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EVALUATION REPORT

LAW AND POPULATION PROGRAM

Tufts University

AID Contract csd-2810

Project Number 932-11-570-880

*Law and Population Program*

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There is no doubt that, through the efforts of Fletcher's staff, the Law and Population Program has served as a proper catalyst in effecting the awareness for legal reforms in family planning and population change; moreover, 24 country projects have been started and 10 more have been proposed. While continuance of the International Advisory Committee on Population Law is necessary to exert influence in instigating reforms in population laws in sovereign nations, this organization's function and composition has not lent itself to viability nor independence but reflects more an extension of the Fletcher program. While the efforts to stimulate awareness and action on population laws have been extremely fruitful, it has occurred at the sacrifice of the research output expected by the core program. A legal reporting network has been established but to this date has been confined to those contributing countries where there are law and population projects. A legal reference service and library has been initiated. The evaluators made several recommendations including that AID either (a) support the project under a time-limited constraint to effect the institutionalization of the program and to develop an agreed-upon set of priority countries or (b) provide sufficient funds to permit the completion of some activities already initiated.

EVALUATION REPORT  
Law and Population Program  
Tufts University

I. INTRODUCTION

A. Background

To one degree or another, legal systems and laws influence individual and societal behavior. The absence of statutes, the application of existing ones and the future enactment of laws all contribute to a specific demographic response. Family planning, widely accepted as a basic human right, is a legal as well as a moral responsibility of the State. Law and its administration, then, plays a significant role in the development of social norms and serves as a catalyst for social change.

To fully understand all dimensions of population dynamics and control, it becomes imperative to know, for example, what legal structures and what parts of current laws have an impact on fertility behavior and family planning. It is equally relevant to identify the extent to which statutes are applied; those judicial and administrative decisions that bear on the application of laws; the elements and the possibility of changes of laws.

Thus, law and population - clearly interrelated - merit a detailed, systematic investigation and treatment. On these premises and needs, the Population Law Program at the Tufts University's Fletcher School of Law and Diplomacy was initiated under U.S. AID contract (csd-2810). As originally conceived, the project seeks to add a legal dimension to present approaches of family planning, fertility control and population policy development. Furthermore, efforts are aimed at ultimately assisting those developing countries who so desire with the design and implementation of legal reforms, concurrently recognizing that family planning is a basic human right. Overall, it is to explore the many-faceted relations between jurisprudence, the actual policy of government and the practices of people in population growth and control; it is to provide a clearer insight into the complex matrix of the population problem.

The project began in July 1970 and was scheduled to continue for three years. This period was equally divided into two phases: Phase I consisted essentially of activities to establish an organizational/operational base (e.g., formulation of the Population Law Program, establishment of a board of advisors, compilation of population laws, selection of sites for in-depth studies); Phase II included the dissemination and application of concepts/data on population law (e.g., in-depth studies of a number of developing countries, development of a series of monographs, conduct of seminars).

The project was later extended for 18 months, a period referred to as Phase III. The scope of the project was expanded (i.e., to increase the types of publications to be prepared) and several previously scheduled activities were postponed (the conduct of the Symposium, the commencement of the Legislative Series on Population and Family Planning, the preparation of the Law and Population textbook).

As amended, the contract is now due to terminate on December 31, 1974.

B. Purpose of the Evaluation

This report represents the first formal, general evaluation of the Law and Population project and reflects achievements of the contractor (Tufts University, Fletcher School of Law and Diplomacy) and the views of the AID project monitor. The report reviews past efforts and their contribution towards establishing meaningful population policies in developing countries; notes the progress to date and the extent to which the project achieved its intended purpose. While the above information has for a great part been provided by the contractor, findings and recommendations are offered by the project monitor.

## II. SUMMARY OF FINDINGS AND RECOMMENDATIONS

### A. Program Goal

The short-term or intermediate goal of this project is to create an awareness and expertise in population law, its concept and application, among foreign leaders who in turn may realistically examine and resolve their national situation in population growth and family planning.

While it can not be categorically stated that legal reforms since 1970 were the direct result of the Law and Population Program's activities, its efforts have served as a factor in influencing Governments toward changes. Supporting data shows that thirty-seven countries have in one form or another liberalized their policies on fertility control and family planning.

### B. Project Purpose

The project purpose is to develop a viable institutional/operational base around which population law activities could be carried out to collect and analyze pertinent legal information, to disseminate this material to foreign leaders and to apply these data to international and national situations.

### Findings: Organization

Through this project's resources, the Law and Population Program was created at the Fletcher School of Tufts University and has since served as both executive and secretariat to the International Advisory Committee on Population Law (IACPL). A legal reporting network has been established but to this date has been confined to those contributing countries where there are law and population projects. A legal reference service and library available to both governmental and non-governmental organizations has been initiated and includes law compilations from various country projects. The previously mentioned IACPL was founded in April 1971 and serves as a non-governmental organization accredited to the Economic and Social Council of the United Nations; its 33 members represent lawyers, demographers, physicians, sociologists and political scientists from 14 countries. There is no doubt that the Law and Population Program through the efforts of Fletcher's staff has served as a proper catalyst in effecting the awareness for legal reforms in family planning and population change; moreover, 24 country projects (18 funded by UNFPA) have been started and 10 more have been proposed.

While the continuance of the IACPL is necessary to exert influence in instigating reforms in population laws in sovereign nations, this organization's function and composition has not lent itself to viability nor independence but reflects more an extension of the Fletcher program. While the efforts to stimulate awareness and action on population laws have been extremely fruitful, it has occurred at the sacrifice of the research output expected by the core program.

#### 1. Recommendations

- (a) That the IACPL be realigned to give greater representation to LDCs;
- (b) that the IACPL functions be more clearly articulated;

(c) that one Fletcher staff member be assigned fulltime to the management of research projects; (d) that regional repositories for law and population information be established as a part of the reporting network.

### Findings: Collection/Analysis

The completion of 19 country monographs on law and population has been reported and seven other have yet to be published. Four in-depth studies concerned with the impact of formal laws on the practices of organizations and people in the public and private sectors have been initiated and are in varying stages of finalization. A "handbook" enumerating laws for different countries has been prepared for AID.

It is noted by the project monitor that fourteen of the 19 monographs were prepared prior to the founding of this Law and Population Program and as such are not evidence of the Fletcher program accomplishments.

It was further noted that the greatest difficulty encountered in producing the in-depth studies was the unrealistic time frame imposed. Their completions were entirely dependent on funding sources beyond the project's control, further complicated by the preliminary negotiation and time spent with potential donors.

### 2. Recommendations

It is recommended that the production and publication of the compilation of data and in-depth studies continue; that, however, a set of countries or criteria for country selection be predetermined with the potential donors (e.g., with UNFPA, IPPF).

### Findings: Dissemination

The dissemination of population law information was accomplished in a number of ways: The Advisory Committee on Legislative Series on Population was convened in 1973 at the WHO headquarters; participating members included representatives of the UN Population Division, UNFPA, WHO, IPPF and Planned Parenthood. An International Law and Population Symposium co-sponsored with UNFPA and the UN, WHO, IPPF and the Tunisian Government was held in Tunis in 1974; over 100 participants from 50 countries adopted sixty recommendations concerning revisions of legal obstacles of rapid population growth. An interdisciplinary graduate seminar was conducted at the Fletcher School during the 1973 spring term.

Seven books and the aforementioned 19 monographs were prepared; the monographs were widely distributed and well received. Relevant materials on the Fletcher pilot seminar have been reproduced and sent to the heads of country projects; the materials for an International Law and Population textbook were presented and discussed at the Workshop on Teaching Population Dynamics in Law Schools.

### 3. Recommendations

It is recommended that the Tunis Symposium's proceedings be published under the monograph series; that a feasibility study be con-

ducted on the establishment of a continuing Legislative Series; that the population law seminar be continued and improved and that module programs be developed for inclusion in standard law curricula; that efforts be made to publish the Law and Population textbook in FY/5; that the seminar series be updated; that the monograph series be continued.

#### Findings: Application

A programmed output to prepare draft model codes was abandoned, lest this action be considered as interference in foreign internal affairs; instead, recommendations for legal changes were introduced in country projects, at regional seminars, ad hoc conferences and at the UNFPA/UN Symposium on Law and Population.

Another project output, the preparation of a draft Declaration of Law and Population to be presented at the World Conference in Bucharest was also abandoned on the advice of UN officials and, instead, a softer approach adopted through the submission of a narrative report with recommendations.

The contractor was also obligated to submit recommendations for possible additional long-term research in the area of law and population and suggestions relative to a suitable home for the project. As a result, it was recommended by the contractor that the program be extended into all countries; that the regional approach to law and population be adopted; that a legislative series on new laws and amendments be initiated; that the Law and Population Program be given AID support similar to the University Service Agreements or, if other donor support is sought and should there be delays or other problems in obtaining contributions from other institutions, AID inputs be provided to support both core and project activities.

#### 4. Recommendations

That, while the strategy of the AID contract has been to establish relevant capabilities in population law (institutional and operational) in contrast with the contractor's recommendation for open-ended AID support, that two options are suggested for future operations: a) AID support the project under a time-limited constraint to effect the institutionalization of the program and to develop an agreed-upon set of priority countries (or criteria for country selection) with UNFPA; or b) AID (in the absence of UNFPA support) provide sufficient funds to permit the completion of some activities already initiated. The time frames for the two options would be two years and one year, respectively.

### III. PROJECT DESIGN AND PROGRESS TO DATE

#### A. Program Goal

The goal to which the project is focussed is the initiation of legal reforms in developing countries, implementation of realistic policies and the modification of social practices, all of which will effectively contribute to rational population growth in concert with social/economic development. This is understandably a long term goal and would be difficult to assess at this time.

The more practical, intermediate goal, however, is to create awareness and expertise among policy makers, social scientists, legal experts, other leaders (and potential ones) in order that they may analyze and interpret their own national situation and bring about realistic reforms bearing directly or indirectly on population dynamics; that they may fill those gaps where legal reforms have been instituted but remain inconsistent with actual practices and policies.

It was noted at the time the project was initiated that little had been accomplished to study law and population and to explore its potential. As an example, out of some one thousand participants and observers at the United Nations World Population Conference in 1965, there was only one lawyer; none of the hundreds of papers presented dealt with the legal aspects of the population problem.

In contrast, the contractor notes "it should be pointed out that revolutionary changes in the laws of a large number of countries have occurred since the Programme began in 1970. It would clearly be misleading to claim that all these changes took place as the direct result of the Programme's work. However, the momentum of liberalizing change has increased appreciably since 1970. It may be reasonable to suggest that the Programme's activities in making lawyers and responsible officials aware of the policy-frustrating effects of the obsolete laws in most countries, and the publicity it has promoted as to the importance of law as a factor in population policy, have served to influence Governments toward changes". Thirty seven different countries have liberalized their policies on contraceptives, abortions, voluntary sterilization, sex education, or provided family planning incentives.

#### B. Project Purpose

The purpose of the project is to develop an institutional and operational base around which the program activities would be carried out to collect and analyze information pertinent to the legal aspects of population growth, fertility control and family planning, to disseminate this material to influential leaders, those who are or will be responsible for initiating changes; and to apply these data to international and national situations.

## Outcome: Conditions Expected at End of Project

The conditions which were to be achieved at the end of the project are as follows:

1. The recognition by countries undertaking family planning programs of the influence of legal systems and laws on individual and societal behavior affecting population growth and fertility behavior and of the need to undertake measures to reform them.

### Progress to Date

The most explicit testimony of the project's accomplishment is the professional acceptance of the legalistic approach to the removal of anachronistic laws and bureaucratic hinderances to the evolution of an accepted course of government-endorsed family planning services through the initiation of the 24 law and population country projects and their endorsement by the respective governments. The extent to which legal reforms recommended through the country programs are acceptable to legislatures and the eventual influence that these reforms will have on individual and societal behavior (e.g., fertility reduction) are not practical criteria for evaluation in view of the time constraints of the project and the cost of evaluating the latter. It should be considered, however, that in terms of creating an awareness of the extent and content of political decisions a government must consider in developing adequate population policy, the program has been justified.

2. The creation of a global infrastructure of cooperation to involve legal resources from developed and developing countries, the institutional base, and the donor community that would continue to advance the process of legal reform beyond the life of this project (i.e., AID commitment).

### Progress to Date

The acceptance of the legalistic approach to adequate policy development by the international donor community has been largely achieved, but not the concept of creating an institutionalized, international body to coordinate and execute these activities. The project has failed to establish or identify this instrumentality as called for in the original objectives; instead, the contractor has called for an open-ended continuation of the program as it now exists. Discussions with UNFPA reveal that this type of institutional arrangement, being a developed country's program, cannot be assumed under UN auspices. Inasmuch as the momentum of the program has only begun (Phase III) it would appear that the demand by the LDCs for a coordinating body that would give UNFPA cause to reconsider the possibility of financing core costs has not been sufficiently expressed.

## C. Project Outputs, Progress to Date

### 1. Organization

1.1. Establish a central facility at Fletcher. The Law and Population Program was established on July 1, 1970, at the Fletcher School of Law and Diplomacy, Tufts University (administered in cooperation with

Harvard University). It has acted as both executive and secretariat, serving the International Advisory Committee on Law and Population (IACPL). The facility is staffed by three professionals: the project director, the deputy director, and one research assistant who also assists with writing and editing of publications. In addition, there are three full-time administrative secretarial staff members and one part-time secretary.

1.2. Established a legal reporting network (i.e., through IPPF). To date, the legal reporting network has been limited principally to those countries which have undertaken Law and Population projects. In June of 1974, the newly formed IPPF Panel on Law and Planned Parenthood agreed to encourage the constituent family planning associations to act as correspondents in legal matters. The program has also arranged a corresponding relationship with the International Union for the Scientific Study of Population (IUSSP).

1.3. Established a legal reference service and library. The Program receives copies of law compilations from various country projects. It has also made collections of the world laws on voluntary sterilization for family planning purposes, contraception, abortion, menstrual regulation, the paraprofessional role in family planning, and population and sex education. These collections have served as the basis of special monographs. In close relation with the Harvard Law Library, whose Director prepared a special classification plan for population and law material, a considerable amount of reference material has been and is continuing to be collected and updated. This information is available to both governmental and non-governmental organizations.

1.4. Established an international interdisciplinary board of advisors. The International Advisory Committee on Law and Population was founded in April 1971 as a nongovernmental organization (NGO) accredited to the Economic and Social Council of the United Nations. Its 33 members from 14 countries include lawyers, demographers, physicians, sociologists, political scientists, and theologians. The IACPL has held three full meetings and established an Interim Committee which has met twice.

### Findings

The major supporters of the Law and Population Program (AID and UNFPA) agree that the maintenance of the NGO committee is necessary, since neither AID nor UNFPA can assume direct responsibility for instigating legal reform in sovereign nations as effectively as this intermediary. There are, however, doubts as to whether the present composition and function of this committee has developed as an entity representing more than an extension of the Fletcher program. The Fletcher program acts as both executive and secretariat for the IACPL. The director of the project serves as chairman. Of the 33 members, 14 are U.S. citizens, 2 representing government agencies and 4 representing Fletcher. Of the remaining 19 non-U.S. members, only 6 (including 2 from the Philippines) represent national institutions, while the remaining 14 are attached to international agencies. Of the 5 non-U.S. national institutions represented, only 3 are located in developing countries. Although references to the function of the Advisory Board in the original proposal are stated as supportive of the Fletcher program, there are explicit references to the responsibility of the contractor to devise a

strategy that would establish a "home" for the program beyond the life of the project. Attaining NFO status for the advisory committee was a substantial move in this direction; but, there clearly is an unmet need to develop, in function and representation, an organization which is viable and independent of the Fletcher program.

There is no doubt that the Law and Population Program, as established at Fletcher, has served as a proper catalyst in creating a recognition of the need for legal reform as it affects family planning and population change. Dr. Luke Lee as principal investigator has served as consultant to the United Nations and IPPF on matters relating to Law and Population, to UNESCO for its "Workshop on the Teaching of Population Dynamics in Law Schools" and as chairman of the "Lawyers Session" of the Population Tribune, among others. The Fletcher staff has been successful in stimulating interest in countries for undertaking compilation and analysis of laws related to population matters. Twenty-four country projects, 18 funded by UNFPA, have been started and at least 10 more have been proposed. The extent to which these programs have effected favorable legal reform and the Fletcher/IACPL influence on these undertakings will be the subject of a UNFPA evaluation scheduled for later this year.

While the promotion aspect of the Fletcher program has been necessary and fruitful, it has not occurred without some loss to the research output of the core program. The establishment of the central reference service and library has been accomplished to the point of providing the principal source of legal information for the IPPF periodical, PEOPLE, and served for the expeditious compilation of the Legal Handbook on Contraception, Vasectomy, Sterilization, and Abortion for AID and for the Piotrow publication on world contraceptive laws for the George Washington University Population Information Series. But, as regards the generation of research on the impact of formal laws on social behavior, the results have been slow, giving indication of the need to assign more staff time to project coordination. The present research assistant has been on the staff since the first half of FY 74 and according to the contractor is largely involved in writing and editing. Both the project director and his deputy are generally occupied with the promotional aspect of the program, including field trips, seminars, and lectures. Other research assistants have periodically served on a short-term basis, usually assigned to special projects (e.g., the preparation of the Handbook).

The establishment of a legal reporting network through IPPF had gained the endorsement of the late Sir David Owen. Following his death it was necessary to rebuild the interest in this relationship to the program. In June of 1974, the first meeting of IPPF's advisory board on Law and Family Planning was held in Tunis in conjunction with the International Law and Population Seminar and the IACPL annual meeting. It was agreed that there could be cooperation between the Fletcher program and the reporting network established through the associate members of IPPF, although a system for an interface of the two activities has not been worked out.

#### Recommendations

1. Extend and realign IACPL to give greater representation to LDCs. (Fletcher/IACPL)

2. Articulate the functions of IACPL acceptable to AID and UNFPA (Fletcher/IACPL)
3. Assign one Fletcher staff member full time to management of research projects (Fletcher)
4. Establish regional repositories for Law and Population information as part of the reporting network; continuing the expansion and updating of reference sources at Fletcher.

## 2. Collection/Analysis

2.1. Prepare a compilation of the laws, legislation, judicial and administrative decisions bearing on population and legal analysis thereof of 6-8 countries. Fourteen country monographs on Law and Population were published in Lee and Larson (ed), Population and Law, 1971. A separate monograph was published in Indonesia in 1972.

studies on  
2.2. Compile/6 additional countries, also including a list of legal institutions concerned with population problems. Four monographs published in 1973 covered the status of law and population in Jamaica, the United Kingdom, Singapore, and Sub-Saharan Francophone Africa. Draft monographs have been received from seven other countries (Sri Lanka, Costa Rica, Mexico, Nepal, Iran, Israel, and Brazil). The monograph on Israel is ready for publication, but, for political reasons agreed upon by AID, is being held up until one for an Arab country is ready at the same time. The others are being translated or edited in preparation for publication. Several other countries (Lebanon, Egypt, Ghana, Chile) are working on compilations which will be published eventually. Fletcher has also made plans for consultants to produce monographs on Canada, Senegal, and Somalia.

2.3. Conduct four in-depth studies concerned with the impact of formal laws on the practices of organizations and people in the public and private sector, the reasons for this impact, and methods by which changes of law can more efficiently influence social change. The in-depth studies are in varying stages of development. In the Philippines (which began first), the first stage has been completed and a report was made in a special issue of the Philippines Law Journal in the summer of 1974. Results of the Lebanon study have been discussed informally with the contractor but no report has been received.

## Findings

The Lee and Larson book was funded under a grant given by the Population Council prior to the founding of the program and was in fact a part of the evidence of Dr. Lee's credentials that was used to support his selection as this project's director. The publication of the book was under the auspices of Duke University and therefore lends nothing to the Fletcher program apart from the prestige of its author. The compilations as planned were to contain information on laws, judicial and administrative decisions bearing on population growth, size, family size, fertility, and the policies of these countries. Of the 5 compilations

produced, only the Francophone Africa publication falls short of thoroughly covering these factors.

The greatest factor regarding the shortfall in this activity and the indepth studies has been the unrealistic time frame under which the studies were to be produced. In both cases, the sponsorship of research for the information was dependent on funding sources beyond the project's control. Considering the time required to sensitize local investigators to the need for law and population projects, for the establishment of a format, the identification and organization of research teams, and the actual investigation (which in the case of the in-depth studies requires the collection and analysis of attitudinal data), the target of 6-8 compilations in Phase I and four studies in Phase II would have been very difficult to meet. In that the funding of these projects depended on various donors (UNFPA, IPPF, Ford, ICP), it also required substantial promotion to identify the need and scope of activity to be undertaken as there was no prearranged assurance of earmarked funding for them. In addition, projects became subjected to the various administrative clearances and procedures required by the donors and were restrained by their own priorities as to countries and projects of emphasis. An earlier understanding with the potential donors on these matters might have expedited the collection process.

The list of compilations now in various states of development is testimony to the rapid expansion of the program once these various obstacles had been encountered and overcome. The Handbook produced for AID, which contains information on policies, practices and the laws relating to contraception, sterilization, and abortion for 143 countries, is a further demonstration of the contractor's ability to compile part of this information from secondary resources.

### Recommendations

1. Continue the review and publications or compilations and studies presently under way. Also see recommendations under "Organization"-- (Fletcher)

2. Establish with potential donors a set of countries or criteria for countries for which compilations would be most justified (AID, Fletcher, UNFPA, IPPF, etc.)

### 3. Dissemination

#### 3.1. Seminars, Conferences

3.1.a. Convene a panel of experts to discuss feasibility of publishing a legislative series on population and family planning. An Advisory Committee on Legislative Series on Population and Family Planning was convened by the program at WHO headquarters in Geneva in June 1973. Members included experts from the UN Population Division, UNFPA, WHO, ILO, UNESCO, IPPF, and Planned Parenthood.

3.1.b. Co-sponsor an International Law and Population Symposium. The symposium was held in Tunis in June 1974 and co-sponsored by the UNFPA and the United Nations in cooperation with WHO, UNESCO, ILO, IPPF, and the Tunisian Government. Over 100 participants from fifty countries attended

and adopted sixty recommendations concerning revisions of legal obstacles of rapid population growth. The proceedings will be published by the UNFPA in 1975.

3.1.c. Conduct an interdisciplinary graduate level seminar at the Fletcher School, focussing on the relationship of law and the academic community. The seminar was conducted during the spring term of 1973 at the Fletcher School. It consisted of lectures on various disciplines related to population law, such as sociology, demography, economics, public health, political science and labor, given by experts in their own field. The seminar was open to students from Fletcher, Tufts and Harvard Universities.

### Findings

An agreement was reached by the Advisory Committee on the Legislative Series in their meeting (June 1973) that a series should be published. It was one year later that this subject was presented to the LACPL, which concurred in the earlier conclusion. The question was considered as to whether the series should be confined to new laws or, at least initially, to present laws. The U.S. series includes both. The basic compilation was carried out under the Department of Health, Education and Welfare and the update by Reporter, a publication supported by Planned Parenthood. This type of approach was seen as the most desirable, although it would entail an extensive reporting system and a continuing financial support mechanism. No potential sponsor for either stage could be identified. The compilations of the Law and Population Program and of the IUSSP for Europe were a starting point as a source of information on existing laws. It was recommended by the UNFPA and agreed to by other members of the Advisory Committee that a feasibility study must be made to determine the technical and financial complexities of such an undertaking. A proposal for this study is being drawn up by Fletcher.

The value of the exchange of such information as the series would carry (i.e., what other countries of the world are doing in regard to population laws) was clearly demonstrated by the Tunis Symposium. There were two objectives of this international conference: (1) to provide a forum for the exchange of ideas and progress in legal reform, and (2) to prepare draft recommendations (model codes) for presentation to the World Population Conference. (Inasmuch as the latter was a designated output of this project, it is discussed in a later section of this evaluation.) The participants at the Symposium included current and potential country project managers. Although they represented neither the officials nor the elite of the academic and practicing legal profession in the developing world. A post-symposium "evaluation" by Fletcher achieved by circulating a questionnaire to each participant, although not an effective means of eliciting objective responses, did result in a consistent agreement that the experience of the opportunity to exchange ideas on substance and methodologies for legal research was valuable.

Seventeen students enrolled in the Fletcher seminar; each prepared special papers on different topics related to population and law

and led discussions on them. One of these papers was later published in the monograph series and presented at the World Population Society Conference in early 1974. Other universities, such as the University of Ghana and the University of the Philippines are holding similar seminars. In the UNESCO conference on Teaching Population Dynamics in Law Schools, most participants felt that the curricula of their programs were too overburdened to allow for a special course on population law and demography; it was therefore recommended that such material be introduced into existing curricula. Although the integrated approach would be less intensive and lack the interdisciplinary aspect of the single seminar method, it would have advantages in that, as an elective course, the population law seminars have limited participation, while the other would reach more students who have perhaps not considered the relationship between law and population. This would not, however, appear to be an "either/or" situation and there would appear to be a need for both approaches.

### 3.1. Recommendations

1. Publish the Tunis Symposium under the monograph series (Fletcher)
2. Undertake a feasibility study for the establishment of a continuing Legislative Series, such a study to include scope, responsibility, costs, as well as organizational and funding considerations (Fletcher).
3. Continue to develop/improve basic Population Law Seminar design in addition to the development of module programs for inclusion in standard law curricula (Fletcher).
4. Provide consultation and teaching materials to law schools in the U.S. and in developing countries introducing population law into their programs.

### 3.2. Publications: Prepare and publish the following:

3.2.a. Law and Population Series. As of July 1974, there have been seven books and nineteen monographs published in this series.

3.2.b. United Nations and Population: Selected Documents. A compendium of basic UN documents entitled The United Nations and Population: Major Resolutions and Instruments was published in July 1974 by Oceania Publications (Dobbs Ferry, New York) and A.W. Sythoff (Leiden) for the UNFPA. It is included in the book series as number 7.

3.2.c. An International Law and Population textbook. Materials on which the textbook will be written were presented and guidelines were adopted at the Workshop on Teaching Population Dynamics in Law Schools in February 1974.

3.2.d. Documents relating to the De Marchi Case. The papers on the De Marchi case were dropped from the publication outputs by agreement with AID, since it was felt unwise to give the appearance of interference in legal proceedings of other countries.

3.2.e. Relevant materials on the Fletcher pilot seminars. Relevant materials on the Fletcher seminar have been reproduced, bound, and sent to the heads of the country projects.

### Findings

The monograph series has been widely distributed and well received. In this series there are three types of study: (1) the studies of the laws of particular countries or regions; (2) studies on the world's laws on various important aspects of family planning (sterilization, contraception, abortion, menstrual regulation, population and sex education, etc.); and (3) ad hoc topics such as the Law and Population Classification Plan, and Law, Human Rights and Population.

Monograph No. 1 on "Law and Family Planning," by Dr. Lee served as a background paper for WHO's Expert Committee on Health Aspects of Family Planning; the paper was published by the Population Council in its Studies in Family Planning (April 1971) and sent to its large mailing list in English, French and Spanish. No. 5 on the "Classification Plan" has served as a basis for the preparation of compilations around the world on a comparable basis. No. 6, on "Law, Human Rights and Population: A Strategy for Action," served both as a background paper for the Second Asian Population Conference in Tokyo in 1972, and as a guideline for Law and Population project proposals and activities. Nos. 8, 14, 17 and 19 on voluntary sterilization, abortion, contraception, and menstrual regulation, respectively, appeared also in full or in part in Population Report, published by the Population Information Program of George Washington University Medical Center, and sent to the several thousand readers on their foreign mailing list. The sterilization study was prepared for the Second World Conference on Voluntary Sterilization at Geneva and helped in the drafting of model provisions produced by the Conference. The contraception monograph was sent to the world's commercial contraceptives manufacturers as an aid in spreading contraception. No. 19 on the legal aspects of menstrual regulation was prepared for the special meetings on this subject held in Honolulu and Bangkok, and served to clarify the importance of keeping this subject separate from abortion.

The decision not to publish the documents on the De Marchi case challenging the constitutionality of Italian laws prohibiting the dissemination of birth control information was based on the Contractor's assessment of possible political repercussions emanating from the direct association of a U.S. Government-funded project assisting the case. As such, this prudent decision made in consultation with AID, emphasizes the critical need recognized by UNFPA and AID to maintain an intermediary NGO such as the IACPL between individual countries and the donor sources. It would seem apparent that neither organization would wish to be directly implicated in the promotion of organized legal changes within sovereign countries. The necessity for this type of relationship reinforces the need to develop a broader representation in the IACPL and a fairly rapid phaseout of direct AID assistance once an acceptable organization and funding source for its continuation has been identified.

### 3.2. Recommendations

1. Publish Law and Population Textbook FY 75 (Fletcher).
2. Update seminar series as appropriate to recommendations under Dissemination, 3.1 (Fletcher).
3. Continue monograph series as appropriate to recommendations under Collection, 2.

#### 4. Application

4.1. Draft model code(s) on national, regional and/or worldwide basis. This output was not attempted in order to avoid the appearance of U.S. interference in internal affairs of foreign countries. Instead, a different approach was employed through recommendations for legal changes made in country projects, regional seminars on law and population, ad hoc conferences and through the UNFPA/UN Symposium on Law and Population.

4.2. Prepare a draft Declaration of Law and Population for World Population Conference. The contractor reports, "The suggestion that the Symposium on Law and Population held in Tunis actually draft and send to the Bucharest Conference a Draft Declaration on Law and Population was found not to be practically possible". "However, as far as sending a formal list of recommendations to Bucharest was concerned, the Symposium left the final discussion to the IACPL, which decided that a wiser course would be to transmit to the Conference a report on law and population activities over the past few years in a narrative form, including a summary of the various recommendations reached by the Symposium."

4.3. Prepare recommendations for possible additional long-term research in the area of population law and a suitable home for the project including recommendations for its continued operation. The contractor suggests the extension of law and population programs into all countries, the adoption of a regional approach to this subject (building regional population training programs, conducting regional seminars, utilizing Law and Population Program personnel to motivate and develop other projects in countries of the same region, initiating research and publications on a regional basis); it was further recommended that a legislative series on new laws and amendments in the population field be initiated and that a compilation of laws affecting the status of women be undertaken.

The contractor also proposed that law and population activities continue to be a joint U.N. and non-governmental organization enterprise and that the Law and Population Program be given AID support similar to that provided the University of North Carolina or Michigan (to wit, University Services Agreement).

A second option was recommended that AID support both core and project activity costs through IACPL, should there be delays or other problems in obtaining contributions from other institutions.

Findings

AID Office of Population supports the contractor's assessment concerning the preparation of model code(s) and its interpretation possibly as "American interference" in foreign internal affairs. Foreign relations, as sensitive and volatile as they are today with some countries, coupled with the sensitivity of the population control/family planning problem and the less-than-standardized manner of treating this problem merely underscores the impracticality of preparing model codes on a national, regional or worldwide basis.

The project strategy was and continues to be the development and institutionalization of an organizational/operational base for activities in law and population; the viability of this operation and recognition/contribution by the international donor community would enable AID to embark on a phase down/phase out course of action. Therefore, two other options may be considered in the continuance of these activities: (1) AID would give Fletcher a second chance to institutionalize the program under a limited time constraint (a maximum of two years) and an agreed-upon (with UNFPA) set of priority countries or "conditions for country project eligibility." (2) AID (in the absence of UNFPA support) would provide sufficient funds to complete some of the activities already begun (e.g., the development of a law and population textbook; for the contractor's consultancy to country projects that are under way) and would direct any new country initiatives to other sources, such as ICP or other donors. This could probably be achieved by a one-year extension of the program.

D. Project Inputs (~~x~~\$1000)

	<u>FY70</u>	<u>FY71</u>	<u>FY72</u>	<u>FY73</u>	<u>FY74</u>	<u>FY75</u>	<u>Total</u>
AID Contributions	\$640	--	--	\$326	--	--	\$966
Actual Expenditures, <u>a/</u>	--	90	131	180	204	361	<u>b/</u> 966
Unliq. Obligations	640	550	419	565	361	∅	∅
Other Donors	--	--	\$297	\$151	\$170	unkn	
UNFPA	--	--	209	90	170		
UNICEF	--	--	4	--	--		
IPPF	--	--	30	18	--		
Pop Council.	--	--	49	13	--		
ICP	--	--	--	30	--		
Ford Found.	--	--	5	--	--		

a/ Data supplied by contractor

b/ Expenditures estimated by contractor

EXPENDITURE BREAKOUT

	<u>FY70-FY74</u>	<u>Periods/Amounts Expended</u>		<u>During CY75 **</u>
		<u>FY75</u>		
		<u>1st Qtr</u>	<u>2nd Qtr*</u>	
Salaries and Wages	\$249	\$20	\$25	--
Fringe Benefits	34	3	3	--
Overhead	137	13	13	--
Consultant Fees	20	Ø	1	--
Travel & Allowances	71	2	7	--
Other Direct Costs	86	14	102	\$156
Equipment/Materials	8	1	1	--
Total	<u>\$605</u>	<u>\$53</u>	<u>\$152</u>	<u>\$156</u>

\*/ Estimated expenditures including Regional Seminar in Kenya and Law/Population Symposium in Tunis.

\*\*/ Committed activities to be paid for in CY75 including cost for four regional seminars, publication/translation of five Regional Seminars, publication/translation of proceeding of Tunis Symposium.