on waste; mobilization of human resources for rural development; and saving foreign exchange. The booklet states at p. 39 that:

In many rural areas there is an excessive and rapidly increasing population for the natural resources available, and consequently there is underemployment and unemployment. Malnutrition and hunger are common, and starvation is not

The paper just quoted did not identify the PBFL program, but implied its constitutional basis in characterizing FAO as "the agency within the United Nations family created to deal with all aspects of agricultural development—technical, economic, social, institutional and organizational." The paper also included a section entitled "Direct support to field action" that does not mention family planning, but broadly claims competence for "out-of-school educational (extension) programmes for men, women and youth," and for programs "directing special attention to rural women and youth."<sup>15</sup>

The "Basic Study" paper's comments were protested at the Fifteenth Session of the FAO Conference in 1969, leading to a reaffirmation at the Conference that "FAO did not, within its mandate on population, assist countries in the establishment of family planning programmes."<sup>16</sup> The Conference report states:

[Pursuant to the 1967 PBFL decision,] the Home Economics Service had planned a programme that aimed to assist member countries in the development of opportunities for their people to acquire the knowledge, attitudes and motivations needed to make sound plans and decisions about all aspects of family life, including parenthood and family size.<sup>17</sup>

The distinction drawn between assistance in establishing family planning programs and assistance through the PBFL program lies both in the comprehensive and the educational nature of the PBFL program. The emphasis of the PBFL program was defined as "the total development, planning and management of family resources, so that families could be helped to attain the basic requirements of everyday living—adequate food, housing, education and decent rural living conditions."<sup>18</sup>

By 1970, however, in his annual report on "The State of Food and Agriculture," the FAO Director-General found that family planning "has emerged as a policy instrument in an increasing number of developing countries," partly as a result of the "gradual realization that economic development is likely to be a slower process than was thought in

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unknown. Housing is inadequate, illiteracy, or at best low levels and inadequate provision of formal education, are typical.

15. *Id.*, at pp. 49 and 51–52.

16. Report of the 15th Session of the FAO Conference, para. 344, p. 66 (1969). The reaffirmation reported probably occurred in the form of statements by secretariat officials explaining the PBFL program.

17. *Ibid.* The program described was said to have been prepared in response to the mandate of the 14th Session of the FAO Conference establishing "an education programme of 'Planning for Better Family Living.'" *Ibid.*

18. *Ibid.* The Conference also "noted the activities being carried out in this field [by FAO,] and considered that close cooperation must be maintained between FAO" and UNFPA and other interested UN Specialized Agencies such as WHO and UNESCO. *Id.*, at para. 448, p. 83.

the earlier postwar years, and that the limited progress being made is all too often largely nullified by rapid population growth."<sup>19</sup> The Director-General considered that recent breakthroughs in agricultural production had reduced fears of an imminent food crisis, but that other consequences of rapid population growth such as underemployment and unemployment, had become more widely understood and were now the chief problems. The report concludes that:

In the long run, the main attack on the employment problem will probably have to be through population policy. Rapid population growth is the main factor delaying the moment when the agricultural labour force finally begins to decline in absolute numbers. Just as, during the First Development Decade, food production difficulties constituted one of the most powerful arguments for a reduction in population growth, in the Second Development Decade employment problems seem likely to assume major importance in this regard.<sup>20</sup>

Also in 1970, FAO was urged by the Second World Food Congress to expand its Planning for Better Family Living program. Commission I of the Congress, whose topic was "Ensuring Basic Food Supplies," based this recommendation on the conclusion that "a more positive attitude toward family planning must be adopted" if the benefits from increased agricultural production are to be realized.<sup>21</sup> It was considered at the Congress that "FAO had a special role to play through its direct contact with the rural population and because of its concern with an important sector of economic and social development."<sup>22</sup>

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19. FAO, *The State of Food and Agriculture 1970*, pp. 148 and 147 (1970). The report notes that the "disappointingly slow growth of agricultural products in many developing countries" had raised "doubts as to whether these countries (or even the world as a whole) would be able to feed themselves properly in the long run," but that the argument has shifted from "rather academic discussions of the ultimate carrying capacity of the world or of individual countries to the practical effects of rapid rates of population growth." *Id.*, at p. 147.

20. *Id.*, at pp. 192-93.

21. FAO, *Report of the Second World Food Congress*, vol. II, p. 13 (1970). FAO was urged in Recommendation 1 of Commission I, *ibid.*, to expand its program in the family planning field and "to cooperate with other agencies and with governments in reviewing the issues involved and working out solutions to population problems."

22. *Id.*, at p. 154. The comments quoted were made in Panel IV on "Population Growth in Relation to Economic Development." The report of the panel discussion recognizes that "While FAO's main role was obviously to promote the production of food, it should also cooperate more fully with all other agencies in their efforts to arrive at and implement suitable population policies as recommended by Commission I of the Congress." *Ibid.*

## *Developing the PBFL Program*

By 1971, FAO was prepared to move ahead with the Planning for Better Family Living program. The Director-General's 1971 report on the FAO "Medium-Term Plan" stated that "From initial demonstration field projects this population education programme will expand rapidly as it is integrated into relevant agricultural, home economics, nutrition and other rural development projects."<sup>23</sup>

The first PBFL field demonstration project was initiated in 1971 in three East African countries, Kenya, Uganda and Tanzania.<sup>24</sup> In the same year, the PBFL concept was introduced at a joint FAO/UNDP Asia and Far East Seminar on Strengthening Family Life held at Los Baños in the Philippines.<sup>25</sup> The objectives of the seminar were:

- to focus attention on the relationship between rapid population growth and low levels of living among families in the region;
- to develop mutual understanding of FAO's concept of PBFL as a means of strengthening family life; and
- to formulate strategies for integrating PBFL into relevant programmes within countries of Asia and the Far East region.<sup>26</sup>

In a paper prepared for the Los Baños seminar by the FAO Home Economics Service, the purpose of PBFL demonstration projects is stated as helping governments to develop in the context of their food, nutrition, home economics and agricultural development strategies:

- effective educational approaches that will motivate men, women, youth, families and extended kin to make personal decisions that will promote not only family goals of economic stability and quality of family life, but be supportive of

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23. FAO Doc. C 71/15, p. 34 (1971). The quoted statement is taken from a chart showing an "Assessment of Probable Trends" with regard to FAO sub-projects in the "Mobilization of Human Resources" area. *Id.*, at pp. 28-34.

24. FAO 1971 Report to the Population Commission, *supra* note 3, at para. 14, pp. 6, 7. See also note 12 above. The East African demonstration project was discussed at a meeting of representatives of the institutions and agencies involved held at FAO Headquarters, July 22-31, 1971. The meeting discussed the "general outline of the PBFL operational plan for East Africa," and finalized the operational plan "after the session according to recommendations made by the participants." *Ibid.* See also FAO Nutrition Division, "Description of an FAO Demonstration Project in Planning for Better Family Living," 9 *Nutrition Newsletter*, No. 1 pp. 8-17 (Jan.-Mar. 1971).

25. FAO 1971 Report to the Population Commission, *supra* note 3, at para. 14, p. 6.

26. *Ibid.* The seminar was attended by home economics leaders and government officials responsible for family-oriented programs from twelve countries in the region. It recommended that national planning bodies consider "within their efforts towards stabilization of population growth rates, the incorporation of PBFL as a positive educational measure to improve the quality of living." *Ibid.*

national policies aimed at attaining moderate and balanced rates of population growth...<sup>27</sup>

The PBFL demonstration project is described as having four major components: action-research, communications, education and training, and field application. The first component, action-research, is designed to provide "a basis for making communication, education and training activities meaningful for the families they are designed to reach."<sup>28</sup> It includes research on the interests, needs, attitudes, beliefs and goals of individuals and families, and research on the effectiveness of different types of messages for different audiences, and the different channels used to transmit them. Action-research will also seek to identify the best means of training the various personnel to be used in bringing home the PBFL message. These will be drawn from "programmes already reaching families, such as home economics services, nutrition services, agricultural extension, programmes for women and youth, community development programmes, rural cooperatives, resettlement schemes, and other adult education programmes," and from "technically oriented food and agriculture programmes that to date have not had a human resource development focus."<sup>29</sup>

With so wide a range of possible choices, one problem will be the selection of the most appropriate channels for reaching rural families. In a paper describing "FAO's Role in Population Activities," this factor is noted with the statement that:

The nature of the main task of particular channels and their likelihood of success will have to be kept in mind in determining when, where and how a population component aimed at motivating people to take note of the effects of population growth might be added, taking into account the nature of any existing government policies in the population field.<sup>30</sup>

The paper also acknowledges a need for intensive training of existing personnel and of field workers in the behavioural science skills needed for the introduction of a population motivation component in FAO's education, training and extension activities.<sup>31</sup>

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27. "Description of an FAO Demonstration Project Model in 'Planning for Better Family Living' (PBFL)," FAO Doc. ESN:TSFL/71/Inf.5, p. 1 (1971).

28. *Id.*, at p. 4. See also *id.*, at pp. 4-7.

29. *Id.*, at pp. 9-10. The PBFL program is further described in papers included in the Report of the Planning for Better Family Living Staff Orientation Training Session held at Rome in July 1971, FAO Doc. ESN:MMS/71/3, Nutrition Miscellaneous Meetings Series, No. 3 (1971).

30. FAO Doc. ESS:MISC/71/12, para. 20, p. 7 (1971). The paper states that: "A key factor will of course be to ensure that the inclusion of a population component would not be at the expense of the success of the primary purpose of the activities in which it will be included." *Ibid.*

31. *Id.*, at para. 21, p. 8.

At the end of 1971, PBFL field project proposals were in the process of development in nine countries in addition to the three involved in the East African demonstration project: Ceylon, Colombia, Ghana, India, Indonesia, Malaysia, the Philippines, Sierra Leone and Venezuela.<sup>32</sup>

### *The Population Factor in Agricultural Development Planning*

In addition to the FAO's operational activities under the PBFL program, FAO conducts research on the food and population relationship for use in development planning. FAO is attempting to move this research "from the assessment of the food/population dilemma to the study of how to help resolve this dilemma." To assist in this goal, FAO is undertaking a series of country studies on food/population problems with financial assistance from UNFPA, which are intended to:

...increase the understanding of the interrelations between agricultural development programmes including investment requirements, saving potentials, income distribution and employment, and population dynamics, specifically on the areas of interaction between human fertility and migration and their effect on the policies and programmes which will be supported by FAO.<sup>33</sup>

The 1971 statement of "FAO's Role in Population Activities" points out that "[i]mproved understanding of the relationships between demographic factors and food and agricultural development is an essential precondition for the formulation, analysis and implementation of policies and programmes aimed at achieving a balanced growth of population, employment, income and food supply." The proposed studies of these questions will provide FAO with the basis for "assisting countries in the analysis of alternative population policies as an integral part of the formulation of their national agricultural development strategies."<sup>34</sup>

In addition to the research studies, FAO is attempting to promote the consideration of alternative population policies in connection with agricultural development planning through including material on food/population development questions in its training courses for agricultural plan-

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32. *Id.*, at para. 17, pp. 6-7.

33. FAO 1971 Report to the Population Commission, *supra* note 3, at para. 18, p. 9. The studies in question "are concerned with interrelations at macro- and microlevels between food consumption patterns and related socio-economic factors (including attitudes and motivations) and demographic factors such as fertility and migration, under different technological, institutional, socio-economic and geographic conditions with particular emphasis on so-called 'green revolution' areas." *Ibid.*

34. FAO Doc. ESS:MISC/71/12, paras. 8 and 7, p. 3 (1971). Headquarters and field studies planned with UNFPA financial assistance are described *id.*, at para. 9, pp. 3-4.

ners and its orientation courses for FAO agricultural planning advisers.<sup>35</sup>

As a result of these developments, FAO now appears to be in a position to intensify its efforts to stimulate the consideration of the population factor in national agricultural development planning.

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35. *Id.*, at paras. 11 and 12, p. 5.

## Chapter 14

### INTERNATIONAL LABOUR ORGANIZATION (ILO)

The Preamble to the Constitution of the International Labour Organization states as the fundamental proposition upon which the Organization was founded that “universal and lasting peace can be established only if it is based upon social justice.” The Preamble then lists among the purposes sought to be advanced through the establishment of the Organization, “the prevention of unemployment, the provision of an adequate living wage,” and “the protection of children, young persons and women.”<sup>1</sup>

Meeting at Philadelphia in 1944, the ILO General Conference adopted a “Declaration concerning the Aims and Purposes of the International Labour Organization,” that reaffirmed the basic proposition that peace must be based upon social justice, and declared that:

all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.<sup>2</sup>

The Declaration recognized that it is “the solemn obligation of the International Labour Organization to further among the nations of the world programs which will achieve:

- (a) full employment and the raising of standards of living; . . .
- (h) provision for child welfare and maternity protection;
- (i) the provision of adequate nutrition, housing and facilities for recreation and culture; [and]
- (j) the assurance of equality of educational and vocational opportunity.<sup>3</sup>

The Philadelphia Declaration was annexed to the ILO Constitution which, as revised in 1945, states that the ILO has been “established for the promotion of the objects set forth in the Preamble to this Constitution and in the Declaration . . . adopted at Philadelphia.”<sup>4</sup>

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1. Constitution of the International Labour Organization, Oct. 9, 1946, 15 UNTS 35, 40.

2. Declaration concerning the Aims and Purposes of the International Labour Organization, May 10, 1944, 15 UNTS 104, 106.

3. *Id.*, at pp. 104, 108–10.

4. ILO Constitution, Art. 1, para. 1, 15 UNTS 35, 42.

## *The ILO Asian Advisory Committee*

The first steps in the evolution of the ILO mandate in the population field growing out of the general provisions of the ILO Constitution and the Declaration of Philadelphia, were developed through the work of the ILO Asian Advisory Committee. Meeting at Singapore in 1966, the Asian Advisory Committee adopted a set of "Conclusions relating to Human Resources Development," including the following "conclusion" relating to population growth:

rapid population growth in many Asian countries is seriously depressing the level of income and welfare of most families and aggravating the already acute employment problems, [and countries in the region] should consider the adoption of a population policy suited to national consideration which might be designed to reduce the rate of population growth by means of family planning.<sup>5</sup>

The Asian Advisory Committee's conclusions were approved by the ILO Governing Body for transmission to Asian Member States, whose attention was drawn in particular to the implications for national action of the Conclusions relating to Human Resources Development.<sup>6</sup> During the Governing Body discussion of the Advisory Committee's report, however, the Soviet Government delegate expressed the view that:

Questions relating to population growth were being considered by other international agencies more competent to deal with them, and no useful purpose would be served by discussing them in the Governing Body.<sup>7</sup>

The Soviet view was disputed by several speakers, including the Indian Employers' delegate, who pointed out that "Family planning was admittedly not the direct responsibility of the ILO", but that "in view of the relationship between population growth and employment and living standards generally, the ILO could not dissociate itself from efforts to promote family planning."<sup>8</sup>

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5. Report of the 13th Session of the ILO Asian Advisory Committee, Singapore, 1966, "Conclusions relating to Human Resources Development," ILO, Minutes of the 168th Session of the Governing Body, 1967, Appendix IV, Annex, Appendix A, para. 11, at pp. 69, 71, 81, 82 (1967).

6. *Id.*, at p. 27, approving the proposal stated in para. 16 of the International Labour Office paper, *id.*, at pp. 69, 70.

7. *Id.*, at p. 20. The Soviet Workers' delegate stated that para. 11 of the Asian Advisory Committee's conclusions, *supra* note 5, "seemed to imply that birth control measures were all that was needed to raise living standards, whereas in point of fact the real issue was not the number of children born but the structure of the society into which they were born." *Id.*, at p. 26.

8. *Id.*, at p. 23. The full discussion is summarized *id.*, at pp. 19-27.

## *Rapid Population Growth and Employment Opportunities*

At the next session of the International Labour Conference in June 1967, three months after the discussion in the Governing Body of the Asian Advisory Committee's conclusions, the government delegates of Sweden, India and Kenya, introduced a draft resolution entitled "Resolution Concerning the Influence of Rapid Population Growth on Opportunities for Training and Employment and on Welfare of Workers."<sup>9</sup> In introducing the draft resolution, the Swedish Government delegate stated that expected increases in population "would further depress living standards and aggravate the unemployment situation," and that "so long as the present rate of population growth was allowed to continue and the world's resources in food, training, employment, housing, education and other necessities had to be shared among an increasing number of people, the inevitable outcome would be famine, illiteracy and lack of decent living conditions."<sup>10</sup> The draft resolution was generally commended as a careful and precise measure calling for the development of action falling within ILO's particular field of competence.<sup>11</sup>

As adopted unanimously by the Resolutions Committee and without objection or discussion in the Plenary Meeting,<sup>12</sup> the 1967 resolution quotes the Asian Advisory Committee's conclusions on rapid population growth, and recognizes that "unemployment and underemployment are causing increasingly serious economic and social problems" and that "these problems may be aggravated by rapid population growth." The final preambulatory paragraph states the belief that:

governments as well as trade unions and employers' organizations have an important role to play in creating awareness of the implications of rapid population growth particularly in developing countries.<sup>13</sup>

The operative paragraphs invite the Governing Body to request the director-General to "undertake a comprehensive study on the influence and consequences of rapid population growth on opportunities for training and employment and on welfare of workers, with particular reference to

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9. ILO, Record of Proceedings of the 51st Session of the International Labour Conference, 1967, pp. 550-51.

10. *Id.*, at p. 564.

11. *Id.*, at pp. 564-65.

12. *Id.*, at pp. 566 and 500.

13. As introduced, the draft resolution spoke of the need for creating awareness of the implications of rapid population growth "in developing countries." *Id.*, at p. 550. The Spanish Workers' delegate protested that the problem was universal and proposed the deletion of the quoted language. *Id.*, at p. 565. After discussion, and "subject to the reservations" of the French and Soviet Government delegates and the Italian Employers' delegate, the Resolutions Committee accepted the qualification "particularly in developing countries." *Ibid.*

developing countries,” and to submit proposals to the Governing Body for action that might be taken by ILO “within its field of competence and in close cooperation with the United Nations.”<sup>14</sup>

Pursuant to the International Labour Conference resolution, at its 170th Session in November 1967, the Governing Body requested the Director-General to prepare the study defined by the resolution.<sup>15</sup>

### *The Asian Manpower Plan*

The requested draft study was submitted to the Governing Body a year later. In the meantime, another Asian contribution to the development of ILO activities in the population field occurred in 1968 with the adoption at the ILO Sixth Asian Regional Conference of a “Resolution concerning the Asian Manpower Plan and Population Policy.”<sup>16</sup> The discussion at the Asian Regional Conference stressed that “rapid population growth impeded development and contributed to serious unemployment and underemployment,” and supported the belief stated in the resolution that “it is particularly urgent to protect the health and well-being of workers’ families against the consequences of excessive population growth.”<sup>17</sup> The resolution urged Asian countries:

- (a) to adopt population policies suited to national conditions, concurrently with national action under the Asian Manpower Plan to develop and utilize human resources;
- (b) to consider, where appropriate, the provision of adequate information, practical education, health and advisory services in the field of family planning to workers and their families; [and]

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14. *Id.*, at pp. 789–90. The text of the resolution is also reported in the *ILO Official Bulletin*, vol. 50, no. 3, Supp. I, pp. 45–47 (1967).

15. ILO, Minutes of the 170th Session of the Governing Body, 1967, pp. 20 and 65. During the debate in the Governing Body, the Kenyan Government delegate amended the request to the Director-General suggested by the International Labour Office to add “as a matter of urgency.” *Id.*, at p. 20. The Governing Body’s request is also reported in the *ILO Official Bulletin*, vol. 51, no 1, p. 9 (1968).

16. ILO, Record of Proceedings of the Sixth Asian Regional Conference, Tokyo, 1968, Resolution 4, pp. 227–28 (1968).

17. During the discussion in the Selection Committee at the Conference, one government delegate stated that he could not support the resolution since in the experience of his country, vigorous economic and social development could bring about full development and utilization of human resources despite rapid population growth. *Id.*, at pp. 200, 205. The resolution was adopted by a vote of 54 in favor to none opposed, with 15 abstentions, and subject to reservations expressed by government delegates from Iran, Vietnam and the Soviet Union. *Id.*, at pp. 181–2. The summary of the discussion quoted in the text is taken from ILO, *Official Bulletin*, vol. 52, no. 1, p. 30 (1969).

(c) to enlist the full co-operation of employers and workers and their organizations in planning and carrying out these activities.<sup>18</sup>

The Asian Regional Conference resolution also requested the Governing Body to authorize the Director-General "to assist developing Asian countries, on request, and as a complement to the Asian Manpower Plan, in dealing with population problems in the fields of ILO competence." The authorization requested was granted by the Governing Body at its 173d Session in November 1968.<sup>19</sup>

### *Developing the ILO Mandate*

The International Labour Office's draft "Study on the Influence of Demographic Factors in the Fields of Employment, Training and Welfare of Workers," and preliminary proposals on the possible scope and lines of action that the ILO might take in the population field were submitted to the Governing Body at its 173d Session in November 1968.<sup>20</sup> The Office study and proposals were based upon the following assessment of the impact of rapid population growth upon the accomplishment of the basic objectives of the International Labour Organization:

[Trends in population growth] are frustrating the efforts towards the attainment of the basic objectives in the ILO's own sphere of responsibilities—creating fuller and more productive employment, raising the skill levels of the labour force, improving the levels of living and welfare of workers through higher wages and better social security, and generally promoting wider social justice.<sup>21</sup>

The Office proposals for ILO action in the population field were presented in two parts: "ILO Action to Accelerate Development" and "Possible Lines of ILO Action to Moderate the Rate of Population Growth."<sup>22</sup>

As to action to accelerate economic development, the ILO focus was on the ILO "World Employment Programme" and the need to create new employment opportunities in developing countries. The office paper

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18. The text of the resolution is reported *id.*, at pp. 71–72, and in part in the 1969 Report of ILO to the Population Commission, UN Doc. E/CN.9/234/Add.5, para. 4, pp. 2–3 (1969).

19. ILO, Minutes of the 173d Session of the Governing Body, 1968, p. 28, authorizes the Director-General to take the Asian Regional Conference resolution into account in developing the program of the International Labour Office. See para. 43 of the International Labour Office paper, *id.*, at Appendix VII, pp. 88, 91, adopted by the Governing Body, *id.*, at p. 28. See also ILO, *Official Bulletin*, vol. 52, no. 1, p. 10 (1969).

20. ILO, Minutes of the 173d Session of the Governing Body, 1968, Appendix IV, pp. 63–69 and 69–81.

21. International Labour Office paper, para. 11, *id.*, at pp. 64, 65.

22. *Id.*, at paras. 17–24, pp. 65–66, and paras. 25–45, pp. 66–69.

expressed the conclusion that “rapid population growth is generally retarding the improvement, in some cases even entailing stagnation, in the workers’ living levels and welfare” in many developing countries, and that in many countries:

The employment problem [is] unlikely to be solved without a reduction in the rate of population growth through positive measures to restrain fertility.<sup>23</sup>

As to ILO action to moderate rates of population growth, the paper acknowledged that “moderation of population growth does not fall directly within the ILO’s mandate,” but stated that:

continuing high fertility is frustrating the furtherance of development objectives in the ILO’s areas of competence in many developing countries. Moreover, the ILO, by virtue of its traditions, experience, means of action—including the international labour standards—and tripartite structure, can make a distinctive contribution in supporting the action of the agencies mainly concerned in regard to moderating fertility.<sup>24</sup>

Quoting the Philadelphia Declaration, the Office paper also noted that “encouraging wider practical access to information, education and services relating to family welfare, including family planning, in appropriate conditions may be considered as contributing to the effective enjoyment of the individual’s right to pursue his ‘material well-being’ and to promote ‘equal opportunity’ for himself and his family.”<sup>25</sup>

The possible lines of action proposed by the Office paper included information and education programs, policy-oriented research, and the “promotion of participation by medical services catering for employees, principally those sponsored by social security institutions, in family planning activities.”<sup>26</sup> The paper commented that:

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23. *Id.*, at paras. 22 and 19, p. 66. See note 30 below.

24. *Id.*, at para. 26, p. 66. The paper continued in the same paragraph to comment that “since the problem is immense, even an indirect contribution may deserve serious consideration.”

25. *Id.*, at para. 29, p. 67. The paper reaffirmed in para. 27, pp. 66–67, the following basic principles governing ILO action in the population field:

Action to moderate fertility, including family planning programmes, is not meant to be a substitute for but an accelerator of development efforts. It is of course for each nation to formulate and promote its own population policy. There should be recognition of the right of each parent to decide freely and responsibly on the number and spacing of his (sic) children and of the need to create proper conditions for the effective enjoyment of that right. Finally, any ILO action in this matter should truly form part of concerted action within the United Nations system.

26. *Id.*, at para. 30, p. 67. The three branches of the proposed ILO action program, that is, information and education, policy-oriented research, and promoting family planning in social security medical services, are described in the Office paper at paras. 31–36, pp. 67–68; paras. 37–38., p. 68; and paras. 39–42, p. 68; respectively.

In developing countries, social security institutions are often active in health education, particularly in connection with mother and child care. As they provide preventive and curative medical care, including maternity and child health and welfare services, they are in close and continuing touch with workers' families, whose confidence they usually succeed in winning over a period of time. Therefore, social security institutions can become highly effective and acceptable channels for family planning information, education, advice and services.<sup>27</sup>

The proposals submitted by the International Labour Office met with general approval in the Governing Body and were endorsed without dissent as the basis for ILO action in the population field. The Governing Body also gave its approval in general to the draft "Study on the Influence of Demographic Factors in the Fields of Employment, Training and Welfare of Workers," and directed that the study be revised in the light of the discussion in the Governing Body and published.<sup>28</sup>

### *The "Enlarged Mandate" of ILO*

Referred to as the "enlarged mandate" of the ILO in the population field, the International Labour Office proposals endorsed by the Governing Body in 1968 for support of efforts to moderate population growth in developing countries include the following three types of measures considered to fall within ILO's fields of competence:

- (a) the promotion of information and education activities on population and family planning questions at various levels, principally through workers' education, labour welfare and co-operative and rural institutions programmes;
- (b) policy-oriented research on the demographic aspects of measures of social policy in certain fields such as employment promotion and social security; [and]
- (c) action to stimulate participation of social security and enterprise-level medical service in family planning.<sup>29</sup>

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27. *Id.*, at para. 41, p. 68. The paper notes, *id.*, at para. 40, p. 68, that "Any ILO action in regard to health or medical aspects of family planning should, of course, consist primarily of urging full compliance in activities promoted or assisted by ILO with the medical standards set by the WHO in regard to such matters as the training of staff and methods of fertility regulation."

28. *Id.* at pp. 18-22. The United States Government delegate criticized the draft study as lacking in simplicity and clarity, and as failing to be directed to the layman and to point out the impact of rapid population growth on families of workers. The draft study "said nothing of the need to make available to the underprivileged methods of birth control to which the more well-to-do in all countries had full access," and "failed to stress the importance of expanding birth control services in developing countries and to express a clear-cut opinion about the effects of rapid population growth on the economic and social development of such countries, and the value of services concerned with family planning." *Id.*, at p. 19. The draft study is stated in the 1971 ILO Report to the Population Commission to be in the process of revision for publication during 1972. UN Doc. E/CN.9/256, para. 17, p. 5 (1971).

29. 1969 ILO Report to the Population Commission, UN Doc. E/CN.9/234/Add.

By 1969, in response to the "enlarged mandate" approved by the Governing Body in 1968; the ILO was prepared to expand its traditional work relating to labor force statistics, projections and manpower studies,<sup>30</sup> and to move into "activities designed to contribute to moderating the rate of population growth in the developing world."<sup>31</sup> As to countries whose governments were committed to family planning, the ILO expected to focus its activities, at the initial stage, on:

assisting governments, trade unions, employers and other interested institutions, on request, in organizing informational and educational activities designed to encourage the acceptance of family planning by industrial and plantation workers and their families and in supporting action for the provision and the effective use of the requisite family planning services.<sup>32</sup>

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5. para. 3, p. 2 (1969). In the Director-General's Report to the Seventh Asian Regional Conference, Teheran, December 1971, Report I (Part 1), p. 45, "ILO Activities in the Field of Population" are described as having the main object of encouraging the acceptance of family planning by industrial and plantation workers, and supporting action for the provision of family planning services.

30. ILO's technical work on labor force statistics, analysis and projections is described in the 1969 ILO Report to the Population Commission, UN Doc. E/CN.9/234/Add.5, paras. 11-18, pp. 4-7(1969), and in the 1971 ILO Report to the Population Commission, UN Doc. E/CN.9/256, paras. 5-15, pp. 2-5 (1971). In its 1971 Report, the ILO described its Manpower Studies under the World Employment Programme, paras. 12-15, pp. 4-5, in the following terms:

The World Employment Programme, launched in 1969, has served to highlight the increasingly serious problems with which developing countries will be faced during the coming decade in terms of a widening gap between the supply of and the demand for labour consequent upon the population explosion. . . . [W]ith the recognition that employment planning and promotion problems are so complex that they can be solved only through an integrated approach, a pronounced shift has occurred from projects implemented by individual experts, to comprehensive schemes, usually financed by the UNDP Special Fund component, comprising multidisciplinary expert teams. . . . The first comprehensive employment mission carried out by an international team in Colombia in 1970 represents a new approach to the problem of attaching higher priority to employment in national development strategies, particularly in countries where high rates of population and labour force growth raise special problems.

31. 1969 ILO Report to the Population Commission, *supra* note 30, at para. 21, p. 8. In the 1971 ILO Report to the Population Commission, *supra* note 30, at para. 20, p. 6, it is reported that ILO is exploring possibilities for action in areas of ILO concern, and that a mission to the United Arab Republic has proposed "an intensive family planning programme directed specifically towards workers to be carried out within the framework of the comprehensive programme of assistance to be provided by the UNFPA."

32. 1969 ILO Report to the Population Commission, *supra* note 30, at para. 27, p. 10. The 1969 Report considered industrial and plantation workers "eminently well paced to derive maximum benefit from family planning activities." *Id.*, at para. 28, pp. 10-11. The Report states that:

A combination of elements required for success are present in their case: a

As to countries whose governments did not participate in family planning activities, "ILO would seek to create better awareness and understanding—primarily among planners, employment authorities, employers, trade union leaders and academic circles—of the serious obstacles posed by rapid population growth in the attainment of development goals in the fields of I.L.O. responsibilities."<sup>33</sup>

### *The ILO World Employment Programme*

In 1971, the 56th Session of the International Labour Conference adopted the following "Proposed Conclusion" suggested by the Committee on the World Employment Programme:

Rapid population growth in many developing countries is giving rise to serious employment problems. Due attention should be given to the adoption, where necessary, of population policies and, in appropriate cases, to the introduction of family planning programmes. International organizations, including the ILO, should assist as appropriate and within their field of competence, in the formulation of such policies and programmes.<sup>34</sup>

The objective of the World Employment Programme is to provide national policy-makers with guidelines and the data necessary to enable them to choose development strategies that will increase employment opportunities and reduce under-employment and unemployment. ILO recognizes the link between employment and rapid population growth, and has developed a population and employment project as part of the World Employment Programme.<sup>35</sup>

Research under the ILO population and employment project is de-

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population group predisposed to modernization and rational thinking; effective channels of communication, e.g. through workers' education, labour welfare etc., favorable general motivational factors such as absence of family enterprise where children might be an asset, minimum provision though social security for sickness, old age, etc.; positive facilities and incentives that employers can provide; most important, access to family planning services as normal part of health care through employer-provided health services or social security offering continuous support by medical and paramedical staff. Concerted action in their regard would help to avoid the pitfall common to many mass family planning campaigns which tend to spread resources too thinly and not in an integrated fashion—in particular "overselling" resulting in inadequate backstop of health and counselling services on the one hand and underutilization of the capacity (as in many urban family planning clinics) on the other hand. *Ibid.*

33. *Id.*, at para. 26, p. 9.

34. ILO, *Official Bulletin*, vol. 54, no. 3, pp. 273, 274 (1971). The quoted portion is from para. 4 of the "Proposed Conclusions."

35. ILO, "Programme of Population Activities for 1972 financed by the United Nations Fund for Population Activities (UNFPA)," ILO Doc. D.2.1972, Part II, pp. 23-38 (1972).

signed “to ultimately prepare policy and action-oriented studies specific to selected individual countries.” In broad terms it is described as follows:

Research will seek to greatly improve and refine existing knowledge on such topics as the relationship between population growth and the volume of employment. It will further try to break new ground in exploring the inter-action between population growth, structure of output and employment, choice of technology and income distribution.<sup>36</sup>

The project will “analyse stages of economic development in parallel with rates of population increase,” endeavoring to answer the following questions:

1. Is there an inverse linear relationship between the positive changes in economic growth and the negative changes in population growth?
2. As from which point in this development can population growth be considered a positive factor in economic development?<sup>37</sup>

In the context of six selected developing countries, the project will examine the relation between population growth and the volume of employment in two steps. First, surveys will be made of “the determinants of labour force participation rates” in each country, distinguishing between family heads and family dependents. Second, the implications of changes in population growth for the labor force, and its age structure, will be analyzed on the basis of alternative assumptions as to labor force participation rates. The purpose is to “arrive at a time series and cross-section comparison of the volume of employment *and* the economic consumption and production aspects of the population composition” in each country selected for study. It is expected that the results will assist policy-makers in choosing development strategies that will effectively increase employment opportunities.<sup>38</sup>

Finally, the project will examine the question “whether population growth in developing countries has an *independent* effect—and if so how important—on both the sectoral output and employment structures of the economy and the labour force.” Research in this area might show that reduced fertility could mean:

1. higher consumption levels and improved nutrition for poor workers who will therefore raise their labour input and work efficiency which, in turn, would lead to increased productivity; [and]
2. that the labour force will be somewhat better educated and trained which again might lead to higher productivity.<sup>39</sup>

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36. *Id.*, at pp. 26–27.

37. *Id.*, at pp. 31–32.

38. *Id.*, at pp. 32–34.

39. *Id.*, at p. 235.

## *ILO Population and Family Planning Action Projects*

The Director-General of ILO has pointed out that ILO's unique tripartite structure, with direct participation of employers' and workers' organizations as well as of governments, gives ILO "a firm basis for a distinctive initiative in the population field." In a review of ILO action on population, the Director-General said:

Since the ILO enjoys the benefit of the direct participation in its working, of employers' and workers' organizations, and since it is in close contact with social security institutions, the Organization can effectively contribute to the broadening of the base of support and action of population programmes. In addition, the workers' education programmes and the medical care component of social security schemes afford opportunities for forging substantive links of operational policy with population activities.<sup>40</sup>

A primary area for ILO activity is the educational and social services provided to families of industrial and plantation workers at the places of work. As noted by the Director-General, a comprehensive program of family planning "can be a crucial element in population strategy," and there are exceptional opportunities for achieving good results with industrial and plantation workers "within a reasonable time-span with a comparatively small input of resources." As to industrial and plantation workers:

A combination of elements which are required for the success of a family planning programme are present in this case: a population group predisposed to modernization; effective educational and social service facilities and access to "door-step" family planning advice and services as part of the normal and continuing health and welfare services furnished by employers and social security institutions.<sup>41</sup>

ILO has begun its work towards this end by assigning "workers' population education advisers" to the Asian, African, Middle Eastern and Caribbean regions "to promote and assist the involvement of labour organizations" in the development of family planning programs. ILO is also organizing a series of regional and national courses and seminars for employers on the role of occupational health and welfare services in family planning programs. These and other parts of the ILO population program are financed through the UN Fund for Population Activities.<sup>42</sup>

The ILO program will also involve demonstration family planning

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40. Jenks, "The ILO and the Population Challenge," mimeographed, p. 2 (Article contributed to a special report of the Victor-Bostrom Fund Committee, May 1971).

41. *Id.*, at p. 3.

42. ILO Doc. D.2.1972, *supra* note 35, pp. 3-4. A detailed list of ILO Population and Family Planning Action Projects appears *id.*, at Part I, pp. 1-22.

projects undertaken at the request of governments. As reported by ILO in its 1971 Report to the Population Commission:

the ILO is seeking to develop intensive family planning projects on a demonstration basis, combining a variety of inputs, including education, information, the provision of advice and services, training and evaluation. Where possible, projects of this kind will be carried out within the framework of U.N.F.P.A. comprehensive country projects.<sup>43</sup>

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43. UN Doc. E/CN.9/256, para. 34, p. 9 (1971).

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND  
CULTURAL ORGANIZATION (UNESCO)

The UNESCO Constitution, adopted in 1945, is founded upon a belief “in full and equal opportunities, for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge.” With this foundation, a goal of the Organization is the furtherance of “the common welfare of mankind” through the promotion of “universal respect for justice, for the rule of law and for . . . human rights and fundamental freedoms.” To realize these ends, the Organization is directed to “collaborate in the work of advancing the mutual knowledge and understanding of peoples,” to collaborate in the development of educational opportunities, and to “maintain, increase and diffuse knowledge.”<sup>1</sup>

*Developing the UNESCO Mandate*

The development of the UNESCO mandate in the population field began with a proposal in the Draft Programme and Budget for 1967–1968 that the Director-General be authorized to “stimulate and provide assistance towards scientific studies concerning the relations between the development of education and evolution of population.” The Director-General’s proposal envisaged studies of “the effects of education, and especially of a rise in the educational levels reached by the populations concerned, on (i) the fertility rate among those populations; (ii) phenomena of migration, in particular from the countryside to urban areas; and (iii) changes in occupational structure.” The Director-General considered that a long-term UNESCO program in this field would place emphasis “on the changes that have occurred in birth and death rate phenomena and in the demographic structure.”<sup>2</sup>

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1. Constitution of the United Nations Educational, Scientific and Cultural Organization, November 16, 1945, Preamble and Art. 1, paras. 1 and 2(a), (b) and (c), 4 UNTS 275, 276 and 278.

2. UNESCO Doc. 14 C/5 Draft Programme and Budget for 1967–68, Part II, Chapter 3, paras. 841–44, Proposed Resolution 3.252 (1966).

The discussion of the Director-General's proposals in the Programme Commission at the 14th Session of the UNESCO General Conference in 1966 generally supported the studies outlined by the Director-General, but several delegations considered that in addition to studying the effect of rising levels of education on population growth, it was at least equally important to study the effect of rising levels of population on education. A draft resolution introduced by twelve states proposed that a special committee be established to study "the interrelationship between the development of education and the evolution of population," and to carry out sociological studies related to family planning. It was also suggested that the proposed special committee advise the Director-General on UNESCO's responsibilities in the population field.<sup>3</sup>

The proposals pending before the Programme Commission evoked strong opposition from a minority of the members, who objected on the ground that "the problem of family planning fell rather within the scope of WHO and was outside the competence of Unesco." The Soviet delegate stated that "the United Nations had been dealing with demographic problems for many years and it was doubtful whether Unesco should undertake the new project, which was not quite within its purview."<sup>4</sup> In response to these objections, an Assistant Director-General stated that UNESCO "had no doctrine on the subject of family planning," and that UNESCO's role was limited to helping Member States "to conduct studies on the different methods of education and communication to be used by them in this field."<sup>5</sup>

The Assistant Director-General suggested that the proposed work program be revised to include the convening of a special committee "to advise the Director-General on Unesco's responsibilities in the population field," and to consider the following possible UNESCO action:

- (a) carrying out sociological studies on social, cultural and other factors influencing attitudes to family planning, bearing in mind the economic aspects [of] population problems; [and]
- (b) functioning as a clearing house for exchange of sociological research and knowledge in the field of family planning.<sup>6</sup>

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3. Records of the UNESCO General Conference, 14th Session, 1966, Resolutions, Annex II, Report of the Programme Commission, para. 695, pp. 209-10 (1966). The twelve sponsors of the draft resolution, UNESCO Doc. 14 C/DR.129 (P), were: Sweden, Ceylon, Denmark, India, Iraq, Kenya, Tunisia, the United Arab Republic, the United States, Norway, the Netherlands and Yugoslavia. *Ibid.*

4. *Id.*, at para. 694, p. 209.

5. *Id.*, at para. 696, p. 210. The speaker was the Assistant Director-General for Social Sciences, Human Sciences and Culture.

6. *Id.*, at para. 697, p. 210.

The Assistant Director-General's suggestion was adopted, and, accordingly, the draft resolution approved by the Programme Commission, and later by the Conference as Resolution 14 C/3.252, was limited to the "scientific studies concerning the relations between the development of education and evolution of population" proposed by the Director-General.<sup>7</sup>

*"Broad Perspectives" for UNESCO Action*

The Special Committee of Experts on the Definition of UNESCO's Responsibilities in the Field of Population authorized under the 1966 General Conference resolution, met in July 1967 and recommended population programs stressing UNESCO's role in education and in mass communication.<sup>8</sup> The Special Committee considered that action in the population field fell within UNESCO's sphere of competence because "the quality of human life is at the heart of Unesco's purpose," and:

the population problem is concerned with the very quality of human life—with standards of living, with health and nutrition, with literacy and education, with the realization of individual potentials—in short, with the enrichment of life and not its restriction.

The Committee concluded that "Unesco's own objectives in advancing education, science and culture are affected by present population trends."<sup>9</sup>

On the basis of the Special Committee's recommendations, the Director-General prepared a report on "Unesco's Responsibilities in the Field

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7. See UNESCO Doc. 14 C/5 *Approved*, Approved Programme and Budget for 1967-68, paras. 1234-38, pp. 327-28 (1967). Resolution 14 C/3.252 was adopted unanimously in the Plenary Meeting on November 29, 1966. Records of the UNESCO General Conference, 14th Session, 1966, Proceedings, paras. 63.4 and 64.2, p. 1078. The General Conference also adopted a resolution inviting Member States to promote studies of the "relations between the development of education and evolution of population." Resolution 14 C/3.02(d)(ii), *id.*, Resolutions, p. 52. Resolution 14 C/3.252 is reported *id.*, at p. 57.

8. Report of the Special Committee of Experts on the Definition of UNESCO's Responsibilities in the Field of Population, 1967, printed in Population Council, *Studies in Family Planning*, No. 28, pp. 12-15 (April 1968).

9. *Id.*, at p. 13. Under "education", the Special Committee recommended studies of the "interrelationship between education and culture and population trends," both as to the process by which education lowers fertility and as to the impact of population trends on education goals, and the inclusion of population studies in curricula at later stages of elementary education and in secondary schools, in adult education and in teacher education. As to mass communication, the Special Committee recommended that UNESCO evaluate materials currently in use, offer technical assistance on the use of mass media in family planning programs and function as a source of information for developing mass media materials, *id.*, at pp. 13-14.

of Population," which was submitted to the Executive Board at its 77th Session in October 1967.<sup>10</sup> The Director-General's report formulates the following five "Broad perspectives" for a ten-year UNESCO program in the field of population:

- (a) a long-term programme of studies, including some cross-national analysis, concerning the reciprocal relations between the development of education and evolution of population,
- (b) the promotion of demography as an academic discipline,
- (c) the training of demographers at university level and the creation of opportunities for post-graduate demographic research,
- (d) the dissemination in schools of knowledge about population data and problems, and
- (e) the introduction of population material into adult education programmes.<sup>11</sup>

The Director-General's proposals relating to school programs do not mention "family planning." The report proposes that UNESCO "collect and encourage the exchange of information covering introduction of elements of population problems in the curricula at the later stages of elementary education and at the secondary level to create sufficient awareness of population matters."<sup>12</sup>

As to adult education, the report states that "special attention should be given to the importance of education of women," and that:

The media of mass communication should be fully used to present and explain population problems to the public and to contribute to broad acceptance of the concept of responsible behaviour in the field of human fertility and to the successful implementation of such national population programmes as may be adopted.<sup>13</sup>

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10. Report by the Director-General on UNESCO's Responsibilities in the Field of Population, UNESCO Doc. 77 EX/13 (1967).

11. See *id.*, at paras. 5-13, pp. 2-5. The quoted statement of UNESCO's "broad perspectives" in the population field is taken from the 1969 UNESCO Report to the Population Commission, UN Doc. E/CN.9/234/Add.2, para. 1, pp. 1-2 (1969). The language closely parallels the language used in the Director-General's 1967 Report, *supra* note 10.

12. UNESCO Doc. 77 EX/13, para. 9, pp. 3-4 (1967). The report mentions "strengthening the curricula of disciplines such as human geography, biology, etc." *Ibid.* During the discussion of the report in the Executive Board, the Israeli delegate found the "proposals concerning the dissemination of knowledge on population problems in primary and secondary schools. . . quite unacceptable. Demography was a scientific discipline to be studied in universities, . . . but even in a diluted form it could not be studied in schools." UNESCO Executive Board Summary Records, UNESCO Doc. 77 EX/SR.1-32, at SR.18. para. 9.6, p. 217 (1967).

13. UNESCO Doc. 77 EX/13, paras. 11-12, p. 4 (1967). The report also notes that "UNESCO's experience in promoting and planned use of the mass media for educational, scientific and cultural purposes can be usefully applied to the population field." *Id.*, at para. 12, p. 4.

Specifically, the Director-General proposed that UNESCO “provide Member States, upon request, information about the use of mass media in support of population and family planning national programmes and about methods and materials used in such programmes.”<sup>14</sup>

As to the proposal at the 14th Session of the UNESCO General Conference that UNESCO carry out sociological studies relating to family planning, the Director-General recommended that:

the studies should not be restricted to family planning only, but should be considered in a broader context and extend to such aspects as the relationship between husband and wife, status of man and woman in the society, the size, functioning and structure of the family, etc.

The Director-General recommended that UNESCO studies focus on “the several institutional factors of a social and cultural nature that affect the implementation of family planning within a society or population trends themselves,” and that they should be practical in terms of fitting in with UNESCO’s existing work program. The report therefore recommended that UNESCO undertake the studies that had been proposed by the Director-General at the 14th Session of the General Conference, with the addition of a study of the “status and role of women in developing countries as they affect access to educational opportunities and fertility rates.”<sup>15</sup>

The Director-General’s proposals met with general approval in the Executive Board, although they were criticized by some members as going too far, and by others as not going far enough. The Soviet delegate objected to any UNESCO involvement with family planning, considering that the solution to the population problem did not lie in family planning programs, but in social and economic reform. The Finnish delegate stated

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14. *Id.*, at para. 13(iii), p. 4. The report also recommends that UNESCO “assist Member States, upon request, in promoting further research on the impact of mass media on motivation and behaviour in relation to demographic matters, family planning and human fertility,” and provide Member States with “specialists in the use of mass media for adult education in order to assist in developing mass media programmes in the field of population and family planning.” *Id.*, at paras. 13(iv) and (v), pp. 4-5.

15. *Id.*, at paras. 22-24, p. 7. As to the proposal that UNESCO function as a clearing-house for sociological information relating to family planning, see text at note 6 above, the Director-General expressed the view that the clearing-house function would probably be better carried out at the regional level and that a clearing-house should cover all aspects of human fertility and family planning. He therefore recommended that the proposal be deferred pending discussion with other agencies in the UN system. *Id.*, at paras. 25-26, pp. 7-8. The Executive Board resolution on the Secretary-General’s proposals, note 17 below, accepts the recommendation that the question of establishing a clearing-house in the field of population problems be postponed. Executive Board Resolution 77 EX/4.4.1, para. 6, UNESCO Doc. 77 EX/Decisions, pp. 20, 21 (1967).

that he was not satisfied with the “weak wording” of General Conference Resolution 14 C/3.252, and considered that UNESCO ought to press energetically ahead with advisory services in education at all levels, and with mass media programs. In his view, while the scientific studies proposed by the Director-General were no doubt of value, it was far more important to get on with action programs in the field at the request of Member States.<sup>16</sup>

The Executive Board endorsed the “broad perspectives” for UNESCO action put forward by the Director-General, “as part of the co-ordinated United Nations programme in the field of population.”<sup>17</sup>

### *UNESCO and Family Planning*

At the next session of the General Conference, in 1968, the UNESCO role in the population field was thoroughly reviewed, and on the basis of this review, the General Conference adopted a resolution entitled “Population and Family Planning” that defines the UNESCO mandate in the field.<sup>18</sup> The resolution, which refers to the “multidisciplinary character” of population activities, and notes the Executive Board approval of programs “for collecting and encouraging the exchange of information on the inclusion of instruction on population questions in school curricula,” and for encouraging and assisting mass media public education activities in family planning, was introduced by the Swedish delegate with the explanation that the resolution was:

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16. UNESCO Executive Board Summary Records, *supra* note 12, at SR.19, para. 6.3, pp. 229–30 (Soviet delegate), and at SR.18, paras. 4.1–4.11, pp. 211–13 (Finnish delegate). The Finnish delegate stated, *id.*, at para. 4.3, pp. 211, 212, that:

Scientific studies would not go a long way to solving the problem of the population explosion. Their results could easily be foreseen. They would indicate that the poorest and least educated families living in the poorest regions of the world had the highest birth rate. . . . While those studies were being undertaken, it was more than likely that families in the poor regions of the world would go on growing faster than teachers could be trained for them, than schools could be built for them and than food could be provided for them.

17. Executive Board Resolution 77 EX/4.4.1, UNESCO Doc. 77 EX/Decisions, pp. 20–21 (1967). The resolution recognized “the responsibilities in [the population field] which are carried by the other organizations of the United Nations system and the need for co-ordination of activities.” *Ibid.* It was adopted by the Executive Board unanimously except for the abstention of the Soviet Union. UNESCO Executive Board Summary Records, *supra* note 12, at SR.20, paras. 1.2 and 4, pp. 237–38.

18. General Conference Resolution 15 C/1.241, “Population and Family Planning,” Records of the UNESCO General Conference, 15th Session, 1968, Resolutions, pp. 23–25 (1968).

designed to intensify UNESCO's work in regard to population and family planning, by integrating or co-ordinating activities entrusted to the education, social science and information sectors.<sup>19</sup>

In its preamble, the resolution notes "the need for including instruction on population questions in school courses" and for "including family planning in all relevant curricula," and stressed "the necessity that all these forms of instruction should lay special emphasis on the socio-cultural implications of these activities."<sup>20</sup>

In its operative paragraphs, the resolution lays down the basic principles governing UNESCO participation in population programs in the following terms:

1. *Declares* that the purpose of UNESCO's activities in the field of population should be to promote a better understanding of the serious responsibilities which population growth imposes on individuals, nations and the whole international community, in the context of respect for human rights, the people's ethical convictions, the needs of Member States for development and the promotion of international co-operation, [and]

2. *Considers*, therefore, that UNESCO should act with due regard to the diversity of national situations and thus avoid any tendency to adopt uniform policies and procedures in regard to population policy and family planning.<sup>21</sup>

Paragraph 5 invites the Director-General to "render all possible assistance . . . to Member States in the fields of population and family planning which come within [UNESCO's] competence,"<sup>22</sup> and paragraph 6:

*Instructs* the Director-General to prepare the Secretariat to meet in a co-ordinated manner the urgent demands from Member States within the fields of population and family planning:

(a) within Education:

(i) by helping in the development of teaching materials, curricula, teacher training, adult education, women's education, community education, etc.;

(ii) by studying the possibilities of including an educational pilot project on family planning in the experimental literacy programme;

(b) within Social Sciences by carrying out studies on the different aspects of population and family planning, so as to establish the intellectual base for understanding the complexity of family planning in the context of various cultures;

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19. *Id.*, Annex II, Report of the Programme Commission, para. 295, p. 188.

20. The paragraph quoted also refers to the need for "expanding the opportunities for training of teachers and communication personnel," and "developing technical manuals on the application of communication methods in family planning programmes." *Id.*, at pp. 23, 24.

21. *Id.*, at pp. 23, 24. Paragraph 3 invites the Director-General "to further co-operation with other international governmental or non-governmental organizations by offering them the services of UNESCO within the fields of population and family planning, with special emphasis on the socio-cultural implications thereof," but "to avoid any overlapping activities with other United Nations bodies." *Ibid.*

22. Paragraph 4 authorizes the Director-General to receive financial contributions from Member States and international organizations. *Id.*, at p. 24.

(c) within Communication:

(i) by studying ways for the establishment and operation of efficient programmes within the fields of population and family planning;

(ii) by providing relevant information and documentation.<sup>23</sup>

The resolution met with less than unanimous approval in the General Conference. Several delegates objected that the draft had failed to take into account the "spiritual nature of man" and made no reference to the "fundamental dignity, freedom and rights of man." Others objected to the inclusion of a UNESCO role in family planning programs.<sup>24</sup> The Deputy Director-General explained that:

UNESCO's programme in the population field was not to advise on contraceptive techniques which are part of overall health policies, nor assist in development of contraceptive technology which is an industrial development action. UNESCO's programme under this resolution would consist of:

(a) an international programme of scientific studies on the relationship of demography, fertility, and education, science and culture; [and]

(b) assistance to Member States, at their request and with their approval, to their school and out-of-school programmes on population and family planning within the broader programmes of family education and functional literacy, to their mass media activities in support of their population programmes and to their universities in developing demography as a scientific discipline.<sup>25</sup>

With this explanation, the resolution was adopted without a dissenting vote in the Programme Commission,<sup>26</sup> and by a vote of 56 in favor to none opposed, with 13 abstentions, in the Plenary Meeting of the General Conference on November 19, 1968.<sup>27</sup>

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23. *Id.*, at p. 25. Resolution 15 C/1.241 is reproduced in the 1969 UNESCO Report to the Population Commission, UN Doc. E/CN.9/234/Add.2, Annex 2 (1969), and in the 1971 UNESCO Report to the Population Commission, UN Doc. E/CN.9/257, Appendix I (1971).

24. Records of the UNESCO General Conference 15th Session, 1968, Resolutions, Annex II, Report of the Programme Commission, para. 297, p. 189 (1968).

25. *Id.*, at para. 306, p. 190.

26. *Id.*, at para. 307, p. 190. There were eight abstentions in the Programme Commission. *Ibid.*

27. *Id.*, Proceedings, at paras. 38.8-54.5, pp. 1094-99. The General Conference also adopted Resolution 15 C/4.241 (1968), *id.*, Resolutions, at p. 61, which authorizes the Director-General "to undertake research and studies... on the role of the media of mass communication in out-of-school education for youth and adults in literacy programmes, and in national family planning campaigns." During the discussion of this resolution in the Programme Commission, *id.*, at para. 1131, p. 253:

Three delegates expressed the opinion that UNESCO should not concern itself with family planning, and proposed to delete the reference to activities in this field. . . This proposal was rejected by 48 votes to 7, with 11 abstentions.

## *UNESCO Advisory Services in the Population Field*

At the 1970 Session of the General Conference, the emphasis on studies was finally displaced by an emphasis on assistance to Member States in the implementation of national population programs. The 1970 General Conference adopted three resolutions relevant to activities in the population field: Resolution 16 C/3.25 entitled "Application of the Social Sciences to Human Environmental and Population Problems"; Resolution 16 C/4.24, entitled "Mass Media in Out-of-School Education"; and Resolution 16 C/7.25, entitled "Population and Family Planning."

Resolution 16 C/3.25 authorizes the Director-General to stimulate and to assist scientific studies on "(i) the relations between the development of education and the evolution of population," and "(ii) the interrelationship between psychological and cultural factors and birth control." The resolution also authorizes the Director-General to participate at the request of Member States in "activities . . . concerned with problems relating to human environment and human population, within the framework of the programme of the Organization."<sup>28</sup>

Resolution 16 C/4.24 authorizes the Director-General "to undertake research and studies on the role of the media of mass communication in the education of youth and adults, and in particular on their use in literacy and family planning campaigns."<sup>29</sup>

In the sense of authorizing action as well as study programs, Resolution 16 C/7.25 amplifies the two resolutions just quoted. After acknowledging UNESCO's "fundamental commitment to the dignity of man and the fact that the ultimate objective of development is the well-being of man," Resolution 16 C/7.25 on "Population and Family Planning" states the UNESCO role in the following terms:

- (a) assisting Member States, on request, in the elaboration of population and family planning policies whose principles they have adopted in the full exercise of their rights and responsibilities;
- (b) executing integrated studies based on existing knowledge of demographic situations of regions or countries in order to make available to Member States data regarding the highly complex differences in various demographic situations, with reference to the equally complex interaction between demographic evolution and education, science and culture, and thereby help in creating better understanding between countries of the various problems and approaches involved; [and]

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28. Records of the UNESCO General Conference, 16th Session, 1970, Vol. 1, Resolutions, Resolution 16 C/3.25, p. 48. See *id.*, Vol. 2, Reports, Report of the Programme Commission, pp. 7, 89-90, at paras. 986-94, for a summary of the debate on the resolution.

29. *Id.*, Vol. 1, Resolutions, Resolution 16 C/4.24, p. 59. See *id.*, Vol. 2, Reports, Report of the Programme Commission, pp. 7, 114-15, at paras. 1293-1302, for a summary of the debate on the resolution.

(c) setting up a programme of studies on the interrelationships between population development and the human rights directly affecting population.<sup>30</sup>

The broad authority granted by the resolution was supported by most delegates at the 1970 General Conference, including several who stressed the urgent need for UNESCO assistance in action programs as opposed to scientific study.<sup>31</sup> Several delegates, however, spoke at length on the need to keep UNESCO action within the UNESCO sphere of competence. The points made by these delegates were summarized as follows:

- (a) the inappropriateness of UNESCO action in the field of contraception;
- (b) the need to recognize that the mere avoidance of births might in some cases militate against attention to other important demographic indices and in any case needed supplementary action over the whole socio-economic range;
- (c) the necessity to avoid imposing or supporting population programmes arising from neo-Malthusian doctrines, and especially from economic development models, which might be inappropriate to the situation of particular Member States;
- (d) the importance of not being identified with particular political or commercial interests;
- (e) the need to recognize the national, family, and personal responsibilities involved; and
- (f) the necessity of avoiding overlapping and duplication with respect to the fields of competence of the other members of the United Nations family.<sup>32</sup>

The points raised during the 1970 General Conference discussion outline the limits within which UNESCO population program assistance will be made available to Member States.

In his statement on the development of the UNESCO program in 1970, the Deputy Director-General stressed "the central importance attached in this programme to the family as the fundamental unit of society and to the safeguarding of those human rights and dignities which constitute Unesco's *raison d'être*."<sup>33</sup> With this emphasis, and considering UNESCO's recognition of the need for co-operation with other UN agencies, only the first of the points raised during the 1970 General Conference discussion calls for additional comment.

The first point concerned the "inappropriateness of UNESCO action in the field of contraception." In line with the Deputy Director-General's explanation at the 1968 session of the General Conference, the limita-

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30. *Id.*, Vol. 1, Resolutions, Resolution 16 C/7.25, pp. 78-79. See *id.*, Vol. 2, Reports, Report of the Programme Commission, pp. 7, 138-41, at paras. 1631-62, for a summary of the debate on the resolution. The final paragraph, para. (c), was added through an amendment offered by the French delegate and approved in the Programme Commission by a vote of 25 in favor to 3 opposed, with 27 abstentions. *Id.*, at paras. 1659-60, p. 141.

31. *Id.*, at para. 1635, p. 139.

32. *Id.*, at para. 1634, pp. 138, 139.

33. *Id.*, at para. 1632, p. 138.

tion in the field of contraception should be interpreted as meaning that UNESCO does not “advise on contraceptive techniques” or “assist in development of contraceptive technology.”<sup>34</sup> The limitation does not prevent UNESCO from participating in other aspects of family planning programs, including especially their educational and mass communication aspects.

### *A Shift from Study to Action*

Despite the authority to offer advisory services to Member States contained in the 1968 and 1970 General Conference resolutions, the early development of the UNESCO population program was dominated by studies that most often had no contact with field or action programs.<sup>35</sup> Recent developments show a shift in emphasis from studies to advisory services and action programs, however.

The framework for the UNESCO population program was stated in the following terms in the 1971 UNESCO Report to the Population Commission:

In *ethical* terms, the programme is concerned with the actual and potential conflict between demographic situations and the welfare and development goals—individual, social, national, international and global—the achievement of which the Organization was established to foster. In *functional* terms, the programme attempts (a) to ensure that population variables are taken into account in planning and implementing social policies, and (b) to support policies and programmes designed to influence population variables. In terms of *content*, education and communication are at present receiving considerable emphasis from Member States.<sup>36</sup>

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34. See text at note 25 above. In the 1971 UNESCO Report to the Population Commission, UN Doc. E/CN.9/257, p. 3 (1971), UNESCO stressed that in all its efforts UNESCO seeks “to ensure that population activities should reflect understanding of and sensitivity to the widely varying social and cultural traditions in different countries, which condition the nature and direction of national population policies.”

35. See, e.g. the Report of the Director-General on the Activities of the Organization in 1970, at p. 47, paras. 146–54; p. 111, paras. 66–70; and pp. 131–32, paras. 50–52 (1971). Two studies in process are a study of “the cultural factors conditioning the acceptability and methods of introduction of population material in the curricula of formal school systems,” *id.*, at para. 146, p. 47, and a study on “education and fertility” begun in 1968 and found to need revision and amplification in 1970, *id.*, at para. 67, p. 111. UNESCO has also held various specialized meetings concerning aspects of its developing family planning assistance programs, and has sent experts and advisors on request to consult with local authorities in several Member States.

36. 1971 UNESCO Report to the Population Commission, UN Doc. E/CN.9/257, p. 3 (1971).

Within this framework, the UNESCO population program for 1972 stresses advisory services, both through regional advisers in education and mass communication, and through assistance to individual country action programs. Regional advisers in the "population aspects of educational planning" and in the "mass communication aspects of population education" are being stationed in the UNESCO Regional Offices for Africa at Dakar, for Asia at Bangkok, for Latin America at Santiago, and for the Arab States at Beirut. These advisers will be available to develop both regional and country projects within their respective areas, so that UNESCO will be in a position to make more active use of its mandate to offer advisory services in the population field. In addition, UNESCO has established regional advisers in the "curriculum and teacher training aspects of population education" at the Regional Offices for Latin America and for Asia. UNESCO also provides support for the population activities of various regional institutions, including the Regional Centre for Functional Literacy in Rural Areas in Latin America, the Cairo Demographic Centre and the Centre for Functional Literacy in Rural Areas in the Arab States. UNESCO country projects include advisory services in population education in Colombia and in El Salvador, an Advisory Mission for a Sex and Family Planning Programme in Guatemala, and advisory services in communications in the Dominican Republic, Haiti, Indonesia, Iran, the Philippines and the United Arab Republic.<sup>37</sup>

The new emphasis in the UNESCO population program on regional and country advisory services has brought UNESCO population activities closer to the action programs of Member States in all regions. Its focus has been twofold: on education, including both educational planning and the introduction of population into curricula; and on communications, including mass communications in support of family planning programs. Through these two UNESCO sectors, education and communications, UNESCO has now begun a new action phase in its population program.<sup>38</sup>

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37. Information on the UNESCO 1972 population program was supplied by UNESCO.

38. In addition to the UNESCO Education and Communications sectors, the Social Sciences and Natural Sciences sectors are involved in population work through inter-regional studies and research. Examples include a study of problems relating to the introduction of population into school curricula, and studies of the relationship between population and environment in selected situations.

## Chapter 16

### INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (World Bank)

The Articles of Agreement of the International Bank, adopted in 1945, give the Bank broad authority to assist Member States in economic development through the promotion of private foreign investment, and through the use of its own capital and of funds raised by the Bank for the financing of development projects. The "Purposes" for which the Bank was established are stated in Article 1 of the Bank's Articles of Agreement. They include "the encouragement of the development of productive facilities and resources in less developed countries," and the promotion of "international investment for the development of the productive resources of members, thereby assisting in raising productivity, the standard of living and conditions of labor in their territories."<sup>1</sup>

#### *The Effects of Rapid Population Growth*

In 1968, in his first Annual Address as President of the World Bank and its affiliates,<sup>2</sup> Robert S. McNamara said that the World Bank must take new initiatives to achieve the control of population growth. Mr. McNamara explained that "because the World Bank is concerned above all with economic development, and the rapid growth of population is one of the greatest barriers to the economic growth and social well-being" of the Bank's Member States, it was essential that the Bank assist its Members in the control of population growth.<sup>3</sup> Recent studies showed that "more than anything else it is the population explosion which, by holding

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1. Articles of Agreement of the International Bank for Reconstruction and Development, December 22, 1945, Art. 1, paras. (i) and (iii), 2 UNTS 134.

2. The Annual Address by Robert S. McNamara, President of the World Bank and its Affiliates, the International Finance Corporation (IFC) and the International Development Association (IDA), is published each year in the Summary Proceedings of the Annual Meetings of the Boards of Governors of the World Bank, IFC and IDA, hereinafter cited as "Summary Proceedings." It is also printed by the World Bank as a separate booklet entitled "Address to the Board of Governors by Robert S. McNamara, President, World Bank Group," hereinafter cited as "Address booklet."

3. 1968 Summary Proceedings, pp. 9, 12; 1968 Address booklet, p. 11.

back the advancement of the poor, is blowing apart the rich and the poor and widening the already dangerous gap between them." These studies also showed, said Mr. McNamara, that:

[The] drag of excessive population growth is quite independent of the density of population. This is something that needs emphasizing in view of the fact that many policy makers in the developing countries attach only minor importance to reducing population growth. It is a false claim that some countries need more population to fill their land or accelerate their economic growth. There are no vacant lands equipped with roads, schools, houses, and the tools of agricultural or industrial employment. Therefore the people who are to fill those lands, before they can live at even the current low standard of living, must first eat up a portion of the present scarce supply of capital—it is this burden which defeats a nation's efforts to raise its standard of living by increasing its population.<sup>4</sup>

Mr. McNamara then proposed that the World Bank undertake the following three courses of action to deal with the problem of rapid population growth:

First: to let the developing nations know the extent to which rapid population growth slows down their potential development, and that, in consequence, the optimum employment of the world's scarce development funds requires attention to this problem.

Second: to seek opportunities to finance facilities required by our member countries to carry out family planning programs.

Third: to join with others in programs of research to determine the most effective methods of family planning and of national administration of population control programs.<sup>5</sup>

### *A Feasible Goal in Population Planning*

Quoting the Pearson Commission's conclusion that "there can be no serious social and economic planning unless the ominous implications of uncontrolled population growth are understood and acted upon"<sup>6</sup> in his 1970 Annual Address, Mr. McNamara suggested that the "ominous implications" were not being acted upon effectively and that serious efforts were urgently required.<sup>7</sup> Mr. McNamara suggested that a "feasible goal" for the world community would be "to gain a few decades on what would occur to fertility in the absence of population planning." This, he said, would mean "a substantial increase in the quality of life

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4. 1968 Summary Proceedings, p. 13; 1968 Address booklet, p. 12.

5. 1968 Summary Proceedings, p. 13; 1968 Address booklet, p. 13.

6. Pearson, *Report of the Commission on International Development submitted to the International Bank for Reconstruction and Development*, p. 58 (1969).

7. 1970 Summary Proceedings, pp. 13, 21; 1970 Address booklet, p. 12.

for both the parents and the children of the developing countries—in better health, better education, better nutrition, and in many other ways—as a direct result of populations totaling some 6 billion less than would otherwise be the case.”

Mr. McNamara suggested that five ingredients would be needed to achieve the goal:

- (1) The political will to support the effort.
- (2) The required understanding and the willingness to act on the part of the people.
- (3) The availability of effective, acceptable birth control methods.
- (4) An efficient organization to administer the program.
- (5) Demographic data and analyses to evaluate results and point to program weaknesses requiring correction.<sup>8</sup>

Mr. McNamara found that there had been “a dramatic increase in political support for population planning,” and that 22 countries having about 70% of the population of Asia, Africa and Latin America had adopted official population programs, while a dozen other countries having an additional 10% of the population of these areas offered some assistance to family planning without having an official population policy.<sup>9</sup> He found, however, that almost everywhere “the citizenry lacks access to the information and assistance required” for family planning, and that the “techniques of family planning” presently available are inadequate. Mr. McNamara stated that:

Surveys indicate that the interest in family planning among people everywhere is high, but that their understanding is often tenuous at best and tragically erroneous at worst. Millions of parents, even in remote areas of the world, want fewer children, but they lack the knowledge to achieve this. Programs must be developed to provide them with the information they seek.<sup>10</sup>

Finally, Mr. McNamara found that with one or two exceptions, none of the developing countries had established the administrative organization or the comprehensive data analysis and evaluation service required for a successful population program. Considering these inadequacies, Mr. McNamara indicated that World Bank resources would be made available to support the acquisition by developing countries of the facilities and skills needed to establish population programs.<sup>11</sup>

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8. 1970 Summary Proceedings, p. 22; 1970 Address booklet, pp. 13–14.

9. 1970 Summary Proceedings, pp. 23 and 31; 1970 Address booklet, pp. 14 and 24.

10. 1970 Summary Proceedings, p. 24; 1970 Address booklet, p. 15.

11. 1970 Summary Proceedings, p. 24; 1970 Address booklet, p. 16.

### *World Bank Action*

In 1969, to implement the proposals made by Mr. McNamara in 1968, the Bank established a Population Projects Department to provide an operational basis for the Bank's population work. The Department is primarily involved in sectoral analysis, project preparation and project development, and in follow-through on the implementation of Bank population projects. It also provides technical assistance and expert advice, both through its own resources and through the use of outside experts as consultants and advisors. A Population Studies Division, now called the Population and Human Resources Division, established in the Bank's Economic Department, carries out background work and general studies and research on population questions.<sup>12</sup>

Mr. McNamara stated in 1969 that henceforth each of the Bank's economic reports "on a country facing a population problem will discuss with candor the government's action—or lack of action—in facing up to and dealing with the issue."<sup>13</sup> The Bank's 1972 Sector Working Paper on "Population Planning" points out that one of the most useful forms of assistance that can be provided by the Bank will often be fact-finding and analysis: "Collecting, organizing and analyzing facts about a country's demographic position and its meaning in terms of development."<sup>14</sup> As a matter of Bank policy, each of the Bank's regular economic reports on borrowing countries "is now supposed to include an analysis of the country's demographic situation and of its population policies or program." The Sector Working Paper notes, however, that this objective has not yet been fully realized; only half of the country reports completed during 1969 and 1970 included demographic analysis. For the future, the Bank expects to steadily increase the effectiveness of its demographic analysis "in providing the basic facts governments need to identify their own population problems and generate the political will on which action must depend."<sup>15</sup>

The Bank's population Sector Working Paper also notes the importance of the Bank's population sector missions, which provide far more detailed knowledge of the demographic situation and of a country's population problems, policies and programs than is given in the regular economic reports. As of January 1, 1972, population missions had been sent to nine

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12. Information supplied by the Bank, April 13, 1972.

13. 1969 Summary Proceedings, pp. 9, 13; 1969 Address booklet, p. 7.

14. World Bank, Sector Working Paper, *Population Planning*, p. 29 (1972).

15. *Ibid.* The paper states that the Bank can give effective fact-finding and analysis assistance "only at the Government's invitation, or, at the least, with its acquiescence." *Ibid.*

countries: Colombia, Egypt, India, Indonesia, Jamaica, Malaysia, Mauritius, Trinidad and Tobago, and Tunisia. In addition, missions to Ghana and the Philippines were planned for 1972, and preinvestment studies in health and population had been carried out by the Bank for Iran, Kenya, Tanzania and Uganda.<sup>16</sup>

The Bank's concern, according to the Sector Working Paper, is not with the universal question of the ultimate size of the population the world can sustain, which confronts both the more and the less developed countries; the Bank's concern is with "the developmental impact of population growth." The paper states that:

Development does not mean more people, but higher living standards and greater welfare for however many there may be. The Bank entered the field chiefly because it became convinced that the attempt to raise living standards in a great many developing countries was being seriously undermined if not thwarted. The Bank has no fixed ideas as to how large the population of individual countries ought to be. But it is convinced that in the great majority of developing countries, the faster the rate of population growth, the slower will be the improvement of living standards.<sup>17</sup>

The Bank's strategy envisages the development of country projects based on the information gained through the population sector missions, to be co-ordinated with other agencies active in that country. The Sector Working Paper acknowledges that "Government commitment to population planning is a prerequisite to Bank activity." It states that the Bank cannot operate in countries which have not yet recognized that a population problem exists or which have expressed opposition to family planning programs, and which accordingly do not seek the Bank's assistance." In such countries, the Bank "may seek to educate and persuade, but it cannot hope to develop projects."<sup>18</sup>

### *World Bank Projects*

The core of World Bank population projects is "the provision of effective family planning services, including not only supply-oriented activities but also demand-oriented activities designed to motivate and recruit acceptors." A population program will typically include much more than the provision of family planning services, however. It may also include "information and educational activities, research on the determinants of fertility and family-size decisions, adjustments in the social and welfare legis-

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16. *Ibid.*

17. *Id.*, at p. 4.

18. *Id.*, at p. 31. The paper notes that no project has emerged as a result of the population sector mission to Colombia, "since the Government does not feel able to accept a project justified solely in terms of family planning." *Id.*, at p. 30.

lation affecting the age of marriage or the size of families, the improvement of vital statistics, and training in demography, nutrition and related activities.”<sup>19</sup>

Bank projects will emphasize the following central factors: training of personnel to staff family planning projects; the provision of physical facilities especially in connection with family planning services integrated with maternal and child health services; the stimulation of demand for family planning services; the improvement of the status of women; the reduction of infant mortality; and research in all areas of population questions. Bank projects will also seek to develop opportunities for utilizing the commercial sector and private groups for the delivery of contraceptives and for promotional work in connection with family planning programs.<sup>20</sup>

The Bank’s first population project, approved in June 1970, involves a \$2 million loan to Jamaica to help the government develop a post-partum family planning program at Jamaica’s largest maternity hospital in Kingston, and at a number of rural maternity centers.<sup>21</sup> The funds will be used to build and equip a new wing for the Kingston hospital, to build and equip ten rural maternity centers, to train family planning workers, and to conduct studies “to determine the optimum use of health clinics for family planning purposes, and for the most economic utilization of medical, para-medical and non-medical personnel in family planning clinics.”<sup>22</sup>

The Bank’s second and third projects, approved in 1971, similarly involve relatively small-scale assistance to small countries, Trinidad and Tobago and Tunisia, respectively. The Trinidad and Tobago project will provide that country with a \$3 million loan to construct and equip medical facilities, a family planning institute and nurse-midwife training centers. The project will also “aid in program evaluation, management, family life education, utilization of manpower and training of family planning workers.”<sup>23</sup> The Tunisia project also concentrates on the provision

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19. *Id.*, at p. 32.

20. *Id.*, at pp. 34–36. The paper notes that: “In view of the nature of the Bank’s involvement in the financing of family planning programs, its main interests in research are likely to be those related to the operations of such programs. The methodological aspects of family planning programs, including, for example, cost-effectiveness and cost-benefit questions, or techniques of evaluation, are likely to be of particular concern to the Bank.” *Id.*, at pp. 36–37.

21. World Bank-International Development Association, 1970 Annual Report, p. 24.

22. UN Population Division, *Population Newsletter*, No. 9, p. 18 (June 1970).

23. World Bank-International Development Association, 1971 Annual Report, p. 27.

of physical facilities, which account for about 80% of the total project costs. The project provides Tunisia with a \$4.8 million credit from the International Development Association to construct and equip health facilities, and to finance technical assistance in connection with the Government's family planning program.<sup>24</sup>

The Bank's fourth project, in Indonesia, constitutes what is referred to within the Bank as "the second generation type of Bank population projects." In size, range and complexity, it is far greater than the first three projects. The Indonesia project has twelve components, including a hospital-based post-partum program for urban areas and a pilot post-partum program for rural areas. One-third of the project costs will be for the provision of physical facilities for health delivery units, training centers, and regional population centers. A major effort will be made to build a network of face-to-face educators and motivators through a program of home visits. Also included are substantial sums for fellowships, foreign advisers, demographic research, research seminars and operational research studies, as well as for evaluation. The Indonesia project is jointly financed with the UN Fund for Population Activities and involves the participation both of UN agencies, chiefly WHO and UNESCO, and of the Population Council.<sup>25</sup>

### *The Role of the World Bank*

The Bank's population Sector Working Paper points out that in numbers of projects and amounts of money, the Bank's activities in the population field will appear relatively minor when compared with the Bank Group's total operation. This is, however, "a less accurate barometer of Bank involvement in the population field than are similar figures for most other sectors." In most cases, the paper notes, "a lack of foreign exchange is not the principal constraint on effective implementation of population policies."<sup>26</sup> The greatest need is often for technical assistance, including help in building "the exceptional types of institutional structures which are required to plan and administer successful family planning programs."<sup>27</sup>

Institution-building may involve a wide range of technical assistance, only some of which can be provided directly by the Bank. The Bank's population Sector Working Paper notes that the required technical assistance might include:

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24. *Ibid.*

25. Information supplied by the World Bank, April 13, 1972.

26. World Bank Sector Working Paper, *Population Planning*, pp. 27-28 (1972).

27. *Id.*, at p. 30.

help in the organization and top-level staffing of national family planning agencies; the assessment of a program's manpower needs; the planning or provision of training for medical, social and demographic personnel; the design, collection and processing of service statistics; the evaluation of a program's performance; the design of research projects; the conduct of attitude surveys; the development of education materials for use in school systems, adult education activities or public information programs; the functional and economical design of buildings used in providing family planning services; the organization of recruitment activities; the procurement and distribution of contraceptive supplies; or other facets of planning, administration or training.<sup>28</sup>

Many of the specific skills required would be expected to be provided through other agencies in the UN system, or through other governmental or non-governmental institutions operating on a world basis or within particular regions or countries.

While the Bank expects a rapid increase in the number of population projects financed through its loans, it considers that its chief role in the population field will be to continue to provide advice on program planning, administration, evaluation and the training of personnel,<sup>29</sup> and to continue to draw attention to the urgent need to limit population growth. In his 1971 Annual Address, Mr. McNamara pointed out that even with the required political support, advances in contraceptive technology and effective administration of programs, "decades will pass before the rate of population growth declines to acceptable levels," and that in the meantime, "the world is going to get immensely more populous than it already is." Mr. McNamara drew the following conclusions from an examination of the expected results of present rates of population growth:<sup>30</sup>

Each decade of delay in addressing the population problem in developing countries could lead to an ultimate population in these nations approximately 20% larger than would otherwise be the case.

Even on very favorable assumptions, the populations of the developing countries will continue to grow rapidly for several decades, expanding perhaps fourfold from present levels and reaching a total of nearly 10 billion.<sup>31</sup>

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28. *Ibid.*

29. World Bank-International Development Association, Annual Report 1970, pp. 24-25.

30. Mr. McNamara's estimates of the expected growth in world population are quoted in Chapter 8. See 1971 Address Booklet, pp. 4-5.

31. *Id.*, at p. 5.

UNITED NATIONS REGIONAL ECONOMIC COMMISSIONS

General Assembly Resolution 2211 (XXI), adopted in 1966, called upon the UN regional economic commissions and other UN agencies to aid “in further developing and strengthening national and regional facilities for training, research, information and advisory services in the fields of population, bearing in mind the different character of population problems in each country and region and the needs arising therefrom.”<sup>1</sup> This chapter describes the approaches to the population problem taken by the four regional economic commissions, that is, the Economic Commission for Africa (ECA), the Economic Commission for Asia and the Far East (ECAFE), the Economic Commission for Europe (ECE), and the Economic Commission for Latin America (ECLA), and by the United Nations Economic and Social Office in Beirut (UNESOB).

Each of the four regional economic commissions enjoys substantially the same powers under its Terms of Reference adopted by the Economic and Social Council. The commissions act “within the framework of the policies of the United Nations and subject to the general supervision of the Economic and Social Council.” They may take “no action with respect to any country without the agreement of the Government of that country,” but otherwise are generally empowered “to make recommendations on any matter within [their] competence directly to the Governments of the members.” The competence of the commissions extends to initiating and participating in “measures for facilitating concerted action for the economic development” of the region, and for “raising the level of economic activity” in the region. Subject to the availability of resources, the commissions may perform “such advisory services as the countries and territories of the region may desire, provided that such services do not overlap with those provided by other bodies of the United Nations or by the specialized agencies.”<sup>2</sup>

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1. General Assembly Res. 2211 (XXI), 21 GAOR Supp. 16, p. 41 (A/6316)(1966).

2. The quotations are taken from the Terms of Reference of the Economic Commission for Africa as amended through 1971. 1970-1971 ECA Annual Report, 51 ESCOR Supp. 5, Vol. I, Annex VI, pp. 152-55 (E/4997)(E/CN.14/519)(1971). The

## 1. Economic Commission for Africa (ECA)

The evolution of the mandate of the Economic Commission for Africa in the population field began with the convening at Cairo in 1962 of an ECA Seminar on Population Problems in Africa. The seminar was organized at the request of the Economic Commission "to review demographic problems in relation to the economic and social planning of the countries of the region."<sup>3</sup> One of the main conclusions reached by the seminar was that:

Excessively rapid growth of population imposes a heavy strain on developing countries as it calls for large investments in new means of production and social and economic infrastructure to meet the needs of rapidly increasing numbers of consumers and so tends to aggravate the existing scarcity of capital. . . . For this reason, the present rates of population increase might be an obstacle to economic and social progress even for those African countries which are considered to be under-populated.<sup>4</sup>

The seminar found that "Even simple measures of recent trends in the components of population change are lacking for a large number of countries in this region and little has been done to study factors affecting the trends of fertility, mortality and migration in the African setting."<sup>5</sup> The seminar recommended that governments of African countries should extend and improve their demographic statistics "in view of the importance of demographic information as a basis for making economic and social policy and planning," and that ECA should be prepared to aid in this effort. The seminar also concluded that governments should "draw up national programmes of fundamental demographic studies, oriented toward questions of development policy and planning and co-ordinated

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Terms of Reference of the Economic Commission for Asia and the Far East refer to the "economic reconstruction and development" of the region, and to overlap with the services provided by the "United Nations Technical Assistance Administration," rather than by the UN Specialized Agencies. See 1970-1971 ECAFE Annual Report, 51 ESCOR Supp. 2, Annex III, pp. 204-05 (E/5020)(E/CN.11/987) (1971). The Terms of Reference of the Economic Commission for Europe are substantially the same as those of ECA and ECAFE, except that ECE is not explicitly authorized by its Terms of Reference to perform advisory services on request of governments. See 1968-1969 ECE Annual Report, 47 ESCOR Supp. 3, Annex III, pp. 115-16 (E/4641)(E/ECE/747)(1969). The Terms of Reference of the Economic Commission for Latin America, like those of ECE, lack explicit authorization to perform advisory services, but in other respects are substantially the same as those of ECA and ECAFE. See 1963-1964 ECLA Annual Report, 37 ESCOR Supp. 4, Annex III, pp. 155-57 (E/3857/Rev.2)(E/CN.12/AC.57/15/Rev.2)(1964).

3. Report of the ECA Seminar on Population Problems in Africa, UN Doc. E/CN.14/186, para. 2, p. 1 (1962).

4. *Id.*, at para. 11, p. 5.

5. *Id.*, at para. 19, p. 8.

with national programmes for the development of basic statistics as part of their overall development plans.”<sup>6</sup>

In 1967, the 5th Session of the ECA Conference of African Statisticians again reviewed the situation in Africa as to demographic statistics, research, training and analysis, and recommended that “The work of ECA in the fields of demographic studies, and information and advisory services in demography should be expanded.”<sup>7</sup> In the same year, the 2d Session of the ECA Conference of African Planners recommended that ECA Member States consider “the need for evolving a population policy in their development programmes,” in recognition of “the important relationship between population growth and overall economic development.”<sup>8</sup> The Conference noted, however, that “Reliable data on the size, growth and structure of population, particularly the economically active groups, must be collected, preliminary to planning for the effective use of manpower resources.”<sup>9</sup>

### *The UN Population Programming Mission*

In 1968, a visiting United Nations Population Programming Mission for Africa found that “hardly a single country in Africa can be considered as having the essential demographic data required for basic development planning.”<sup>10</sup> The Mission, organized by the United Nations and ECA, had been sent to Africa to assess:

- (i) The present status and prospective requirements for development of research, training and operational programmes in the field of population at the regional and country levels; and
- (ii) The steps needed to establish a regional infra-structure for the expansion of demographic work in countries and regionally.

The Mission was requested to “prepare a work programme in the field of population consonant with regional and national needs” for consideration by the United Nations and ECA, and to “make specific recommendations

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6. *Id.*, at para. 33, p. 14; and para. 28, p. 12. The seminar's basic conclusion was that “attempts should be made to integrate the demographic projections with projections of economic and social services in a consolidated national plan.” *Id.*, at para. 18, p. 8.

7. Report of the 5th Session of the ECA Conference of African Statisticians, UN Doc. E/CN.14/405, para. 190, pp. 54, 55 (1967).

8. Report of the 2d Session of the ECA Conference of African Planners, UN Doc. E/CN.14/407, para. 100, p. 37 (1967).

9. *Id.*, at para. 94, p. 35.

10. Report of the United Nations Population Programming Mission for Africa, UN Doc. ST/SOA/SER.R/8, para. 22, pp. 11, 12 (1968).

on the organization needed both at the ECA and at the country level for carrying out such an expanded programme.”<sup>11</sup>

The Population Programming Mission’s recommendations for “Expanded Regional Activities” covered all phases of demographic statistics, research, training, advisory services and operational activities. The Mission recommended that “ECA’s demographic research work should be geared towards meeting the immediate and practical needs of Governments in taking demographic factors into account in development planning [and] policy-making.” It found that, due to increased interest in policies affecting population growth, ECA was likely to be called upon for advice concerning possible population policies, including:

- (a) the provision of information on the possible impact of population policy programmes upon future population trends and economic and social development;
- (b) evaluation of the effectiveness and accomplishments of action programmes;
- (c) provision of expertise required in various fields, such as adult education, means of communication, public administration, public health, social welfare, training of field personnel, demographic and socio-economic research, etc; and
- (d) exchange of expertise between personnel engaged in population programmes in different countries.<sup>12</sup>

To enable the ECA Secretariat to carry out these expanded responsibilities in the population field, the Mission recommended that “the administrative unit of ECA responsible for an intensified population programme should, in principle, be strengthened and re-constituted as an identifiable part of the secretariat at a level consistent with the importance of its work.”<sup>13</sup>

### *Developing the ECA Mandate*

The UN Mission report was received with approval at the 9th Session of the Economic Commission for Africa in 1969. No resolution was adopted,

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11. *Id.*, at para. 4, pp. 4–5.

12. *Id.*, at paras. 36–84, pp. 17–41. The quoted language is taken from para. 41, p. 19, and para. 63, pp. 31–32. The UN Mission report recommends that the ECA Secretariat should be prepared to undertake the following tasks relevant here, *id.*, at para. 71, pp. 35–36:

- (a) To prepare studies and reports on population size, composition and trends as well as on demographic aspects of economic and social development. . . ; . . .
- (d) To provide advisory services through regional advisers and the demographic staff, at the request of Governments, on the analysis of demographic data and the interrelationships between population and economic and social development and their policy implications; [and]
- (e) To assist Governments, on request, in organizing training, research and operational programmes in the field of population.

13. *Id.*, at para. 80, p. 39.

but the Commission's report notes that the Mission recommendation that an "expanded programme of research, training and advisory services" in the population field be developed by the ECA Secretariat was agreed to by the members of the Commission.<sup>14</sup> The Secretariat's work program approved by the Commission implemented the Mission's recommendations in part through demographic research and studies, and in part through the continuing task of "providing advisory services and undertaking advisory missions to Member States, on request, in the field of demography."<sup>15</sup>

In the fall of 1969, the 6th Session of the ECA Conference of African Statisticians "noted with satisfaction the establishment of regional demographic advisory services for the first time in Africa," and invited ECA Member States "to avail themselves of such services for demographic studies and analysis (including projections), training, information services and population policies and programmes."<sup>16</sup> The Conference urged ECA to adopt:

the recommendations of the United Nations Population Programming Mission for Africa concerning the strengthening and reconstituting of the demographic set-up of the ECA Secretariat as an identifiable part of the secretariat at a level consistent with the importance of its work [and that] the African Population Programme be undertaken by a separate and re-constituted Population Division to be created at the secretariat.<sup>17</sup>

This recommendation was implemented in January 1970 with the establishment within the ECA Secretariat of a Population Programme Centre, whose chief functions were to be to help to create an awareness of the population situation in Africa and to aid governments in formulating and implementing population policies.<sup>18</sup>

In May 1970, the 3d Session of the ECA Conference of African Planners considered the relationship of population growth to economic development including the following points:

(a) Though population densities are generally low in Africa, this should not be overemphasized in dealing with the population problems of Africa. Simple

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14. 1968-1969 ECA Annual Report, 47 ESCOR Supp., Vol. I, paras. 517-24, pp. 113-14, at para. 522, p. 114 (E/4651)(E/CN.14/453)(1969).

15. *Id.*, at Vol. II, pp. 102-06; p. 105 is quoted. See also Vol. I, at paras. 176-90, pp. 36-39.

16. Report of the 6th Session of the ECA Conference of African Statisticians, UN Doc. E/CN.14/464, para. 102, p. 25 (1969).

17. *Id.*, at para. 185, p. 49. See also Annex V, Proposed Regional Work Programme 1970-75, Population Programmes, pp. 4-6.

18. See the 1971 ECA Report to the Population Commission, UN Doc. E/CN.9/249, para. 4, p. 3 (1971). See also the Report of the 1st Meeting of the ECA Technical Committee of Experts, UN Doc. E/CN.14/474, paras. 144-52, pp. 44-46 (1970).

measures of density in terms of total land area are misleading, since they do not take into account non-arable land and development potential; . . .

(c) Present high rates of fertility and declining mortality in Africa are producing high rates of population growth. This has resulted in a high percentage of children in the population, a phenomenon which involves high dependency ratios and heavy burdens on African Governments to provide educational, health, and other social services for the population; . . . [and]

(g) It is necessary to support both population policies aimed at reducing rates of population growth and improved and more realistic development plans aimed at making better use of available resources.<sup>19</sup>

In June 1970, an ECA Expert Group on Population reviewed population structure and growth data for African countries, and concluded that "almost all of the African countries are concerned about the population growth rate, and . . . realize the magnitude of the problems that will have to be solved if the growth rates of the total and urban populations remain uncontrolled." The Expert Group recommended that African countries "prepare forward-looking programmes on population and . . . avail themselves of the assistance of the United Nations and the ECA for consultation, finalization and implementation of such programmes."<sup>20</sup>

Finally, in February 1971, in connection with the 10th Session of the Economic Commission and the 1st Meeting of the Conference of Ministers, the ECA Technical Committee of Experts "agreed that a rapid expansion of [the African Population Programme] was called for, to enable it to reach a level comparable with those of the other regions and also to provide the African countries with services in those fields where

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19. Report of the 3d Session of the ECA Conference of African Planners, UN Doc. E/CN.14/481, para. 97, pp. 26-27. The Conference quoted conclusions drawn from the Report of the ECA Seminar on Application of Demographic Data and Analysis to Development Planning, UN Doc. E/CN.14/POP/10 (1969). *Ibid.*

The Report of the ECA Expert Group on Population, UN Doc. E/CN.14/488, para. 25, pp. 7-8 (1970), contains the following views relating to family planning programs:

[T]he establishment of combined integrated units providing first aid and general medical services, especially on maternal and child health and also family planning services, could be given high priority, especially in rural areas in most developing countries. Although desirable, it may be unnecessary and often impracticable in most African countries to use highly trained medical staff for the above purposes, but adequately trained junior medical and para-medical staff and even indigenous midwives (with quick and repeated training in modern techniques) could be used at very low cost with great advantages.

20. Report of the ECA Expert Group on Population, UN Doc. E/CN.14/488, paras. 19, p. 6, and 62(9), pp. 19, 20 (1970). The Expert Group also recommended that: "The ECA secretariat be strengthened for carrying out its population programmes, especially on in-depth studies." *Id.*, at para. 62(11), pp. 19, 20. See also the Report of the ECA Working Group on Fertility Studies and Evaluation of Population Programmes, UN Doc. E/CN.14/473 (1970).

the needs were most immediate and acute."<sup>21</sup> The 10th Session of the Commission noted its satisfaction with the establishment within the ECA Secretariat of the Population Programme Centre,<sup>22</sup> and approved a program of expanded population activities<sup>23</sup> that was described to include the following duties for the ECA Secretariat:

- (a) Assisting Governments in understanding the population situation in the region and in giving due consideration to the interrelationship between population dynamics and economic and social growth;
- (b) Helping Governments, at their request, to set up population programme services;
- (c) Ensuring the training of personnel by supporting national institutions and establishing regional training and research centres; and
- (d) Co-ordinating the regional activities of the United Nations organs in the field of population.<sup>24</sup>

21. Report of the 2d Meeting of the ECA Technical Committee of Experts, UN Doc. E/CN.14/512/Rev.1, paras. 201-15, pp. 41-44, at para. 215, p. 44 (1971). The Commission decided at its 9th Session in 1969 that the regular biennial sessions of the Commission would be held at the ministerial level and be known as the Conference of Ministers, and that a new Committee of the Whole, to be known as the Technical Committee of Experts, would meet annually. The Technical Committee of Experts consists of "the principal or other senior government officials of Member States who are concerned with economic affairs, planning, development, and both financial and fiscal matters." The Technical Committee examines studies prepared by the secretariat and makes reports to the Conference of Ministers. ECA Res. 188 (IX), "Institutional Machinery of the Commission," 1968-1969 ECA Annual Report, *supra* note 14, Vol. I, pp. 135, 137.

22. ECA Res. 230(X), "Population," 1970-1971 ECA Annual Report, 51 ESCOR Supp. 5, Vol. I, p. 122 (E/4997)(E/CN.14/519)(1971). The resolution, adopted by the Conference of Ministers, requests the ECA Executive Secretary "to speed up the establishment of subregional centres for the training of demographers," and "to carry out a study of population levels and trends in relation to economic and social development." *Ibid.*

23. The ECA Programme of Work and Priorities, 1971-1973, as approved at the 10th Session of the Commission includes the following projects in the program of work for the Population Programme Centre, *id.*, Vol. II, pp. 196-211, at pp. 196 and 204:

- (1) Demographic aspects of economic and social development.

*Aims:* To assist governments of the region to improve their information services on population questions and to give due recognition to the inter-relationship between population dynamics and economic and social growth.

- (2) Relevant aspects of population policies and programmes.

*Aims:* To create increased awareness of the short- and long-term problems relating to different aspects of population and assist the African governments to solve the problems through the formulation and implementation of effective population policies.

24. *Id.*, at para. 152, p. 27. The functions of the ECA Population Programme Centre are described in the 1971 ECA Report to the Population Commission, *supra* note 18, at para. 17, pp. 5-6, in substantially the same terms as those used in the 1968 UN Mission report quoted in note 12 above.

The 10th Session of the Commission also established the Conference of African Demographers as a standing body of ECA charged with consideration of all matters relating to population, training for population programs, manpower and employment.<sup>25</sup> The Conference held its first meeting at Accra in December 1971, immediately following the African Population Conference. The latter, which met at Accra on December 9–18, 1971, was jointly sponsored by ECA and the International Union for the Scientific Study of Population, in co-operation with the International Planned Parenthood Federation.

As a result of the developments through the end of 1971, attitudes of governments towards the population problem in Africa appear to have moved towards the consideration of the need for population planning, although many have not yet adopted official population policies. In this same period, the Economic Commission for Africa appears to have become ready to make full use of its authority to engage in population activities within the framework of Economic and Social Council and General Assembly resolutions, and to have established an administrative structure capable of meeting these new responsibilities. With the affirmation by ECA bodies of the need to reduce rates of population growth, and the need to integrate population planning into development planning, ECA appears ready to make a substantial contribution to population programs in Africa.<sup>26</sup>

## 2. *Economic Commission for Asia and the Far East (ECAFE)*

The development of the mandate of the Economic Commission for Asia and the Far East in the population field began with the Asian Population Conference that met at New Delhi in December 1963. The Conference was held to consider “the implications of population trends in connection with the needs for food, clothing, housing, education, employment, health, social welfare, etc.; the effects of population trends on the supply

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25. 1970–1971 ECA Annual Report, *supra* note 22, Vol. 1, p. 127. See also the 1971 ECA Report to the Population Commission, *supra* note 18, at paras. 40–41, p. 12; and the Report of the 3d Meeting of the ECA Executive Committee, UN Doc. E/CN.14/479, para. 18, p. 4 (1970).

26. See also the reports of the following meetings arranged by the Population Programme Centre: Report of the ECA Technical Meeting on Pilot Studies in Fertility, Infant Mortality and Evaluation of Population Programmes, UN Doc. E/CN.14/518 (1971); Report of the ECA Meeting of Non-UN Organizations interested in Population Programmes in Africa, UN Doc. E/CN.14/523 (1971); and Report of the 1st ECA Regional Inter-Agency Co-ordination Meeting on Population, UN Doc. E/CN.14/531 (1971).

of the human and material resources required to meet those needs; ways of dealing with population problems, including measures to facilitate the fuller utilization of human resources; and policies designed to affect population trends.”<sup>27</sup>

With the participation of all ECAFE Member States, the Asian Population Conference reached unanimous agreement on a resolution that states as its fundamental premise that:

the rapid growth of population in many countries of the ECAFE region is impeding their economic and social development and threatening the success of their efforts to reach satisfactory levels of living within a tolerable length of time.<sup>28</sup>

The resolution invites ECAFE members “to take account of the urgency of adopting a positive population policy related to their individual needs and to the general needs of the region.” It requests the Executive Secretary of ECAFE to expand the services of the ECAFE Secretariat in the field of population and to expand:

the scope of technical assistance available to governments in the region, upon their request, for data collections, research, experimentation and action on all aspects of population problems, including family welfare planning programmes, through regional advisory services. . . .<sup>29</sup>

### *Population Growth and Economic and Social Development*

Detailed recommendations adopted by the Conference point to the inter-relationships between economic and social development and population growth. Among other factors, it was noted that the high birth rate leads to a “high proportion of dependent children in the population” that impedes progress, “especially in fulfilling education targets,” and that: “The rapid growth of population in the countryside increases pressure on the land, while any consequent acceleration of migration causes additional problems of economic and social adjustment.” The recommendations point out that each country has its own population problems, and that no uniform solution would be effective considering “the differences among countries in size, density and rate of growth of the population, natural resources and other conditions of the economy, and characteristics of national culture.” It is acknowledged that it is for each government to

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27. The summary of the purposes of the Asian Population Conference is quoted from the 1963–1964 ECAFE Annual Report, 37 ESCOR Supp. 2, para. 214, p. 48 (E/3876/Rev.1)(E/CN.11/662/Rev.1)(1964).

28. Report of the Asian Population Conference and Selected Papers, “Resolution and Recommendations of the Conference,” UN Doc. E/CN.11/670, p. 48 (1964) (UN Sales No. 65.II.F.11).

29. *Id.*, at p. 49.

decide its own population policy, but, at the same time, the recommendations state the unanimous view of the Conference that:

the policy adopted and the activities taken by each government to deal with the national problems of population and economic and social development are of common concern to all nations, as all have a stake in the success of efforts to achieve satisfactory conditions of life for all the world's peoples with a minimum of delay.<sup>30</sup>

The Asian Population Conference recommended a series of general principles to govern the formulation and implementation of national population policies, and specific steps that ECAFE should take to strengthen its capacity to assist Member States in the population field. ECAFE was requested to strengthen its advisory services, to support regional facilities for demographic training and research, and to add to its secretariat staff so as to be able to render effective services to government agencies functioning in the field.<sup>31</sup> The following were the major recommendations addressed to Member States:

- (a) Each government should decide what kinds of action, if any, should be taken to moderate the rate of population growth and to influence the distribution of population within the country. . . .
- (b) Such decisions should be based on an appraisal of the country's demographic situation and prospects and of the interrelationships between population trends and economic and social development. . . .
- (c) Measures aimed at influencing the growth or distribution of population should not be considered as substitutes for efforts to develop resources, improve technology and expand production, but as complementary means of raising the levels of living of the people.
- (d) A national population policy should be integrated with policies and programmes in related economic and social spheres, such as education, health, nutrition, social welfare, social security, housing, status of women, agricultural and industrial development and manpower utilization. . . .<sup>32</sup>

### *Strengthening ECAFE's Capacity*

The report and recommendations of the Asian Population Conference were received with approval at the 20th Session of the Commission in 1964. The Commission gave its full support to the Conference conclusions

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30. *Ibid.* The Conference recommendations stressed that "The problems of population and social and economic development are interrelated and acceleration of social and economic progress is, in turn, of great importance to the removal of obstacles created by high rates of population growth."

31. *Id.*, at pp. 50-51. One recommendation was that "ECAFE should strengthen the staff in its secretariat assigned to work on population matters so as to be in a position to render effective services to the government agencies and institutions working in this field throughout the region." *Id.*, at p. 51, para. 9.

32. *Id.*, at p. 50.

concerning the need for national population policies and for strengthening ECAFE's capacity to assist Member States in their population activities and programs, including "programmes relating to family welfare planning."<sup>33</sup> In its Resolution 54 (XX), adopted unanimously on March 17, 1964, the Commission recognized that "the recent demographic trends amongst most of the countries of the region, which reflect high rates of population growth and an increasing mobility of the population, are hindering the achievement of satisfactory living standards in the shortest possible time."<sup>34</sup> The resolution requests the ECAFE Executive Secretary to expand the scope of ECAFE services as recommended by the Asian Population Conference, and invites ECAFE Member States:

- (a) To take account of the urgent need to adopt a positive population policy related to their individual needs, [and]
- (b) To take account, in their formulation and execution of general policies for social and economic development, of the recommendations of the Asian Population Conference relating to national population policies.<sup>35</sup>

### *The Asian Population Programme*

Based upon the authority of the 1964 ECAFE resolution, ECAFE's services were strengthened to include advice to national programs designed to influence population growth, but they were nonetheless found three years later to be seriously in need of expansion. A report of an Expert Working Group on the Feasibility of Establishing a Regional Population Centre recommended that ECAFE provide "advisory, analytical, information and other services in the demographic field," and that an ECAFE demographic research program consider:

- (a) the demographic aspects of plans, projects, research and other activities where relevant;
- (b) the integration of population factors in development planning, programmes and activities; [and]
- (c) the relevant contributions to population planning of such factors as the reduction of birth rates, migration and the redistribution of population.<sup>36</sup>

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33. 1963-1964 ECAFE Annual Report, *supra* note 27, at para. 465, p. 113. The Commission's report notes that all ECAFE members "were fully aware of the magnitude and gravity of the problems caused by the rapid increases of population in the region." *Ibid.*

34. ECAFE Res. 54 (XX), "Population Growth and Economic and Social Development," *id.*, at pp. 128-29.

35. *Id.*, at p. 129. Res. 54 (XX), para. 2(b), authorizing the Executive Secretary to expand ECAFE services, uses the same language that was used in the Asian Population Conference resolution quoted in the text at note 29 above. See *ibid.*

36. Report of the ECAFE Expert Working Group on the Feasibility of Establishing a Regional Population Centre, UN Doc. E/CN.11/L.173 (1967), quoted from 1966-1967 ECAFE Annual Report, 43 ESCOR Supp. 2, para. 212, p. 62

The recommendations of the Working Group were approved by the Commission at its 23d Session in 1967.<sup>37</sup> ECAFE Resolution 74 (XXIII),<sup>38</sup> adopted unanimously by the Commission on April 17, 1967, authorizes the ECAFE Executive Secretary to expand the ECAFE program as recommended by the Working Group, assigning primary emphasis to assistance to governments "through an expanded programme of training, research, information and advisory services." The Executive Secretary was requested "to explore the effect of the pressure of population in delaying the achievement of development goals, and to consider the setting of targets designed to bring rates of population increase and social advancement into some reasonable alignment with one another."<sup>39</sup> The Commission also decided to establish the Asian Population Conference "as a statutory organ of the Commission to be convened every ten years synchronizing with the decennial population and related censuses, for the consideration of all aspects of population questions and of their impact on economic and social development."<sup>40</sup>

The Commission's decision authorizing an expanded program of studies and advisory services in the population field was implemented during 1967 and 1968 with the formulation of the Asian Population Programme

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(E/4358)(E/CN.11/791)(1967). See also the ECAFE Secretariat Report on Regional Co-operation for the Development of Analytical Research, Policy and Programmes in the Field of Population, UN Doc. E/CN.11/L.175 (1967).

37. 1966-1967 ECAFE Annual Report, *supra* note 36, at para. 529, p. 163. The ECAFE Secretariat proposal for intensification of regional co-operation in the population field contained in the Report on Regional Co-operation, *supra* note 36, was also approved by the Commission. 1966-1967 ECAFE Annual Report, *supra* note 36, at para. 528, p. 163.

38. ECAFE Res. 74 (XXIII), "Regional Co-operation in the Field of Population," 1966-1967 ECAFE Annual Report, *supra* note 36, at pp. 198-200.

39. *Id.*, at pp. 199-200. Res. 74 (XXIII) states that the expanded program is adopted "with a view to providing for the analysis and consideration in depth of the region's population problems and for the application of the most effective means of solving them through regional and national co-operative effort." It authorizes the ECAFE Executive Secretary "to provide such guide-lines as may be appropriate to the implementation of the expanded programme in the field of population." *Ibid.*

40. *Id.*, at p. 199. The Commission discussion of Res. 74 (XXIII) emphasized the following points, *id.*, at para. 531, p. 164:

- (1) the need to assess training requirements and facilities with a view to expanding training at all levels in the many types of activity essential to national population programmes;
- (2) the importance of research oriented toward operational aspects of government programmes;
- (3) the widespread usefulness of establishing ECAFE as a centre for the dissemination of information on a regional basis; and
- (4) the use of expert working groups to provide such guidelines as might be appropriate to the implementation of the expanded regional programme.

approved by the Commission at its 24th Session in 1968.<sup>41</sup> The Asian Population Programme, following the guidelines established in ECAFE Resolutions 54 (XX) and 74 (XXIII), is implemented through a Population Division established in the ECAFE Secretariat in January 1969.<sup>42</sup>

At its 26th Session in 1970, the Commission adopted ECAFE Resolution 111 (XXVI),<sup>43</sup> in which it notes with satisfaction "the initiation by the secretariat of an intensified programme of work that brings regional experience and cooperation to bear on national population problems through projects that include a wide range of action-oriented studies and research, provision of training and advisory services and the establishment of a regional clearing house."<sup>44</sup>

### *Family Planning as a Government Responsibility*

ECAFE Resolution 111 (XXVI) takes a step away from the absolute discretion of national governments recognized in the earlier ECAFE resolutions. Although subject as usual to the proviso that governments act "in accordance with their national policies and special needs," ECAFE Resolution 111 (XXVI) calls upon ECAFE Member States:

to adopt practical and effective family planning measures on a voluntary basis aimed at the achievement of more desirable rates of population growth.

The resolution bases this recommendation on the recognition by the Commission that "the growing efforts to improve the quality of life through long-term economic and social development may be frustrated by the continuance of the present high rates of population growth" within the ECAFE region. The resolution then "proposes" that the adoption of "practical and effective family planning measures on a voluntary basis":

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41. 1967-1968 ECAFE Annual Report, 45 ESCOR Supp. 2, para. 481, p. 102 (E/4498)(E/CN.11/824)(1968). The Asian Population Programme approved by the Commission is contained in UN Doc. E/CN.11/L.202 (1968).

42. See UN Doc. E/CN.11/860 (1969), and 1968-1969 ECAFE Annual Report, 47 ESCOR Supp. 2, paras. 575-81, p. 59 (E/4640)(E/CN.11/868)(1969). See also Report of the ECAFE Expert Working Group on Assessment of Acceptance and Use-Effectiveness of Family Planning Methods, UN Doc. E/CN.11/L.232 (1968).

43. ECAFE Res. 111 (XXVI), "Population in Relation to Economic and Social Development," 1969-1970 ECAFE Annual Report, 49 ESCOR Supp. 2, pp. 58-59 (E/4823)(E/CN.11/932)(1970).

44. *Id.*, at pp. 58-59. The resolution "Endorses the Asian Population Programme as an instrument through which the Executive Secretary can take prompt action to assist Governments to achieve their development goals." For a summary of the Asian Population Programme submitted to the Commission and to the UN Population Commission, see UN Doc. E/CN.11/L.261 (1969). See also the Report of the ECAFE Regional Seminar on Evaluation of Family Planning Programmes, UN Doc. E/CN.11/L.268 (1969).

be included among the essential aspects of international development strategy for the Second United Nations Development Decade, looking to the eventual achievement of satisfactory *per capita* economic growth which would promote human welfare.

In implementation of its proposal, the resolution invited the Administrator of the United Nations Development Programme "in allocating its resources and those of the United Nations Fund for Population Activities, to attach importance to collaborative efforts in the field of population at the regional sub-regional and national levels."<sup>45</sup>

The report of the ECAFE session casts no light on the meaning to be given to Resolution 111 (XXVI). Although its family planning recommendation is preceded by a reference to national policies, it can be read as urging a United Nations policy decision that family planning measures are essential to the achievement of Development Decade goals, and that this UN policy should govern the allocation of UNDP and UNFPA funds. If so, the resolution would be recommending, in effect, that UNDP give preference to national development plans that feature moderation of population growth rates through voluntary family planning programs.

### *The Need for Comprehensive Population Policies*

The discussion of the Asian Population Programme at the 27th Session of the Commission in 1971, however, stressed the view that "Decisions with respect to population control programmes must be taken by the countries themselves, in order to reflect the varied cultural and social values of the population concerned." In this discussion, the Commission noted that:

in view of the differing contexts, there were no clear-cut or universal answers to the problem of population growth; it must be dealt with in accordance with each country's concept of development.<sup>46</sup>

As to family planning programs, the Commission expressed the view that since family planning programs "could be effective only in the context of other concrete economic and social provisions such as land reform, policies aimed at reducing income inequalities, and similar measures," the need was for "comprehensive population policies within the framework of national development plans." The Commission suggested that the ECAFE secretariat undertake studies on "factors affecting family size norms for different classes of population" and on "the variety of values, beliefs and behaviour patterns throughout the region and their influence

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45. 1969-1970 ECAFE Annual Report, *supra* note 43, at pp. 58, 59.

46. 1970-1971 ECAFE Annual Report, 51 ESCOR Supp. 2, para. 447, p. 47 (E/5020)(E/CN.11/987)(1971).

on action programmes."<sup>47</sup> It also suggested that the 2d Asian Population Conference, convened November 1-13, 1972, at Tokyo, might consider the adequacy of population policy measures in terms of the strategy for the Second Development Decade, which might "provide new guidelines for government action and international assistance in implementing population programmes."<sup>48</sup>

Despite the volume and intensity of population programme work undertaken by ECAFE, the Commission found in its review of population programs in 1971 that "recent and prospective demographic trends in the region" were cause for concern that "continued high rates of population growth [may] pose a serious impediment to the countries' economic and social development." With this estimate of the continued urgency of the problem in Asia and the Far East, the Commission endorsed the ECAFE 1971-1972 population work program and commended the program for being action-oriented and country-oriented.<sup>49</sup>

The 1971-1972 Asian Population Programme features the following two continuing projects:

(1) Population aspects of economic and social development.

*Aim:* To assist Governments of the region in expediting economic and social development through understanding and solution of problems arising from rapid growth of population and in measuring human needs for development planning in terms of changes in population characteristics.

(2) Selected aspects of population policies and programmes.

*Aim:* To help Governments in the ECAFE region to resolve problems relating to the formation and implementation of population policy and to improve the quality of the programme efforts in the field of population and family planning.<sup>50</sup>

### 3. *Economic Commission for Europe (ECE)*

At its 15th Session in 1969, the United Nations Population Commission was of the opinion that "demographic problems facing Europe at present and likely to confront it in the near future, warrant an expansion of population research activities in the region." The Commission considered that the Economic Commission for Europe would be an appropriate body through which such an expansion might be accomplished.<sup>51</sup>

47. *Id.*, at para. 446, p. 47, and para. 449, pp. 47, 48.

48. *Id.*, at para. 448, p. 47.

49. *Id.*, at para. 445, p. 47.

50. *Id.*, at pp. 104-95. See also UN Doc. E/CN.11/L.294 (1971), for a summary of the Asian Population Programme prepared for submission to the 27th Session of the Commission in 1971.

51. See 1971 ECE Report to the Population Commission, UN Doc. E/CN.9/251, para. 1, p. 2 (1971).

The Economic Commission for Europe has two specialized bodies whose functions include activities in the population field: the Conference of European Statisticians and the Senior Economic Advisers to ECE Governments.

The ECE Conference of European Statisticians has embarked on the development of an integrated system of demographic and social statistics through a Working Party on a System of Demographic and Social Statistics. In reviewing the report of the Working Party in 1970, the Commission expressed its satisfaction with the project and noted that the effort to integrate social, demographic and labor statistics "within a general framework linked to the systems of national accounts and balances constitutes an enormous and complex project which would require considerable time and effort."<sup>52</sup>

The Senior Economic Advisers to ECE Governments considered as a special subject at its 8th Session in 1970, a report on "Investment in Human Resources and Manpower Planning." The report includes a study of the implications of trends in population size and age-sex structure for the supply of labor in Europe during the 1970's.<sup>53</sup>

In addition to the activities of the two specialized ECE bodies, the ECE Secretariat is engaged in a study of post-war demographic trends in Europe and a "Comparative Study of Fertility and Family Planning in Europe."<sup>54</sup>

### *An ECE Population Conference*

At the 25th Session of the Commission in 1971, it was proposed that ECE hold a population conference in conjunction with World Population Year, 1974, and the proposed 1974 World Population Conference.<sup>55</sup> The proposal to hold an ECE population conference was in part a reaction to the European Population Conference held by the Council of Europe in 1971, which was open only to Members of the Council of Europe and therefore excluded the Soviet Union and the Eastern European members of the ECE.<sup>56</sup>

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52. 1969-1970 ECE Annual Report, 49 ESCOR Supp. 3, paras. 65-72, pp. 18-19, at para. 67, p. 18 (E/4822)(E/ECE/776)(1970). See also the 1970-1971 ECE Annual Report, 51 ESCOR Supp. 3, paras. 88-94, pp. 22-23 (E/5001)(E/ECE/809)(1971).

53. See UN Doc. E/ECE/ECON.ADVISERS/2 (1970), and 1970-1971 ECE Annual Report, *supra* note 52, at para. 127, p. 29.

54. See 1971 ECE Report to the Population Commission, *supra* note 51, at paras. 14 and 15, p. 6.

55. See 1970-1971 ECE Annual Report, *supra* note 52, at para. 53, p. 16.

56. See 1971 ECE Report to the Population Commission, *supra* note 51, at paras. 16 and 17, p. 7.

The subjects mentioned for possible consideration at an ECE population conference included a review of fertility patterns in Europe, comparative surveys of family planning programs, and demographic aspects of European manpower demands. The view was expressed, however that the overlap with the functions of other international organizations and the proposed 1974 World Population Conference was too high, and that ECE should continue to devote its limited resources to work in other fields. The 25th Session took no decision on the proposal, leaving the matter for consideration at its 26th Session in 1972.<sup>57</sup>

#### 4. *Economic Commission for Latin America (ECLA)*

Compared with the development of population activities in the Economic Commissions for Africa and for Asia and the Far East, the Economic Commission for Latin America is a newcomer to the field. The Latin American Demographic Center (CELADE), established at Santiago, Chile, in 1957 by agreement between the United Nations and the Government of Chile,<sup>58</sup> has functioned within the framework of ECLA since 1966, but the ECLA Secretariat has had little to do with population questions, and the first ECLA resolution containing policy directives in the field was not adopted until 1970.<sup>59</sup>

In a general resolution on economic development strategy adopted by the Commission at its 13th Session in 1970, ECLA Resolution 290 (XIII), entitled "The Development of Latin America in the Second United Nations Development Decade,"<sup>60</sup> the Commission requested the ECLA Secretariat to "give special attention to studies, research and advisory services" designed to serve the following ends relevant to the population field:

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57. 1970-1971 ECE Annual Report, *supra* note 52, at para. 53, p. 16.

58. See UN Doc. E/CN.9/Conf.4/L.2, p. 5 (1967).

59. The CELADE program of demographic research and training is described in reports to the UN Population Commission in 1969 and 1971, UN Docs. E/CN.9/233/Add.1 (1969), and E/CN.9/259 (1971). At the 14th Session of ECLA in 1971, it was considered that CELADE needed a defined legal status and should have the same legal status as the Latin American Institute for Economic and Social Planning. The Commission therefore adopted ECLA Res. 304 (XIV), which notes CELADE's work with satisfaction, and "Recognizes CELADE as an autonomous agency under the aegis of the Commission and requests it to continue to extend and improve its teaching, research and advisory activities in the field of population." 1970-1971 ECLA Annual Report, Vol. I, 51 ESCOR Supp. 4, pp. 94, 95 (E/5027) (E/CN.12/867/Rev.2)(1971).

60. ECLA Res. 290 (XIII), "The Development of Latin America in the Second United Nations Development Decade," 1969-1970 ECLA Annual Report, Vol. I, 49 ESCOR Supp. 4, Vol. I, pp. 98-100 (E/4806)(E/CN.12/AC.62/4/Rev.1)(1970).

(h) The study of national policies for regional development that are compatible with the aim of accelerating over-all growth, taking into account the problems of population concentration in urban areas and the decentralization of industrial development; . . .

(l) The continuation of demographic studies in order to shed more light on population problems;

(m) The continuation of studies on the social and economic structure and its relationship to the development process, with special emphasis on problems which are hampering development; [and]

(n) The improvement of statistics and data-collection, data-processing and computer services. . . .<sup>61</sup>

Pursuant to the authority granted in ECLA Resolution 290 (XIII), the Division of Social Affairs of the ECLA Secretariat is developing a program on "population policy" as part of its social development program.<sup>62</sup>

### *Population Trends and Policy Alternatives*

A major part of the ECLA population study program is a study of "Population Trends and Policy Alternatives in Latin America," that analyzes the relationship between demographic change and changes in the main features of economic and social policy, and examines the controversy on population policy objectives and the instruments that might be used as part of a population policy aimed at moderating population growth rates. A preliminary version of the study submitted to the Commission at its 14th Session in 1971,<sup>63</sup> summarizes the present demographic situation in Latin America and offers the following generalizations as a basis for the consideration of population policies:

First, whatever the changes in fertility, population growth rates will remain for many years at high enough levels to bring about enormous increments to the population. . . . It would be impossible to derive from existing evidence any plausible prediction as to when and whether Latin America will attain a stationary population, but such an event could hardly come about before the year 2050 and before the regional population has reached several times its present size.

Second, decreases in fertility and in family size are bound to be very unevenly distributed, and probably with a continuing inverse relationship to capacity to bear the burdens and take advantage of the opportunities presented by increase in the number of children. The decline in fertility will proceed in the more urbanized and more dynamic countries, and in countries able to support relatively high levels of education and social services, before it begins

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61. *Id.*, at p. 99.

62. See 1971 ECLA Report to the Population Commission, UN Doc. E/CN.9/250, para. 9, p. 4 (1971).

63. Population Trends and Policy Alternatives in Latin America, UN Doc. E/CN.12/874 (1971).

in the smaller and poorer countries, which already have the highest fertility rates of the region.<sup>64</sup>

The study then considers the influence of population growth and redistribution on the capacity of governments to provide social services, and the influence of rising levels of social services on population growth and distribution. The subjects considered in this review include education, health, food supply and nutrition, social security, housing and social welfare services. In addition, the study considers the relationship between population growth rates and employment, savings and capital accumulation, land use and tenure, and the use of natural resources.<sup>65</sup>

With regard to the use of natural resources, the study comments that "Calculations of the quantities of non-renewable resources that would be needed if the rest of the world were to begin to use these resources at the rate already reached by the United States demonstrates that this would be out of the question." The study points out that:

It has been estimated that at the current United States consumption level, the world could support a population of only 500 million. . . . This is only one of the factors calling into question the viability for Latin America of the present models for development offered by the high income countries.

The study considers that Latin America needs "realistic measures for the husbanding of natural resources and the channeling of consumption along lines that will not generate insoluble future problems and that will be compatible with fair access by the whole of the people."<sup>66</sup>

Turning to the controversy concerning population policy, the study finds that "the traditional identification of national power with population size" continues to be current and influential, but that several newer positions can be distinguished. The study summarizes the most important of the newer positions, ranging from the view that considers that "development" is "primarily the attainment of higher rates of increase in production and consumption," and that any measure reducing the growth rates of unemployed segments of the population "alleviates the pressures for non-productive use of public resources" and thus aids in development,<sup>67</sup> to the view that "authentic development will be possible only

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64. *Id.*, at pp. 10-11.

65. *Id.*, at pp. 25-44.

66. *Id.*, at p. 44.

67. *Id.*, at p. 50. The view cited considers that the gap between present levels of production and consumption in Latin America and those of the typical North American or European country can be closed "if the development and structural reform policies agreed upon during the past decade are applied more vigorously, and if international co-operation in trade and financial aid becomes more generous and more dependable." *Ibid.* The study notes that "The opponents of this view commonly caricature it as an advocacy of population control as an *alternative* to ac-

after revolutionary transformation of existing power structures," and that "any measures of population control, if effective, would alleviate tensions and thus prolong the survival of economic and social structures that should disappear as soon as possible to make way for the building of a new social order."<sup>68</sup> A third point of view "stresses the human welfare implications of rapid population growth and the right of the family to have access to means of limiting the number of children, irrespective of the implications for development and of public policy concerning population increase."<sup>69</sup> A fourth point of view "accepts the human rights argument and also considers lower rates of population increase highly desirable," but considers that "both the developmental urgency and the appropriate content of policies for demographic rationalization differ widely according to the circumstances of specific countries." The latter view tends to doubt "the capacity of the State to control population growth during the foreseeable future through the techniques now being advocated," and places central emphasis on "the changes in family life and cultural attitudes brought about by ongoing social and economic changes."<sup>70</sup>

The study concludes that hardly any Latin American countries "have authentic, coherent and functioning development policies or strategies capable of providing the needed frame of reference for policies of demo-

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celerated development, but it is improbable that anyone thinks in these terms." *Id.*, at pp. 50-51. (Italics in the original).

68. *Id.*, at p. 51. The view cited considers that "development" based on structural change, international aid and moderation of population growth would be "nothing more than an unjust and unacceptable pseudo-development, perpetuating a noxious system of dependency." *Ibid.* The study notes that the view cited "can easily be caricatured as an advocacy of increasing social pressures for the sake of provoking immediate changes," and that:

In some of its manifestations it does seem to involve a certain insensitivity to the immediate needs of the low-income strata, as well as a high degree of optimism concerning later capacity to meet these needs. *Ibid.*

69. *Id.*, at p. 51. The study notes that the point of view cited is compatible with almost any interpretation of the development process and its requisites, but is commonly accompanied by a degree of skepticism concerning the ability of the public authorities to apply population policies. . . . and a willingness to settle for fragmentary measures responding to the immediate needs of families." *Ibid.* The study also states:

Some advocates of this position limit their support to a certain range of family planning techniques considered morally legitimate, while others are prepared to support the free availability of abortion and other means. *Ibid.*

70. *Id.*, at p. 52. The point of view cited is said to accept "as partly valid the assertion that present campaigns for population control derive from determined conceptions of dependent development and are designed to facilitate the survival, with whatever reforms and improvements, of present economic and social structures." *Ibid.*

graphic rationalization,"<sup>71</sup> and suggests that population policies integrated in national development policies must reconcile the following three broad objectives:

- (1) to contribute to the enhancement of human welfare and human rights at the level of the family and individual;
- (2) to influence population growth, age distribution and geographic distribution so as to make them as compatible as possible with accelerated development and with more equitable distribution of the fruits of development; [and]
- (3) to enhance understanding of demographic trends among political leaders, planners, and the public in general, and to ensure that these trends are more adequately taken into account in all areas of policy and planning.<sup>72</sup>

### *Demographic and Development Planning*

The 14th Session of the Commission received the secretariat study on "Population: Trends and Policy Alternatives in Latin America" as part of its consideration of the subject of development strategy. No resolution was adopted on the study as such, but ECLA Resolution 310 (XIV), entitled "International Development Strategy,"<sup>73</sup> calls upon ECLA Member States to define their economic and social goals and to strengthen their planning systems so as to have a sound technical base for formulating and implementing their economic and social development policies. The session also approved the program of work of the Social Affairs Division of the ECLA Secretariat, which includes the continuation of the study as an interdisciplinary study of economic and social factors affecting demographic trends, including an intensive study of fertility, internal migration, urbanization and family planning.<sup>74</sup>

The report of the draft program of work of the Social Affairs Division expresses the view that population policies in Latin America have entered a period of change that may lead to more active involvement by ECLA. The Social Affairs Division report states:

The basic concepts, the targets and the strategy of social development in Latin America are entering a stage of controversy and rethinking which may well last through the 1970's. For example, doubts are being expressed as to whether current population growth rates, trends of employment and the foreseeable quality of the population in terms of schooling, training, motivations and health

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71. *Id.*, at p. 47. The study states, however, that "incontrovertible advice" cannot be given on the interrelationship between demographic change and economic development. *Ibid.*

72. *Id.*, at pp. 57-58.

73. ECLA Res. 310 (XIV), "International Development Strategy," 1970-1971 ECLA Annual Report, Vol. I, *supra* note 59, at pp. 99-102.

74. 1970-1971 ECLA Annual Report, Vol. II, "Draft Programme of Work and Priorities," 51 ESCOR Supp. 4A, Subprogramme 01-21, p. 27 (E/5027/Add.1)(E/CN.12/875/Rev.2)(1971).

are in fact compatible with any of the proposed objectives of development.

It is also somewhat doubtful, should the present trends of growth and change persist, whether the economy and society can ever acquire the capacity to provide the entire population with employment and opportunities for social participation. The policies pursued at present seem hesitant and contradictory.<sup>75</sup>

With the mandate for research, study and advisory services designed to "shed more light on population problems," and the preparation of the final draft of the secretariat study on "Population Trends and Policy Alternatives in Latin America," the Commission appears to be in a position to consider more active, action-oriented functions for ECLA in the population field.<sup>76</sup>

### 5. United Nations Economic and Social Office in Beirut (UNESOB)

The United Nations Economic and Social Office in Beirut is an "outpost" of the Department of Economic and Social Affairs of the United Nations Secretariat, whose role is described as assisting "in the implementation of United Nations resolutions aiming at fostering demographic change and growth in countries within its geographical perimeter."<sup>77</sup> Unlike the regional economic commissions, UNESOB has no governing commission consisting of representatives of Member States of the region. UNESOB is subject directly to policy regulation by resolutions of the Economic and Social Council and the General Assembly.

In 1969, the UNESOB report to the Population Commission expressed the view that: "Population problems are not taken into account as basic determinants in the process of economic and social development in most countries of the region." The report stated that:

The national population programmes in the countries served by UNESOB are still scattered efforts undertaken mainly through technical assistance programmes, without much support in terms of basic research.<sup>78</sup>

In view of these findings, UNESOB recommended that increased support be given to aid UNESOB in the following population program activities:

- (1) Increasing advisory and training services;
- (2) Initiating some basic research work in order to stimulate awareness of population problems among government officials in the region; [and]

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75. *Id.*, at p. 24.

76. The 1st Latin American Regional Population Conference, co-sponsored by ECLA, CELADE and the International Union for the Scientific Study of Population (IUSSP), met at Mexico City in August 1970.

77. 1971 UNESOB Report to the Population Commission, UN Doc. E/CN.9/252, para. 1, p. 1 (1971).

78. 1969 UNESOB Report to the Population Commission, UN Doc. E/CN.9/234/Add.8, para. 4, p. 2 (1969).

(3) Disseminating information on population problems through seminars, publications and other means.<sup>79</sup>

The UNESOB work program now includes advisory missions to governments in the region, advisory services in demographic problems, including especially advisory services in the conduct of censuses and surveys, and in the improvement of vital statistics registration, and demographic research and the training of demographers. UNESOB programs focus on the demographic aspects of economic and social development, and assist governments in integrating demographic factors into development planning.<sup>80</sup>

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79. *Id.*, at para. 5, p. 2.

80. See 1971 UNESOB Report to the Population Commission, *supra* note 77, at pp. 7-8

## CO-ORDINATION OF UN SYSTEM POPULATION PROGRAMS

In view of the broad fields of action and the high degree of autonomy enjoyed by many of the major agencies of the United Nations system, effective co-ordination of their programs has become both difficult to accomplish, and essential to achieving UN goals with a minimum of duplication and wasted effort. Co-ordination is presently undertaken through a committee consisting of the executive heads of the main UN agencies, including the specialized agencies and UNDP, called the Administrative Committee on Co-ordination (ACC), whose work is reviewed by an intergovernmental committee of the Economic and Social Council, entitled the Committee for Programme and Co-ordination (CPC). The co-ordination work of the ACC is assisted by a number of subject-matter sub-committees, including the ACC Sub-Committee on Population, and supplemented by various more specialized bodies, including inter-agency committees and working parties, and expert committees, such as the ECOSOC Advisory Committee on the Application of Science and Technology to Development (ACASTD).

### *The Administrative Committee on Co-ordination (ACC)*

The ACC, as an administrative body consisting of the chief executive officers of UN agencies, is frequently placed in a delicate position in relation to governments, and in relation to the intergovernmental ECOSOC Committee for Programme and Co-ordination, when it attempts to bring UN agency programs together in the service of UN policy goals. To co-ordinate UN agency programs in this sense requires a clear understanding of UN goals, which must be drawn from the decisions of competent intergovernmental bodies in the UN system. Considering that decisions of intergovernmental bodies are frequently less than clear, however, and are sometimes deliberately ambiguous, the ACC may have occasion to draw conclusions that appear both logical and necessary to some governments, but unwarranted to others. Governments in the latter category have sometimes expressed their displeasure through denunciation of the ACC as having arrogated to itself powers that properly belong to intergovernmental bodies in the UN system.

In 1971, for example, in reviewing the work of the ACC, some members of the CPC expressed the view that the ACC had utilized "co-ordination . . . as a pretext for encroaching on the prerogatives of intergovernmental bodies and for building up a machinery of political control by secretariats."<sup>1</sup> Some governments regretted that despite earlier criticisms of ACC activities, in their view "ACC, instead of providing facts on the manner of implementing decisions and obtaining adequate system-wide co-ordination, was still attempting to formulate policies for the system."<sup>2</sup>

In the population field, although the ACC acknowledges that it is "for each country to determine its [population] policies in accordance with its social, economic and cultural values and objectives,"<sup>3</sup> the ACC has been unusually forthright in stating the implications for governments and for the UN system. The ACC established a Sub-Committee on Population in 1968 to keep the question under constant review. In 1969, the ACC stated that in its view, "rapid population growth, which is a general phenomenon in the developing countries, would be a major limiting factor in development in the 1970's, particularly in the fields of education, housing and employment, and in many cases for the economy as a whole."<sup>4</sup> The ACC also stated in 1969 that:

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1. CPC, 6th Report, 50 ESCOR Supp. 5, para. 11, p. 3 (E/4989)(E/AC.51/51) (1971). The CPC members criticizing ACC actions "considered that the expansion of the ACC's competence had gone too far and that the ACC had been given or had assumed functions which properly belonged to intergovernmental bodies established under the Charter." *Ibid.* See also the draft resolutions introduced to define, and to restrict, ACC activities. *id.*, at Annexes III and IV, pp. 32-38.

2. CPC, 9th Report, 51 ESCOR Supp. 9, para. 28, p. 11 (E/5038)(E/AC.51/55) (1971). The Soviet representative stated that, while the USSR firmly supports the work of the specialized agencies, it deplored the continued disregard by ACC of the limits on its competence. In particular, the Soviet Government considered the ACC proposal for establishing a "central information point" within the UN system for providing governments with development information, to be at variance with General Assembly Res. 2626 (XXV), which reserved public information activities to national governments. The Soviet delegate expressed his government's view that:

The central information point advocated in the ACC report appeared to be a device for bringing pressure to bear on national bodies and feeding them one-sided information which would further the interests of capitalism. That was merely one of many alarming examples of how ACC had refused to heed the wishes of intergovernmental bodies and how it was arrogating to itself the authority to deal with matters which lay outside its competence.

Summary Records of the 9th Session of CPC, UN Doc. E/AC.51/SR.326-342, at SR.332, pp. 75, 81-82 (1971).

3. ACC, 35th Report, UN Doc. E/4668, para. 38, p. 14. In the same paragraph, however, the ACC report states that: "Population problems and measures to tackle them should not be viewed in isolation, but as part of over-all development problems and policies." *Ibid.*

4. *Id.*, at para. 37, p. 14.

Whatever population policy a Government may adopt, it seems clear that all countries need to introduce family planning as part of their health services and as a prerequisite of the protection of the health and the well-being of women, children and the family. Only by making information and services on family planning available to the population at large would the declarations on the rights of each family to determine its size and its spacing of children be realized. . . .<sup>5</sup>

ACC action in the population field has been criticized in the CPC in recent years only with regard to the question of establishing a "World Population Institute," however. The joint United Nations/UNESCO/WHO Mission that proposed the establishment of such an institute had been formed through discussion in the ACC and with ACC approval.<sup>6</sup> Some governments represented in the CPC disapproved of this initiative, and "expressed concern at the fact that the ACC was dealing with an important policy issue which had not been endorsed by the Economic and Social Council or the General Assembly."<sup>7</sup>

### *The ACC Sub-Committee on Population*

The ACC Sub-Committee on Population meets regularly to consider co-ordination of the following subjects relating to UN agency activities in the population field:

- (a) research studies and reports;
- (b) training;
- (c) technical co-operation;
- (d) demographic projections; and
- (e) future work plans.

The Sub-Committee also reviews developments in the mandates of UN agencies and their population programs, and co-ordination problems generally. Its members include representatives of the Population Division of the UN Secretariat, UNICEF, WHO, FAO, ILO, UNESCO, the World Bank and UNDP and UNFPA.<sup>7a</sup>

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5. *Id.*, at para. 39, pp. 14-15. The ACC cited General Assembly Res. 2211 (XXI), and unidentified resolutions adopted by "other international bodies." *Ibid.* The ACC report also states that: "While experience had shown that the best opportunities for undertaking family planning activities were through health services, other governmental services like education, social welfare and community development should be fully involved. *Id.*, at para. 40, p. 15.

6. See note 13 of Chapter 10.

7. CPC, 9th Report, *supra* note 2, at para. 31, p. 12. See Chapter 10 for a discussion of the United Nations/UNESCO/WHO Mission report and subsequent developments concerning the proposed "World Population Institute."

7a. Representatives of IPPF and IUSSP are expected to be invited to participate in the Sub-Committee's work during 1973 and 1974 when the Sub-Committee acts as the inter-agency preparatory body for the World Population Conference and for World Population Year. See note 18 of Chapter 9.

The Sub-Committee has given special attention to arrangements for co-ordinating population programs in the UN system. The ACC noted in 1972 that a "gradual shift of emphasis has taken place in the Sub-Committee's work, from an initial preoccupation with the harmonization of the relevant mandates of its member organizations to the systematic examination of common programmes, and of the co-operative arrangements and measures required in their implementation."<sup>8</sup>

### *The Results of ACC Co-ordination*

The work of ACC in the population field is reported by ACC to have resulted in "establishing co-ordination procedures among organizations concerned, in particular with regard to technical meetings on population questions, demographic projections, family planning advisory missions, regional programmes, and country projects."<sup>9</sup> ACC action has also led to the holding of informal inter-agency consultations on "Definitions of Training, Education, Communication and Motivation in Family Planning," and "Definitions of Administration and Evaluation Aspects of Family Planning." The purpose of each informal consultation was to "introduce as much uniformity as possible into the usage and application of the key concepts related to family planning and to the relevant operational activities of the agencies," so as to encourage the agencies to adopt standard definitions that would facilitate co-ordination of assistance to family planning programs.<sup>10</sup>

The ACC decided in 1971 to prepare a special review of population questions for submission to the Economic and Social Council at its 53rd Session in 1972. Such a review would include the mandates and programs

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8. Annual Report of the ACC for 1971-1972. UN Doc. E/5133, para. 117, p. 33 (1972). UN system population program co-ordination arrangements are being reviewed by the Sub-Committee for presentation to the ACC in 1973. *Id.*, at para. 118, p. 33.

9. ACC, 36th Report, UN Doc. E/4840, para. 80, p. 18 (1970). The ACC had decided in 1969 to carry out an exchange of information on government requests, and to arrange *ad hoc* technical consultations "in order to elaborate the tasks of the various agencies in the following fields:

- (a) education and training in the fields of population and family planning;
- (b) communication and motivation in family planning; and
- (c) administration as related to family planning."

ACC, 35th Report, UN Doc. E/4668, para. 42, pp. 15-16 (1969).

10. Progress Report by the Secretary-General, UN Doc. E/CN.9/238, paras. 37-38, pp. 18-19 (1971). The reports of the two Inter-Agency Consultations, held at UNESCO in May 1970, appear as documents of the ACC Sub-Committee on Population under UN Doc. series symbols POP/SC/3 and POP/SC/4 (1970), respectively. See also note 9 above.

of UN agencies, and preparations for the 1974 World Population Conference and for World Population Year, 1974, as well as the functions of ACC in co-ordinating UN agency population programs.<sup>11</sup>

The general view of ACC co-ordination in the population field as far as UN agency programs are concerned, appears to be that the existing system, functioning chiefly through the ACC Sub-Committee on Population, "should be capable of being developed to meet future needs, and that new administrative machinery was not required."<sup>12</sup> At its 1969 session, some members of the Population Commission expressed doubt, however, that the ACC Sub-Committee on Population, being a subordinate body of ACC, would have the stature and authority needed to bring about effective co-ordination of UN agency population programs.<sup>13</sup>

At its 1971 session, some members of the Population Commission expressed dissatisfaction concerning "the failure of co-ordination arrangements to contribute to the development of a global population strategy." These members called for an "integrated inter-agency programme," which it was felt would "strengthen the capacity of the United Nations system to provide guidance to countries" in their endeavor to take population factors into account in formulating development strategies.<sup>14</sup> Despite these criticisms of present co-ordination arrangements, the draft resolution proposed by the Population Commission for adoption by the Economic and Social Council contains no proposals for additional co-ordination machinery. That draft resolution merely invites UN agencies "to develop further co-ordination and collaboration, in order to support population activities and the implementation of population programmes requested by Governments."<sup>15</sup>

### *Co-ordination and Country Programming*

The shift in the focus of UN system population programs, from individual UN agency programs designed to make use of each agency's abilities and expertise, to comprehensive country programming designed to bring to each country development program the services and assistance required

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11. ACC, 37th Report, UN Doc. E/5012 (Part I), paras. 33-34, p. 10 (1971).

12. Report of the 15th Session of the Population Commission, 48 ESCOR Supp. 3, para. 12a, p. 4 (E/4768)(E/CN.9/235)(1969).

13. *Ibid.*

14. Report of the 16th Session of the Population Commission, 1971, 52 ESCOR Supp. 3, para. 18, p. 6 (E/5090)(E/CN.9/263)(1972). See also *id.*, at paras. 65-68, pp. 17-18.

15. Draft Resolution para. D(3), *id.*, at pp. 43, 47. The quoted language was adopted by the Economic and Social Council without change. E/RES/1672 (LII), para. D(3) (1972).

by that program, may give rise to new co-ordination needs. This shift in focus is likely to bring with it an increased concern with co-ordination at the country level, as distinguished from co-ordination at the world, or UN agency, level.

Co-ordination of UN system population programs has dwelt largely in the past on a division of the field among the UN agencies concerned, to ensure that duplication will be avoided, and that the skills of each agency will be put to the most effective use. In such a framework, co-ordination efforts deal chiefly with the types of programs that each agency might offer, and with possible opportunities for joint ventures or for other forms of collaboration that bring together the skills and interests of several agencies.<sup>16</sup> The resulting agency programs are then offered to developing countries through agency channels, and may or may not bring to the recipient countries the forms of assistance needed in their development at the time that it is needed.

When the country program is made the focus of UN system development assistance, however, the "co-ordination" needed will be chiefly a matter of stimulating UN agencies to develop the skills and programs required by the individual country programs. As population planning is integrated with development planning, and more is learned about the interrelationships between demographic and development measures, country development programs can be expected to contain sequenced

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16. See, e.g., the definitions of UN agency roles suggested in the 1969 Report [by Richard Symonds] on the United Nations Trust Fund for Population Activities and the Role of the United Nations in Population Action Programmes, UN Doc. ST/SOA/SER.R./10, para. 39, p. 15 (1969). See also the Special Report prepared by ACC on the implications of the "green revolution," UN Doc. E/5012 (Part II), paras. 95-96, pp. 29-30 (1971). The Special Report describes UN agency roles in terms of their special fields of action, rather than the demands to be made on UN agencies in terms of the needs of the "green revolution." The report states, for example, that:

The WHO is the United Nations technical agency with a broad mandate to assist member States, on request, in the development of family planning services within health services which could be co-ordinated with other activities undertaken within the framework of "green revolution" projects.

*Id.*, at para. 95, pp. 29-30. No consideration is given to the possibility that moderation of population growth rates in rural areas might require the provision of family planning services in contexts other than health services, except to the extent that the description of the FAO contributions refers to "projects to promote better family living by the use of trained home economists," which, "it is hoped, will be helpful in creating at all levels a better awareness of family management as a key factor in raising standards of living." *Id.*, at para. 96, p. 30. Even if "family management" means "family planning," the "trained home economists" would not be expected to provide families with the knowledge and means to implement family planning. See the discussion in Chapters 11, 12 and 13.

population components tailored to meet the needs of the country concerned.<sup>17</sup> It will then be necessary to stimulate UN agencies, and other development assistance agencies, to develop the capacity to fill the needs of the country programs. In a sense, the shift to country programming calls for more flexibility in agency programming, and for a willingness to modify agency philosophy and agency program packages as required by the circumstances of each country's comprehensive development program.

Co-ordination from the country programming perspective may therefore require closer contact with the programming needs of the developing countries than is likely to be found in the ACC or in its Sub-Committee on Population as presently constituted. These bodies are oriented towards the UN agencies and their capabilities, programs, priorities and traditional divisions of functions. Although through UNDP and UNFPA they include the agencies chiefly concerned with country programming and the UN Development Co-operation Cycle, they will probably continue to view co-ordination from the perspective of the strengths and needs of the agencies, rather than the needs of country programs. It might therefore be best to consider vesting the new co-ordination functions in a different body.

### *The UN Fund for Population Activities*

The most appropriate framework for co-ordination of population activities in terms of mobilizing the resources of UN agencies to meet the needs of country programs would appear to be the UNFPA and its Inter-Agency Consultative Committee. The purposes of UNFPA include extending "the capabilities of the relevant organizations of the United Nations system within the framework of their respective mandates," and co-ordinating "population programmes executed by the organizations in the United Nations system and supported by the Fund."<sup>18</sup> The UNFPA

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17. See Chapters 6 and 7.

18. 1971 UNFPA Report to the Population Commission, UN Doc. E/CN.9/260, pp. 1-2 (1971). The purposes of UNFPA are quoted in the text at note 13 of Chapter 5. In addressing the CPC at its 1970 meeting, the Associate Director of UNDP stated that the following four rules should be followed by UNFPA in assisting population programs:

- (1) The requests for assistance which were granted should be such as to assist the Governments concerned to fulfill their objectives in dealing with the population problems involved;
- (2) The Fund should be so managed as to secure that the work of the United Nations bodies concerned was co-ordinated as well as possible;
- (3) Projects executed with the Fund's assistance should be complementary to those which organizations of the United Nations system, including UNDP, were executing under their regular budgets; . . . [and]

Inter-Agency Consultative Committee consists of representatives of UN agencies participating in the UNFPA program, and thus includes all UN agencies active in the population field.

Acting through its own field staff, the UN Population Programme Officers and the UNDP Resident Representatives, UNFPA is in a position to participate in the consultations leading to the formulation of country development programs.<sup>19</sup> UNFPA can therefore both help to shape the population components of country programs, and use its knowledge of the needs of country programs to help to shape the population program capabilities of other UN agencies. UNFPA's concern in this regard should extend to all population questions presented by country programs, not simply to questions related to UNFPA projects. As the separate field staffs of UN agencies are brought within the framework of the UN Development Co-operation Cycle, and under the leadership of the UNDP Resident Representatives, the function of co-ordinating UN system population programs might be brought within the authority of UNFPA. Through its own field staff and the Population Programme Officers, UNFPA would have access to information about the needs of individual country programs, and the effectiveness of UN agency participation in supplying the assistance needed for these programs,<sup>20</sup> as well as the resources that might be available outside of the UN system. UNFPA should, therefore, be able to deal with the population program requirements of each country as a unit, and might assume the function of stimulating UN agencies to develop the resources and capacities necessary to fulfill those requirements.

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(4) The Fund should be administered as flexibly as possible.

Summary Records of the 6th Session of CPC, UN Doc. E/AC.51/SR.276-291, at SR. 280, pp. 55, 66 (1970). Considering UNDP projects to extend over the entire range of the needs of country programming, point 3 is consistent with the suggestions made here.

19. The 35th Report of the ACC in 1969 states that the Population Programme Officers will "assist Governments in identifying their population problems and types and scope of possible governmental action in the population fields, in preparing specific programmes and projects, and in formulating requests for external assistance." UN Doc. E/4668, para. 43, p. 16 (1969). It is suggested in Chapter 5 at note 24 above, that UNFPA may have to develop a field staff as its operational responsibilities increase. See note 24 of Chapter 5 for recent developments.

20. The Population Programme Officers are "concerned with programmes and projects for expanded population work of the United Nations, UNICEF and FAO within their respective mandates; and UNESCO and other organizations have agreed to co-operate with them." *Ibid.* If UNFPA is to assume over-all co-ordination responsibilities for population programs as suggested in this report, it might be appropriate to transfer the Population Programme Officers from the UN Population Division to UNFPA. At the end of 1972, the Population Programme Officers were being phased out and replaced by UNFPA Coordinators. See note 24 of Chapter 5.

Co-ordination through UNFPA would, therefore, have two aspects. First, as to each country program, it will be necessary to bring together the skills of UN agencies, and those of other possible executing agents, to supply the assistance needed at the time it is needed. Country-level co-ordination in this sense would be part of development planning, carried out under the general authority of the UNDP Resident Representative in co-operation with the Population Programme Officers. Based on the lessons learned in the country programming exercises, co-ordination should also provide feed-back to UN agencies and other executing agents, to enable them to plan ahead to be in a position to supply the services anticipated to be required by country programs. Through expanding its Inter-Agency Consultative Committee to include major governmental and non-governmental executing agents outside the UN system, UNFPA would be in a position to bring all the interested parties together in a framework that sets the focus squarely on meeting the needs found to exist in the individual country development programs.<sup>21</sup>

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21. Vesting major co-ordination functions in UNFPA would require a resolution of the presently unsettled questions relating to UNFPA's constitutional status, governmental policy guidance and field position *vis-à-vis* UNDP. See Chapter 5 at notes 20-24 above.

## Part Three

### CONCLUSIONS AND RECOMMENDATIONS

The discussion in Part One of this report leads to a number of general conclusions concerning the legal capacity of the UN system in the field of population, and to a number of recommendations for action that might be taken by the United Nations in this field. Since many of the general conclusions relate to several of the areas in which recommendations are made, the general conclusions are summarized first, followed by a summary of recommendations. The report's recommendations are summarized under three headings: Human Rights; Population and Economic Development; and Population Research and Training.

#### *General Conclusions concerning the Legal Capacity of the UN System*

1. UN system action in the population field can be traced to three distinct grounds for United Nations concern: first, the human rights aspects of family planning; second, the interrelationships between population growth and economic development; and, third, the potential impact on the environment of population growth rates and of population size and distribution in relation to levels and forms of production and consumption.<sup>1</sup> In many cases, UN system action will be related to two, or even to all three of these grounds, but each ground also calls for relatively distinct forms of UN action such as have been recommended in the course of this report.

2. The UN system as a whole has the legal authority to study, to discuss and to adopt recommendations on population questions based upon each of the three grounds mentioned, that is, human rights, economic development and environmental impact.<sup>2</sup> UN policy recommendations in each area have two chief functions. First, they develop world community policy for the guidance of Member States; and, second, they provide guidelines for UN action programs in areas in which UN action programs may be undertaken. In addition, UN policy declarations in the human rights area

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1. Chapter 1, pp. 8-9.

2. Chapter 1, pp. 12-13.

contribute to the development of international law human rights standards, and thus may ultimately become binding both upon UN agencies and upon governments.<sup>3</sup>

3. The UN system as a whole has the legal authority to provide all forms of population program assistance that may be requested by governments.<sup>4</sup> This conclusion may not apply to each branch of the UN system as a result of specific constitutional or functional limitations observed by some UN agencies, but no such limitations apply to the UN system considered as a whole. As indicated earlier, however, UN system action is always guided by the policy developed through the UN process, and UN system action is subject to the standards laid down in international law.

4. As developed through the UN system, the human right to free choice in determining family size leads to two basic rights. First, the family planning right includes a right to access to adequate education and information on questions of family planning. Second, it includes a right to free access to the means needed to exercise the family planning right.<sup>5</sup> The general formulations of the family planning right presently drawn from General Assembly resolutions and from the Proclamation of Teheran might be further developed through a General Assembly Declaration on the Human Rights Aspects of Family Planning.<sup>6</sup> Such a declaration would have the status of a General Assembly recommendation, and would not in itself be binding upon governments. It would establish UN policy, however, and would contribute to the development of the international law of human rights. The Assembly declaration might therefore ultimately result in an international law obligation of governments to provide the knowledge and means necessary to exercise the right to free choice in determining family size.<sup>7</sup>

5. The human right to free choice in determining family size implies both a right to be free from compulsory pro-natalist measures, and a right to be free from compulsory anti-natalist measures.<sup>8</sup> The precise scope of the right remains to be clarified in terms of the international law obligations of governments, but it is clear that governments may continue to take action that may affect fertility over a wide range of subjects. Examples include marriage and divorce laws, the provision of maternity and child-care benefits, and the adoption of incomes and social security policies.<sup>9</sup> A more precise definition of the limits of government action

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3. Chapter 3, pp. 38–39.

4. Chapter 1, pp. 14–15.

5. Chapter 2, pp. 17–24.

6. Chapter 2, pp. 25–29.

7. Chapter 3, pp. 37–39.

8. Chapter 2, pp. 20–21.

9. Chapter 2, pp. 27–29, and Chapter 5, pp. 47–48.

might be developed through a General Assembly Declaration on the Human Rights Aspects of Family Planning as recommended in this report.

6. UN system action in the population field must respect the family planning right in the sense that the UN system may not support government population activities that are inconsistent with individual rights as articulated through the UN process.<sup>10</sup> In addition, the UN system may seek to promote the observance of the family planning right through the support of programs that are designed affirmatively to give effect to the right. The UN system may choose to concentrate its resources in support of such programs, but the UN system has no authority to use development assistance funds, or other UN programs, as a means of coercing governments to take action to give effect to UN population policies or to human rights standards. The most that can be done in this regard is to establish programs that will assist government<sup>4</sup> and non-governmental institutions in taking the action needed to give effect to UN policies and to UN-developed human rights standards.<sup>11</sup>

7. The United Nations has the legal authority to adopt a UN policy on the relationship between rapid population growth and economic development.<sup>12</sup> In so doing, the United Nations might recommend a maximum growth rate, or a set of growth rates adjusted to varying conditions, that could be used as a guide in UN development assistance programs. The UN may also choose to concentrate its resources in assisting governments that wish to moderate their population growth rates, taking UN policy recommendations into account in this regard. As with UN action to give effect to human rights standards, however, the UN system has no authority to use UN development assistance funds as a means of coercing governments to conform to UN population growth rate policies.<sup>13</sup>

8. In the environmental impact area, UN legal authority would extend to policy recommendation, but not enough is known about the interrelationships between population size, distribution and growth rates, and patterns of production and consumption, to provide a basis for policy formulation.<sup>14</sup> The UN role at present is therefore confined to research and study, to develop the data necessary for policy recommendation.

9. Turning to the administration of UN development assistance programs, the shift in the UN system to country programming provides an opportunity for promoting the integration of demographic and development

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10. Chapter 4, pp. 42-45.

11. Chapter 4, pp. 44-45.

12. Chapter 6, pp. 60-61.

13. Chapter 6, pp. 63-65.

14. Chapter 8, pp. 81-85.

planning. As each country formulates its development program in the context of UN development assistance, the UN system can provide the technical assistance needed for demographic planning, and can help in formulating and carrying out population programs integrated with overall country development programs.<sup>15</sup> In all of these activities the UN system may function both through UN agencies and through other governmental and non-governmental institutions acting as executing agents. Both the United Nations Development Programme (UNDP) and the United Nations Fund for Population Activities (UNFPA) have the authority to turn to institutions outside the UN system to act as executing agents in filling the needs of country programs that cannot be met through UN agencies.<sup>16</sup>

10. The normal role of the UN system in the population field is to provide population program assistance at the request of governments, and the UN system would not be expected to become involved in activities within Member States that are opposed by the governments of those states. There is no barrier, however, to UN system action at the request of non-governmental agencies, where the government expresses no opposition to the activities in question, even though it will not officially sponsor them. Thus, in the case of family planning programs undertaken to give effect to the family planning right, the UN system may assist such programs at the request of non-governmental agencies, so long as the programs are tolerated by the government concerned.<sup>17</sup>

#### *Recommendations: Human Rights*

1. The human right to free choice in determining family size should be developed through a General Assembly Declaration on the Human Rights Aspects of Family Planning. Such a declaration might be drafted in the first instance by an *ad hoc* joint committee of experts appointed by the three relevant Economic and Social Council Commissions: the Population Commission, the Commission on Human Rights and the Commission on the Status of Women. The resulting draft could be submitted to the 1974 World Population Conference for consideration, and then transmitted through the Economic and Social Council to the General Assembly for adoption in 1975.<sup>18</sup>
2. In addition to adopting a Declaration on the Human Rights Aspects of Family Planning, the General Assembly should request UN Member

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15. Chapter 7, pp. 66–68.

16. Chapter 7, pp. 72–73.

17. Chapter 5, pp. 53–55.

18. Chapter 2, pp. 27–28.

States to submit annual reports on the development by each state of its population policy, and on measures taken to give effect to the family planning right. The style and content of the general report on population policies might be left largely to the discretion of each Member State, but specific information should be requested as to the family planning right. The report should include both measures taken to protect the free exercise of the family planning right, and measures taken to provide the knowledge and means needed for the free exercise of the family planning right.<sup>19</sup>

3. The annual population policy and family planning reports should be given for review and comment to a new standing committee of experts appointed jointly by the three Economic and Social Council Commissions concerned, that is, the Population Commission, the Commission on Human Rights and the Commission on the Status of Women. The reports and comments of the proposed committee of experts should be submitted to the Economic and Social Council for transmission to the General Assembly.<sup>20</sup>

4. In order to give effect to the family planning right as defined in the proposed General Assembly Declaration on the Human Rights Aspects of Family Planning, the United Nations should adopt a family planning “knowledge and means” action program.<sup>21</sup> The proposed program should bring together some of the scattered family planning activities within the UN system and endeavor to fill the gaps so as to be able to offer a cohesive program within all Member States. The program should elaborate and give specific meaning to the family planning right in different regional and national contexts through expert seminars, model family planning laws, and technical assistance in the development of family planning laws and of national family planning programs. The program should operate a clearing-house for sociological and legal research, collect and publish national family planning laws and regulations, and study the effectiveness of family planning laws and programs in various national contexts. It should also be in a position to develop “packages” of family planning program assistance, and might culminate in a UN Declaration on the Right to Family Planning Knowledge and Means that would render more definite and specific the family planning right first articulated in the proposed Declaration on the Human Rights Aspects of Family Planning.<sup>22</sup>

5. The proposed UN family planning “knowledge and means” program

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19. Chapter 4, pp. 41–42.

20. Chapter 4, pp. 42–44.

21. Chapter 5, pp. 46–47.

22. Chapter 5, pp. 48–49.

would normally be made available on request by governments, but it should also be made available on request by non-governmental organizations in countries in which the government will tolerate, but not sponsor, family planning programs. In such countries UN assistance could be made available either directly to national non-governmental agencies, or, where appropriate, indirectly through international non-governmental organizations active in the countries concerned.<sup>23</sup> The proposed UN family planning "knowledge and means" program might be placed under the administration of the United Nations Fund for Population Activities (UNFPA).<sup>24</sup>

*Recommendations: Population and Economic Development*

6. The General Assembly should adopt a recommendation on the inter-relationship between population growth rates and economic development.<sup>25</sup> The Assembly might recommend an overall population growth rate ceiling, beginning with the 2.5% annual population growth rate used in planning the Second United Nations Development Decade. Based on the results of various studies now in progress, the Assembly might in addition recommend a series of growth rate ceilings, taking into account the stage of economic and social development reached by the country concerned, and its overall development objectives.<sup>26</sup> In both cases, the recommendations would be made for the guidance of UN Member States, and would in no way be binding either on UN agencies or on the states concerned.

7. The General Assembly should urge governments to improve their facilities for demographic planning, and to take steps to integrate their demographic and development planning.<sup>27</sup> Special funds for this purpose might be made available through the UN Fund for Population Activities (UNFPA), both as a separate category of UNFPA assistance and as part of comprehensive national population programs.<sup>28</sup>

8. The Resident Representatives of the United Nations Development Programme (UNDP) should be directed to raise in their country programming consultations with governments both the question of improving facilities for demographic planning, and the question of moderating population growth rates as recommended by the General Assembly. The UNDP role would be limited to persuasion, as UNDP is not in a position to give pref-

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23. Chapter 5, pp. 49-51.

24. Chapter 5, pp. 51-54.

25. Chapter 6, pp. 63-65.

26. Chapter 6, pp. 63-65.

27. Chapter 7, pp. 66-68.

28. Chapter 7, p. 69.

erence to country development programs that seek to integrate demographic and development planning, and to moderate population growth rates.<sup>29</sup> As recommended above, however, special funds might be made available through UNFPA to assist governments in taking these steps.

*Recommendations: Population Research and Training*

9. The UN system should endeavor to co-ordinate population research through recommending research priorities, and through directing the flow of research funds towards the most pressing problems and towards the institutions most capable of contributing to the solution of those problems. This might be accomplished through a new joint UN Committee on Population Research Priorities, established with the participation of the UN Fund for Population Activities (UNFPA), the Population Division of the UN Secretariat, and other UN agencies and governmental and non-governmental organizations substantially involved in population research.<sup>30</sup> The proposed joint committee might keep the entire field of population research under continuous review through a small working group, and hold periodic conferences to ensure the participation of all major agencies and organizations. The proposed committee could also serve as a focal point for the stimulation and the organization of parallel and comparative studies of appropriate aspects of the population problem.<sup>31</sup>

10. In connection with the proposed joint Committee on Population Research Priorities, the United Nations should establish a clearing-house for population research in co-operation with CICRED, the Committee for International Co-ordination of National Research in Demography. The proposed clearing-house should maintain a register of population research planned and in progress, and set up systems, for the effective distribution of the results of population research.<sup>32</sup> In establishing the clearing-house, care should be taken to avoid duplication of existing services, and to cover the entire field on a regional or world-wide basis as appropriate. The clearing-house for national population laws, and for legal and sociological research, proposed as part of the UN family planning "knowledge and means" program should be established in close co-operation with the proposed more general clearing-house for population research.<sup>33</sup>

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29. Chapter 7, pp. 67-68.

30. Chapter 9, pp. 91-95.

31. Chapter 9, pp. 94-95.

32. Chapter 9, p. 96.

33. Chapter 5, p. 48.

11. In addition to the continuing work of the UN system in the design and co-ordination of research on the interrelationships between population and economic development, and on other major questions in the population field, the UN system should design and co-ordinate research on the impact of population size and growth rates on the environment. Such a research program should attempt to generate the data necessary for formulating environmental protection goals for use in planning population and economic development objectives and policies.<sup>34</sup> To do so, it must take into account both population size, growth and distribution factors, and patterns of production and consumption.<sup>35</sup> The design and co-ordination of research of this character might be carried out by an appropriate UN agency, such as UNESCO, UNFPA or the Economic and Social Council's Advisory Committee on the Application of Science and Technology to Development (ACASTD). The research design might be submitted to the 1974 World Population Conference in the form of a preliminary environmental impact report to be considered at the Conference, and transmitted to the Economic and Social Council for adoption in 1975.<sup>36</sup>

12. Considering the large number of personnel, and the wide variety of skills, needed in population programs, the question of training for population programs calls for a number of different approaches at a variety of levels. The first step in developing co-ordinated UN system assistance over this broad field should be a systematic survey to find out just what skills will be needed at what time and in what parts of the world.<sup>37</sup> Such a survey might be undertaken through a special committee on training for population programs, that brings together all UN and non-UN agencies active in this field. Such a committee might be established within the framework of the UNFPA Inter-Agency Consultative Committee, re-structured to include all agencies substantially involved in population training programs.<sup>38</sup> The proposed committee could keep the situation under continuous review, and could recommend measures for the systematic planning of a UN system role in population training programs. Although much of the required training will necessarily occur at the local level, there will undoubtedly be a need for regional and sub-regional training of high-level personnel, and for the training of "trainers" who will ultimately train field personnel.<sup>39</sup> In this connection, there

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34. Chapter 8, pp. 81-84.

35. Chapter 8, pp. 80-81.

36. Chapter 8, pp. 82-85.

37. Chapter 10, pp. 105-107.

38. Chapter 10, pp. 106-107.

39. Chapter 10, pp. 103-105 and 106-107.

is a need for the development of a “multidisciplinary” approach to the training of “trainers” and of high-level personnel that should be explored through experimental and demonstration training projects.<sup>40</sup>

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40. Chapter 10, pp. 100–103 and 105–106.

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