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The United Nations International Conference on Population and Development: Religion, Tradition, and Law in Latin America

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The United Nations International Conference on Population and Development: Religion, Tradition, and Law in Latin America

ABSTRACT

At the 1994 United Nations International Conference on Population and Development, the Vatican, along with several Latin American and Muslim nations, fought against First World nations that sought to include provisions relating to abortion, contraception, sexual education, and women's issues in the Conference's Program of Action. Universal agreement was not reached and several nations, including the Vatican, refused to completely join the Program of Action.

This Note examines the history and theory behind the United Nations population conferences. Against this background, the author examines the 1994 Conference and considers its effect on Latin America by discussing the religion, tradition, and law of Latin America, particularly regarding abortion, contraception, and women's issues. The author also considers Western social problems and argues that First World policies for legalized abortion, easy access to contraceptives and sexual education, and the changing societal role of women will not improve the quality of life in Latin America. The author concludes by briefly considering the 1995 Women's Conference in Beijing and arguing that Latin America's religion, tradition, and law are worth preserving.

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I. INTRODUCTION

When the nations of the world gathered in Cairo in September of 1994, many expected the United Nations International Conference on Population and Development¹ to be "another ho-hum conference on demographics"² that would have little impact.³ Many participants believe, however, that the Conference, together with the Beijing Conference on Women,⁴ has started momentum for change in the laws and social policies of the Third World on the issues of abortion, contraception, and "women's rights."⁵

Past population conferences have sought unsuccessfully to determine whether economic development or family planning is

1. Hereinafter the "Conference," the "94 Conference," or the "Cairo Conference." The 1974 U.N. International Conference on Population shall be referred to as the "Bucharest Conference" or the "74 Conference." The 1984 U.N. International Conference on Population shall be referred to as the "Mexico City Conference" or the "84 Conference." The 1995 U.N. Conference on Women in Beijing shall be referred to as the "Beijing Conference."

2. Deborah Zabarenko, *After Cairo, Surprising Momentum on Population*, Reuters World Service, Oct. 23, 1994, available in LEXIS, News Library, Reuwlid File.

3. *Id.*

4. See *infra* notes 215-23 and accompanying text.

5. *Id.* Some might wonder about the association of population control and the status of women. The connection seems to be that by allowing women greater methods and control of contraception, they will be able to achieve greater equality through increased opportunities for education and employment. These ideas were recognized as early as 1973 when Congress passed the Perry Amendment to the Foreign Assistance Act. The amendment provided for emphasis on programs that would "integrate women into the national economies of developing countries, thus improving their status. . . ." Ruth Dixon-Mueller, *U.S. International Population Policy and "The Woman Question,"* 20 N.Y.U. J. INT'L L. & POL. 143, 154 (1987).

the answer to population control.⁶ The Vatican, while not officially joining the past conferences,⁷ has consistently argued that First World nations should help developing countries through economic growth rather than through family planning.⁸ Perhaps encouraged by the fact that the '94 Conference title included the term "development,"⁹ the Vatican, even before the opening of discussions in Cairo, actively sought to influence the Conference's "Program of Action,"¹⁰ especially with regard to family planning issues.

The Vatican feared that the agenda of First World countries would undermine the church's "fundamental doctrines on the sanctity of life by encouraging abortion and artificial contraception as legitimate means of birth control."¹¹ Furthermore, Pope John Paul II sought to protect the traditional social structure that dominates Latin America.¹² His concerns focused on those who claim to help women "by liberating them

6. Andrew D. Ringel, Note, *The Population Policy Debate and the World Bank: Limits to Growth vs. Supply-Side Demographics*, 6 GEO. INT'L ENVTL. L. REV. 213 (1993); Dixon-Mueller, *supra* note 5, at 143-63; *U.N. Population Conference Held in Cairo*, FACTS ON FILE WORLD NEWS DIG., Sept. 22, 1994, at 675 A2. See also M.G.G. Pillai, *Forging a Brotherhood*, WORLD PAPER, Oct. 1994, at 14. Other conferences such as the United Nations Conference on Environment and Development in Rio de Janeiro, Brazil avoided the issue of population growth because of its highly contentious nature. Ringel, *supra*, at 213-14 ("Such neglect can be partially explained by the divergent perspectives of the developed North and the developing South."). See also *id.* at 214 n.5.

7. Ringel, *supra* note 6, at 214. In Bucharest in 1974 and in Mexico in 1984, the Vatican did not sign the consensus documents. Thomas C. Fox, *Vatican OKs Most of U.N. Document After Cairo Tactics Stir Bitterness*, NAT'L CATH. REP., Sept. 23, 1994, at 8.

8. *U.N. Population Conference Held in Cairo*, *supra* note 6.

9. The 1974 and 1984 conference titles did not include the term "development." *Id.* See also *Report of the International Conference on Population and Development*, at 150, U.N. Doc. A/Conf.171/13 (1994) [hereinafter *Report*]. See also W. Robert Ward, *Man or Beast: The Convention on Biological Diversity and The Emerging Law of Sustainable Development*, 28 VAND. J. TRANSNAT'L L. 823 (1995).

10. Sharon Bond, *Catholic Obstructionism is Misguided*, ST. PETERSBURG TIMES, Sept. 25, 1994, at 5D. The Program of Action is the name of the document produced by the Conference. *Id.*

11. *U.N. Population Conference Held in Cairo*, *supra* note 6. For a history of the opposition of the Catholic Church to abortion and contraception, see DANIEL CALLAHAN, *ABORTION: LAW, CHOICE AND MORALITY* 409-16 (1970).

12. The Pope recently said, "We cannot afford forms of permissiveness that would lead directly to the trampling of human rights, and also to the complete destruction of values which are fundamental not only for the lives of individuals and families but for society itself." POPE JOHN PAUL II, *CROSSING THE THRESHOLD OF HOPE* 208 (Vittorio Messori ed. & Jenny McPhee et al. trans., 1994).

from the prospect of motherhood" by advocating the widespread availability of contraceptives and abortion on demand.¹³

The Vatican was not alone in its concerns, nor its determination. Twenty Moslem and Latin American nations supported the church's firm stance and some agreed to join the Program of Action in only "a partial manner."¹⁴ Latin American Catholic countries like Argentina, Honduras, Guatemala, Uruguay, El Salvador, and Ecuador stood behind the Vatican's objections to the Program of Action.¹⁵

Going into the Conference, the United States actively prepared to argue the abortion issue,¹⁶ which furthered the perception among Third World countries that the West intended to impose "its standards, mores, and attitudes" on the rest of the world.¹⁷ While accused by some of hijacking the Conference,¹⁸ the Vatican sought to participate in the international effort in order to improve conditions in developing countries and to maintain an environment that encouraged Catholics to support the church's ban on abortion and birth control, as well as protect the sanctity of the family.¹⁹ In firmly protecting the doctrines of the church, the Vatican became the defender of many Latin

13. *Id.* at 207. The Vatican is particularly alarmed with the estimation that worldwide there are 50 million pregnancies terminated artificially each year, which is comparable in number to the population of France. John-Thor Dahlburg, *Faith & Practice, A Changing World Puts Abortion in the Spotlight*, L.A. TIMES, Jan. 24, 1995, World Report sec., at 1. See also *supra* note 5.

14. U.N. Population Conference Held in Cairo, *supra* note 6. See also Fox, *supra* note 7.

15. *Eight Countries this A.M. Join Vatican Rejection*, AM. POL. NETWORK, Sept. 7, 1994 (citations omitted); Michael Huggins, *Abortion Debate Ends at U.N. Conference*, UPI, Sept. 7, 1994, available in LEXIS, News Library, UPI File. See also *infra* note 51.

16. See *infra* notes 31-41 and accompanying text.

17. Pillai, *supra* note 6.

18. Don Hopey, *Population Boom Affects the Earth*, PITTSBURGH POST-GAZETTE, Oct. 10, 1994, at A8. See Doris Anderson, *Women Pry Open U.N. Conferences*, TORONTO STAR, Nov. 21, 1994, at A21.

19. As has been attempted since the first conference meeting in 1974, there was an effort at the '94 Conference to expand the availability of contraceptives, which already are readily available in the West. In contrast, the Vatican advocates birth control only by "natural methods." Artificial contraception is believed to undermine the stability of the family. Bond, *supra* note 10. The Pope has said, "[A]s the family goes, so goes society." Philip Pullella, *Pope Warns of Effects of Family Breakdown*, Reuters World Service, Oct. 25, 1994, available in LEXIS, News Library, Reuwlid File. Shortly after the Conference, Pope John Paul II stated, "You know how much we insisted . . . so that the recent international conference in Cairo would recognize the family as the sanctuary of human communion and life and assure its protection from all attempts to pervert its natural structure." Paul Holmes, *Pope Says "Divine" Family Structure Under Threat*, Reuters World Service, Sept. 18, 1994, available in LEXIS, News Library, Reuwlid File.

American countries' cultures, traditions, and legal systems from the social and political movements of the United States and Europe.²⁰

While all parties to the Conference seem to have good intentions, First World countries, arguably, are encouraging Latin America and other Third World nations to trade their cultures, traditions, and laws for First World problems and relief from a supposed overpopulation crisis.²¹ This Note argues that by imposing First World values on Latin America in the name of improving the quality of life, the developed world might force a change that in fact adversely affects the quality of life in Latin America. First World nations should first examine the socioeconomic crises that plague their communities before imposing cultural and social change on the Third World.

First, this Note will discuss the history of the United Nations population conferences and the theories behind them. This analysis will cover the '94 Conference's Program of Action and the Vatican's role in negotiating the terms of the agreement on the issues of abortion and family planning. Second, this Note will consider the possible impact of the Conference on Latin America in light of current Latin American law, public opinion, and the Vatican's influence on Latin American legislatures. Third, this Note will analyze the West's answers to Third World problems by comparing First World societies with Latin America. The final section of this Note will consider the 1995 United Nations Conference on Women in Beijing and the future of social change in Latin America.

II. THE 1994 UNITED NATIONS INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT

A. *The 1974 and 1984 Population Conferences*

Beginning with the 1974 Conference in Bucharest, the United Nations has held a conference each decade to discuss issues of world population.²² The 1974 Conference produced the World

20. Abortion is now widely permitted in the United States and in every country of Western Europe, except Ireland and Malta, where it is permitted only to save the life of the mother. Dahlburg, *supra* note 13.

21. See *infra* note 107.

22. Fox, *supra* note 7. For a history of the first two Population Conferences, see generally Jason L. Finkle & Barbara B. Crane, *Ideology & Politics at Mexico City: The United States at the 1984 Conference on Population*, 11 POP. & DEV. REV. 1 (1985).

Population Plan of Action, which "affirmed the right of all couples and individuals to decide freely and responsibly the number and spacing of children and to have the information and means to do so."²³ Ronald Reagan's election to the U.S. Presidency in 1984 brought dramatic change to U.S. family policy. The shift led to great debate in the 1984 International Conference on Population in Mexico City.

Anticipating the '84 Conference's agenda and attempting to cut funding for family planning programs,²⁴ the Reagan Administration utilized its powerful financial and political forces to ensure that abortion would not become the world's answer to population control.²⁵ The Reagan Administration argued that population growth was not itself a block to development and encouraged developing nations to adopt economic policies based on a free market that would stimulate economic growth.²⁶ The

23. Margaret T. Brenner, Note, *International Family Planning*, 8 HOUS. J. INT'L L. 155, 155 n.2 (1985)(citations omitted). The policies advocated by the United States have varied dramatically by decade depending on the administration in office at the time of the population conference. At the 1974 Conference, the United States presented a plan for reducing population growth to replacement level fertility by the year 2000. This was to be accomplished through family planning programs as well as increasing educational opportunities for women. Dixon-Mueller, *supra* note 5. Third World countries at the '74 Conference confronted the developed nations of the West about the unfairness of the "international economic order" that pushed population issues into the background. Finkle & Crane, *supra* note 22.

24. See Gregory H. Fox, *American Population Policy Abroad: The Mexico City Abortion Funding Restrictions*, 18 N.Y.U. J. INT'L L. & POL. 609, 611, 620-21 (1986). See also Sylvia A. Law & Lisa F. Rackner, *Gender Equality and the Mexico City Policy*, 20 N.Y.U. J. INT'L L. & POL. 193, 194 n.3 (1987).

25. Jack R. Payton, *Clinton Reverses American Family-Planning Policy*, ST. PETERSBURG TIMES, Jan. 29, 1993, at 2A.

As President Ronald Reagan stated in his message to [the Mexico City Conference]: "We believe population programs can and must be truly voluntary, cognizant of the rights and responsibilities of individuals and families, and respectful of religious and cultural values. When they are, such programs can make an important contribution to economic and social development, to the health of mothers and children, and to the stability of the family and of society [T]he United States does not consider abortion an acceptable element of family planning programs."

James L. Buckley, *Statement at the United Nations International Conference on Population, Aug. 8, 1984*, in DEP'T ST. BULL., Dec. 1984, at 80 (quoting President Ronald Reagan). See also Finkle & Crane, *supra* note 22, at 1-2; Sharon Camp, *Impact of the Mexico City Policy on Women and Health Care in Developing Countries*, 20 N.Y.U. J. INT'L L. & POL. 35, 35-41 (1987); Fox, *supra* note 24, at 611-12.

26. Dixon-Mueller, *supra* note 5. The head of the U.S. delegation to the '84 Conference made the following statement to the Conference:

First, and foremost, population growth is, of itself, neither good nor bad. It becomes an asset or a problem in conjunction with other factors, such as economic policy, social constraints, and the ability to put additional men

executive branch also announced a new policy at the '84 Conference that "the United States [would] no longer contribute to separate nongovernmental organizations which perform or actively promote abortion as a method of family planning in other nations."²⁷ Subsequently, the Reagan Administration withdrew funding from the world's two largest international population control organizations, the International Planned Parenthood Fund and the United Nations Population Fund.²⁸ The Reagan Administration's influence was enough to change the course of international momentum on population control policy.²⁹ The '84

and women to useful work The world's developed nations have reached a population equilibrium without compulsion. The controlling factor has been the adjustment, by individual families, of reproductive behavior to economic opportunity and aspiration. Historically, as opportunity and the standard of living rise, the birth rate falls

Buckley, *supra* note 25.

27. *Policy Statement of the United States of America at the United Nations International Conference on Population, July 13, 1984*, in 10 POP. & DEV. REV. 574, 578 (1984).

The Reagan Administration supported an amendment to the Foreign Assistance Act of 1966, initiated by Senator Jesse Helms, that prohibited the use of U.S. funds for abortions or involuntary sterilization. Fox, *supra* note 24, at 609-10. See generally Ringel, *supra* note 6; Rebecca J. Cook, *U.S. Population Policy, Sex Discrimination, and Principles of Equality Under International Law*, 20 N.Y.U. J. INT'L L. & POL. 93, 93-103 (1987).

James L. Buckley, head of the U.S. delegation, explained how the new policy affects U.S. aid:

Over the past decade, the United States has not allowed its population assistance contribution to be used to finance or promote abortion. The present policy tightens this existing restraint in three ways. First, where U.S. funds are contributed to nations which support abortion with other funds, the United States will contribute to such nations through segregated accounts which cannot be used for abortion. Second, the United States will no longer contribute to separate nongovernmental organizations which perform or actively promote abortion as a method of family planning in other nations. Third, before the United States will contribute funds to the [U.N.] Fund for Population Activities, (UNFPA), it will insist that no part of its contribution be used for abortion and will also first require concrete assurances that the UNFPA is not engaged in, and does not provide funding for, abortion or coercive family planning programs.

Buckley, *supra* note 25.

See also Cook, *supra*; Brenner, *supra* note 23, at 156-60; Fox, *supra* note 24, at 609; Ringel, *supra* note 6; *Policy Statement of the United States of America at the United Nations International Conference on Population*, *supra*. For a history of the United States Agency For International Development (USAID), see generally Fox, *supra* note 24, at 611-38.

28. Chet Atkins, *U.S. Must Restore Its Leadership in Family Planning*, STAR TRIBUNE (Minneapolis), Sept. 2, 1991, at 9A.

29. The document was not endorsed by the Vatican. Payton, *supra* note 25.

Conference produced a plan that stated, "[I]n no case should abortion be promoted as a method of family planning."³⁰

B. *The 1994 Conference: The Vatican vs. The First World*

The Reagan-Bush political era ended with the election of President Bill Clinton in 1992. His administration began to change the U.S. government's position set forth at the '84 Conference.³¹ No longer could the Vatican rely on the United States to curb U.N. efforts to control population growth³² through abortion and other methods³³ of family planning.³⁴ In the

30. *Id.* See also Dixon-Mueller, *supra* note 5.

31. On 22 January 1993, the third day of the new U.S. administration (the day that also marked the twentieth anniversary of *Roe v. Wade*, the U.S. Supreme Court decision that liberalized abortions), President Clinton issued a series of five executive orders changing policies concerning abortions adopted by the Reagan and Bush [A]dministrations. Four of these concerned domestic matters; the fifth, taking the form of a memorandum addressed to the Acting Administrator of the Agency for International Development on the subject of 'AID Family Planning Grants/Mexico City Policy,' rescinds the U.S. policy promulgated at the International Conference on Population held in Mexico City in 1984.

Rescision of the US "Mexico City Policy," 19 POP. & DEV. REV. 215-16 (1993).

See also Ringel, *supra* note 6, at 229 n.46 (citing Memorandum on the Mexico City Policy, 29 WEEKLY COMP. PRES. DOC. 88 (Jan. 22, 1993); Memorandum on Fetal Tissue Transplantation Research, 29 WEEKLY COMP. PRES. DOC. 87 (Jan. 22, 1993); Memorandum on the Title X "Gag Rule," 29 WEEKLY COMP. PRES. DOC. 87 (Jan. 22, 1993); Memorandum on Abortions in Military Hospitals, 29 WEEKLY COMP. PRES. DOC. 88 (Jan. 22, 1993); Memorandum on Importation of RU-486, 29 WEEKLY COMP. PRES. DOC. 89 (Jan. 22, 1993); Ann Devroy, *Clinton Cancels Abortion Restrictions of Reagan-Bush Era: "Gag Rule" on Clinics, Federal Ban on Fetal Tissue Research are Lifted*, WASH. POST, Jan. 23, 1992, at A1, A9. As a result of the Clinton Administration's reversal of the Mexico City policy, the International Planned Parenthood Federation (IPPF) recently received a grant from the U.S. government. John M. Goshko, *Planned Parenthood gets AID Grant*, WASH. POST, Nov. 23, 1993 at A12, A13).

Note that while President Clinton was able to unilaterally reverse the Mexico City Policy, Senator Helms' Amendment to the Foreign Assistance Act, *see supra* note 27, remains in effect. Martha Honey, *Mexico's Open Secret*, THE NATION, Sept. 26, 1994, at 310.

32. Atkins, *supra* note 28.

33. *Id.* The use of contraceptives was presumably not the focus of U.S. policy concerns. See Dixon-Mueller, *supra* note 5 (stating that the Reagan Administration supported the dissemination of contraceptives so far as the programs contributed to economic and social development).

34. [T]he U.S. delegation was reasonably confident that the Vatican would take the lead on this issue, as it did by proposing that abortion be "excluded" as a method of family planning. Other governments felt that the language of the Holy See's amendment went too far; they agreed to a compromise, supported by the United States, that abortion "in no case should be promoted as a method of family planning," and calling for

months leading up to the Conference, the Vatican began to attack the Clinton Administration for its policies on abortion,³⁵ family planning, and women's issues.³⁶ The Vatican also publicly accused Vice President Al Gore of trying to put abortion in the Program of Action.³⁷ Joaquin Navarro-Valls, chief spokesperson for Pope John Paul II, reported that the initial draft of the plan included the right of access to "fertility regulation,"³⁸ which the U.N. World Health Organization defined to include abortion.³⁹

Other evidence that the Clinton Administration intended to seek an international right to abortion began to surface. Dee Dee Meyers, Press Secretary of the Clinton Administration, told reporters that the President considered abortion to be "part of the overall approach to population control."⁴⁰ A State Department action cable stated that assuring access to safe abortions was a priority issue for the United States and that "access to safe, legal and voluntary abortion is a fundamental right of all women."⁴¹

Several months before the opening of the Conference in Cairo, and in response to the shift in U.S. policy, the Vatican sought to organize a coalition of nations willing to make a unified effort to keep abortion out of the Program of Action.⁴² For example, in early 1994, Latin American countries joined together in signing the Latin American and Caribbean Consensus On Population and Development⁴³ that provided for "sexual and

"humane treatment and counseling of women who have had recourse to abortion."

Finkle & Crane, *supra* note 22, at 13 (citations omitted). Even though the Vatican took an active part in the negotiations, it was the influence of the United States that ultimately carried the day.

For a history of Catholic birth control policy, see NORMAN ST. JOHN-STEVAS, *THE AGONIZING CHOICE: BIRTH CONTROL, RELIGION AND THE LAW* 13-40 (1971).

35. See also Cook, *supra* note 27, at 114-41 (discussing international legal obligations regarding U.S. population policy).

36. Fox, *supra* note 7. See also Pullella, *supra* note 19; Zabarenko, *supra* note 2; John Leo, *Playing Hardball at Cairo*, U.S. NEWS & WORLD REP., Sept. 19, 1994, at 26.

37. U.N. Population Conference Held in Cairo, *supra* note 6.

38. *Id.*

39. *Id.*

40. Margie Montgomery, *Abortion in Foreign Nations*, COURIER-J. (Louisville), Sept. 7, 1994, at 9A.

41. *Id.* See also Leo, *supra* note 36.

42. See Bond, *supra* note 10. See also Storer H. Rowley, *U.S., Vatican Seeking Compromise on Abortion*, CHI. TRIB., Sept. 7, 1994, at 1.

43. This was one of a series of intergovernmental meetings that was to help prepare for the Conference. *Latin American and Caribbean Consensus on Population and Development*, 19 POP. & DEV. REV. 883 (1993). See also *Population: Trinidad Could Turn Back On Region's ICPD Document*, Inter Press Serv., Aug. 11, 1994, available in LEXIS, News Library, Inpres File.

reproductive health, family planning and safe maternity."⁴⁴ The Catholic Church quickly attacked the Consensus charging that it concealed "forms of support for abortion,"⁴⁵ and soon thereafter some countries broke from the Consensus.⁴⁶ Argentine President Carlos Menem went as far as to promise the Pope that he would push to include anti-abortion language in the Ibero-American Summit the next month.⁴⁷ After great debate,⁴⁸ the nations at the Summit agreed to include a commitment to "respect the right of human life, the right to health and the quality of life of mothers and children. . .[and]. . .to contribute in an [sic] relevant manner" to the Conference in Cairo.⁴⁹ The Pope also turned to Moslem countries for support, including Iran and Libya, which believed that the Program of Action was an attack on "traditional sexual morality."⁵⁰

With a coalition formed by the Vatican,⁵¹ the Catholic delegation to the Conference prepared to battle the world's most

44. *Brazil: Government to Oppose Vatican Policies at Population Conference in Cairo*, Reuter Textline, BBC Monitoring Serv.: Latin America, Aug. 25, 1994, available in LEXIS, World Library, Txtline File (citations omitted). See also *Latin American and Caribbean Consensus on Population and Development*, *supra* note 43.

45. *Brazil: Government to Oppose Vatican Policies at Population Conference in Cairo*, *supra* note 44.

46. *Id.*

47. *Colombia: Ibero-American Summit*, Reuter Textline, BBC Monitoring Serv.: Latin America, June 20, 1994, available in LEXIS, World Library, Txtline File.

48. Spain and Portugal both have laws that allow abortion under certain circumstances. *Id.*

49. *Id.*

Prior to the Conference, Mexico reestablished diplomatic relations with the Vatican after nearly 50 years. The Pope used this as an opportunity to pressure President Carlos Salinas and the Mexican delegation to join the church's stance in Cairo. Honey, *supra* note 31, at 312.

50. *U.N. Population Conference Held in Cairo*, *supra* note 6. See also Fox, *supra* note 7. There was even speculation that a Vatican-Moslem alliance was forming. Jana, the official Libyan news agency, reported that officials from the Vatican and Libya met "on matters of common interest." Jana also reported that the Vatican was willing to trade a Libyan commitment to oppose the Program of Action for the Vatican's continued "efforts to 'find a peaceful solution' to demands by the [United States] and Britain that Libya hand over two Libyans wanted in the 1988 bombing of Pan Am flight 103 over Lockerbie, Scotland." While acknowledging that a representative from the Vatican had met with Libyan and Iranian officials, the Vatican denied the existence of an alliance. *U.N. Population Conference Held in Cairo*, *supra* note 6.

51. The following countries opposed the draft resolution: Afghanistan, Brenei Darussalam, El Salvador, Honduras, Jordan, Kuwait, Libyan Arab Jamaliriya, Nicaragua, Paraguay, Syrian Arab Republic, United Arab Emirates, Yemen, Argentina, Djibouti, Dominican Republic, Ecuador, Egypt, Guatemala, Islamic Republic of Iran, Malta, and Peru. *Report*, *supra* note 9, at 135-51.

powerful nation⁵² and its European allies. With only several Latin American nations and a handful of Moslem countries on his side, the Pope took on the Goliath of Western answers to Third World problems.⁵³ The task was a weighty one: before the Conference began, the 170 represented governments⁵⁴ had approved nearly ninety percent of the Program of Action.⁵⁵ The Vatican's only trump card consisted of the Conference's goal of unanimity—for full agreement among all countries.⁵⁶

The Program of Action. The Vatican took issue with seven chapters of the document that dealt with reproductive rights and abortion.⁵⁷ Of greatest concern was the 25th paragraph of Chapter 8:⁵⁸

In no case should abortion be promoted as a method of family planning. All Governments and relevant intergovernmental and non-governmental organizations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion as a major public health concern and to reduce the recourse to abortion through expanded and improved family-planning services. Prevention of unwanted pregnancies must always be given the highest priority and every attempt should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have ready access to reliable information and compassionate counseling. Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process. In circumstances where abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion counseling, education and family-planning services should be offered promptly, which [would] also help to avoid repeat abortions.⁵⁹

52. Only 10 years earlier, the United States was the Vatican's strongest ally on population issues. See *supra* notes 21-30 and accompanying text.

53. *U.N. Population Conference Held in Cairo, supra* note 6.

54. Huggins, *supra* note 15.

55. Fox, *supra* note 7; *Programme of Action of the International Conference on Population and Development*, U.N. Doc. A/Conf.171/L.5 (1994) [hereinafter *Draft Program of Action*]. See also Nafis Sadik, *Statement to the International Conference on Population and Development, Sept. 5, 1994*, in 20 POP. & DEV. REV. 913, 916 (1994).

56. Sadik, *supra* note 55. Dr. Sadik is the Executive Director of the United Nations Population Fund and was Secretary-General of the Conference. See also Finkle & Crane, *supra* note 22, at 13 (The United States utilized the same threat of lack of consensus to influence the 1984 Conference in Mexico City.).

57. Fox, *supra* note 7; *Report, supra* note 9, at 146-49.

58. Fox, *supra* note 7.

59. *Report, supra* note 9, at 61-62. See also Rowley, *supra* note 42. See generally *Program of Action of the 1994 International Conference on Population and Development*, in 21 POP. & DEV. REV. 187-213, 437-61 (1995).

The Vatican delegation feared that the document carried the message that abortion would be available on demand.⁶⁰ Archbishop Renato Martino, head of the Vatican's delegation, said that the text endorsed "pregnancy termination without setting any limits, any criteria or any restrictions."⁶¹ The Vatican stated: "While the Holy See recognizes that a woman may be faced with serious difficulties in connection [with] a pregnancy, . . . she should be provided with better, higher and free medical assistance, with compassionate counseling, and, if she does not want to keep the child, with access to adoptive services. . . . Such difficulties do not warrant the violation of the right to life."⁶²

The Catholic delegation further criticized the document "for promoting an atmosphere of immoral sexual license, weakening the family and advocating homosexual relationships."⁶³ Agreeing with the Vatican, many Moslem countries expressed concern that the document encouraged extramarital sexual activity because it called "for reproductive rights for individuals instead of couples."⁶⁴ Moslem nations also were troubled by the document's initial use of the phrase "other unions" because they thought it condoned homosexual civil relationships.⁶⁵ Thus, the Vatican successfully brought enough nations together in opposition to the language of the Program of Action to present a challenge to First World nations.

In response, Vice President Gore told the Cairo delegation that the United States did not advocate an international right to abortion.⁶⁶ This was seen as an offer to compromise with the Vatican.⁶⁷ While the Clinton Administration was fully committed to protecting the legality of abortion in the United States, Vice

60. Rowley, *supra* note 42; Fox, *supra* note 7.

61. Huggins, *supra* note 15.

62. *Id.*

63. Fox, *supra* note 7.

64. *U.N. Population Conference Held in Cairo, supra* note 6. Some Moslems thought the Program of Action contradicted the sharia, or Moslem religious law. *Id.* See also Report, *supra* note 9, at 135-51. Benazir Bhutto, Premier of Pakistan, said that the program "tried to impose 'adultery, sex education . . . and abortion' on all countries." Fox, *supra* note 7.

65. *U.N. Population Conference Held in Cairo, supra* note 6. This phrase was ultimately removed from the document. *Id.*

66. *Id.*

67. Fox, *supra* note 7. One critic, calling the Vice President's statement "merely tactical," pointed out that the Clinton Administration had committed \$75 million to the International Planned Parenthood Federation, an international group that seeks universal repeal of abortion laws. Montgomery, *supra* note 40. This represents a reversal of executive policy set forth by the Reagan Administration that prohibited the use of U.S. funds by any organization that advocated or counseled women concerning abortion. See also Dixon-Mueller, *supra* note 5, at 161 n.92.

President Gore explained that the Administration did not support including abortion within the Conference's definition of family planning.⁶⁸ In a further attempt to compromise with the Vatican, Vice President Gore added that while all nations should be able to legalize contraceptives, the Clinton Administration did not seek the universal availability of contraceptives as "a basic human right."⁶⁹

Attempts at compromise continued. Vice President Gore met with the senior delegate from the Vatican and unsuccessfully tried to devise wording acceptable to both.⁷⁰ It was feared that the abortion issue would preclude approval of the twenty-year strategy to control world population that included "empowering women, promoting reproductive health and assuring adolescent sex education and family planning services."⁷¹ As the time for negotiation was coming to a close, the Vatican released a statement by Mother Teresa in which she claimed that abortion was the largest threat to world peace.⁷² Vice President Gore commented that he did not expect the Vatican to sign the Program of Action and that the United States would never reach full agreement with the Catholic Church.⁷³

In a surprise move, the Vatican agreed to endorse the Program of Action in a "partial manner."⁷⁴ Nations that had

68. *U.N. Population Conference in Cairo*, *supra* note 6. At the opening of the Conference, Vice President Gore said,

The United States Constitution guarantees every woman within our borders a right to choose an abortion, subject to limited and specific exceptions. We are committed to that principle. But let us take a false issue off the table: the United States does not seek to establish a new international right to abortion, and we do not believe that abortion should be encouraged as a method of family planning.

Statement of Vice President Al Gore to the International Conference on Population and Development, Addendum to the Report of the International Conference on Population and Development, at 22-27, U.N. Doc. A/Conf.171/13/add 1 (1994) [hereinafter *Addendum*].

69. *Addendum*, *supra* note 68. One commentator, reporting on the negotiations between Vice President Gore and the Vatican, said, "[T]he Cairo population conference will have to go down as one of the oddest adventures of the Clinton Administration. Like many a Clinton saga, it follows the basic Lani Guinier story line: the staking out of a highly controversial position, an attempt to discredit opposition, followed by a quiet collapse and an explanation that 'we never meant to do anything like that at all.'" Leo, *supra* note 36.

70. Rowley, *supra* note 42.

71. *Id.* One of the principal complaints of some delegates was that the Vatican had focused the Conference's efforts on abortion and family planning while there were many other important issues to be addressed. See generally *Report*, *supra* note 9.

72. Rowley, *supra* note 42.

73. *Id.*

74. *Report*, *supra* note 9, at 147-49.

supported the Vatican's stance throughout the Conference and that agreed to join only the sections of the Program of Action approved by the Pope, included the following: Argentina, Honduras, Guatemala, Uruguay, and Ecuador.⁷⁵

After all the arguing and negotiating had concluded, only minor changes had been made in the Program of Action. Some wording had been changed and two sentences had been reversed in order.⁷⁶ In not fully joining the document, the Vatican explained that it could not advocate the concept of "legal abortion" and could not fully endorse the document's plans for reproductive rights and family planning.⁷⁷ In all, the Vatican approved nine of the document's sixteen chapters, intending to join the Conference's views on gender equality, migration,⁷⁸ and the family as "the basic unit of society."⁷⁹

Perhaps as a token of compromise, the U.S. delegation and ultimately the Program of Action⁸⁰ reflected the real and desperate need for development in Third World nations.⁸¹ Those

75. *Eight Countries this A.M. Join Vatican Rejection*, *supra* note 15. For a complete list of parties opposing the resolution, see *supra* note 51.

76. *Eight Countries this A.M. Join Vatican Rejection*, *supra* note 15.

77. Fox, *supra* note 7. In a formal statement to the Conference, the Vatican expressed its reservations about the Program of Action:

Together with so many people around the world, the Holy See affirms that human life begins at the moment of conception. That life must be defended and protected. The Holy See can therefore never condone abortion or policies which favour abortion. The final document, as opposed to the earlier documents of the Bucharest and Mexico City Conferences, recognizes abortion as a dimension of population policy and, indeed of primary health care, even though it does stress that abortion should not be promoted as means of family planning and urges nations to find alternatives to abortion. The preamble implies that the document does not contain the affirmations of a new internationally recognized right to abortion.

....

... Nothing that the Holy See has done in this consensus process should be understood or interpreted as an endorsement of concepts it cannot support for moral reasons. Especially, nothing is to be understood to imply that the Holy See endorses abortion or has in any way changed its moral position concerning abortion or on contraceptives or sterilization or on the use of condoms in HIV/AIDS prevention programmes.

Report, *supra* note 9, at 146-48.

78. Many Latin American nations pushed for the document to include language that would provide immigrants the right to be joined by their families. Many Western nations, including the United States, were successful in limiting the language to agreeing to make efforts "to enhance the integration of the children of long-term migrants." *U.N. Population Conference Held in Cairo*, *supra* note 6.

79. *Id.*

80. See generally *Report*, *supra* note 9.

81. *Addendum*, *supra* note 68 (Statement of Vice President Gore).

countries that approved the Program of Action⁸² seemed to recognize the need for family planning as well as other factors such as health care, nutrition, and economic plans to increase the standard of living.

While some participants argue that the Vatican suffered a loss because the document did not reflect all desired changes, it appears that the Pope was successful in preventing a U.N.-sanctioned mandate for abortion and other social change.⁸³ Without the Vatican's efforts, it is doubtful that the Latin American and Moslem countries would have been able to achieve the same outcome. As one observer noted, the Vatican exerted "clear moral leadership, coming to the aid of poor nations being bullied by one particular rich one."⁸⁴

C. *The Objective: Development vs. Family Planning*

Some commentators say that the 1994 United Nations Conference on Population and Development "was about . . . the earth's capacity to provide for an ever-growing human population."⁸⁵ Others say that besides defusing the "population bomb," the Conference was meant to "improve the rights, education and healthcare of women"⁸⁶ and that the real issue was "the accession of women to equal power."⁸⁷ Finally, some say

82. For a list of countries, see *supra* note 51.

83. Because the Vatican challenged First World nations and "rallied 20 to 30 nations to resist, the Clinton [A]dministration backed down. . . . By week's end, abortion was gone from the document's family planning section, Al Gore was acknowledging national sovereignty and disavowing both the 'fundamental right' language and abortion as population control." Leo, *supra* note 36.

84. *Id.*

85. Hopey, *supra* note 18. See also Robert Wright, *Pope on the Ropes*, NEW REPUBLIC, Oct. 3, 1994, at 6. "Even if swelling populations don't bring poverty or instability, even if food stocks do keep pace, there is no way the [earth] can gracefully absorb an extra 90 million people per year." *Id.* Apparently this thinking is based on the fear that even if development causes some degree of population control, Third World countries will be so developed as not to leave enough resources so that the First World countries will be able to continue their gluttony of consumption and pollution. "Unfortunately, by the time that solution kicks in, residents of the newly developed countries, in addition to being more numerous than now, will bear a closer resemblance to us. [People in the United States] consume a grossly disproportionate share of fossil fuels, gunk, etc., and spew a corresponding quantity of garbage into the air, water and earth." *Id.* But cf. *infra* note 107.

86. Nicholas Schoon, *U.N. Population Conference: Vatican Enters Spirit of Give and Take*, INDEPENDENT, Sept. 14, 1994, at 11.

87. Sylvia Poggioli, *Cairo Population Conference Elevates Status of Women* (All Things Considered, National Public Radio, Sept. 10, 1994). Sister Maureen Fiedler of *Catholics Speak Out* believes the real issue at the heart of the battle is the empowerment of women or "the moral adulthood of women." Sister Maureen

that the central purpose of the Conference was development and that "population growth makes people poor."⁸⁸ Before examining the Conference, it is important to understand why population control is at issue.

Long before the '94 Conference, the international debate over population control polarized into two competing schools of thought.⁸⁹ One view, referred to as the "limits to growth" approach,⁹⁰ advocates an active effort to curb population growth through governmental intervention in the form of family planning programs. The second view is called "supply-side demographics."⁹¹ Its followers believe that population growth will slow as the standard of living improves in developing countries and that any active effort should be limited to encouraging development.⁹²

The Clinton Administration and the majority of nations represented at the Conference subscribe to the limits to growth approach. This school of thought has its origin in Thomas R. Malthus, the English political economist.⁹³ He predicted that population would grow geometrically while food and resources would increase only arithmetically.⁹⁴ Thus, according to his theory, if population growth continues uncontrolled, the earth will reach a theoretical finite capacity of available natural resources and pollution absorption capability.⁹⁵ More recently, Paul R.

Fiedler, *Crossfire* (CNN television broadcast, Sept. 6, 1994) available in LEXIS, News Library, Script File.

"[T]o let a woman decide for herself when and if she should become a mother [is the question]. . . . [I]f she is given that choice—plus health care and education—then she will have some measure of control over her life." Betsy Wright, *Roman Catholics: Explain How You Feel About the Pope*, VA-PILOT & LEDGER STAR (Norfolk), Oct. 8, 1994, at E5.

"[T]he fertility rate depends much more on the number of children a country's women aspire to have [rather] than on the availability of contraceptives. . . . [W]omen's education [is] a proven way to shrink those aspirations." *Id.*

88. Richard Grenier, *The Population and Wealth of Nations*, WASH. TIMES, Sept. 12, 1994, at A19. See also Sister Carol Stovall, *Message Threatens Sanctity of Life*, PALM BEACH POST, Sept. 11, 1994, at 1F.

89. Ringel, *supra* note 6, at 216-29.

For a history of the international population policy debate, see Dixon-Mueller, *supra* note 5, at 145-63.

90. Another author refers to this school of thought as "supply-siders," who believe that family planning services and supplies must be expanded to less developed countries in order to reduce population growth. Dixon-Mueller, *supra* note 5.

91. This group, which has also been referred to as the "developmentalists" or "demand-siders," believes that improving socio-economic conditions in developing countries can lower fertility rates. *Id.*

92. Ringel, *supra* note 6, at 216-29.

93. *Id.*

94. *Id.*

95. *Id.*

Ehrlich attempted to demonstrate the accuracy of Malthus' ideas and predicted that, if uncontrolled, the "population bomb" would lead to malnutrition, starvation, and death.⁹⁶

The so-called "supply-side demographics" argument best represents the Vatican's position.⁹⁷ Considered by some to be a revisionist view,⁹⁸ the theory rejects the limits to growth approach through neoclassical economics: if resources become scarce, the market will respond by inducing inventors to create new technologies that will produce more of the resource or develop a substitute for it.⁹⁹ International groups therefore must encourage development in Third World countries and increase the standard of living.¹⁰⁰ By increasing the standard of living, the fertility rate will naturally reduce itself.¹⁰¹

The supply-side demographics theory was founded in part on the teachings of Lord Bauer. Bauer's approach supports the determination of "the old religions" to remain free from First World influences.¹⁰² According to his theories, the assumption that economic development depends on population is mistaken.¹⁰³ For example, Westerners see news reports of starving people in developing countries and incorrectly look to limiting fertility in hopes of reducing hunger and famine.¹⁰⁴ He wrote:

The supercilious belief that birth control is the salvation of the poor is elitist and misrepresents the natural law. [People react] to [their] surroundings far better than the state can, even in the Third World.

The importance of family, not just as an ideology but in such practical, mundane matters as additional labor on the farm and as insurance for parents in their old age, has guided life for centuries. The church, the mosque and the temple have reinforced the pattern with religious dogma, and there is the perception that it is once again being assaulted by [First World countries] intent on

96. *Id.* (citing PAUL R. EHRLICH, *THE POPULATION BOMB* (Rev. ed. 1971) and PAUL R. EHRLICH & ANNE H. EHRLICH, *THE POPULATION EXPLOSION* (1990)). See generally Paul R. Ehrlich et al., *Food Security, Population, and Environment*, 19 *POP. & DEV. REV.* 1 (1993).

97. Ringel, *supra* note 6.

98. *Id.* See also Fox, *supra* note 24, at 611-12.

99. Ringel, *supra* note 6, at 220.

100. *Id.*

101. "In the meantime, rapid population growth compounds already serious problems and increases the costs and difficulties of economic development. Slowing population growth, however, is not a panacea. Without sound and comprehensive development policies, it cannot in itself solve problems of hunger, unemployment, crowding, or potential social disorder." Buckley, *supra* note 25.

102. Pillai, *supra* note 6.

103. *Id.*

104. *Id.*

imposing [their] standards, mores and attitudes on the Third World.¹⁰⁵

The major difference between the limits to growth approach and the supply-side demographics view consists of how each identifies the symptom and the disease. The first view characterizes population growth as the disease and underdevelopment as the symptom. The latter characterizes underdevelopment as the disease and overpopulation as the symptom.¹⁰⁶ Both argue that the disease must be the focus of treatment, not the symptom.

Clearly, dividing the international debate over population control into two schools of thought oversimplifies matters and, more specifically, obscures the political, religious, and moral debate behind the population theories. For example, the Vatican and the Reagan Administration might very well agree with supply-side demographics, but their main objective is to prevent the use of abortion in family planning and population control. On the other hand, the International Planned Parenthood Federation, the Clinton Administration, and First World countries focus on the freedom, liberty, and equality of women, which they believe includes a fundamental right to abortion. More truthfully articulated, the debate instead involves social, moral, and political disagreements.¹⁰⁷

Viewed in this context, there seems to be some truth to the allegations that the '94 Conference was motivated by First World desires to save the Third World from the traditional constraints of morality and religion.¹⁰⁸ Hidden behind the pronounced objective of controlling population is First World feminism,¹⁰⁹ which, in its

105. *Id.*

106. Dixon-Mueller, *supra* note 5.

107. The debate might not concern a population growth crisis at all. In fact, there is evidence that the earth is capable of producing enough food for eight times the world population predicted for the year 2050. James E. Faust, *First Presidency Message*, ENSIGN OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, Sept. 1995, at 2, 4-5 (citing Stephen Budiansky, *10 Billion for Dinner*, U.S. NEWS & WORLD REP., Sept. 12, 1994, at 25).

108. "Other ways to improve the relative status of women in society [and control population] involve changing the stereotypical role of women dictated by many cultures, religious and social hierarchies." Ringel, *supra* note 6.

109. Some in attendance at the Conference claimed that the initial draft of the Program of Action "had been dictated largely by U.S. and by Western feminist groups." *U.N. Population Conference Held in Cairo*, *supra* note 6.

Calling the Conference the "largest meeting of Planned Parenthood in history," a member of the Vatican delegation blamed feminists for making abortion an issue. The delegate added that the feminists of the 1970s were responsible for abortion being an issue because "newer feminists" are more interested in the environment as well as more "sensitive to the needs of the fetus." Fox, *supra* note 7.

extreme, seeks to liberate women from "unbridled fertility"¹¹⁰ and the traditional roles of wife and mother.¹¹¹

III. ABORTION, CONTRACEPTION, AND WOMEN'S ISSUES—WILL THE CONFERENCE BRING CHANGE TO LATIN AMERICA?

The 1994 Conference in Cairo quickly became a battleground for the international issues of abortion and family planning. The Clinton Administration welcomed the Conference as an opportunity to advocate women's issues, including abortion, in the international community. The Vatican saw the Conference as a moral confrontation against the imposition of "Western permissiveness" on the Third World.¹¹² The Pope called Western efforts to attack traditional family values and to limit births in Third World countries a "form of neo-colonialism."¹¹³

Delegations from all over the world angrily accused the Vatican of standing in the way of social development.¹¹⁴ The smallest recognized country in the world, with a population of 1,000 living on 108 acres,¹¹⁵ held the world hostage as the

110. *Prepared Statement of Cecilia Acevedo-Royals, President, the National Institute of Womanhood Before the Senate Foreign Relations Committee*, Federal News Service, Sept. 27, 1994, available in LEXIS, News Library, Fednew File.

111. Many Western feminists would argue that: "Patriarchal family systems in most societies continue to accord women little control over many aspects of their personal lives. Within the family, women are denied equal rights with men at the time of marriage, during the marriage, and at its dissolution. In society at large, they are denied equal rights in the areas of education, employment and public affairs." Dixon-Mueller, *supra* note 5, at 144 n.4.

112. Philip Pullella, *Huge Crowd Attends Pope's Family Rights Mass*, Reuters World Service, Oct. 9, 1994, available in LEXIS, News Library, Reuwl File.

113. *Id.*

114. Fox, *supra* note 7.

115. Wright, *supra* note 87. See also Bob Hepburn, *Vatican Shelves Abortion Dissent*, TORONTO STAR, Sept. 10, 1994, at A16.

Historically, the Vatican City State is the remnant of the papal states that before 1859 comprised 44,000 square kilometers. Most of the states became part of Italy between 1860 and 1870. The "Holy See" is the supreme organ of government of the Roman Catholic Church. . . . [O]n March 21, 1964, Pope Paul VI established the first Holy See 'permanent observer' mission.

At United Nations world conferences (unlike at the U.N. General Assembly), permanent observers have "a vote."

Although the Vatican is a state, the argument goes, it also is the government of the Roman Catholic Church and thus the church is allowed a vote in the U.N. Conferences. . . . If the Holy See. . . has the right and freedom to exert a religious influence in U.N. affairs as a delegation with observer status, why not any other religion?

Conference attempted to save future generations from starvation and death caused by botched abortions. The Vatican saw itself as the defender of a coalition of nations that lacked the necessary influence to protect themselves alone.

Neither side of the abortion debate seems unconcerned about the increasing reliance on illegal, unsafe abortions in Latin America and the need for improved living conditions in developing countries.¹¹⁶ Both are certain that their plan for dealing with Third World problems is the most effective.

It is ironic that many commentators believe that the Conference would have amounted to little without the Vatican's controversial hard-line.¹¹⁷ Alex Marshall, a spokesperson for the United Nations Population Fund, commented that no one is really very interested in global consensus. Without "His Holiness," the Conference would have gone unnoticed by the world at large. Instead, the controversy and conflict attracted attention and some speculate that it will bring about many of the social changes that the Pope fought to defeat.¹¹⁸ While the intentions of the leaders of the 170 represented nations and 4,000 nongovernmental organizations¹¹⁹ were likely unaffected, the world's public became dramatically more aware of the Conference than if the Vatican delegation had not protested.¹²⁰ Rather than an unsensational conference on demographics, the public saw the Conference as a fight over women's issues, particularly abortion.¹²¹ Now the question is, will the Conference and the surrounding media coverage bring change to Latin America?¹²²

The Program of Action is merely a statement of common goals. It is not a treaty and does not have the force or effect of law or of a United Nations resolution.¹²³ The document states that it does not supersede "national laws or religious beliefs. . . ."¹²⁴

Id. (citations omitted).

116. POPE JOHN PAUL II, *supra* note 12, at 208.

117. See *supra* notes 2-5 and accompanying text.

118. Zabarenko, *supra* note 2.

119. Sadik, *supra* note 55, at 914.

120. See Zabarenko, *supra* note 2.

121. See *id.*

122. See Benjamin V. Viel, *Latin America*, in THE INTERNATIONAL HANDBOOK ON ABORTION 317, 325 (Paul Sachdev ed., 1988).

123. U.N. Population Conference Held in Cairo, *supra* note 6. This is unlike the 1992 United Nations Conference on Environment and Development in Rio de Janeiro, which produced two legally binding documents for signature. However, the United States has not joined these documents. *The "Earth Summit" on Population*, 18 POP. & DEV. REV. 571 (1992).

124. U.N. Population Conference Held in Cairo, *supra* note 6. See also Sadik, *supra* note 55, at 915. Dr. Sadik, Secretary-General of the Conference explained:

Thus, the power of the document is limited to the actual intent of the nations' leaders and the expectations of the public as far as they can influence policymakers.¹²⁵

A. *Abortion in Latin America*

The church has great influence over Latin American public opinion,¹²⁶ particularly on the issue of abortion. While statistics show that many do not obey the laws against abortion, Latin Americans support the church's policy against changing them.¹²⁷ In Guatemala, where hundreds of women die each year from botched illegal abortions, eighty percent of the primarily Catholic country oppose legalizing the procedure.¹²⁸ In Mexico,¹²⁹ where 1,500 women die annually from an estimated 200,000 to 2,000,000 illegal abortions each year,¹³⁰ 65% of Mexicans oppose legalizing abortion.¹³¹ Government leaders in Chile and Argentina have also expressed a personal determination to ensure that abortion remains illegal in their countries.¹³² In Colombia,

[T]he principle of sovereignty underlies the whole text. Nothing in the document can or should be interpreted as interfering in any way with a nation's sovereign right to make and carry out policy according to its own laws, precepts, culture and moral codes. . . . The formulation and implementation of population policies, including those of reproductive health, are the sovereign right of each nation, consistent with national laws and in conformity with international human rights standards.

Id. But see *infra* Section II.C.

125. See Sadik, *supra* note 55, at 915.

126. But see Harris Whitbeck, *CNN News* (CNN broadcast, transcript no. 7-2, Feb. 20, 1995) (Church attacked in Mexico over support for rebels.); Suzanne L. MacLachlin & Shelley Donald Colidge, *The News in Brief*, CHRISTIAN SCI. MONITOR, Feb. 21, 1995, at 2 (Mexican ranchers and businessmen attack a Roman Catholic Cathedral to protest a bishop's alleged connections with rebel Zapatistas.).

127. All Latin American countries except Cuba have laws in force that only allow abortion in narrowly defined circumstances. Honey, *supra* note 31.

128. Fiona Neill, *Guatemala: Legal Abortions Unlikely in Deeply Catholic Guatemala*, Reuter Textline, Reuter News Service: Central and South America, Sept. 13, 1994, available in LEXIS, World Library, Txtline File.

129. Mexico is 90% Catholic. Nancie L. Katz, *Family Planning Advocates Target Youth*, DALLAS MORNING NEWS, Dec. 16, 1994, at 37A.

130. Andrea Privitere, *Mexico: Mexico Pro-Choice Advocates Welcome Cairo Document*, Reuter Textline, Reuter News Service: Central and South America, Sept. 13, 1994, available in LEXIS, World Library, Txtline file.

131. *Mexico: Despite Family Planning, Abortion Is "Common,"* AM. POL. NETWORK, ABORTION REP., Aug. 30, 1994. See also Katz, *supra* note 129.

132. David Haskel, *Argentina: New Argentine Charter Allows Menem To Run Again*, Reuter Textline, Reuter News Service: Central and South America, Aug. 22, 1994, available in LEXIS, World Library, Txtline File. President Carlos Saul Menem of Argentina was concerned that the Program of Action contradicts "the

there is some suggestion that the Constitution guarantees protection to unborn life from abortion.¹³³ Many agree that, with or without the Program of Action, legalization of abortion in Latin America is not likely anytime soon.¹³⁴

Statistics show that even though abortion is illegal, a large percentage of Catholic women in Latin America both use contraceptives and obtain illegal abortions.¹³⁵ In fact, estimates show that in Latin America and the Caribbean there are nearly eight illegal abortions performed on women every minute¹³⁶ (an estimated four million annually),¹³⁷ which is the highest rate in the developing world.¹³⁸ The United Nations estimates that each year so-called "back street abortions"¹³⁹ cause 500,000 deaths

basic values of most Latin Americans." He said, "One of these, without a doubt, is the right to life. . . ." Montgomery, *supra* note 40. See *Chile: Government to Uphold Anti-Abortion Stance at Cairo Population Conference*, Reuter Textline, BBC Monitoring Service: Latin America, Sept. 2, 1994, available in LEXIS, World Library, Txtline File. But see Christine Tierney, *Mexico: Pan Candidate's Agenda Worries Mexican Feminists*, Reuter Textline, Reuter News Service: Central and South America, Aug. 12, 1994, available in LEXIS, World Library, Txtline File (Mexican presidential candidate, Diego Fernandez, tells voters that he will not impose his Catholic beliefs if elected.).

133. See *Corte Constitucional, Penalizacion Del Aborto*, 23 JURISPRUDENCIA Y DOCTRINA (BOGOTA, COLOMBIA) 745 (1994) (holding that the Constitution does not invalidate the Colombian abortion law that carries a one- to three-year penalty for any doctor who performs or woman who has an abortion).

The Catholic Church also remains very influential in the Colombian laws for marriage and divorce. See Hernán Baquero González, *Matrimonio Civil, Matrimonio Católico Y Concordato*, 255 REV. DE LA ACADEMIA COLOMBIANA DE JURISPRUDENCIA 109 (1983).

134. Neill, *supra* note 128. See Privitere, *supra* note 130; *Chile: Government to Uphold Anti-Abortion Stance at Cairo Population Conference*, *supra* note 132. But see *Brazil: Government to Oppose Vatican Policies at Population Conference in Cairo*, *supra* note 44.

135. "The influence of the church, which has considered all forms of abortion to be criminal only since 1869, weighs very heavily on public opinion but much less on public conduct." Viel, *supra* note 122. See also Zabarenko, *supra* note 2.

136. *Colombia: Illegal Abortions Rampant in Latin America*, Reuter News Service: Central and South America, Nov. 15, 1994, available in LEXIS, World Library, Txtline File.

137. Poggioli, *supra* note 87; Dahlburg, *supra* note 13.

138. *Colombia: Illegal Abortions Rampant in Latin America*, *supra* note 136.

139. Back street abortions are often performed with unsterilized instruments such as umbrella spokes or coat-hangers. Neill, *supra* note 128. A 1992 study by the Guttmacher Institute found that women in Latin American countries sometimes resort to alarming methods of aborting their pregnancies and avoiding the law. Women "may be penetrated with pencils, jump from a tree, have their husbands punch them in the stomach, gulp down laxatives or introduce bleach, cheap hair dye, laundry bluing, geranium stalks or tea made from boiled coins into their vaginas in the hope of bypassing the law." Dahlburg, *supra* note 13. Many women resort to another technique called "scraping," which an untrained midwife does in the home. *Id.* See also Honey, *supra* note 31.

worldwide.¹⁴⁰ Many Latin American countries find that their abortion laws are effectively unenforceable and the issue is rarely addressed.¹⁴¹ Furthermore, the politically and financially powerful are still able to obtain safe, though illegal, abortions.¹⁴²

In Brazil, which is the world's most populous Catholic country (an estimated seventy-eight percent of its 150 million citizens are Catholic),¹⁴³ two-thirds of married women use contraception and forty percent believe couples should be free to decide for themselves whether to have an abortion.¹⁴⁴ As one professor of sociology explained, some women, believing that God is comprehensive and generous, trust that they can decide for themselves whether to use contraceptives or obtain an abortion and still be "with God."¹⁴⁵ It appears that while many Latin Americans recognize that the Pope is the head of their church and their spiritual leader, they believe that his stance on abortion and contraception is either not divinely mandated or is only an inspired suggestion.¹⁴⁶

In Mexico, hospitals are required to complete abortions that have already started before women enter the hospital. Thus, many women seek only to start the aborting process and then appear to be ignorantly trying to find out what is wrong with them at the local hospital. However, the law also requires doctors to notify police if an abortion does not appear to be spontaneous. *Id.*

140. Ramon G. McLeod, *U.N. Population Conference: Abortion Debate Ends in Cairo—Vatican Finally Gives Up*, S.F. CHRON., Sept. 10, 1994, § 6, at A1.

Maternal mortality in developing countries is a serious problem even beyond the deaths resulting from illegal abortions. See Cook, *supra* note 27, at 93-103.

141. Zabarenko, *supra* note 2; Dahlburg, *supra* note 13; Nancie L. Katz, *Desperation Feeds Abortion Epidemic*, CHI. TRIB., Oct. 30, 1994, at 1.

142. Zabarenko, *supra* note 2, at 327; Katz, *supra* note 141. See also Honey, *supra* note 31; Hans Galjaard, *Prenatal Diagnosis: Foretelling the Quality of Life*, UNESCO COURIER, Sept. 1994, at 17.

143. Ian Simpson, *Brazil: Brazil Takes Step to Legalise Abortion*, Reuter Textline: Reuter News Service: Central and South America, Mar. 25, 1993, available in LEXIS, World Library, Txtline File.

144. Poggioli, *supra* note 87.

145. *Id.* (citing Professor Maria Jose Rosadonúñez, Catholic University of San Paulo, Brazil).

146. *Id.*

Responding to the question of whether the church has come to a standstill while the world continues to progress along, Pope John Paul II replied,

Can we say that the world is only growing toward a greater freedom of behavior? Don't these words perhaps hide that relativism which is so detrimental to [humanity]? Not only abortion, but also contraception, are ultimately bound up with the truth about [humanity]. Moving away from this truth does not represent a step forward, and cannot be considered a measure of 'ethical progress.' Faced with similar trends, every pastor of the Church and, above all, the Pope must be particularly attentive so as not to ignore the strong warning contained in Paul's Second Letter to Timothy: 'But you, be self-possessed in all circumstances; put up with hardship; perform the work of an evangelist; fulfill your ministry.'

Legislative changes to legalize abortion have been and would be met with great opposition by Latin American Catholics and the Catholic Church.¹⁴⁷ The church has not hesitated to impose its influence on domestic lawmaking throughout Latin America.¹⁴⁸ In Brazil, for example, there was a recent push to change the 1940 Penal Code bar to abortions.¹⁴⁹ The Catholic Church promised and provided a successful battle to block the legislation.¹⁵⁰

A similar push for a change in the abortion law in Mexico was also met by strong and convincing Catholic opposition. In 1990, the state of Chiapas attempted to extend its abortion law to allow abortions for unmarried mothers and families "who want no more children."¹⁵¹ The legislature passed the bill and the church immediately threatened members of Congress with excommunication if it became law.¹⁵² The legislation went forward as planned and the church excommunicated each member who had voted in favor of the change.¹⁵³ On New Year's Eve, the legislature belatedly blinked and the new law was suspended.¹⁵⁴ Thus, the influence of the Catholic Church, at least on the issue of abortion, will probably prevent the Program of Action from changing the region's abortion laws any time soon.

B. Contraceptives in Latin America

The Catholic Church's influence on the use of contraception is not as strong as with abortion.¹⁵⁵ The church remains an opponent to the use of "artificial" methods of family planning, including condoms, birth control pills, IUDs, et cetera.¹⁵⁶ While

POPE JOHN PAUL II, *supra* note 12, at 173-74 (citing 2 Timothy 4:5).

147. Viel, *supra* note 122, at 325-26.

148. *Id.*

149. Simpson, *supra* note 143.

150. *Id.* The proposed legislation would have allowed abortions up to the 12th week and through the 25th week for deformed fetuses, those carrying the AIDS-causing HIV virus, and in rape cases. *Id.*

151. *Mexico: Abortion Battle Enters Round Two*, Reuter Textline, Latin American Report: Brazil, Mar. 21, 1991, at 9, available in LEXIS, World Library, Txtline File.

152. *Id.*

153. *Mexico: Bishops Win Legal Battle on Abortion*, Reuter Textline, Latin American Weekly Report, Jan. 17, 1991, at 4, available in LEXIS, World Library, Txtline File.

154. *Id.*

155. See generally CALLAHAN, *supra* note 11.

156. See Janet Benshoof, *The Establishment Clause and Government-Funded Natural Family Planning Programs: Is the Constitution Dancing to a New Rhythm?*, 20 N.Y.U. J. INT'L L. & POL. 1, 2-3, 5-9 (1987). See also *infra* notes 167-69 and accompanying text.

Latin Americans seem uncomfortable with the idea of legalizing abortion, public opinion as to artificial contraceptives seems to be more receptive to the changes sought by the Program of Action.

It appears that Brazilians have already begun to disregard the Vatican's ban on contraceptives. In response to the 1991 census results, Planning Minister Beni Veras said that Brazil had experienced its lowest population growth in the twentieth century because of the "massive use of oral contraceptives, sterilization and abortions."¹⁵⁷

In Colombia, the government seems to be considering the inclusion of "artificial" contraception in the nation's family planning programs. Colombia's Health Minister, Camilo Gonzalez Posso, has called for "a correct sex education policy."¹⁵⁸ Concerned that abortion has become the most common method of birth control, he has advocated encouraging "responsible sexuality" in order to reduce the number of unwanted pregnancies.¹⁵⁹

Mexican efforts at curbing teen pregnancies and illegal abortions have also included the use of contraceptive methods that the Vatican would find unacceptable.¹⁶⁰ The head of the Mexican Health Ministry's Family Planning Program recently reported that rock bands were being paid to disseminate a pro-birth-control message and condoms to the nation's youth.¹⁶¹ While Latin American countries seem unwilling to break with the church on the issue of legalizing abortion, the church's ban on artificial contraceptives has seemingly lost its potency.¹⁶²

Many critics of the Vatican question why the Pope remains adamantly opposed to contraceptives if his main objective is to protect the world from abortion.¹⁶³ The use of contraceptives would most certainly result in a reduction in the number of

157. *Brazil: Brazil Population Growth, Illiteracy Down-Census*, Reuter Textline, Reuter News Service: Central and South America, Aug. 3, 1994, available in LEXIS, World Library, Txtline File. See also Bryant Robey et al., *Making Programs Work, Family Planning Lessons and Challenge*, POP. REP., Aug. 1994, at 1.

158. *Colombia: Abortion is Main Contraceptive Method*, Colombian Official Says, Reuter Textline, Reuter News Service: Central and South America, May 28, 1992, available in LEXIS, World Library, Txtline File.

159. *Id.*

160. See also *infra* note 190 (discussing the Mexican sex education program called "Mexfem").

161. Katz, *supra* note 141.

162. From 1980 to 1985 approximately 57% of married Latin American women used birth control. *Population Crisis: By the Numbers*, ATLANTA CONST., Aug. 28, 1994, at D4.

163. The objective of the Program of Action "is to reduce the need for abortion." Sadik, *supra* note 55, at 915. See also Cynthia Tucker, *No Matter What, Everybody Wants Fewer Abortions*, PLAIN DEALER, Oct. 13, 1994, at 11B.

abortions.¹⁶⁴ This argument is particularly persuasive because some Latin American leaders claim that abortion is now one of the most common forms of birth control.¹⁶⁵ If more pregnancies could be planned, the need for abortion would be greatly diminished. However, increased availability of birth control could encourage increased sexual promiscuity and immorality.¹⁶⁶

The Vatican, in fact, does advocate planned pregnancies, but only without the use of artificial contraceptives.¹⁶⁷ The Pope advocates the use of "natural family planning."¹⁶⁸ Catholics at dioceses throughout the world are able to receive instruction on natural family planning, which is heralded as "much more sophisticated and effective than the rhythm method."¹⁶⁹ Even with the church's effort to provide instruction on approved methods of birth control, many Latin Americans feel comfortable using artificial contraception in disregard of the Vatican's ban and might be receptive to the contraception programs advocated by the Program of Action.

C. Potential Enforcement of the Program of Action

The Program of Action's potential impact on Latin America is not necessarily limited to toothless international pressure to change. If universally accepted, the nonbinding Program of Action could be used to impose change on Third World countries. For example, the document could be the source of family planning standards for Third World countries to meet as a prerequisite to receiving loans or aid from the United Nations, the World Bank,

164. Sadik, *supra* note 55, at 915. For example, in Mexico two in five pregnancies are unwanted. Katz, *supra* note 141, at 8. See also *supra* note 59.

165. See *supra* text accompanying note 159.

166. Similar to the reasoning of Moslem nations opposed to the Program of Action, the Vatican's ban on contraception might in part stem from its discouragement of promiscuity and casual sex. Sex education and availability of contraception may be seen as encouraging immoral activity. See *supra* note 11. See generally POPE JOHN PAUL II, *supra* note 12. See also *infra* notes 180-83 and accompanying text.

167. "The right path is that which the Church calls *responsible parenthood*; this is taught by the Church's family counseling programs. *Responsible parenthood is the necessary condition for human love, and it is also the necessary condition for authentic conjugal love*, because love cannot be irresponsible." POPE JOHN PAUL II, *supra* note 12, at 208.

168. Stovall, *supra* note 88.

169. *Id.* See also Benschhof, *supra* note 156.

One supporter of the Catholic program explained, "Many in our culture cannot imagine life without contraception. . . . They do not know how methods of natural family planning work; they often refuse to believe, in spite of the most solid scientific evidence, that natural family planning is more reliable and effective than any form of birth control." Stovall, *supra* note 88 (citations omitted).

or First World countries.¹⁷⁰ Much like the Reagan Administration's Mexico City policy,¹⁷¹ governments and nongovernmental organizations that sought aid or loans could be forced to comply with the Program of Action. If Mexico, for example, sought international loans due to a financial crisis,¹⁷² President Clinton could require that, along with providing a plan for securing the loans, the Mexican government implement family planning that would meet the standards of the Program of Action. If the Program of Action included a fundamental right to abortion, Mexico would have to change its laws or go without the needed assistance.

IV. DOES THE WEST HAVE THE ANSWERS?

"You have a choice here between Mother Teresa and Joycelyn Elders."¹⁷³

A. *Who Should be Helping Whom?*

While hundreds of thousands of Latin American women are dying from botched illegal abortions and poverty abounds (relative

170. Leo, *supra* note 36. See generally Ringel, *supra* note 6, at 229-47. In *U.S. News & World Report*, referring to the United States call for a universal fundamental right to abortion, John Leo stated: "This was not an offer to fund abortion for poor nations that want it. It was an attempt to override laws and customs by establishing some sort of internationally recognized right that might be financially enforced in the future by the U.N. or international aid organizations." Leo, *supra* note 36. Tim Wirth, who is Under Secretary of State and "point man in the U.S. abortion lobbying effort," said that a nation that violates basic human rights by not legalizing abortion should not be able to "hide behind a defense of sovereignty." *Id.* In other words, once international organizations like the United Nations or the World Bank declare abortion to be a fundamental right, a Third World nation seeking aid or assistance can expect to subject its law, constitution, and sovereignty to the trump card of international civil rights. *Id.* But see Sadik, *supra* note 55, at 916 ("Each country will then decide on which actions [in the Program of Action] are appropriate to its culture and conditions.").

171. See *supra* notes 24-30 and accompanying text.

172. See *Still the Right Deal for Mexico*, N.Y. TIMES, Feb. 24, 1995, at A28 (explaining the \$20 billion loan guarantee package between the United States and Mexico that requires Mexico to secure debt with revenues from Mexico's oil exports and to implement other restrictions on Mexico's monetary and fiscal policies).

173. Father George Rutler, *Crossfire* (CNN television broadcast, Sept. 6, 1994) available in LEXIS, News Library, Script File. Mother Teresa, a famous and devoted Catholic nun, advocates the Vatican's position. Joycelyn Elders is the former United States Surgeon General who was appointed by the Clinton Administration and resigned in controversy.

to the standard of living in the West), U.S. society suffers with "AIDS[,] . . . unwed motherhood among teenagers,¹⁷⁴ sexually-transmitted diseases, divorce,¹⁷⁵ family breakdown,¹⁷⁶ societal collapse," and the collapse of all the "social indicators."¹⁷⁷ One must wonder, who should be helping whom? Is universal access to abortion, contraception, and sexual education the answer for Latin America?

As U.S. Representative James A. Traficant, Jr. recently announced, "[The United States] is in crisis."¹⁷⁸ Calling for increased attention to domestic issues, Representative Traficant expressed concern over the nation's "[d]rug [use], drive-by shootings, homelessness, teenage pregnancy, [and] illiterate high school graduates"¹⁷⁹ Many sex education and contraceptive availability programs in U.S. schools recently have been credited with rising pregnancy rates and shown to have failed to increase contraceptive use.¹⁸⁰ One in ten students report that they have become pregnant or have impregnated someone.¹⁸¹ A statewide

174. Twenty-seven percent (27%) of the nation's children under 18 are living with a single parent who has never married. Kerby Anderson, *Teenagers Need to Hear the Message of Abstinence*, DALLAS MORNING NEWS, Jan. 7, 1995, at 4G.

175. Each year in the United States 2.5 million marriages occur and 1.2 million marriages end in divorce. *Divorce Rate Lower Than Reported, Pollster Says*, DET. FREE PRESS, June 29, 1987, at 7A.

176. In 1990, there were 9.7 million single parents in the United States, a 41% increase from 1980. *Single Parent Facts*, NEWSDAY (Nassau and Suffolk), Jan. 30, 1991, at 12.

177. Patrick Buchanan, *Crossfire*, (CNN television broadcast, Sept. 6, 1994) (notes additional).

178. James Traficant, *Through Cuts in Foreign Aid*, CONGRESSIONAL PRESS RELEASES, Jan. 31, 1995.

179. *Id.*

180. Dr. James Le Fanu, *Health: Here's All You Need to Know About Sex: Don't*, DAILY TELEGRAPH, Jan. 31, 1995, at 16; George Rodrigue, *Helping Teens Say No To Sex*, S.F. EXAMINER, Jan. 29, 1995, at A4; Irwin Block, *Playing it Safe*, THE GAZETTE (Montreal), Jan. 31, 1995, at A3; George F. Will, *An Assault on Values*, PITTSBURGH POST-GAZETTE, Jan. 27, 1995, at C3; Irma Epstein, *Why Are Liberals Ignoring the "Year of the Woman Part II?"*, CHAPEL HILL HERALD, Jan. 26, 1995, at 4.

Many First World parents have become concerned about what is being taught to school-age children as sex education. See generally Kathleen J. Welshimer, *A Survey Of Rural Parents' Attitudes Toward Sexuality Education*, 64 J. SCH. HEALTH 347 (1994).

181. *Frequency of Teen Sex Shocks School Officials but Not Students*, VA.-PILOT (Norfolk), Nov. 25, 1994, at B1. If not for the fact that many pregnant girls drop out of school and were not part of the survey, this figure would be higher. *Id.*

Another local survey reported that in 1990, 16.4 per 1,000 teenagers had become pregnant. Welshimer, *supra* note 180, at 348.

"It has been estimated that more than 40 percent of all 14-year old adolescent women in the United States will have been pregnant at least once by the time they

survey of adolescent sexual behavior in North Carolina revealed that seventy-five percent of high school students have had sex by the twelfth grade and that nearly seventeen percent had done so by age thirteen.¹⁸² "One consequence of these changes in sexual, marital and fertility behavior is that a rising proportion of all births are out-of-wedlock."¹⁸³

Third World nationals might see the United States crisis materializing in tragedies like that of Michelle Elizabeth Savage, a seventeen-year-old girl who recently threw her newborn baby out a second story window¹⁸⁴ after hiding her pregnancy for nine

are 20. Every 67 seconds a baby is born to [a] . . . teenager [in the United States]." *Population Crisis: By the Numbers*, *supra* note 162.

182. *Frequency of Teen Sex Shocks School Officials but Not Students*, *supra* note 181. The National Center For Disease Prevention reported that these statistics are comparable with the national figures to be released in 1994. *Id.*

In a recent survey of U.S. school children in the eighth and ninth grades, 44% of boys and 27% of girls had experienced sexual intercourse. Rodrigue, *supra* note 180.

A University of Chicago survey, considered the "most thorough study of [U.S.] sexual behavior ever done," reported that sexual behavior among adults in the United States was surprisingly conservative. However, it did find that the nation's youth are still within the "sexual revolution" and teenage sexual activity remains a problem. *Thermidor in the Sexual Revolution?*, NAT'L REV., Nov. 7, 1994, at 18. "If there is a 'sexual revolution' at all in this country, it is happening especially among younger [people] who begin having sex earlier than their [parents] did, have more sexual partners, are less likely to be virgins at the time of their marriages. . . and are more likely to cohabit before they marry." Andrew M. Greeley, *A National Survey on Sex Raises Some Troubling Questions*, STAR TRIB. (Minneapolis), Oct. 24, 1994, at 11A. See also *Other U.S. News; Major Sex Survey Released*, FACTS ON FILE WORLD NEWS DIGEST, Oct. 27, 1994, at 800 G3; Valerie Kincade Oppenheimer, *Women's Rising Employment and the Future of the Family in Industrial Societies*, 20 POP. & DEV. REV. 293 (1994).

As one author recently noted of U.S. youth, "They know everything they ever wanted to about sex and yes, they do it younger. . . . This is a generation. . . reared on *Nine and a Half Weeks*, *Margi Clarke's Good Sex Guide* and the promise of 'orgasms made easy' in their mother's quality magazines." Jojo Moyes, *Bed, Please, But Hold the Romance: "Generation Y: Sex"*, INDEPENDENT, Jan. 23, 1995, at 18.

For reports of teenage pregnancy and underage sex in Britain, see Lorraine Fraser, *The Sad Facts of Under-Age Pregnancies*, MAIL ON SUNDAY, Jan. 8, 1995, at 18 (Nearly 10% of girls under the age of 16 in 1989 to 1991 became pregnant.). A more recent British survey reported that 6% of school girls had been pregnant. Jean Ritchie, *Where's Your Teenager Tonight?*, DAILY MIRROR, Nov. 28, 1994, at 21.

183. Oppenheimer, *supra* note 182, at 293.

Presently in the United States, 30% of births are to unmarried couples. Rodrigue, *supra* note 180.

184. The 6-pound, 4-ounce baby girl miraculously survived the fall but did suffer a fractured skull. Ms. Savage has been charged with attempted first-degree murder and child abuse. The alleged father, a 17-year-old resident of the same housing project says he and his mother will take the child if paternity is proven. He presently has custody of a 19-month-old son from a different relationship. *Secrets of the Heart*, BALTIMORE SUN, Jan. 23, 1995, at 10A.

months and giving birth alone in a bath tub.¹⁸⁵ While certainly this is an extreme example, legalized abortion, readily available contraceptives, and sex education¹⁸⁶ did not provide the answers for this young woman.¹⁸⁷ Can the First World be certain that by imposing its culture, traditions, and laws on Latin America, it will not create the same problems that the United States is unable to control?¹⁸⁸

This is not to say that similar social problems are not plaguing Latin America.¹⁸⁹ However, many blame Latin America's

185. *Id.*

186. Michelle Savage's high school has a sex education program that includes classes and counseling to support pregnant teens, and a day-care center. *Id.*

187. *Id.* This is not to say that all U.S. adolescents are promiscuous and without moral values. There are great efforts being made by religious and civic groups to provide youth in the United States with the direction to avoid sexual activity and teenage pregnancy. In 1994, the Mall in Washington, D.C. was the sight of the Southern Baptist campaign entitled, "True Love Waits," which involved the participation of 200,000 teenagers who pledged abstinence until marriage. Anderson, *supra* note 174.

188. Also at issue for many Third World delegations was the statement that "countries should remove legal, regulatory and social barriers to sexual and reproductive health information and care for adolescents." Some found such advice ironic, considering the source. "Why do they want us to copy their system when the United States has the highest incidence of divorce, venereal disease in epidemic proportions, the highest incidence of teen-age pregnancy in spite of their massive propaganda of birth control and condom distribution?" asks one delegate.

Brian Robertson, *Uncle Sam, the Population-Control Bully?*, WASH. TIMES, Aug. 26, 1994, at A8.

It is not right for the United States to impose our vision of political correctness which violates the cultural and religious traditions of other people Some say that this is an attempt to make the rest of the developing world more like [the United States]. It's not in the best interest of the developing world to be reflective of [a United States] . . . with epidemic levels of sexually transmitted diseases, high teenage pregnancy and suicide rates, sexual promiscuity and numerous broken families. [The United States] should not be in the business of exporting the failed policies of the sexual revolution.

News Conference: Catholic Campaign for America, Federal News Service, Aug. 25, 1994, available in LEXIS, News Library, Fednws File.

189. In Mexico each year 500,000 teens get pregnant and the average Mexican girl has engaged in sexual intercourse by age 15. Katz, *supra* note 141.

Statistics show that in the Caribbean, almost 50% of teenagers are sexually active by age 15 and adolescent pregnancy rates are alarmingly high. *Population: Trinidad Could Turn Back on Region's ICPD Document*, *supra* note 43.

A Venezuelan study reported that teenagers in that country are sexually active at a young age, which results in 80,000 pregnancies a year. Pilar Pascual, *Venezuela: Gap Between Rich and Poor Can be Measured in Height*, Inter Press Service, Aug. 11, 1994, available in LEXIS, News Library, Inpres. File.

promiscuity on First World influences.¹⁹⁰ Latin American leaders seem more inclined to turn to religion for guidance on how to address these concerns, rather than to the United States and Europe, which either cannot or will not correct these social ills in their own countries.

B. *Latin American Women and the Family*

Beyond the desire to prevent their children from becoming sexually active at early ages,¹⁹¹ Latin Americans have yet to follow the First World's lead in other areas of social change. Whether due to Catholic or other influences, Latin America remains a family-oriented, patriarchal society. While the United States and Europe seem to be trying to move away from these traditions in the name of equality and social progress, Latin America is slow to change.¹⁹²

First World feminist groups believe a key part of the Program of Action is "to uplift the status of women's health, education and rights."¹⁹³ Their plan is to encourage women to take control of the decision to have children,¹⁹⁴ provide opportunity for women to obtain better employment, and transform traditional Third World cultures into First World societies. This empowerment of women

A professor and Dean of Columbia University School of Public Health reported to the Committee on Foreign Relations of the House of Representatives that one half of adolescents in Latin America are likely to be pregnant sometime between the ages of 15 and 19. He also reported that between 22% and 63% of first births are to unmarried mothers. Testimony of Allan Rosenfield, M.D. (July 12, 1994), in FED. DOCUMENT CLEARING HOUSE CONG. TESTIMONY, July 12, 1994. See generally Robey et al., *supra* note 157.

190. U.S. culture, both the socially redeeming and the violent and promiscuous, are saturating Latin America in the form of movies, television, publications, and other forms of mass media. Diego Ribadeneira, *Latin America Weighs U.S. on Opportunity, Not Ideology*, BOSTON GLOBE, Oct. 11, 1994, at 10.

The USAID representative to Mexico recently praised that country's effort to provide sex education for teens, including a public school program entitled "Mexfem" that has been discontinued except in some private schools. The program's pamphlets and animated videos showed adolescents engaging in sexual intercourse. Katz, *supra* note 141.

191. See Report, *supra* note 9, at 147.

192. See generally Law & Rackner, *supra* note 24.

193. Eleanor Mallet, *Women Will Decide Despite Vatican*, PLAIN DEALER, Sept. 13, 1994, at 1E. See also Report, *supra* note 9, at 25-28 (Chapter IV: Gender Equality, Equity and Empowerment of Women).

194. Ms. Mallet points out that this is based on the assumption that "most women prefer to have children when they can care for them and only as many as they can provide for." Mallet, *supra* note 193. It also presumes that the additional means of birth control ("artificial" and abortion) would materially alter their present ability to plan pregnancies.

is to be accomplished through access to abortion, contraception, and education.¹⁹⁵

The Vatican has grave reservations about changing the traditional role of women.¹⁹⁶ The Pope claims to support the equality of women,¹⁹⁷ but unlike some Westerners, he also emphasizes the special role of women as wives and mothers.¹⁹⁸ While certainly there are many causes of the "American crisis,"¹⁹⁹ Latin Americans might not be interested in abandoning tradition in the name of population control or women's rights. First World countries that dominate the United Nations conferences should not be so quick to impose their social changes—and the problems that accompany them—on Latin America.

Cecilia Acevedo-Royals, President of the National Institute of Womanhood, was angered by a statement made by Fred Sat, the chair of the committee that drafted the Program of Action as well as President of the International Planned Parenthood Foundation.²⁰⁰ On the last day of the Conference, Mr. Sat defended the original draft of the Program of Action,²⁰¹ asserting that "women are crippled by unbridled fertility."²⁰² While defending women in the United States as well as in Third World nations, Ms. Acevedo-Royals presented the following response to the United States Senate Foreign Relations Committee:

This unmitigated insult to the dignity of women expresses the widespread but false notion that a woman's reproductive power is her worst oppressor and has launched a generation of women into moral combat with their own bodies and those of their offspring. In this view, every woman born is born with the ball and chain of fertility. The resulting effect of this demeaning concept of woman is that the exercise of reproduction itself has the effect of impairing or nullifying the enjoyment or exercise by women of fundamental freedoms in the political, economic, social, cultural, civil or any other field. Which in turn results in the implication that

195. *Id.* For a history of international population policy from 1960 through the 1980s, see generally Dixon-Mueller, *supra* note 5, at 145-63.

The September 1995 United Nations Conference on Women in Beijing addressed these issues as well as many others that prevent women from achieving equality. See *infra* Section IV.

196. Michael Rezendes, *All in the Family*, BOSTON GLOBE, Sept. 11, 1994, at 71.

197. The Holy See endorsed Chapter IV of the Program of Action entitled, "Gender Equality, Equity and Empowerment of Women." *Report*, *supra* note 9, at 149.

198. *Id.* at 146-49.

199. See generally Oppenheimer, *supra* note 182.

200. See *supra* note 110.

201. See *Draft Program of Action*, *supra* note 55.

202. *Prepared Statement of Cecilia Acevedo-Royals, President, the National Institute of Womanhood Before the Senate Foreign Relations Committee*, *supra* note 110.

governments have an obligation in assisting women to be free of their own natures.²⁰³

By abolishing "existing customs and practices" that are considered discriminatory against women, "the ideal of motherhood" would come under attack and documents like the Program of Action would serve as a tool for the "societal control" of women, "the bridling [of a] woman's fertility" and the future indoctrination of girls.²⁰⁴ Ms. Acevedo-Royals pointed out that "home makers are [already] disparaged and isolated [and] [t]he family and marriage are under constant attack. . . ."²⁰⁵

Many Western feminists have stated that the goal behind the Conference is the "empowerment of women"²⁰⁶ through accessibility to abortion, contraception, and education. Many of the changes called for by the Program of Action, including abortion, would fundamentally alter the nature of Latin American society. If this is the actual intent of the nations that met in Cairo, can participants be certain that by changing traditional Latin American societies, the quality of life will improve? In light of the numerous social problems that presently face the United States and Europe, it seems worth preserving the religious convictions of Latin Americans, the strength of the traditional Latin American family, and the laws enacted by Latin American governments.

V. CONCLUSION

Arguably, the Conference could have an impact on the policies of abortion and family planning in Latin America. While only time will tell, the broad media coverage of the heated controversy surrounding the Vatican's refusal to join the majority of nations in the Program of Action could serve to inform Latin Americans of the social policies of other nations²⁰⁷ and spark a movement for change, particularly involving the availability of contraceptives. This great international public debate was also apparent at the United Nations Conference on Women in Beijing.²⁰⁸ It seems, however, that with the influential opposition of the Catholic Church and its followers, change in Latin America will come very slowly.

203. *Id.*

204. *Id.*

205. *Id.*

206. See Fiedler, *supra* note 87.

207. See Viel, *supra* note 122 (Many Latin Americans are not aware that some "Catholic countries," such as France and Italy, have legalized abortion.).

208. See *infra* notes 215-23 and accompanying text.

While the '94 Conference might have little direct impact on the lives of Latin Americans,²⁰⁹ some believe that it sparked an awareness²¹⁰ among Third World countries that could lead to social change. Even if the Conference does not result in curbing population growth, other topics such as abortion, contraception, and sexual education have become important issues in the international community. What the Vatican considers to be the evil influence of the West has taken the spotlight as a possible answer to underdevelopment and poverty in the Third World, and has served as a springboard for consideration of "women's issues."

From the negotiations in Cairo, it appears that neither side is ready to concede defeat on the issue of abortion. Indeed, both sides have declared Cairo a victory.²¹¹ The Vatican will certainly continue to oppose an international sanction of abortion, artificial family planning, or sex education.²¹² The current U.S. Administration²¹³ and European governments will continue to advocate the use of these Western methods of population control and the liberation of women.²¹⁴

After much preparation, both sides have recently faced these issues again at the United Nations Conference on Women in Beijing.²¹⁵ Following the '94 Conference, the Vatican released a

209. See *supra* Section II.

210. Adequate information and the involvement of the media could lead to public discussion of changing the abortion laws in Latin America. Viel, *supra* note 122.

211. See cited material from Holmes, *supra* note 19.

The West considers the Conference a success because a consensus was reached. The Vatican considers the Conference a success because abortion was not included as a method of family planning.

212. See cited material from POPE JOHN PAUL II, *supra* note 12.

213. 1996 is an election year in the United States and a Republican could replace Bill Clinton as President. This could mean a return to the policies of the Reagan and Bush Administrations. See *Population Issues in American Party Platforms*, 18 POP. & DEV. REV. 587 (1992).

214. See United States Department of State, *Building a Pacific Community*, DEP'T OF ST. DISPATCH, Jan. 16, 1995. Cf. Law & Rackner, *supra* note 24 (Even 10 years earlier at the Mexico City Conference, some argued that "[t]he right to reproductive freedom is the core issue of women's equality.").

215. *An Insult to Women*, GAZETTE (Montreal), Sept. 19, 1994, at B2. "Now that the Cairo [C]onference on population and development is over, attention is shifting to the 1995 United Nations Conference on Women, which will be held in Beijing." *Id.*

See also Beth Whitehouse et al., *The Island/Possible Passport to China*, NEWSDAY, Jan. 6, 1995, at A31; Ihsan Bouabid, *United Nations-Women: Solutions Known, But Who Is Listening?*, Inter Press Service, Dec. 23, 1994, available in LEXIS, News Library, Inpres File; *Declaration of Principles And Plan of Action Released by Heads of Government at Miami Summit of the Americas*, DAILY REP. FOR EXECUTIVES, Dec. 13, 1994, § M, at 237; *Thursday Highlights*, Federal News Service, Dec. 2, 1994, available in LEXIS, News Library, Fednws File; *Women's*

report prepared for the Beijing Conference entitled *The Dignity of the Woman*.²¹⁶ Besides maintaining the Church's stance on family planning, which was the focus of its efforts in Cairo, the report attempts to protect the family unit and the traditional role of women as wife and mother.²¹⁷ The report also advocates several programs to achieve the improved status of women as discussed at the Beijing Conference, including a salary for homemakers so that the "mother in the family would not be forced to work outside the house to the detriment of family life and in particular the upbringing of the children."²¹⁸ Finally, *The Dignity of the Woman* also addresses violence against women, and attacks pornography and advertising that creates a "debased image of women throughout the world."²¹⁹

Compared with the Cairo Conference, the Beijing Conference proved to be a relatively quiet showdown²²⁰ between the First World countries and the Vatican on the issue of population control.²²¹ A group of Latin American countries and Muslim nations again supported the position of the Vatican.²²² With the

Equality Report Attacked, SCOTSMAN, Nov. 21, 1994, at 6; Doris Anderson, *Women Pry Open U.N. Conferences*, TORONTO STAR, Nov. 21, 1994, at A21; Todd Murphy, *Women's Conference Highlights the Good News and Bad News*, COURIER-J. (Louisville), Sept. 24, 1994, at 10A; Barbara Crossette, *Women's Advocates Flocking to Cairo, Eager for Gains*, N.Y. TIMES, Sept. 2, 1994, at A3. See generally United States Agency for International Development, *Strategies for Sustainable Development* (Mar. 1994), in 20 POP. & DEV. REV. 483 (1994) (The Clinton Administration has set aside nearly \$50 billion for USAID's budget.).

216. *Vatican Condemns Ads*, N.Y. TIMES, Sept. 25, 1994, at 10; *World, Japan Bids For Place On U.N. Council*, BALTIMORE SUN, Sept. 25, 1994, at A02.

217. *Vatican Report Urges Salary For Housewives*, JET, Oct. 17, 1994, at 20.

218. *Id.*

219. *Id.*; *Vatican Says Ads Debase Women*, COMMERCIAL APPEAL (Memphis), Sept. 25, 1994, at 2A. See also POPE JOHN PAUL II, *supra* note 12, at 206-07 ("Therefore, in firmly rejecting 'pro choice' it is necessary to become courageously 'pro woman' promoting a choice that is truly in favor of women. . . . The only honest stance, in these cases, is that of radical solidarity with the woman.") (emphasis omitted).

220. The Vatican seemed to shift its focus from abortion and contraception to the glorification of the family and the role of mothers. Bonnie Erbe, *Media Picture Contrasts with Results*, PLAIN DEALER, Sept. 19, 1995, at 5E; Rone Tenpest & Maggie Farley, *Beijing Meeting Affirms Sexual Rights of Women*, L.A. TIMES, Sept. 16, 1995, at A1. However, the Vatican, along with the Latin American and Muslim countries that had agreed with its stance on abortion and contraception in 1994, joined the Conference only with reservations. *Id.*; *Women's Conference Ends with Some Discord*, PITTSBURGH POST-GAZETTE, Sept. 16, 1995, at A3.

221. There was much more, however, at issue at the Beijing Conference than population control and abortion. See Cheryl Cornacchia, *Linking Women's Rights with Human Rights*, GAZETTE (Montreal), Sept. 12, 1994, at D1.

222. Uli Schmetza, *Women's Forum Ends With Reservations; Theme of Sexual Prerogatives at Issue*, CHI. TRIB., Sept. 17, 1995, at 15; Richard Ingham, *After Beijing—A Platform for Inaction?*, AGENCE FRANCE PRESSE, Sept. 16, 1995;

implementation of yet another program of action with the goal of global social change, the question remains: should the United Nations act as a vehicle to impose First World morals and culture on the Third World?²²³

The Beijing Conference was another gathering where nations, nongovernmental organizations, and permanent observers joined together to decide international standards by which people live that are almost always aimed at Third World countries. While Latin America faces many problems as an underdeveloped, poor, and rapidly growing region where hundreds of thousands die each year from botched, illegal abortions, the United Nations is an improper forum to impose a panacea. As individual nations, Latin American countries are free to seek advice or aid from other countries and organizations while remaining free as bodies of citizens to choose the nature of their society and to legislate the rules by which they live. The sovereign right of each nation includes the identity of its people, which is reflected in its culture, tradition, and law.²²⁴

The Third World should be free from unwelcome First World societal mandates, such as the Cairo and Beijing programs of action, which would necessarily change the culture, tradition, and law of Latin America in an attempt to create First World societies.²²⁵ While possibly offering hope for some improved conditions, the changes bring with them the grave potential of destroying what is worth protecting: the religion, tradition, and law of Latin America.

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Teresa Poole, *Religious Allies Block Agreement; UN Women's Conference*, INDEPENDENT, Sept. 16, 1995, at 12.

223. As one Catholic priest put it, "When it comes to . . . protecting the dignity of women, I would rather entrust the dignity of women to the Pope than to the President of the United States." Rutler, *supra* note 173.

224. See Sadik, *supra* note 55, at 915.

225. See Ringel, *supra* note 6. For a discussion of how the U.N. programs of action attempt to supercede the industrial revolution so that Third World countries can become developed nations, see *id.*

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