



Sustainable Development *White Paper*

World Youth Alliance

By

Meghan Grizzle,

World Youth Alliance Research and Policy Specialist

Reviewed By

Andreas Widmer,

Director of Entrepreneurship Programs

Catholic University of America

and

Vincenzina Santoro,

Former Vice President and Economist of JPMorgan & Co. and

*UN Representative of the American Family Association of
New York*

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I. Introduction

On October 31, 2011, the Earth's 7 billionth person was born,¹ bringing to the world another life full of potential and promise. For some people, this is cause for concern in the context of sustainable development. They believe that we cannot continue to meet the needs of each person while sustaining the Earth's resources. They view each additional person as another burden on the environment or as another mouth to feed, and thus they call for increased provision of family planning services and other means to restrain population growth. Others, however, recognize the potential of each person and the creativity they represent for the development of economic activity and the care of the environment. The more people there are on this Earth, the more creators, innovators, and developers there are. This view understands that it is poverty, not a growing population, that creates problems. The solution is therefore for people to get out of poverty through a focus on human development through education, employment, and access to various forms of capital.

This paper begins with an introduction to the components of sustainable development as presented in United Nations conference documents. Next, it discusses the nexus of sustainable development and population-related issues, highlighting the dangerous argument that limiting population growth is a prerequisite for sustainable development. This includes a survey of some countries' misguided attempts at limiting their populations through coercive government policies. The paper continues by considering how the Earth's greatest resource—the creativity of humans—is able to make the world a better place even in the face of a growing population. The paper concludes with an overview of a positive approach to sustainable development, one that tackles the root causes of poverty and allows the creativity of the human person to flourish.

II. Introduction to sustainable development

A. Sustainable development at the United Nations

Several United Nations conferences on sustainable development have taken place. In 1972, the United Nations Conference on the Human Environment was held in Stockholm, Sweden.² The first UN conference on the environment, it established the United Nations Environment Programme and spurred the creation of national environmental ministries.³ Twenty years later, the United Nations Conference on Environment and Development took place in Rio de Janeiro, Brazil.⁴ Otherwise known as the Earth Summit, it had the participation of 172 governments, including 108 heads of State or Government.⁵ The Earth Summit produced several consensus

¹ UNFPA, STATE OF WORLD POPULATION 2011: PEOPLE AND POSSIBILITIES IN A WORLD OF 7 BILLION 6 (2011) [hereinafter POPULATION 2011].

² JOHN BAYLIS, STEVE SMITH, & PATRICIA OWENS, THE GLOBALIZATION OF WORLD POLITICS 325 (2008).

³ *Id.*

⁴ *Id.*

⁵ UN Conference on Environment and Development (1992), <http://www.un.org/geninfo/bp/enviro.html> (last visited June 14, 2012).

documents, including the Rio Declaration on Environment and Development⁶ and Agenda 21, which specifically outlines an action plan for sustainable development at all levels of government and society.⁷ After the Earth Summit, the UN Commission on Sustainable Development was created to monitor the implementation of the Rio plans of action.⁸ Ten years after the Earth Summit, a follow-up conference in Johannesburg, South Africa produced the Johannesburg Plan of Implementation.⁹ In June 2012, the United Nations Conference on Sustainable Development, or Rio+20, took place in Rio de Janeiro, and the conference resulted in an outcome document called *The Future We Want*.¹⁰

The International Conference on Population and Development, which was held in Cairo, Egypt in 1994, focused specifically on population issues in the context of sustainable development. The Programme of Action, the consensus document produced by the 179 nations at the conference, sets forth goals related to reproductive health, sustained economic growth, poverty eradication, and empowerment of women and girls.¹¹ One year later, the 1995 Fourth World Conference on Women, held in Beijing, reiterated many of the sustainable development goals identified at Cairo, which it set forth in the Beijing Declaration¹² and the Beijing Platform for Action.¹³

B. Definition of sustainable development

In 1987, the United Nations World Commission on Environment and Development released *Our Common Future*, also known as the Brundtland Report after Gro Brundtland, then-Prime Minister of Norway and chair of the World Commission on Environment and Development.¹⁴ The Brundtland Report defines sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”¹⁵ The Report emphasizes that “overriding priority should be given” to “the essential needs of the world’s poor,” and that there are “limitations imposed by the state of technology and social

⁶ See United Nations Conference on Environment and Development, June 3–14, 1992, *Report of the United Nations Conference on Environment and Development*, Annex I, U.N. Doc. A/CONF.151/26/Rev.1 (Vol. I) (Aug. 12, 1992) [hereinafter *Rio Declaration*].

⁷ See United Nations Conference on Environment and Development, June 3–14, 1992, *Report of the United Nations Conference on Environment and Development*, U.N. Doc. A/CONF.151/26/Rev.1 (Vols. I–III) (Aug. 12, 1992) [hereinafter *Agenda 21*].

⁸ BAYLIS ET AL., *supra* note 2, at 325.

⁹ See World Summit on Sustainable Development, Aug. 26–Sept. 4, 2002, *Report of the World Summit on Sustainable Development*, U.N. Doc. A/CONF.199/20 ([hereinafter *JPOI*].

¹⁰ See United Nations Conference on Sustainable Development, June 20–22, 2012, *The Future We Want*, U.N. Doc. A/CONF.216/L.1 (June 19, 2012) [hereinafter *The Future We Want*].

¹¹ See International Conference on Population and Development, Sept. 5–13, 1994, *Report of the International Conference on Population and Development*, Ch. I, Res. 1, Annex, Principle 8, U.N. Doc. A/CONF.171/13/Rev.1 (Oct. 18, 1994) [hereinafter *ICPD Report*].

¹² See Fourth World Conference on Women, Sept. 4–15, 1995, *Report of the Fourth World Conference on Women*, Ch. I, Res. 1, Annex II, U.N. Doc. A/CONF.177/20/Rev.1 (1996) [hereinafter *Beijing Declaration*].

¹³ See Fourth World Conference on Women, Sept. 4–15, 1995, *Report of the Fourth World Conference on Women*, Ch. I, Res. 1, Annex I, U.N. Doc. A/CONF.177/20/Rev.1 (1996) [hereinafter *Beijing Platform for Action*].

¹⁴ See *Report of the World Commission on Environment and Development*, Annex, U.N. Doc. A/42/427 (Aug. 4, 1987) [hereinafter *Our Common Future*].

¹⁵ *Id.* Ch. 2, ¶ 1.

organization on the environment's ability to meet present and future needs.”¹⁶ The Report continues, “Sustainable development requires meeting the basic needs of all and extending to all the opportunity to satisfy their aspirations for a better life.”¹⁷

Sustainable development is not solely about the environment, although the Earth Summit and its follow-up conferences have focused on environmental issues. According to the Johannesburg Plan of Implementation, sustainable development has three “interdependent and mutually reinforcing pillars”: “economic development, social development and environmental protection.”¹⁸ The Plan of Implementation elaborates, “Poverty eradication, changing unsustainable patterns of production and consumption and protecting and managing the natural resource base of economic and social development are overarching objectives of, and essential requirements for, sustainable development.”¹⁹ This three-pillar model continues to be used today.²⁰

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their own needs.”**

- Brundtland Report

Principle 1 of the Rio Declaration, a consensus document from the 1992 Earth Summit, states, “Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.”

- Principle 1, Rio Declaration

“Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.”²¹ The ICPD Programme of Action reiterates this principle and explains that “[p]eople are the most important and valuable resource of any nation. Countries should ensure that all individuals are given the opportunity to make the most of their potential.”²²

The Programme of Action emphasizes the centrality of poverty eradication in achieving sustainable development: “All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.”²³ The Programme of Action identifies key areas of sustainable development, “[e]fforts to slow down population growth, to reduce poverty, to achieve economic progress, to improve environmental protection, and to reduce unsustainable consumption and

¹⁶ *Id.*

¹⁷ *Id.* Ch. 2, ¶ 4.

¹⁸ *JPOI*, *supra* note 9, ¶ 2.

¹⁹ *Id.*

²⁰ *See, e.g., The Future We Want*, *supra* note 10, ¶ 1.

²¹ *Rio Declaration*, *supra* note 6, Principle 1.

²² *ICPD Report*, *supra* note 11, Ch. I, Res. 1, Annex, Ch. 2, Principle 2.

²³ *Id.* Ch. I, Res. 1, Annex, Ch. 2, Principle 7.

production patterns.”²⁴

The Beijing Declaration and Platform for Action highlight the importance of women in sustainable development efforts.²⁵ The Declaration includes as components of the achievement of people-centered sustainable development “the provision of basic education, life-long education, literacy and training, and primary health care for girls and women.”²⁶ It also recognizes that “[e]quitable social development that recognizes empowering the poor, particularly women living in poverty, to utilize environmental resources sustainably is a necessary foundation for sustainable development.”²⁷

III. Sustainable development and demographic and population issues

A. United Nations conferences

UN conferences have tied sustainable development explicitly to population and demographic issues. Principle 8 of the Rio Declaration states, “To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.”²⁸ Principle 6 of the ICPD Programme of Action elaborates:

Sustainable development as a means to ensure human well-being, equitably shared by all people today and in the future, requires that the interrelationships between population, resources, the environment and development should be fully recognized, properly managed and brought into harmonious, dynamic balance. To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate policies, including population-related policies, in order to meet the needs of current generations without compromising the ability of future generations to meet their own needs.²⁹

This relationship between sustainable development and population often manifests itself through the call for reproductive health policies and programs and family planning, in order to promote smaller family size. For example, Agenda 21, a consensus document from the Earth Summit, focuses extensively on the relationship between development and population issues. It calls for “[r]eproductive health programmes and services [that] reduce maternal and infant mortality from all causes and enable women and men to fulfil their personal aspirations in terms of family size, in a way in keeping with their freedom and dignity and personally held values.”³⁰ Governments

²⁴ *ICPD Report*, *supra* note 11, Ch. I, Res. 1, Annex, ¶ 3.14.

²⁵ *See, e.g., Beijing Platform for Action*, *supra* note 13, ¶¶ 56, 248.

²⁶ *Beijing Declaration*, *supra* note 12, ¶ 27.

²⁷ *Id.* ¶ 36.

²⁸ *Rio Declaration*, *supra* note 6, Principle 8.

²⁹ *ICPD Report*, *supra* note 11, Ch. I, Res. 1, Annex, Ch. 2, Principle 6.

³⁰ *Agenda 21*, *supra* note 7, ¶ 5.49.

must ensure people the “right to decide freely and responsibly on the number and spacing of their children, to have access to the information, education and means, as appropriate, to enable them to exercise this right in keeping with their freedom, dignity and personally held values taking into account ethical and cultural considerations.”³¹ Governments must also “establish and strengthen preventive and curative health facilities that include women-centred, women-managed, safe and effective reproductive health care and affordable, accessible services, as appropriate, for the responsible planning of family size, in keeping with freedom, dignity and personally held values and taking into account ethical and cultural considerations.”³² Agenda 21 further links the development discourse to population by stating that women in developing countries “lack the means of [. . .] responsibly controlling their reproductive life and improving their socio-economic status.”³³

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The five-year follow-up to the Earth Summit also focuses on “the critical linkages between demographic trends and factors and sustainable development.”³⁴ The Programme for Further Implementation of Agenda 21 states,

The current decline in population growth rates must be further promoted through national and international policies that promote economic development, social development, environmental protection, and poverty eradication, particularly the further expansion of basic education, with full and equal access for girls and women, and health care, including reproductive health care, including both family planning and sexual health, consistent with the report of the International Conference on Population and Development.³⁵

The Johannesburg Plan of Implementation, which was issued ten years after the Earth Summit, calls on governments to “[a]ddress effectively, for all individuals of appropriate age, the promotion of healthy living, including their reproductive and sexual health.”³⁶ This must be done “in conformity with human rights and fundamental freedoms and consistent with national laws and cultural and religious values.”³⁷ Rio+20’s *The Future We Want* emphasizes reproductive health,³⁸ family planning,³⁹ and demographic change.⁴⁰

³¹ *Id.* ¶ 5.50.

³² *Id.* ¶ 5.51.

³³ *Id.* ¶ 6.21.

³⁴ Programme for the Further Implementation of Agenda 21, G.A. Res. S/19-2, ¶ 30, U.N. Doc. A/RES/S-19/2 (Sept. 19, 1997).

³⁵ *Id.*

³⁶ *JPOI*, *supra* note 9, ¶ 54(j).

³⁷ *Id.* ¶ 54.

³⁸ *The Future We Want*, *supra* note 10, ¶¶ 145, 146, 241

³⁹ *Id.*, ¶¶ 145, 146, 241.

⁴⁰ *Id.*, ¶¶ 136, 144.

The ICPD Programme of Action emphasizes the importance of “slowing population growth and [] achieving early population stabilization.”⁴¹ It identifies a direct link between “[d]emographic factors, combined with poverty and lack of access to resources in some areas, and excessive consumption and wasteful production patterns in others” and “environmental degradation and resource depletion,” which in turn “inhibit sustainable development.”⁴² Given “that the ultimate goal is the improvement of the quality of life of present and future generations,” it calls for the development of policies on population growth, with the objective “to facilitate the demographic transition as soon as possible in countries where there is an imbalance between demographic rates and social, economic and environmental goals, while fully respecting human rights.”⁴³ This is to help achieve world population stabilization.⁴⁴

B. Limiting population growth to achieve sustainable development

The Population Bomb, written by Paul and Anne Ehrlich in 1968, is the classic work promoting the idea that the Earth is overpopulated and that overpopulation will lead to humankind’s demise.⁴⁵ The Ehrlichs were alarmist; the front cover stated, “Population Control or Race to Oblivion?” and “While you are reading these words four people will have died from starvation. Most of them children.”⁴⁶ They began *The Population Bomb* with a serious warning:

The battle to feed humanity is over. In the 1970s and 1980s hundreds of millions of people will starve to death in spite of any crash programs embarked upon now. At this late date nothing can prevent a substantial increase in the world death rate [. . .]. [There is a need for] determined and successful efforts at population control.⁴⁷

Hundreds of millions of people did not starve to death in the 1970s; forty years later, the Ehrlichs attribute this to the success of the green revolution, and lament that 300 million people have died of hunger and its associated diseases since 1968.⁴⁸ They continue to promote the idea of a population explosion through books and articles,⁴⁹ emphasizing “its contribution to the expanding scale of the human enterprise and thus to humanity’s impact on the environmental systems that support civilization.”⁵⁰ Paul Ehrlich was one of the founders of Zero Population Growth, which is now known as Population Connection, a group that is “America’s voice for population stabilization,” and that voice calls for population stabilization through the provision

⁴¹ ICPD Report, *supra* note 11, Ch. I, Res. 1, Annex, ¶ 3.15.

⁴² *Id.* Ch. I, Res. 1, Annex, ¶ 3.25.

⁴³ *Id.* Ch. I, Res. 1, Annex, ¶ 6.3.

⁴⁴ *Id.*

⁴⁵ See PAUL EHRLICH, POPULATION BOMB (1968).

⁴⁶ *Id.*, Cover.

⁴⁷ *Id.* at xi.

⁴⁸ See Paul R. Ehrlich & Anne H. Ehrlich, *The Return of the Population Bomb*, *Environmental Health News*, June 14, 2009, available at <http://www.environmentalhealthnews.org/ehs/editorial/the-return-of-the-population-bomb>.

⁴⁹ See, e.g., PAUL R. EHRLICH & ANNE H. EHRLICH, THE POPULATION EXPLOSION (1991).

⁵⁰ Paul Ehrlich & Anne Ehrlich, *The Population Explosion: Why We Should Care and What We Should Do About It*, 27 ENVTL. LAW 1187 (1997).

of contraception and abortion services.⁵¹

Environmental organizations are concerned that the more consumers there are, the greater the depletion of natural resources will be, and they therefore encourage policies and programs that will cause women to have fewer children.⁵² The Sierra Club's Global Population and Environment Program's goal is "to protect the global environment and preserve natural resources for future generations by advancing global reproductive health," including "[i]ncreasing universal access to voluntary family planning services and comprehensive sex education."⁵³ Population Matters, a non-profit based in the United Kingdom, is concerned with humanity's "[use of] natural resources at an unsustainable rate and placing [of] unsustainable pressure on the natural environment and the ecosystems on which we depend."⁵⁴ It thus encourages people to choose smaller families and supports increased access to contraceptives, including emergency contraception,⁵⁵ as components of sustainable development.⁵⁶ In fact, the organization says, "We need to send a clear message that large families are unsustainable."⁵⁷ The Center for Biological Diversity distributes "endangered species condoms," each of which features one of six endangered species.⁵⁸ The condoms contain messages about how to stabilize the human population, given the group's concern that human overpopulation is driving the extinction of animals and many other environmental challenges.⁵⁹

A 2009 study from Oregon State University states that to reduce carbon dioxide emissions, the most effective step is to reduce fertility.⁶⁰ The study asserts, "a woman in the United States who adopted the six non-reproductive changes [such as increasing her car's fuel efficiency and driving fewer miles per week] would save about 486 tons of CO₂ emissions during her lifetime, but, if she were to have two children, this would eventually add nearly 40 times that amount of CO₂ (18,882 t) to the earth's atmosphere."⁶¹ Another 2009 study, this time from the London School of Economics on behalf of the Optimum Population Trust (Population Matters), performed a cost-benefit analysis of providing contraception to women with unmet need for

⁵¹ Population Connection, About Us, http://www.populationconnection.org/site/PageServer?pagename=about_us (last visited Oct. 5, 2012).

⁵² See, e.g., Bryan Walsh, *What Condoms Have to Do with Climate Change*, TIME HEALTH, May 12, 2008.

⁵³ Sierra Club, Global Population and the Environment, <http://www.sierraclub.org/population/> (last visited Oct. 5, 2012).

⁵⁴ POPULATION MATTERS, CURRENT POPULATION TRENDS, available at <http://www.populationmatters.org/wp-content/uploads/D12Currentpopulationtrends.pdf?phpMyAdmin=e11b8b687c20198d9ad050fbb1aa7f2f>.

⁵⁵ Population Matters, Reproductive health, <http://www.populationmatters.org/solutions/sustainable-population/reproductive-health/> (last visited Oct. 5, 2012).

⁵⁶ POPULATION MATTERS, MAKING THE CASE FOR SMALLER FAMILIES, available at <http://www.populationmatters.org/wp-content/uploads/D29Caseforsmallerfamilies.pdf?phpMyAdmin=e11b8b687c20198d9ad050fbb1aa7f2f>.

⁵⁷ Population Matters, Current campaigns, Ending subsidies for large families, <http://populationmatters.org/get-involved/current-campaigns/> (last visited Oct. 5, 2012).

⁵⁸ Endangered species condoms, <http://www.endangeredspeciescondoms.com/> (last visited Oct. 5, 2012). See also Mireya Navarro, *Breaking a Long Silence on Population Control*, N.Y. TIMES, Oct. 31, 2011.

⁵⁹ *Id.*

⁶⁰ Paul A. Murtaugh & Michael G. Schlax, *Reproduction and the carbon legacies of individuals*, 19 GLOBAL ENVTL. CHANGE 14 (2009).

⁶¹ *Id.* at 18.

family planning⁶² and found that every \$7 spent on contraceptives would reduce CO₂ emissions by one ton between 2010 and 2050.⁶³ The study also found that if family planning meets unmet need, this would reduce CO₂ emissions by 34 billion tons between 2010 and 2050.⁶⁴

The United Nations Population Fund (UNFPA) annual State of World Population 2009 focuses on women, population, and climate and discusses the negative impact of the growing population on the climate.⁶⁵ It recommends “fully fund[ing] family planning services and contraceptive supplies within the framework of reproductive health and rights.”⁶⁶ UNFPA’s State of World Population 2011 details challenges in a world of 7 billion people, among them sustaining the Earth’s resources.⁶⁷ It notes the call for the discussion of population issues at Rio+20.⁶⁸

In *More: Population, Nature, and What Women Want*, Robert Engelman links increased access to family planning to smaller families and thus decreased climate change, poverty, and infrastructure problems.⁶⁹ Engelman also wrote a chapter of the Worldwatch Institute’s State of the World 2012: Moving Toward Sustainable Prosperity, arguing for reproductive rights and contraception as necessities for fertility control and broader population decrease.⁷⁰

The next section discusses demographic challenges of a world in which the fertility rate is decreasing and the ways in which humanity’s creativity has provided solutions to population pressures.

C. Population control policies as sustainable development “solutions”

The ICPD Programme of Action⁷¹ and the Johannesburg Plan of Implementation⁷² in particular address the need for appropriate population-related policies that respect human rights and cultural traditions. However, many countries have implemented policies and programs that do not accord people their right to determine the number and spacing of their children.⁷³ Often, countries develop these policies with the understanding that the eradication of poverty requires the eradication of poor people. Their misguided reasoning is that a smaller population will lead to more economic opportunities and more available jobs. Several notable current and recent

⁶² The study defines women with unmet need for family planning as “all women who wish to delay or terminate childbearing but who are not using contraception.” Thomas Wire, *Fewer Emitters, Lower Emissions, Less Cost: Reducing Future Carbon Emissions by Investing in Family Planning* 1, London School of Economics, Operational Research (Aug. 2009), available at http://populationmatters.org/documents/reducing_emissions.pdf.

⁶³ *Id.* at 28.

⁶⁴ *Id.*

⁶⁵ See UNFPA, STATE OF WORLD POPULATION 2009: FACING A CHANGING WORLD: WOMEN, POPULATION AND CLIMATE (2009).

⁶⁶ *Id.* at 68.

⁶⁷ See POPULATION 2011, *supra* note 1.

⁶⁸ See *id.* at 95.

⁶⁹ ROBERT ENGELMAN, *MORE: POPULATION, NATURE, AND WHAT WOMEN WANT* (2008).

⁷⁰ WORLDWATCH INSTITUTE, STATE OF THE WORLD 2012: MOVING TOWARD SUSTAINABLE PROSPERITY (2012).

⁷¹ ICPD Report, *supra* note 11, Ch. I, Res. 1, Annex, ¶ 6.3.

⁷² JPOI, *supra* note 9, ¶ 54.

⁷³ See Convention on the Elimination of All Forms of Discrimination against Women art. 16(1)(e), *opened for signature* Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

examples of government-imposed policies exist.

1. China

With a population of 1.37 billion, China is the most populous country in the world.⁷⁴ The Chinese population has nearly tripled since 1949.⁷⁵ In order to respond to increasing population growth and to ensure sufficient food supply and economic growth, China initiated its controversial one-child policy in the latter part of the 1970s.⁷⁶ The policy restricts Chinese couples, particularly those residing in urban areas, to having only one child.⁷⁷ The implementation of the policy “depends on virtually universal access to contraception and abortion” and it is estimated that it has prevented about 400 million births between 1979 and 2011.⁷⁸ Evidence of forced abortion, forced sterilization, and infanticide is well-documented.⁷⁹ Non-compliance with the policy results in punishments such as fines, loss of benefits, more expensive obstetric care, and even the loss of employment for government workers.⁸⁰ The coercive effect of the one-child policy is aggravated by the ensuing social preference for boys.⁸¹ Women who determine the sex of the fetus is female choose to abort in order to ensure that their one child will be a boy.⁸²

Many countries have implemented policies and programs that do not accord people their right to determine the number and spacing of their children. Often, countries develop these policies with the understanding that the eradication of poverty requires the eradication of poor people.

2. India

India’s population grew significantly, accompanied by a sharp decline in mortality, in the second half of the twentieth century.⁸³ The population passed the one billion mark at the end of the century,⁸⁴ and at 1.21 billion people India is now the second-most populated country in the

⁷⁴ China Today, China Population Statistics and Related Information, <http://www.chinatoday.com/data/china.population.htm> (last visited Oct. 5, 2012).

⁷⁵ *Id.*

⁷⁶ MARA HVISTENDAHL, UNNATURAL SELECTION: CHOOSING BOYS OVER GIRLS, AND THE CONSEQUENCES OF A WORLD FULL OF MEN 21 (2011).

⁷⁷ Therese Hesketh, Li Lu, & Zhu Wei Xing, *The Effect of China’s One-Child Family Policy After 25 Years*, 353 NEW ENG. J. MED. 1171, 1171 (Sept. 2005).

⁷⁸ *Id.*

⁷⁹ See ChinaAid & Women’s Rights Without Frontiers, New Evidence Regarding China’s One-Child Policy, Forced Abortion, Involuntary Sterilization, Infanticide and Coercive Family Planning, Hearing Before the U.S.

Congressional Tom Lantos Human Rights Commission (Nov. 10, 2009), available at <http://www.pearlsofchina-thefilm.com/littlejohn1.pdf>.

⁸⁰ W. X. Zhu, *The One Child Family Policy*, 88 ARCH. DISEASE IN CHILDHOOD 463 (2003).

⁸¹ See, e.g., Shuzhuo Li, *Imbalanced Sex Ratio at Birth and Comprehensive Intervention in China*, 4th Asia Pacific Conference on Reproductive and Sexual Health and Rights (2007). See also HVISTENDAHL, *supra* note 76.

⁸² *Id.*

⁸³ See, e.g., Population of India (1951-2001), available at <http://indiabudget.nic.in/es2006-07/chapt2007/tab97.pdf>.

⁸⁴ See *id.*

world.⁸⁵ India is expected to have the world's largest population by 2025.⁸⁶ In the face of the perceived challenges associated with population growth, India changed its National Population Policy in 2000 in order to achieve population stabilization by 2045.⁸⁷ One of the objectives of the National Rural Health Mission, a government agency, is “population stabilization, gender and demographic balance.”⁸⁸ The Indian government argues that stabilizing the population is “an essential requirement for promoting sustainable development with more equitable distribution.”⁸⁹ Although the government purports to be committed to the “voluntary and informed choice and consent of citizens” for family planning and reproductive health services,⁹⁰ India has consistently implemented coercive programmes. In sterilization camps, initiated under the direction of Prime Minister Indira Gandhi in 1975,⁹¹ rural Indians were often paid and sometimes forced to undergo vasectomies, leading to the sterilization of more than 6 million people within one year.⁹² The people of India are still offered financial incentives to undergo sterilization today.⁹³ Prenatal sex-selection in favor of male children is also a common practice,⁹⁴ exacerbating population problems due to skewed male-female ratios. According to the 2011 Indian Census, there are 914 females (aged 0-6) for every 1000 males of the same age—an imbalance that is attributed to a culture of son preference and increasing access to prenatal screening.⁹⁵

3. Vietnam

Starting in the 1960s, Vietnam enforced a two-child policy, which was abandoned in 2003.⁹⁶ The government considered reviving the policy in 2008.⁹⁷ There is evidence that the government

⁸⁵ Census of India, <http://www.censusindia.gov.in> (last visited Oct. 5, 2012).

⁸⁶ See, e.g., *India's population to surpass China's by 2025*, THE HINDU, Apr. 16, 2011, available at <http://www.thehindu.com/news/national/article1701790.ece>.

⁸⁷ United Nations Population Fund – India, *Population Development*, available at <http://india.unfpa.org/drive/PopulationandDevelopment.pdf>.

⁸⁸ NRHM Objectives, <http://chcupputhara.wordpress.com/2011/12/04/nrhm-objectives/> (last visited Oct. 5, 2012).

⁸⁹ United Nations Economic and Social Commission for Asia and the Pacific, *India: National Population Policy*, available at http://www.unescap.org/esid/psis/population/database/poplaws/law_india/india1.htm.

⁹⁰ National Commission on Population (Government of India), *National Population Policy 2000 – Introduction*, http://populationcommission.nic.in/npp_intro.htm (last visited Oct. 5, 2012).

⁹¹ HVISTENDAHL, *supra* note 76, at 87–88. For a discussion of Indira Gandhi's population policies, see MATTHEW CONNELLY, *FATAL MISCONCEPTION* 221–22, 227–28, 317–19, 324–26 (2008).

⁹² HVISTENDAHL, *supra* note 76, at 88.

⁹³ See *Rajasthan men being duped into sterilisation: NGOs*, THAINDIAN NEWS, Mar. 10, 2011, available at http://www.thaindian.com/newsportal/uncategorized/rajasthan-men-being-duped-into-sterilisation-ngos_100512480.html; Jim Yardley, *India Tries Using Cash Bonuses to Slow Birthrates*, N.Y. TIMES, Aug. 21, 2010, available at <http://www.nytimes.com/2010/08/22/world/asia/22india.html>; Apurva, *In Rajasthan, get sterilised, grab a chance to win Nano*, INDIAN EXPRESS, July 2, 2010, available at <http://www.indianexpress.com/news/in-rajasthan-get-sterilised-grab-a-chance/811766/>.

⁹⁴ *The Worldwide War on Baby Girls*, THE ECONOMIST, Mar. 4, 2010, available at <http://www.economist.com/node/15636231>.

⁹⁵ *India's Sex Ratio: Sons and Daughters*, THE ECONOMIST, Apr. 4, 2011, available at http://www.economist.com/blogs/dailychart/2011/04/indias_sex_ratio.

⁹⁶ Ian MacKinnon, *Vietnam plans return to two-child policy to tackle population growth*, THE GUARDIAN, Nov. 21, 2008, available at <http://www.guardian.co.uk/world/2008/nov/21/vietnam-population-baby-boom>.

⁹⁷ *Id.*

of Vietnam is currently involved in coercive reproductive health programmes in the Central Highland Mountains. The Montagnard Foundation asserts that “the ongoing allegations and personal testimony of Degar Montagnard people indicate that abuse has occurred and continues today in 2012 and such abuse includes forced surgical sterilization.”⁹⁸ The government informs its people that “surgical sterilization is a way to save themselves,” so that “they could have enough food to eat or maintain their population.”⁹⁹ In the same report, the Montagnard population describes how they are pressured and manipulated. Women are offered financial incentives to undergo sterilisation and are not aware of the risks of the procedure.¹⁰⁰

4. Cambodia

A report issued by the government of Cambodia states that a “specific recommendation for advocacy is to promote a small family norm to help reduce fertility and population growth rates and improve levels of human resources development.”¹⁰¹ The government maintains that “appropriate BCC [Behaviour Change Communication] and advocacy strategies are also needed for users and providers of family planning services to address the high level of unmet need for family planning.”¹⁰²

IV. People as the solution, not the problem

A. Demographic problems posed by a changing population structure

The world’s population has reached 7 billion.¹⁰³ The Population Estimates and Projections Section of the Population Division of the UN Department of Economic and Social Affairs predicts that the world’s population will reach 10 billion by 2083.¹⁰⁴ This is largely due to an increase in the average lifetime expectancy, and has occurred even though the fertility rate has declined.¹⁰⁵ Between 1950 and 2010, life expectancy in more developed countries grew by 11 years, by 26 years in less developed regions, and by 19.5 years in

The growth in the world's population is largely due to an increase in the average lifetime expectancy, and has occurred even though the fertility rate has declined.

⁹⁸ MONTAGNARD FOUNDATION, INC., ALTERNATIVE REPORT TO THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD) FOR ITS 80TH SESSION REVIEW OF VIETNAM (2012), *available at* www.montagnard-foundation.org/pdf/CERD_MFI_Report_February1012.pdf.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ The Royal Government of Cambodia Ministry of Planning, *Population and Poverty in Asia and the Pacific, Country Report: Cambodia* iii (Sept. 2002), *available at* <http://www.un.org.kh/unfpa/dcs/Populationandpoverty.pdf>.

¹⁰² *Id.*

¹⁰³ See POPULATION 2011, *supra* note 1, at 1.

¹⁰⁴ Population Estimates and Projections Section, Population Division, United Nations Department of Economic and Social Affairs, Frequently Asked Questions, World Population Prospects, the 2010 Revision, http://esa.un.org/wpp/Other-Information/pr_faq.htm (last visited Oct. 5, 2012).

¹⁰⁵ POPULATION 2011, *supra* note 1, at 3–4; JULIAN SIMON, THE ULTIMATE RESOURCE II: PEOPLE, MATERIALS, AND ENVIRONMENT 228–29 (1998).

the least developed countries.¹⁰⁶ One economist considers this decrease in the world's death rate "our victory against death, our advancing march toward life being ended mainly by the diseases of old age" and a "triumph of human mind and organization over the raw killing forces of nature."¹⁰⁷

Focusing solely on current and projected population numbers in addition to how rapidly the population has grown ignores problems posed by changing global demographics. In developing countries, the total fertility rate (TFR), which "represents the average number of children born per woman over the course of her childbearing years,"¹⁰⁸ is falling faster than ever observed in developed countries.¹⁰⁹ For example, in East Asia the total fertility rate was 6.0 in 1950 and is now 1.6, and in Central America the rate has dropped from 6.7 in 1950 to 2.6 today.¹¹⁰ In many developed countries, the total fertility rate is well below the replacement level of 2.1,¹¹¹ with a rate of 1.7 in more developed regions.¹¹² While 80 million people are added to the world each year because high birth rates in the 1950s and 1960s expanded base populations around the world,¹¹³ the increase in life expectancy combined with the decline in the TFR means that the demographic distribution is uneven. The "graybe boom" signifies that the number of elderly people has increased dramatically; the median age in the U.S. was 30 in 1950 and 35 in 2000, and is expected to be 40 in 2050.¹¹⁴ In Europe it was 29 in 1950 and 38 in 2000, and will be 48 in 2050. In Japan, the projection is even bleaker, going from 22 in 1950 to 41 in 2000 to 53 in 2050.¹¹⁵ An increasingly aging population means that there will be more older persons than children in 2045; however, this has been the case since 1998 in more developed regions.¹¹⁶ The proportion of older persons will be double that of children by 2050 in developed regions.¹¹⁷ Even in the least developed countries, where fertility rates are higher than in the developed world, changes in the age distribution will accelerate, with the proportion of children decreasing from 40 percent in 2009 to 27 percent in 2050, and the proportion of persons over 60 increasing from 5 percent in 2009 to 11 percent in 2050.¹¹⁸

The aging of the population around the world has serious consequences. Pensioners will be supported by an increasingly smaller number of workers, resulting in higher taxes or other measures to continue to support older persons.¹¹⁹ While there will be fewer children and thus

¹⁰⁶ POPULATION 2011, *supra* note 1, at 30.

¹⁰⁷ SIMON, *supra* note 105, at 229.

¹⁰⁸ BEN WATTENBERG, FEWER: HOW THE NEW DEMOGRAPHY OF POPULATION WILL SHAPE OUR FUTURE 8 (2004).

"If the average woman in a given country bears three children, the TFR for that country is 3.0." *Id.*

¹⁰⁹ WATTENBERG, *supra* note 108, at 5.

¹¹⁰ POPULATION 2011, *supra* note 1, at 4.

¹¹¹ WATTENBERG, *supra* note 108, at 9. The replacement level is 2.1 because it takes two children to replace the mother and father, plus an additional tenth to account for children who do not reach reproductive age. *Id.*

¹¹² See POPULATION 2011, *supra* note 1, at 116–21.

¹¹³ POPULATION 2011, *supra* note 1, at 4.

¹¹⁴ WATTENBERG, *supra* note 108, at 117. See also World Population Ageing 16–17.

¹¹⁵ WATTENBERG, *supra* note 108, at 117.

¹¹⁶ DEP'T ECON. & SOC. AFFAIRS, WORLD POPULATION AGEING 2009 viii, available at http://www.un.org/esa/population/publications/WPA2009/WPA2009_WorkingPaper.pdf [hereinafter AGEING]. See also *id.* at 15.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.* at 2, 17–22. See also WATTENBERG, *supra* note 108, at 115–33.

fewer children that depend on society for education, health care, and other financially burdensome costs, those costs are lower than the costs of caring for older persons.¹²⁰ Furthermore, a decreasing domestic population means fewer customers, less demand for goods and services and diminished prospects for local and global businesses.¹²¹ Economies are also impacted by skill and manpower shortages; fewer workers are available as the population shifts to older age brackets.¹²² Currently rapidly growing economies such as China, Russia, and India will be adversely affected by falling fertility rates.¹²³

One of the expressed aims of population control programs is to reduce strain on the environment by limiting the number of people using resources and contributing to carbon emissions. In China, however, falling fertility rates due to the one-child policy have negatively impacted the environment.¹²⁴ In addition to facing the problems of an aging population, China is also in the midst of an environmental crisis.¹²⁵ Now that parents only have one dependent, the result is that standards of living have increased significantly.¹²⁶ One-fourth of the population has entered the middle class due to the fact that parents only have to dedicate resources to one child.¹²⁷ The Chinese are consuming more food, energy, and goods than ever before, and China has become the world's leader in carbon dioxide emissions.¹²⁸ The depletion of natural resources and tremendous increase in pollution in China demonstrates that population reduction is not a means to better environmental stewardship. In fact, it may result in the opposite outcome by disproportionately increasing consumption levels.

Thus, the solution cannot simply be to reduce the number of people on Earth, whether through the provision of family planning services or through other means.

B. Violations of international law and the spirit of the Earth Summit

According to William McGurn, journalist and current columnist at the Wall Street Journal, “the idea that development requires poor nations to limit their populations” directly results in the “horrors of population control in Asia”—forced abortion, sterilization, and infanticide.¹²⁹ The very first principle of the Rio Declaration is that humans are at the center of concerns for sustainable development.¹³⁰ This means that sustainable development policies and programs must reflect what is best for the person. Furthermore, they must be “in conformity with human

¹²⁰ AGEING, *supra* note 116, at 2.

¹²¹ WATTENBERG, *supra* note 108, at 136.

¹²² Nicholas Eberstadt, *The Demographic Future: What Population Growth—and Decline—Means for the Global Economy*, 89 FOREIGN AFFAIRS 56–58 (Nov./Dec. 2010).

¹²³ *Id.* at 58–62.

¹²⁴ See Kenneth R. Weiss, *China's population and economy are a double whammy for the world*, L.A. TIMES, July 22, 2012.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ William McGurn, *Population and the Wealth of Nations*, FIRST THINGS, Dec. 1996, available at <http://www.firstthings.com/article/2007/11/004-population-and-the-wealth-of-nations-10>.

¹³⁰ *Rio Declaration*, *supra* note 6, Principle 1.

rights and fundamental freedoms and consistent with national laws and cultural and religious values.”¹³¹ Policies aimed at coercing people to have fewer children than they would have otherwise, for sustainable development reasons or any other reason, violate Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which guarantees women the right “to decide freely and responsibly on the number and spacing of their children.”¹³² The International Covenant on Civil and Political Rights provides in Article 7 that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”¹³³ The Human Rights Committee, which monitors the ICCPR and does not issue binding recommendations or interpretations, has expressed concern about forced sterilization and forced abortion in the context of Article 7.¹³⁴ Article 7 of the Rome Statute of the International Criminal Court categorizes “enforced sterilization” as a “crime against humanity.”¹³⁵

Coercive population control policies are not the only alarming form of population-related policies. A more subtle approach by governments and activists involves attempts to “override” or “manipulat[e] people’s choices through offering them only some opportunities (the means of family planning) while denying others, no matter what they would have themselves preferred.”¹³⁶ When countries choose to divert funding from other public services to the provision of family planning services, it “reduces the choices open to parents.”¹³⁷ Instead, a “collaborative” approach respects people’s rational decisions, which they make assisted by public policies focused on education, health, economic well-being, and family planning.¹³⁸

Where such public policies are in place, people are more able to escape poverty. Population-reduction policies reject the reality that it is poverty, not population, that causes problems. As noted in the 2012 Millennium Development Goals Report, poverty eradication is possible “if the conditions in which extreme poverty thrives continue to be addressed: poor health and lack of education that deprive people of productive employment; environmental resources that have been depleted or spoiled; and corruption, conflict and bad governance that waste public resources and discourage private investment.”¹³⁹ Reducing the population does not address and ameliorate the root causes of poverty outlined by the report. It only provides a simple equation that does not add up: reducing the number of poor people does not necessarily reduce poverty or its causes.

¹³¹ *JPOI*, *supra* note 9, ¶ 54.

¹³² CEDAW, *supra* note 73, art. 16(1)(e).

¹³³ International Covenant on Civil and Political Rights art. 7, *opened for signature* Dec. 19, 1966, 999 U.N.T.S. 171.

¹³⁴ See Human Rights Committee, *General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women)*, ¶ 11, U.N. Doc. CCPR/C/21/Rev.1/Add.10 (Mar. 29, 2000).

¹³⁵ Rome Statute of the International Criminal Court art. 7, July 17, 1998, 37 I.L.M. 999.

¹³⁶ Amartya Sen, *Population: Delusion and Reality*, in *THE NINE LIVES OF POPULATION CONTROL* 101, 107 (Michael Cromartie ed., 1995).

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ UNITED NATIONS, *THE MILLENNIUM DEVELOPMENT GOALS REPORT 7* (2012), *available at* <http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2012/English2012.pdf>.

C. Rational fertility

It is clear that coercive population control is not an appropriate or legal policy for governments. For a number of reasons, it is also unnecessary. Historically, people have been able to make their own rational decisions about the number of children that they have; they have foresight and can evaluate their future abilities to provide for their families.¹⁴⁰ The biggest determinant of family size is how many children women say they want.¹⁴¹ People make decisions about family size taking into consideration their own financial situations and the other resources available to them¹⁴²; this is evidenced by the fact that actual fertility rarely reaches fecundity, or potential

The biggest determinant of family size is how many children women say they want.

fertility.¹⁴³ This rational exercise of fertility enhances people's ability to stay out of poverty. They are also able to "alter the limit" by increasing the resources available to them.¹⁴⁴ For example, they build another

school when the local school becomes full.¹⁴⁵ People in rural or developing areas often choose to have more children than those in developed areas, and this is not because poor people breed "naturally," like flies or rats.¹⁴⁶ Matthew Connelly, Professor of History at Columbia University, notes, "When many infants do not survive to adolescence, and those who do survive can pay their own way, it is sensible for couples to have many children, especially when they depend on their offspring for support in old age."¹⁴⁷ On the other hand, when children are considered costly, parents choose to have fewer.¹⁴⁸

D. The Earth's greatest resource

In 1980, Paul Ehrlich, author of *The Population Bomb*, and Julian Simon, then an environmental economist and Professor of Business Administration at the University of Maryland, made a famous wager about the prices of commodity metals over the next ten years.¹⁴⁹ In 1990, Simon won the Simon-Ehrlich wager, as he correctly predicted that the prices of the five selected metals would decrease, instead of increase, Ehrlich's prediction.¹⁵⁰ Ehrlich had argued that overpopulation was leading to depletion of the Earth's resources, and Simon countered that

¹⁴⁰ SIMON, *supra* note 105, at 240. See also Amartya Sen, *Population: Delusion and Reality*, in *THE 9 LIVES OF POPULATION CONTROL* 101, 107 (Michael Cromartie ed., 1995).

¹⁴¹ Nicholas Eberstadt, Henry Wendt Chair in Political Economy, American Enterprise Institute, Presentation at the World Youth Alliance International Solidarity Forum (Apr. 17, 2012); Lant H. Pritchett, *Desired Fertility and the Impact of Population Policies*, 20 *POP. & DEV. REV.* 1, 2 (Mar. 1994).

¹⁴² SIMON, *supra* note 105, at 240; JACQUELINE KASUN, *THE WAR AGAINST POPULATION: THE ECONOMICS AND IDEOLOGY OF POPULATION CONTROL* (1988) 61–63.

¹⁴³ SIMON, *supra* note 105, at 242.

¹⁴⁴ *Id.* at 240.

¹⁴⁵ *Id.*

¹⁴⁶ See SIMON, *supra* note 105, at 239.

¹⁴⁷ MATTHEW CONNELLY, *FATAL MISCONCEPTION* 23 (2008). See also KASUN, *supra* note 142, at 63–64.

¹⁴⁸ CONNELLY, *supra* note 147, at 23; KASUN, *supra* note 142, at 63–64.

¹⁴⁹ John Tierney, *Betting on the Planet*, *N.Y. TIMES MAG.*, Dec. 2, 1990, available at <http://www.nytimes.com/1990/12/02/magazine/betting-on-the-planet.html?pagewanted=all&src=pm>.

¹⁵⁰ *Id.*

human ingenuity would create substitutes when necessary.¹⁵¹ The result of the wager was an indication that resources are not as scarce as Ehrlich had claimed, given that the population increased by 800 million while the amount of metals on the planet did not increase.¹⁵² One article explains the reason Simon won:

Prices fell for the same Cornucopian reasons they had fallen in previous decades – entrepreneurship and continuing technological improvements. Prospectors found new lodes [. . .]. Thanks to computers, new machines and new chemical processes, there were more efficient ways to extract and refine the ores for chrome and the other metals. For many uses, the metals were replaced by cheaper materials [. . .].¹⁵³

Julian Simon explained that humans are able to discover “new deposits, new ways of extracting the resource, and new substitutes for the resource.”¹⁵⁴ He continued, “And the more people there are, the more minds that are working to discover new sources and increase productivity, with raw materials as with all other goods.”¹⁵⁵

This anecdote about the Simon-Ehrlich wager demonstrates Principle 2 of the ICPD Programme of Action, that humanity’s creativity is the Earth’s greatest resource.¹⁵⁶ This requires optimism about people and their ability to contribute to the betterment of society, in place of the pessimistic view that growing population results in increased poverty and depletion of natural resources.

E. Humanity’s creativity in action

Julian Simon found that “[t]he most important economic effect of population size and growth is the contribution of additional people to our stock of useful knowledge. And this contribution is

“The most important economic effect of population size and growth is the contribution of additional people to our stock of useful knowledge. And this contribution is great enough in the long run to overcome all the costs of population growth.”

great enough in the long run to overcome all the costs of population growth.”¹⁵⁷ When faced with population-related problems, “[w]e will respond to conditions, whether that will involve zoning to prevent overcrowding, or adding people—probably immigrants—where people are needed and wanted. We are a responsive species.”¹⁵⁸ This basic theory—that humans are creators and problem-solvers and respond to challenges with their

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ SIMON, *supra* note 105, at 277.

¹⁵⁵ *Id.*

¹⁵⁶ See ICPD Report, *supra* note 11, Ch. I, Res. 1, Annex, Ch. 2, Principle 2.

¹⁵⁷ SIMON, *supra* note 105, at 257.

¹⁵⁸ WATTENBERG, *supra* note 108, at 157.

creativity, rather than continuing to “destroy”¹⁵⁹—highlights the incredible value of humanity. This human creativity can provide limitless opportunities to eliminate poverty and poverty-induced problems.

Human creativity is evident in many areas, and the pattern is the same: as the population increases, there are short-term negative effects as the existing resources are overtaxed.¹⁶⁰ Then human ingenuity steps in and presents solutions.¹⁶¹ For example, in the area of food supply, a growing population drives up prices in the short run because of increased scarcity, but these higher prices attract potential entrepreneurs who create new solutions, which then causes prices to decrease.¹⁶² The supply of food has increased,¹⁶³ despite Ehrlich’s claim that “the world is rapidly running out of food.”¹⁶⁴ This increase resulted from improvements in agricultural knowledge due to research and development and from a better transportation network that can deliver food efficiently and quickly.¹⁶⁵ An increase in population also corresponds to an increase in agricultural output because of an increase in farmed land.¹⁶⁶ The increase in the amount of land that is farmed is people’s response to the need for more food as the population grows.¹⁶⁷ This has occurred in Ireland, China, and Burma.¹⁶⁸ The amount of available arable land is ever increasing because people improve poor land, including reclaiming wasteland.¹⁶⁹ This is combined with increasing productivity of food per unit of land, with higher crop yields, resulting in less need for agricultural land.¹⁷⁰

Furthermore, when the population or the income level of a country grows, there is more demand for the invention and development of capital goods, such as machinery, tools, and factories.¹⁷¹ While demand increases due to a larger population, so does supply, because there are more potential inventors and developers of the needed capital goods.¹⁷² Since people need tools to create other goods, the introduction of capital goods facilitates the creation and provision of goods and services to the population.¹⁷³

An increasing population also requires improved transportation infrastructure and networks, and it makes investment in transportation more cost-effective.¹⁷⁴ When the population grows, the

¹⁵⁹ SIMON, *supra* note 105, at 56.

¹⁶⁰ *Id.* at 73.

¹⁶¹ *Id.*

¹⁶² *Id.* at 73.

¹⁶³ *Id.* at 66; Amartya Sen, *Population: Delusion and Reality*, in *THE 9 LIVES OF POPULATION CONTROL* 101, 112–14 (Michael Cromartie ed., 1995).

¹⁶⁴ EHRLICH, *supra* note 45, at 18.

¹⁶⁵ SIMON, *supra* note 105, at 66.

¹⁶⁶ *Id.* at 284.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.* at 284–85.

¹⁶⁹ *Id.* at 97.

¹⁷⁰ *Id.* at 96–97.

¹⁷¹ *Id.* at 250.

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *Id.* at 252–53.

transportation system is overtaxed, causing problems in the short term.¹⁷⁵ However, responding to these conditions, businesses, the government, and private citizens invest in and create new roads and facilities.¹⁷⁶ While this is expensive, it ultimately leads to more economic growth and facilitates communications;¹⁷⁷ transportation is critical to any economy because it carries products, people, and messages.¹⁷⁸ For instance, an effect of improved transportation is a decrease in disease and famine since people have easier and cheaper access to goods.¹⁷⁹ On the other hand, where the population is sparse, good transportation is not necessarily economical and thus transportation is consistently poorer in those locations.¹⁸⁰

F. Hong Kong

The case of Hong Kong demonstrates that it is not the population or population density of a country that determines its success or lack thereof. For example, Hong Kong was extremely crowded in the 1950s, where “[d]ensity was at a rate of two thousand persons to an acre in single-story huts [with] no sanitation,” yet it is now a symbol of economic development and opportunity.¹⁸¹ William McGurn states that “[t]he lesson Hong Kong teaches is that there is no fixed level of resources, no natural capacity, no predefined limit to what people might do if given the opportunity to exercise the real factors in development: enterprise, creativity, and risk.”¹⁸²

This combination—enterprise, creativity, and risk—is what has caused economists, rather than promoting population decrease policies, to recognize that “in an open economy individuals produce more than they consume.”¹⁸³ Economists recognize “the triumph of the human mind when given the freedom to innovate and respond.”¹⁸⁴

G. Japan

Japan is another example of a country that attained very high levels of economic growth and development with a high population density,¹⁸⁵ little arable land, and virtually no natural resources.¹⁸⁶ The emergence of Japan as a global economic powerhouse is largely due to the success of the free market and minimal government intervention in the post-war period.¹⁸⁷ According to economist and former Senior Policy Analyst for Heritage Foundation Katsuro Sakoh, the Japanese economy benefits from a high degree of individual freedom that is

¹⁷⁵ *Id.* at 253.

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ *Id.* at 252.

¹⁷⁹ *Id.* at 70, 253.

¹⁸⁰ *Id.* at 253–54.

¹⁸¹ McGurn, *supra* note 129.

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ See United Nations Statistics Division, World Statistics Pocketbook: Japan, <http://data.un.org/CountryProfile.aspx?crName=JAPAN> (last visited Oct. 5, 2012).

¹⁸⁶ Katsuro Sakoh, *Japanese Economic Success: Industrial Policy or Free Market?*, 4 CATO J. 521, 537 (1984).

¹⁸⁷ *Id.*

conducive to the maximization of human capital.¹⁸⁸ The flourishing of the economy in post-war Japan came about as a result of the fact that “[f]or the first time practically any Japanese, regardless of age, class, or family background could venture into business, and succeed if the elements of hard work, imagination, willingness to take risks, and luck were present.”¹⁸⁹ Sakoh notes that although favorable international conditions at the time were important contributors to Japan’s success, it was neither the low prices of raw material imports nor the existence of an open world market for Japanese goods that produced the economic miracle.¹⁹⁰ He emphasizes that the success of Japan’s economy is not the result of any government action or external condition, but is instead due to the efforts of thousands of private firms that aggressively set about importing raw materials and exporting finished products.¹⁹¹ Japan’s economy is thus a testament to the power of a well-educated and ambitious workforce that was able to take advantage of the free market to produce tradable goods to sell the world over.

V. A positive approach to achieving sustainable development

Once again, humanity’s creativity is the Earth’s greatest resource¹⁹² and humans are at the center of concerns for development.¹⁹³ People therefore should not be viewed as a burden; although people contribute to pollution and billions around the world live in poverty, the solution is not to eradicate poor people or reduce the world’s population. Instead, the solution is to eradicate poverty. Further, policies that allow creativity to flourish and that put people at the center of development concerns are essential to achieve sustainable development. A true vision of sustainable development takes into consideration population issues, in addition to environmental impact, but with an understanding of the inherent value of people.

The following vision of sustainable development does not provide comprehensive, detailed policies, but shows some key areas of concern for governments and societies.

A. The importance of access to capital

Michael Fairbanks, an advisor to President Paul Kagame of Rwanda, proposes a model for prosperity, which he defines as “the ability of an individual, group, or nation to provide shelter, nutrition, and other material goods that enable people to live a good life, according to their own definition.”¹⁹⁴ Essential to the achievement of prosperity is access to seven forms of capital:

1. Natural endowments such as location, subsoil assets, forests, beaches, and climate

¹⁸⁸ *See id.*

¹⁸⁹ *Id.*

¹⁹⁰ *See id.* at 538.

¹⁹¹ *See id.*

¹⁹² *See ICPD Report, supra* note 11, Ch. I, Res. 1, Annex, Ch. 2, Principle 2.

¹⁹³ *Rio Declaration, supra* note 6, Principle 1.

¹⁹⁴ Michael Fairbanks, *Changing the Mind of a Nation: Elements in a Process for Creating Prosperity* 270, in *CULTURE MATTERS: HOW VALUES SHAPE HUMAN PROGRESS* (Lawrence E. Harrington & Samuel P. Huntington eds., 2000).

2. Financial resources of a nation, such as savings and international reserves
3. Humanly made capital, such as buildings, bridges, roads, and telecommunications assets
4. Institutional capital, such as legal protections of tangible and intangible property, efficient government departments, and firms that maximize value to shareholders and compensate and train workers
5. Knowledge resources, such as international patents, and university and think tank capacities
6. Human capital, which represents skills, insights, capabilities
7. Culture capital, which means not only the explicit articulations of culture like music, language, and ritualistic tradition but also attitudes and values that are linked to innovation¹⁹⁵

If they are to be prosperous, it is best for people to cultivate and create these forms of capital and to transform lower forms of capital into higher forms of capital. Fairbanks' model for prosperity is instructive because these forms of capital are essential for sustainable development. If a country is investing in these seven forms of capital, its citizens are better able to lift themselves out of poverty. Capital goods, or humanly made capital, are a requirement for the delivery of goods and services to the population.¹⁹⁶ But they are not enough: of critical importance are human capital, which allows for innovation and problem-solving and is the only infinite resource, and institutional capital, which creates conditions favorable to the utilization of human and other forms of capital, and necessarily includes good governance, which ensures that corruption does not block sustainable development. The highest form of capital a country possesses is culture. It is the ideas, beliefs, values, and knowledge that attach meaning to events and make up the mindset that informs each person's actions. Culture is how one interprets what happens to and around him and determines what to do about it or how to react to it. It is culture that informs how each person uses all other forms of capital. A culture that celebrates new life and welcomes the seven billionth person with open arms is the culture that will also encourage and enable that person to excel and innovate to create a prosperous society that looks forward to the next generation.

Development economist Arthur Lewis makes a parallel argument in his 1954 work *Economic Development with Unlimited Supplies of Labor*.¹⁹⁷ Lewis explains that in order for an economy to grow, excess labor must be shifted from the subsistence level (agriculture) to the capitalist sector (manufacturing).¹⁹⁸ When this happens, labor is freed up to focus on generating new capital, and the capitalist sector expands.¹⁹⁹ With this comes a corresponding increase in technical knowledge, which in turn contributes to the increased productivity of the subsistence sector.²⁰⁰ According to Lewis, poor countries are poor because their capitalist sector is small.²⁰¹

¹⁹⁵ *Id.*

¹⁹⁶ *See* section IV *supra*.

¹⁹⁷ *See* Arthur W. Lewis, *Economic Development with Unlimited Supplies of Labor*, 22 MAN. SCHOOL 139 (1954).

¹⁹⁸ *See id.* at 146 – 152.

¹⁹⁹ *Id.*

²⁰⁰ *Id.* at 173.

²⁰¹ *See id.* at 159.

If labor could be channeled into this sector, then it would grow, and the national income would subsequently increase.²⁰²

Lewis' model assumes that there is an unlimited supply of labor available at a subsistence wage in many economies.²⁰³ As a result, his approach is well-suited to responding to a growing global population given his findings that excess labor can be reallocated from one sector to another to produce economic growth. Like Fairbanks, Lewis presents a positive vision of human capital that can be harnessed to achieve growth and development.

B. Government policies

In order to create a national mindset that spurs the promotion and creation of these forms of capital, countries must have “[a]n understanding that wealth is based on insight, sophisticated human capital, and attitudes focused on competition as a force that spurs innovation and fosters human initiative, learning, interpersonal trust, and cooperation.”²⁰⁴ They must also have “[a]n understanding that [a country’s] strategies are not a choice between economic growth and social equity, but that economic growth facilitates social equity and vice versa. The more we invest in people the better the chances for growth for a company and the nation.”²⁰⁵

There must be appropriate political, legal, and economic systems that allow people to be problem-solvers and entrepreneurs—that allow them the freedom to take risks and use their creativity to propose and develop innovations.

Most importantly, there must be appropriate political, legal, and economic systems that allow people to be problem-solvers and entrepreneurs²⁰⁶—that allow them the freedom to take risks and use their creativity to propose and develop innovations. Essential components of these systems are “economic liberty, respect for property, and fair and sensible rules of the market that are enforced equally for all.”²⁰⁷ Political rights and economic freedom foster “[t]he ability to conduct one’s life creatively and productively.”²⁰⁸

Doing Business, an annual publication by the World Bank and the International Finance Corporation, presents an overview of business regulation and property rights protection in 183 countries.²⁰⁹ The Report is premised on the idea that “economic activity requires good rules,” and that good governance allowing for ease of doing business is a crucial factor for economic

²⁰² *Id.*

²⁰³ *Id.* at 140.

²⁰⁴ Fairbanks, *supra* note 194, at 277.

²⁰⁵ *Id.*

²⁰⁶ See *Agenda 21*, *supra* note 7, ¶¶ 30.17–30.30.

²⁰⁷ SIMON, *supra* note 105, at 278.

²⁰⁸ Indur Goklany, *Economic growth and human well-being*, in SUSTAINABLE DEVELOPMENT: PROMOTING PROGRESS OR PERPETUATING POVERTY? 20, 22 (Julian Simon ed., 2002).

²⁰⁹ See WORLD BANK & INT’L FIN. CORP., *DOING BUSINESS 2012: DOING BUSINESS IN A MORE TRANSPARENT WORLD* (2011), available at <http://www.doingbusiness.org/~media/GIAWB/Doing%20Business/Documents/Annual-Reports/English/DB12-FullReport.pdf>.

success.²¹⁰ The basic finding is that countries that are open, free of corruption, and respect property rights, and where it is easy to engage in business and settle legal disputes, allow for the emergence of a profitable business community and thriving economy.²¹¹ The top 20 economies in the world have benefited from the implementation of “effective yet streamlined procedures for regulatory processes such as starting a business [. . .] as well as strong legal protections of property rights.”²¹²

The 2012 Doing Business highlights a positive trend in which more and more developing countries have implemented business regulation reforms in recent years, which bodes well for the growth of their economies.²¹³ For example, sub-Saharan Africa changed their economies’ regulatory environment to make it easier for domestic firms to start up.²¹⁴ 36 out of the 46 sub-Saharan African economies implemented reforms to increase ease of doing business in the period between June 2010 and May 2011.²¹⁵ Greater streamlining of business procedures and heightened protections for property will undoubtedly result in increased economic development for these countries.

C. Other social conditions

An emphasis on the value of the ingenuity of the human person needs to recognize the human person’s health and education needs, as people are generally not able to exercise their ingenuity if they are plagued by problems resulting from living in poverty.²¹⁶ There has already been an incredible increase in the average life expectancy around the world, but people in rural areas and developing countries have a continuing need for the provision of even the most basic health care services.²¹⁷ The provision of maternal health care services, including prenatal and postnatal care and emergency obstetric care, protects mothers, who serve in their families and communities as caretakers, providers, and teachers, and whose health impacts the health of their children.²¹⁸ Reproductive health is essential as well, but not because people need to have smaller families, as many NGOs demand.²¹⁹ Appropriate reproductive health care allows people to determine for themselves the number and spacing of their children, in accordance with the right afforded them by Article 16 of CEDAW,²²⁰ and in respect for both their dignity and their reasoning abilities. Meanwhile, education, which is “an end in itself [and] also adds to human capital and can accelerate the creation and diffusion of technology,”²²¹ in addition to skills training, allows

²¹⁰ *Id.* at 1.

²¹¹ *See id.* at 1–15.

²¹² *Id.* at 5.

²¹³ *See id.* at 2.

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *See* Programme for the Further Implementation of Agenda 21, *supra* note 34, ¶ 30; *Beijing Declaration*, *supra* note 12, ¶ 27; *ICPD Report*, *supra* note 11, Ch. I, Res. 1, Annex, ¶ 1.1; *Agenda 21*, *supra* note 7, ¶ 3.2.

²¹⁷ *See* Agenda 21, *supra* note 7, ¶¶ 6.3–6.9.

²¹⁸ UNFPA, *Safe Motherhood: Stepping Up Efforts to Save Mothers’ Lives*, <http://www.unfpa.org/public/mothers> (June 15, 2012).

²¹⁹ *See* section III *supra*.

²²⁰ CEDAW, *supra* note 73, art. 16(e).

²²¹ Goklany, *supra* note 208, at 21.

people to contribute to achieving economic and social development.²²²

The potential of youth is immeasurable, and investment in young people will produce equally immeasurable returns. Young people aged 24 years and younger currently make up almost half

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of the world's 7 billion people, with 1.2 billion aged 10 to 19 years.²²³ Investment in young people involves ensuring that they “be allowed to develop to their full potential (including healthy physical, mental and spiritual development)” and that they “can

develop, establish and maintain healthy lives.”²²⁴ Youth are disproportionately burdened by economic problems, particularly unemployment.²²⁵ Access to educational opportunities and skills training is thus essential to provide them what they need to succeed.²²⁶

VI. Conclusion

Efforts to achieve sustainable development must put the needs of the human person first. In order to “meet[] the needs of the present without compromising the ability of future generations to meet their own needs,”²²⁷ these efforts must focus on eliminating poverty in order to enable people to live in conditions in which they can flourish. To do so, people must have access to the resources they need to utilize their ingenuity and to make the best decisions for themselves. These resources include access to education, health care, and skills training, and there must be policies that promote the creation of the seven forms of capital, particularly reinvesting gains from lower forms of capital to create higher forms of capital. On the other hand, coercive population policies or policies that emphasize and encourage the reduction of the population are never appropriate because they cannot create solutions to the problems posed by poverty. Governments and societies must choose to invest in the potential of people instead of promoting a world that has fewer people. People are not the problem. People are the solution.

²²² See *Agenda 21*, *supra* note 7, ¶¶ 3.2, 3.6, 3.8(q).

²²³ POPULATION 2011, *supra* note 1, at 10.

²²⁴ *Agenda 21*, *supra* note 7, ¶ 6.23.

²²⁵ See *Agenda 21*, *supra* note 7, ¶ 6.20; International Year of Youth, Fact sheet: Youth employment, *available at* <http://social.un.org/youthyear/docs/youth-employment.pdf>.

²²⁶ See, e.g., *ICPD Report*, *supra* note 11, Ch. I, Res. 1, Annex, ¶¶ 6.14, 11.4.

²²⁷ *Our Common Future*, *supra* note 14, Ch. 2, ¶ 1.