

EXAMINING THE ASSOCIATIONS BETWEEN SUSTAINABLE DEVELOPMENT POPULATION POLICIES AND HUMAN TRAFFICKING

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INTRODUCTION

The issue of sustainable development has achieved increased attention in the wake of climate change.¹ While fifty years ago it may have been a subject of global policy debate, it has now achieved the status of a science.² The growing body of literature on this topic reflects that there

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1. See Tariq Banuri & Hans Opschoor, *Climate Change and Sustainable Development* (Dept. of Econ. & Soc. Affairs, DESA Working Paper No. 56, 2007), available at

<http://agricoop.nic.in/Climatechange/ccr/files/Climate%20Change%20and%20Sustainable%20Development%202007.pdf> (arguing that climate change and sustainable development need to be treated together).

2. See Daniel Bodansky, *What is International Environmental Law?*, U. GA SCH. OF L. RES. PAPER SERIES, no. 09-012 (forthcoming 2009),

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1448809 (explaining that what used to be a narrow specialty field is now a major political science with vast international reach); DANIEL BODANSKY, *THE ART AND CRAFT OF INTERNATIONAL ENVIRONMENTAL LAW* (Harvard Univ. Press 2010) (explaining that policies that pursue sustainable development and climate change mitigation can be mutually reinforcing). See, e.g., *id.*; Linköping Universitet in Sweden offers a two-year MSc degree in Science for Sustainable Development, which “aims at providing students with knowledge on

are a number of variables that impact on sustainability: weather, land use patterns, migration, poverty levels, urbanization of populations, and population growth patterns.³ While the relevance of these factors may vary from one country or global region to the next, there is one constant factor: population.⁴

Consequently, it should come as no surprise that the current discourse on sustainable development links environmental wellbeing with

environmental change and the challenges of creating a sustainable society for a professional career within research or outside academia.” LINKÖPING UNIVERSITY, <http://www.liu.se/utbildning/pabyggnad/F7MSU?l=en> (last visited Sept. 6, 2014) (explaining that advanced graduate science degrees have been created for the science of sustainable development).

3. See, e.g., Steve Winkelman & Shana Udvarady, *A Plan for the New Normal: The President’s Climate Action Plan Calls for Preparing the U.S. for the Impacts of Climate Change*, CTR. FOR CLEAN AIR POLICY (June 28, 2013), <http://ccap.org/tag/sustainable-development/> (discussing weather as a variable in sustainable development); N. Fohrer, S. Haverkamp & H.G. Frede, *Assessment of the Effects of Land Use Patterns on Hydrologic Landscape Functions: Development of Sustainable Land Use Concepts for Low Mountain Range Areas*, 19 HYDROLOGICAL PROCESSES 659 (2005) (discussing hydrological models that could be used as a method for land use change analysis to derive sustainable land use options); RABAB FATIMA, ET AL., HUMAN RIGHTS, CLIMATE CHANGE, ENVIRONMENTAL DEGRADATION AND MIGRATION: A NEW PARADIGM 1, (Issue No. 8, 2014) (linking the vulnerability of migrants and their need for protection to an integrated human rights model within the climate change framework); *Reducing Poverty and Achieving Sustainable Development*, UNFPA, <https://www.unfpa.org/pds/poverty.html> (last visited Apr. 18, 2014) (proffering sustainable development as a solution to poverty in the context of achieving the Millennium Development Goals); see R. STREN, R. WHITE & J. WHITNEY, SUSTAINABLE CITIES: URBANIZATION AND THE ENVIRONMENT IN INTERNATIONAL PERSPECTIVE 1 (Westview Press 1992) (discussing urbanization and sustainable development); Charles J. Vörösmarty, Pamela Green, Joseph Salisbury & Richard B. Lammers, *Global Water Resources: Vulnerability From Climate Change and Population Growth*, 289 SCIENCE 284 (2000), available at http://water-pire.uci.edu/wp-content/uploads/2013/08/1_Hao_Science-2000-V%C3%B6r%C3%B6smarty-284-8.pdf (urging the consideration of the direct human impact on global water supply in the context of working toward sustainability).

4. *Population and Sustainable Development*, UNITED NATIONS POPULATION FUND, <http://www.unfpa.org/6billion/populationissues/development.htm> (“[H]uman impact on the environment is a function of population size”) (last visited Sept. 6, 2014). Banuri & Opschoor, *supra* note 1, at 5 (“A decline in population growth would bring about a proportional reduction in emissions, without any change in affluence, energy efficiency, or carbon intensity.”).

population control.⁵ Essentially, the policy of sustainable development requires reductions in growth of human populations to promote environmental sustainability and economic development.⁶ The objective is to control environmental catastrophism and advance financial growth with population policies on a global scale to foster environmental sustainability—sustainable development.⁷ As promoted by the United Nations in global conferences,⁸ sustainable development efforts are designed to limit populations to preserve natural resources and enhance economic development.⁹

5. See 2010 World Summit on Sustainable Development [hereinafter World Summit], G.A. Res. 64/236, U.N. Doc. A/RES/64/236 (Mar. 31, 2010).

6. The United Nations has provided this definition for sustainable development: “Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs. Seen as the guiding principle for long-term global development, sustainable development consists of three pillars: economic development, social development and environmental protection.” U.N. RIO+20 CONFERENCE (June 20-22, 2012), <http://www.WorldSummit2012.org/about.html>.

7. See World Summit, *supra* note 5.

8. See, e.g., U.N. RIO+20 CONFERENCE, *supra* note 6. The focus on sustainable development can be traced back to the Amsterdam Declaration on Population and Sustainable Development of 1989; followed by the Summit on Environment and Development in Rio de Janeiro in 1992, also known as the Earth Summit; then the International Conference on Population Development in Cairo in 1994; the World summit for Social Development in Copenhagen in 1995; the World Conference on women in Beijing in 1995; the Conference on Human Settlements in Istanbul in 1995; and the World Food Conference in Rome in 1996. Agenda 21, a plan of action for the 21st century creating a global framework to advance sustainable development, was created out of these earlier initiatives. For more details on each of these Conferences, see Riccardo Cascioli, *Sustainable Development*, INTERNATIONAL ORGANIZATIONS RESEARCH GROUP (2012), at 17-20; see also Maria Sophia Aguirre & Ann Wolfgram, *United Nations Policy and the Family: Redefining the Ties that Bind, A Study of History, Forces and Trends*, 16 BYU J. PUB. L. 113, 134, 136 (2002) (setting out the U.N. Conferences that focused on population, also known as International Conferences on Population Development, or ICPDs, and explaining that from the first Population and Development Conferences “brought into international forum the idea that population control and funding for ‘population assistance’ was necessary for development, security and stability.”).

9. See, e.g., UN Documents: Gathering a Body of Global Agreements, Our Common Future: Chapter 4: Population and Human Resources, U.N. Doc A/42/427, <http://www.un-documents.net/ocf-04.htm> (last visited Apr. 18, 2014).

Economic development, however, relies on human capital, the physical and technical efficiency of a population.¹⁰ More particularly, United Nations conferences of the last twenty years have been focused on population, gender, women's rights, children's rights, healthcare, and education as "the main issues that framed the debate on the family and ultimately influenced many policy initiatives regarding it."¹¹ Because these population matters tend to place women and families at the center of the debate, they are important actors in the advancement of sustainable development policies to limit human populations.¹² More particularly, as this article argues, population policies inherently place the primary burden for population control on women.

A closer examination of these policies reveals that they also tend to place women at greater risk. This article proposes that sustainable development policies present a demanding and perilous environment for women. Furthermore, a pervasive international policy of sustainable development can negatively affect already problematic demographics that are showing serious declines in child bearing and in child rearing.¹³

10. See generally Gary S. Becker, *Human Capital*, LIBRARY OF ECON. AND LIBERTY (2008); Gary S. Becker, *A Theory of Social Interactions*, 82 J. POL. ECON. 1063 (1974). See also Maria Sophia Aguirre, *Determinants of Economic Growth, Population, and Family Wealth: The Case of Guatemala*, Centro de Investigacion Familia, Desarrollo y Poblacion 79, (2007) [hereinafter Aguirre, *Determinants*], available at http://fadep.org/determinants/Final_Study.pdf; Maria Sophia Aguirre, *Sustainable Development: Why the Focus on Population?*, 29 INT'L J. SOC. ECON. 923 (2002) [hereinafter Aguirre, *Sustainable Development*]. See generally Aguirre & Wolfram, *supra* note 8, at 115, n. 6 (discussing the distinctions between human capital and social capital); Maria Sophia Aguirre, *The Feminine Vocation and the Economy*, 8 AVE MARIA L. REV. 49 (2009) [hereinafter Aguirre, *Feminine Vocation*] (discussing virginity and motherhood and their integration into economic activity and their relevance for sustainable economic growth).

11. Aguirre & Wolfram, *supra* note 8, at 114.

12. This fact is evidenced by the "[i]ncreasing amounts of money [which] are not only spent to provide access to contraception and reproductive health services, but also in an attempt to change cultures to prefer small families." Maria Sophia Aguirre, *Hindered Growth: The Ideology and Implications of Population Assistance*, Catholic Educ. Res. Ctr., available at <http://catholiceducation.org/articles/population/pc0032.html> (last visited May 1, 2014).

13. Ross Douthat, *More Babies, Please*, N.Y. TIMES (Dec. 5, 2012), available at <http://www.nytimes.com/2012/12/02/opinion/sunday/douthat-the-birthrate-and-americas-future.html> ("The retreat from child rearing is at some level a symptom of late-modern

These declines seem to be characterized by greater government control of procreation through population policies, contraception, abortion, and sterilization,¹⁴ matters that largely rely on women's choices. Sustainable development policy is targeting nations of large populations, as well as wealthy nations with population concerns, by encouraging greater governmental authority in population control.¹⁵ “[C]onceived by intellectual elite, experts and politicians” it has become in a very short time “the crux of all global and local policies, without there ever being a serious debate on the theory’s validity,” with its ultimate goal being to heal the ecological deficit, rather than development.¹⁶ These population policies also appear to be in direct conflict with two major global concerns: demographic demise and human trafficking. Demographic demise, particularly in several European nations, is bordering on population failure because generational growth is at considerable risk in many European nations experiencing significant decreases in birthrates.¹⁷

exhaustion—a decadence that first arose in the West but now haunts rich societies around the globe”).

14. An argument could be made that the current United States debate regarding HHS regulatory mandates on contraception and sterilization funding manifests a sustainable development foundation, minimizing population, but that connection has not yet been made to our knowledge. The mandate itself requires “preventative services for women” of “reproductive capacity.” See commentary in this regard at Timothy M. Dolan, *The HHS Mandate for Contraception/Sterilization Coverage*, <http://sjwhf.org/documents/bulletins/TheHHSMandateforContraception.pdf> (last visited Oct. 21, 2014).

15. See generally UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION EDUCATING FOR A SUSTAINABLE FUTURE, *A Transdisciplinary Vision for Concerted Action*, (Nov. 1997), available at http://www.unesco.org/education/tlsf/mods/theme_a/popups/mod01t05s01.html; G.A. RES. 19/29, ¶ 105-06, U.N. Doc. A/RES/19/29 (June 27, 1999).

16. Cascioli, *supra* note 8, at 21.

17. See, e.g., Johannes Bucher, *Address at the Third Annual International Riga Family Forum “The Natural Family as a Value and State’s Priority”* (Latvia, May 2011), available at

<http://www.demographia.ru/eng/articles/index.html?idR=73&idArt=1908>. See also J. Rickety, *The Falling Fertility of Europe*, RICKETY (Jan. 16, 2009), <http://www.rickety.us/2009/01/the-falling-fertility-of-europe/> (“The replacement fertility rate is roughly 2.1 births per woman for most industrialized countries. The Total Fertility Rate (TFR) of a population is the average number of children that would be born to a woman over her lifetime. All of the European countries have a TFR less than the replacement rate of 2.1. The average is 1.53 and Lithuania records the lowest TFR at . . . 1.22 . . .”).

Simultaneously, human trafficking is advancing at an alarming rate.¹⁸ Research has indicated that intentional governmental efforts toward population decline in certain nations over the past generation have tended to result in fewer numbers of female children.¹⁹ Nations like China, India, and other Southeast Asian countries with policies designed to limit population are experiencing greater victimization in human sex trafficking,²⁰ bride-buying,²¹ and child kidnapping.²² These manifestations of human trafficking seem to strongly coincide with areas of governmentally imposed population policies.²³ It becomes apparent that how a nation manages matters regarding population affects women and children, illustrating that sustainable development strategy

18. See *infra* Section II.

19. See Lynne Marie Kohm, *The Challenges of Teaching Gender Equality in a World of Reproductive Gendercide*, 6 REGENT J. L. & PUB. POL'Y 1, 2, 16 (2013) (discussing the results of population policies in India and China as fewer girls and women in Asia).

20. See, e.g., Christine A. Khalili-Borna, *Technological Advancement and International Human Rights: Is Science Improving Human Life or Perpetuating Human Rights Violations?*, 29 MICH. J. INT'L L. 95, 117 (2007). China's Ministry of Public Security reported in January 2011 that the number of Chinese women forced into prostitution overseas is rising. U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT 121 (2011), available at <http://www.state.gov/documents/organization/164453.pdf>.

21. See, e.g., Bay Fang, *China's Stolen Wives*, U.S. NEWS & WORLD REP., Oct. 12, 1998, at 35; Kavitta Sharma & Divya Shah, *Cheaper To Buy Bride than Raise Daughter*, CNN-IBN (Mar. 9, 2008), <http://ibnlive.in.com/news/cheaper-to-buy-bride-than-raise-daughter/60766-3.html>.

22. *China*, HUMANTRAFFICKING.ORG, <http://www.humantrafficking.org/countries/china> (last visited Sep. 6, 2014) (“[K]idnapping and buying and selling children for adoption increased over the past several years, particularly in poor rural areas. While there are no reliable estimates of the number of children kidnapped, according to media reports, as many as 20,000 children are kidnapped every year for illegal adoption.”) Child kidnapping for adoption, and for sex work, is high in nations with strong population policies such as China and India. See Kohm, *supra* note 19, at 16-17 (discussing the smaller demographic numbers of girls and women in Asia).

23. See generally Jonathan Todres & Michael Baumrind, *Human Trafficking: A Global Problem with Local Impact*, 17 GA. B. J. 13 (June 2012); Kathleen A. McKee, *Modern-Day Slavery: Framing Effective Solutions for an Age-Old Problem*, 55 CATH. U. L. REV. 141 (2005).

simultaneously relies on and imperils women. The result thereby influences the relative strength of that nation.²⁴

There is very little research on the portent and long term implications of sustainable development population policies, and less study of the interconnection between sustainable development and the risks it presents to women and children. This article researches those connections. With an eye toward fostering global justice and the protection of women, and their children, we suggest that the best answer to global population concerns, demographic demise, and human trafficking is family strengthening and stability that values women and children. Using current data on sustainable development policies, and analyzing that data with current total fertility rates (TFR) and declining populations, as well as what is already known about violence against women, we examine connections between sustainable development and human trafficking.

Section I will provide a background for current global population policies, and then set those policies in the context of global demographic demise of developed (particularly Western) nations. Section II will draw connections between these phenomena and risks they bring to women by examining increases in human trafficking over the past decades of population policies. This section reveals how affirmatively altering the status of women in a culture allows healthier and more cohesive family structures to evolve, thereby reducing human trafficking and other grave dangers particular to women. Section III offers protection for women (and their children) in a proper focus and context with family strength. By examining the associations between sustainable development, population policies, and human trafficking, this article concludes that the strong and healthy family is the most suitable social setting to empower women and their reproductive choices and to protect women (and thereby children) from commoditization.

24. PLATO, *THE REPUBLIC* 318-19 (Benjamin Jowett trans., 1892) (“[W]hat is the nature of this community of women and children – for we are of opinion that the right or wrong management of such matters will have a great and paramount influence on the State for good or for evil.”).

I. SUSTAINABLE DEVELOPMENT AND DEMOGRAPHIC DEMISE

Population is a chief concern of the United Nations.²⁵ Population growth globally²⁶ has prompted international encouragement to deal with overpopulation through government policies that limit families.²⁷ Similar population policies have been very effective in some nations such as China, which has diminished its population growth since inception of its

25. See generally *Summary of the ICPD Programme of Action*, UNITED NATIONS POPULATION FUND [hereinafter UNFPA],

<http://www.unfpa.org/public/home/sitemap/icpd/International-Conference-on-Population-and-Development/ICPD-Summary> (last visited Sept. 6, 2014) (detailing the objectives of the International Conference on Population and Development (ICPD) following its 1994 Conference); UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS POPULATION DIVISION,

<http://www.un.org/en/development/desa/population/> (last visited May 7, 2014).

26. The current world population is seven billion. Until the industrial revolution (circa. 1800) “it had taken all of human history ... for the world population to reach one billion, [but] the second billion was” reached by 1930, the third billion by 1959, the fourth billion by 1974, and the fifth billion by 1987, which means that “[d]uring the twentieth century alone, the population [of] the world [grew] from 1.65 billion to six billion,” and “[i]n 1970 there were roughly half as many people in the world as there are now.” Eight billion is projected to be reached by 2024. See, e.g., *World Population: Present, Present and Future*, WORLDOMETER, <http://www.worldometers.info/world-population/> (last visited May 7, 2014). For the most current data on population growth data through 2013, see *Population Growth (annual %)*, THE WORLD BANK, <http://data.worldbank.org/indicator/SP.POP.GROW> (last visited Sept. 6, 2014).

27. See UNFPA, *supra* note 25. The American debate about forced funding of contraception and sterilization in the United States may be further evidence of this fact. See Charles Kadlec, *The Audacity of Power: President Obama vs. the Catholic Church*, FORBES (Feb. 13, 2012),

<http://www.forbes.com/sites/charleskadlec/2012/02/13/the-audacity-of-power-president-obama-vs-the-catholic-church/>. See also Terence P. Jeffrey, *Free Sterilizations Must be Offered to All College Women, Says HHS*, CNSNEWS (Mar. 17, 2012),

<http://cnsnews.com/news/article/free-sterilizations-must-be-offered-all-college-women-says-hhs>. Furthermore, some states have been very active in expanding abortion, which results in outcomes that can limit populations. See also *California Considers Allowing Non-Physicians to Perform Abortions*, CITIZEN LINK, Apr. 13, 2012,

<http://www.citizenlink.com/2012/04/13/california-considers-allowing-non-physicians-to-perform-abortions/> (expanding abortion options to allow non-doctors and mid-wives to perform them).

One-Child Policy in 1979.²⁸ Some scholars support China's population policy based on concepts of sustainable development.²⁹

The preventive measures of sterilization and abortion to implement policy, as well as the use of those measures to enforcement policy to minimize population necessarily requires that the burden of population control falls directly upon women as child bearers.³⁰ Population control and reproductive rights are linked with an ecologically balanced environment and quality of life, even though "[p]opulation growth clearly has never been the sole cause of environmental degradation anywhere."³¹ Nations struggling with high total fertility rates (TFR) are encouraged by the United Nations to consider similar population policies to enhance sustainable development, linking population control to environmental catastrophism, arguing for more national birth control policies on a global scale.³² For example, some African nations have experienced minimal economic development essentially due to political instability, but are being targeted by the international community for

28. Lee Shlamowitz, *The Sun and the Scythe: Combining Climate and Population Policy to Solve the Greatest Challenges the World Has Ever Faced*, 24 TEMP. INT'L. & COMP. L.J. 247, 257 (2010). ("Chinese and ICPD policymakers felt compelled to confront the dreary issue of population management only because of a prevailing perception that resources were under urgent threat; however, while the ICPD Programme contemplates a complex relationship between natural resources and population, China's one-child policy was implemented in response to outright panic about economic and environmental disaster.") *Id.* at 272.

29. See, e.g., Mona Ma, *A Tale of Two Policies: A Defense of China's Population Policy and an Examination of U.S. Asylum Policy*, 59 CLEVELAND ST. L. REV. 237, 244 (2001) ("The [one child] policy [was] implemented through a combination of economic incentives and disincentives, the preventive and protective measure of sterilization, and the threat of abortion for policy violations [making] . . . significant contributions to curbing China's population explosion.") *Id.* at 238.

30. *Id.* at 238 (discussing China's one child policy as making significant contributions to curbing China's population explosion). Ma does also note, however, that enforcement of the policy through mandatory sterilization and forced abortion is the exception. *Id.* at 258.

31. Diana D.M. Babor, *Population-Environmental Linkages in International Law*, 27 DENV. J. INT'L L. & POL'Y 205, 228 (1999). *But see also* Carter J. Dillard, *Rethinking the Procreative Right*, 10 YALE HUM. RTS. & DEV. L. J. 1, 63 (2007) (discussing that procreation should not be an unlimited private right, but rather should be reconciled with competing rights and duties to future generations).

32. UNFPA, *supra* note 25.

population control.³³ Rwanda is one of these strategic nations to begin implementation of sustainable development policies that limit human populations.³⁴ President Kagame, the national leader and controller of the country's parliament, is focused on reducing fertility from 6.5 to 4.5 children by 2020,³⁵ stepping up its pro-abortion policy to curb population growth.³⁶

Global population growth rates, however, are declining.³⁷ Generational growth is at considerable risk in Europe, generational growth is at considerable risk in Europe as significant decreases in birthrates are marking dangerous population declines.³⁸ To sustain itself, an industrialized nation needs a replacement fertility rate or total fertility

33. Cascioli, *supra* note 8, at 12.

34. See Rwanda Initiative for Sustainable Dev., *Annual Report 2010* (2011), http://www.risdrwanda.org/IMG/pdf/RISD_Annual_Report_2010_Final (The Rwanda Initiative for Sustainable Development (RISD) is a non-governmental, non-profit organization in Rwanda that mainly focuses on policy action oriented research and advocacy. In addition to the promotion of good land governance and the protection of land rights of the population especially for women and other vulnerable groups, RISD also plays an important role in the country and region in the promotion of the role of the civil society in sustainable development and policy engagement). See also Maria Kaitesi, *Rwanda: MPS to Harmonise Legislation on Abortion*, ALLAFRICA (June 8, 2012), <http://allafrica.com/stories/201206080192.html>.

35. Rwanda already has a "suggested" three child per couple birth policy, which is working to reduce that nation's fertility rate. There is currently no Catholic nuncio in the country (as the last one was told by the government to leave). Cf. Parliamentary Network for Critical Issues, *Rwanda: Religious Leaders Oppose Campaign to Legalize Abortion*, PNCI BLOG (Sept. 6, 2014), <http://www.pncius.org/blog/?p=65> (explaining that an Anglican bishop and a pastor protested changes to the law last fall).

36. See *Rwanda Government Takes Critical Step in Recognizing Women's Fundamental Human Rights*, AWID.org (Aug. 15, 2012), <http://www.awid.org/Library/Africa-Rwandan-Government-Takes-Critical-Step-in-Recognizing-Women-s-Fundamental-Human-Rights> [hereinafter *Rwanda*]. Currently there is a Presidential Order to revoke Rwanda's reservation to the Maputo Protocol on abortion, which will assist in making abortion more expansive throughout the country. These changes are largely the result of western involvement with the UN and the US working behind the scenes encouraging the change in abortion policy. *Id.*

37. The UN projects population stabilization at 10 million by 2062. Press Release, United Nations Dept. of Economic and Social Affairs (June 13, 2014), available at <http://esa.un.org/unpd/wpp/Documentation/publications.htm>.

Media sources suggest the global population will hit the highest point at 8.7 billion in 2055, and decline to 8 billion by 2100. Kiran Moodley, *World Population to Peak by 2055*, CNBC.COM (Sept. 9, 2013), <http://www.cnbc.com/id/101018722>.

38. Bucher, *supra* note 17.

rate (TFR)³⁹ that is roughly 2.1 births per woman.⁴⁰ Currently nearly every European nation has a TFR less than the needed replacement rate of 2.1, where the average TFR for the continent is 1.53, with Lithuania recording the lowest TFR at [] 1.22 in 2009.⁴¹ This problem was characterized in 2012 as “heading for demographic catastrophe. Fertility rates have been falling across the globe for 40 years The developing world is heading in the same direction, fast. Only 3 percent of the world’s population lives in a country where the fertility rate is *not* dropping.”⁴²

Some scholars have suggested that a shrinking world may jeopardize global peace and stability.⁴³ Because population is the source of both economic and military power, population demise therefore allows for reordering of global power.⁴⁴ Commentary on these facts offer that

39. The World Factbook defines Total Fertility Rate (TFR): “Total fertility rate (TFR) compares figures for the average number of children that would be born per women if all women lived to the end of their childbearing years and bore children according to a given fertility rate at each age. TFR is a more direct measure of the level of fertility than the crude birth rate, since it refers to births per woman.” The World Factbook, *Country Comparison: Total Fertility Rate*, Central Intelligence Agency, <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2127rank.html> (last visited Aug. 28, 2014).

40. See Rickety, *supra* note 17. Many sources rely on the 2.1 replacement rate number, but that number is not completely accurate as it is dependent on survival rates of girls and other factors. See Robert Engelman & Elizabeth Leahy, *Replacement Fertility: Not Constant, Not 2.1, but Varying with the Survival of Girls and Young Women*, POPULATION ACTION INTERNATIONAL (Apr. 3, 2006), <http://populationaction.org/reports/replacement-fertility-not-constant-not-2-1-but-varying-with-the-survival-of-girls-and-young-women/>.

41. Rickety, *supra* note 17. For further statistical data on fertility rates by nation see *TFR Ratio to Population: Foundation at Stockholm County Administration Board*, GAPMINDER, <http://web.mit.edu/ruggles/MappingControversy/web-directory/342.html>.

42. Jonathan V. Last, *Demography Is Destiny*, WEEKLY STANDARD (Apr. 23, 2012), http://www.weeklystandard.com/articles/demography-destiny_636998.html. For a ranking of nations based on fertility rates, see *Total Fertility Rate 2011 Country Ranks*, CIA WORLD FACTBOOK 2011, <http://www.photius.com/rankings/population> (last visited Aug. 29, 2014).

43. Last, *supra* note 42. See generally SUSAN YISHIHARA & DOUGLAS A. SYLVA, *POPULATION DECLINE AND THE REMAKING OF GREAT POWER POLITICS* (Potomac Books 2013) (collected essays from demographers, historians, and military strategists on the effects of demographic demise).

44. See Last, *supra* note 42. *Id.* See generally STEVEN MOSHER, *POPULATION CONTROLS: REAL COSTS, ILLUSORY BENEFITS* (2008) (examining declining birth rates in

“[o]ver the next 40 years we will witness the most drastic demographic upheaval the world has seen since (at least) the Black Death . . . one way, or another, the world will be remade.”⁴⁵ Furthermore, “[t]hese demographic concerns are legitimately the subject of government economic and development strategies.”⁴⁶ Therefore, attempts to address these concerns generally include economic and social incentives for women to have children.⁴⁷ In light of the fact that a portion of the global population is shrinking with falling fertility rates, it seems incongruent that global efforts toward sustainable development seek to limit and reduce populations.⁴⁸ This suggests that sustainable development, therefore, could become “a broad concept susceptible to becoming, in the hands of a powerful world government or superpower, a formidable instrument of oppression.”⁴⁹ Some have perceived this strategy for

the context of what he terms “dictatorial” population policy); JACQUELIN KASUN, *THE WAR AGAINST POPULATION: THE ECONOMICS AND IDEOLOGY OF WORLD POPULATION CONTROL* (1999) (examining the tenets of population policies and their false premises and conclusions).

45. Last, *supra* note 42.

46. Adriana Lamackova & Christina Zampas, *Sexual and Reproductive Rights and Gender Equality: Fundamentals of Demography Policies in Europe*, ASTRA NETWORK, (Aug. 2007) at 1.

47. *Id.*

48. Cascioli, *supra* note 8, at 14. Cascioli expands this statement with an explanation of the fact that throughout history resources are continuously increasing and diversifying, demonstrating also that prime material resources are searched out and discovered only in answer to demand.

The concept of resource is not limited by nature – as ‘sustainable development’ ideology would have it – but by human creativity and technology that renders a specific component of nature exploitable One can easily assume that in the next few decades we will have resources at our disposition that today we cannot even imagine.

Id. at 14-15. Because the fundamental resource is man, with his capacity to adapt and respond to changing demands, economist Julian Simon has concluded that resources are unlimited in the sense that humans will never leave themselves wanting. *Id.* at 15 (citing JULIAN SIMON, *THE ULTIMATE RESOURCE 2* (1998) (on the relationship between population and resources)).

49. Cascioli, *supra* note 8, at 1. Cascioli argues that “[a]ccording to the advocates of sustainability, the world’s resources should be nearly exhausted because of the current pressure of the population.” *Id.* at 14. Cascioli posits that the ontological expansion of sustainable development leads to “sustainable human development,” which essentially means limiting human populations, with highly discretionary interpretation and that this

sustainable development as a form of neocolonialism where “developed countries define for other countries what must be, from their point of view, ‘sustainable development.’”⁵⁰ The broad scope and vagueness of the concept of sustainable development can allow for the model to be manipulated to “excessively increase[] the arbitrary nature of what things are considered sustainable . . . as defined by whoever handles the power.”⁵¹ This is not to suggest that more cannot be done to protect the environment, but that “the problem does not rest in population, but rather in underdevelopment.”⁵²

Controlling fertility through political demographics is designed to protect the environment, but it also works to advance government authority in health, education, and other aspects of human society.⁵³ These notions work to increase family planning services, “raising the effectiveness of investments in [birth control],”⁵⁴ and as a consequence initiating an international movement to legalize abortion, fertility control,

biological term is based on Social Darwinism, which has found full application in the Earth Charter project, which would replace the Universal Declaration of Human Rights, creating a new international ethic where the centrality of the human person vanishes to make room for the more generic “community of life” in protection of the earth. *Id.* at 1-2.

50. Pontifical Council for the Family, *Ethical and Pastoral Dimensions of Population Trends*, Libreria Editrice Vaticana (1994), ¶ 24, available at <http://www.ewtn.com/library/curia/pcftrend.htm>. The Pontiff has also referred to sustainable development as the politics of population control. *See id.*

51. Cascioli, *supra* note 8, at 21.

52. *Id.* at 12.

53. “Present rates of population growth cannot continue. They already compromise many governments’ abilities to provide education, health care and food security for people, much less their abilities to raise living standards.” UN Documents: Gathering a Body of Global Agreements, *Our Common Future*, NGO Committee on Education, <http://www.un-documents.net/ocf-04.htm> (last visited Aug. 29, 2014). It is somewhat interesting to note that while the United Nations and the global community promote sustainable development toward population control, those sovereign nations which tend to hold a certain disregard of the global community are increasing in population to overcome all other cultures, religions, and sovereigns. *See* Farzaneh Roudi-Fahimi, John F. May, & Allyson C. Lynch, *Demographic Trends in Muslim Countries*, Population Reference Bureau (Apr. 2013), <http://www.prb.org/Publications/Articles/2013/demographics-muslims.aspx> (discussing the rapid demographic growth in Middle Eastern and North African nations).

54. Stanley P. Johnson, *World Population: Turning the Tide: three decades of progress 197* (Graham & Trotman 1994).

and euthanasia to foster sustainable development policies.⁵⁵ A large segment of the global women's rights lobby perceives that population growth is symptomatic of a larger problem of women's oppression, and voices the empowerment of women through infertility.⁵⁶ Policies advancing sustainable development and population limitation rely on women's rights of reproductive and sexual health to limit population.⁵⁷ These emphases, however, have placed the burden for their effectiveness completely on women. The consequences of that burden seem to be growing ever more evident in the harms women are experiencing globally at alarming levels.

II. THE INTERRELATIONSHIP OF SUSTAINABILITY POLICY AND HUMAN TRAFFICKING

It should come as no surprise that the factors that threaten environmental sustainability also play a role in modern day trafficking in persons. As researcher, human rights advocate and United Nations consultant, Kevin Bales noted in his work, *Disposable People: New Slavery in The Global Economy*, that “[t]wo factors are critical in the shift from the old slavery to the explosive spread of the new”: (1) “a dramatic increase in world population following World War II”⁵⁸ and (2) contemporaneous rapid social and economic change in developing nations. He explains:

55. Cascioli, *supra* note 8, at 8.

56. These groups consist of the Women's Caucus for Gender Justice, Human Rights Caucus, Lesbian Caucus, Women's Environment and Development Organization (WEDO), Asian Pacific Forum on Women, Law and Development (APWLD), Development Alternatives with Women for a New Era (DAWN), International Women's Health Coalition, Center for Reproductive Law and Policy, and International Gay and Lesbian Human Rights Commission (IGLHRC) all arguing that childbirth is a form of female oppression requiring women to have access to adequate health care). *See also* Aguirre & Wolfgram, *supra* note 8, at 136.

57. *See, e.g., Rwanda, supra* note 36. *See also* Lamackova & Zampas, *supra* note 46.

58. Kevin Bales, *DISPOSABLE PEOPLE: NEW SLAVERY IN THE GLOBAL ECONOMY* 12 (Univ. of Cal. Press, 2d ed. 2004) (“Since 1945 the world population has tripled, increasing from about 2 billion people to more than 6 billion. The greatest growth has been in exactly those countries where slavery is most prevalent today.”).

In many developing countries modernization brought immense wealth to the elite and continued or increased the impoverishment of the poor majority. Throughout Africa and Asia the last fifty years have been scarred by civil war and the wholesale looting of resources by home-grown dictators, often supported by one of the superpowers. To hold on to power, the ruling kleptocrats have paid enormous sums for weaponry, money raised by mortgaging their countries. Meanwhile traditional ways of life and subsistence have been sacrificed to the cash crop and quick profit. Poor families have lost their old ways of meeting a crisis. Traditional societies, while sometimes oppressive, generally relied on ties of responsibility and kinship that could usually carry people through a crisis such as the death of the breadwinner, serious illness, or a bad harvest. Modernization and the globalization of the world economy have shattered these traditional families and the small-scale subsistence to cash-crop agriculture, the loss of common land, and government policies that suppress farm income in favor of cheap food for the cities have all helped bankrupt millions of peasants and drive them from their lands—sometimes into slavery.⁵⁹

It would be short sighted, however, to suggest that addressing population issues to achieve sustainability without factoring in the impact of poverty,⁶⁰ lack of economic and legal infrastructure,⁶¹ government policies or lack thereof,⁶² gender inequalities,⁶³ and lack of access to education.⁶⁴ Moreover, because these factors vary from country

59. *Id.* at 12-13.

60. *See International Trafficking in Women and Children: Hearing on S. HRG. 106-705 Before the S. Comm. Near E. and S. Asian Affairs of the Comm. on Foreign Relations, 106th Cong. 11-12 (2000)* [hereinafter *Hearings on International Trafficking in Women and Children*] (statement of Frank E. Loy, Under Secretary, State for Global Affairs). (“The trafficking industry is driven by poverty and economic desperation, most particularly among women and girls who have little or no access to economic opportunities, support services, or resources, including credit, land ownership and inheritance.”).

61. Francis T. Miko, CONG. RESEARCH SERV., RL30545, TRAFFICKING IN WOMEN AND CHILDREN: THE INTERNATIONAL RESPONSE 8 (2004).

62. *Hearings on International Trafficking in Women and Children, supra* note 60, at 36 (“[T]he authorities do not have the resources or the interest in tracking down the organizations of individuals in the trafficking chain.”).

63. *Id.* at 12 (“The low status of women in many countries contributes as well. Children and girls in particular, are pulled out of school early, enhancing the likelihood that they will end up in the hands of traffickers.”).

64. *Id.*

to country, just as any proposal to address trafficking in persons should be individually tailored on a national basis, so should any proposal to address sustainability issues.⁶⁵

In the past, population control (sometimes referred to by proponents as “population zero” or “zero population growth” or ZPG) has been a central issue in formulating sustainability policy.⁶⁶ (The underlying

65. See CONSUMPTION, POPULATION, AND SUSTAINABILITY; PERSPECTIVES FROM SCIENCE AND CONSUMPTION, POPULATION, AND SUSTAINABILITY: PERSPECTIVES FROM SCIENCE AND RELIGION 63-64 (Audrey R. Chapman et al. eds., 2000).

Three valuable approaches have been advocated to ease future trade-offs among population, economic well-being, environmental quality, and cultural values. Each of these approaches is probably necessary, but is not sufficient by itself, to alleviate the economic, environmental, and cultural problems described above. The “bigger pie” school says: develop more technology. The “fewer forks” school says: slow or stop population growth. In September 1994 at the UN population conference in Cairo, several approaches to slowing population growth by lowering fertility were advocated and disputed. They included promoting modern contraceptives; promoting economic development; improving the survival of infants and children; improving the status of women; education men; and various combinations. Unfortunately, there appears to be no believable information to show which approach will lower a country’s fertility rate the most, now or a decade from now, per dollar spent. In some developing countries such as Indonesia, family planning programs interact with educational, cultural and, economic improvements to lower fertility by more than the sum of their inferred separate effects. Some unanswered questions are: how soon will global fertility fall? [B]y what means? [A]t whose expense?

Id.

66. See generally PAUL R. EHRLICH, THE POPULATION BOMB 16-17 (Buccaneer Books, 1995).

In summary, the world’s population will continue to grow as long as the birth rate exceeds the death rate; it’s as simple as that. When it stops growing or starts to shrink, it will mean that either the birth rate has gone down or the death rate has gone up or a combination of the two. Basically, then, there are only two kinds of solutions to the population problem. One is a “birth rate solution” in which we find ways to lower the birth rate. The other is a “death rate solution” in which ways to raise the death rate—

assumption appears to have been that balancing birth rates and death rates within a country would contribute significantly to the goal of sustaining the environment generally and limited natural resources in particular). Population control continues to be a factor in the context of formulating and implementing international policy on women's health issues such as maternal health and morbidity.⁶⁷ While this issue cannot be ignored, it should be addressed with intentionality. Otherwise, one of the unintended consequences of sustainability programs that narrowly define their approach to population control is the increased risk of women and girls being further disadvantaged socially and made more vulnerable to being trafficked domestically and globally.⁶⁸ The potential link between the two issues merits further discussion here.

In order to recognize the potential link between sustainability policy and trafficking in persons, one needs to identify what constitutes trafficking in persons. The term "trafficking" is used to refer to a process

war, famine, pestilence- *find us*. The problem could have been avoided by population control, in which mankind consciously adjusted the birth rate so that a "death rate solution" did not have to occur.

Id.

67. *See, e.g.*, NICHOLAS D. KRISTOF & SHERYL WUDUNN, *HALF THE SKY* 114 (2009) (discussing the use of contraceptive programs as mechanisms used to address the issues of maternal mortality and infant mortality).

Education and family planning also tend to leave families better able to earn a living and more likely to accumulate savings. The result is that they are better able to afford health care and educated families are also more likely to choose to allocate savings to the mother's health The World Bank has estimated that for every one thousand girls who get one additional year of education, two fewer women die in childbirth.

Id.

68. *Id.* at 116. (Unfortunately, maternal health is persistently diminished as a "women's issue." Such concerns never gain sufficient resources. Maternal deaths in developing countries are often the tragic outcome of the cumulative denial of human rights, noted the *Journal of Clinical Obstetrics and Gynecology*. "Women are not dying because of untreatable diseases. They are dying because societies have yet to make the decision that their lives are worth saving." (citing Jeremy Shiffman & Stephanie Smith, *Generation of Political Priority for Global Health Initiatives: A Framework and Case Study of Maternal Mortality*, 370 *Lancet* 1370, 1375 (Oct. 13, 2007)).

whose end goal is the exploitation of the individual.⁶⁹ There are a number of identifiable factors that facilitate the process. Among these are poverty,⁷⁰ natural disasters,⁷¹ disruption of government through civil war,⁷² governmental inefficacy,⁷³ and the absence of viable access to

69. See *Human Trafficking*, MERRIAM-WEBSTER, <http://www.merriam-webster.com/dictionary/humantrafficking>.

70. *Trafficking of Women and Children in the International Sex Trade: Hearing on H.R. 106-1049 Before the H. Comm. on Int'l Relations*, 106th Cong. 72 (2000) [hereinafter *Hearings on Trafficking of Women and Children*] (statement of Theresa Loar, Director, President's Interagency Council on Women:

What is it that drives trafficking? Economic desperation. Children, and girls in particular, are pulled out of school early because of financial hardship in a family. This enhances the likelihood they will fall into the hands of traffickers. In many cases, victims desperate for work are lured into trafficking schemes through false promises of employment as teachers, factory workers, nannies, sales clerks.

71. See Rabab Fatima et al., *Human Rights, Climate Change, Environmental Degradation and Migration: A New Paradigm*, 8 INT'L ORG. ON MIGRATION 2 (2014). "It is predicted that millions of people will be displaced by environmental and climate factors such as river bank and coastal erosion, floods, cyclones, salinity intrusion and drought." *Id.* Past experience has demonstrated that in the wake of the disruption of communities by these occurrences, there is a concomitant risk of members of such communities falling victim to trafficking in persons. For example, in the aftermath of the tsunami in Southeast Asia, John Miller, Director of the Office to Monitor and Combat Trafficking, U.S. Department of State alerted NGOs's and disaster relief workers to the increased risk of trafficking activities. John R. Miller, *Special Message on Protecting Child Tsunami Victims*, U.S. DEP'T OF STATE (Jan. 7, 2005), <http://2001-2009.state.gov/g/tip/rls/rm/2005/40437.htm> ("When people are displaced, when children are separated from their families, when livelihoods are ruined, and when infrastructure is destroyed—people become more vulnerable to labor and sex trafficking crimes.").

72. In 2008, Congress enacted the Child Soldiers Prevention Act to address the problem of the coerced recruitment of children to participate in governmental or other armed forces either as combatants or to fill support roles to armed forces such as cooks, porters, messengers, guards and sex slaves. See *Child Soldiers Prevention Act*, Pub. L. No. 110-457, § 402, 122 Stat. 5088 (2008).

73. See AMY O'NEILL RICHARD, CTR. FOR THE STUDY OF INTELLIGENCE, INTERNATIONAL TRAFFICKING IN WOMEN TO THE UNITED STATES: A CONTEMPORARY MANIFESTATION OF SLAVERY AND ORGANIZED CRIME 1-2 (1999). "Moreover, the corruption commonly associated with the trafficking industry in many source, transit, and destination countries serves to undermine law enforcement and the rule of law. Many non-governmental organizations stress that the trafficking industry could not exist and thrive without corruption." *Id.* See also Francis T. Miko, *Trafficking in Persons: The U.S.*

social institutions such as schools and health care facilities. In addition, cultural norms may facilitate trafficking through such practices as child brides, and “gendercide” which are reflective of an underlying gender bias.⁷⁴ While men are victims of trafficking for the purpose of forced labor, women and children are more likely to become victims, particularly for sexual exploitation.⁷⁵ Trafficking begins with a promise that fulfills a need.⁷⁶ The trafficker is someone known to the target community either as a member or as a friend; he or she is not perceived to be an outsider and therefore suspect.⁷⁷ Having engendered acceptance by the community, he or she makes promises to fulfill an unmet need for the targeted segment of the community.⁷⁸ The promise may take the form of securing placement in a job abroad as a domestic worker,⁷⁹ or placement of one’s children with a family that will ensure that the children get an education in return for working in that family’s home.⁸⁰

and International Response, CONGRESSIONAL RESEARCH SERVICE 3 (Jan. 19, 2006) (“In some cases, police and other governmental authorities accept bribes and collude with traffickers by selling fake documentation, etc.”).

74. See, e.g., Kohm, *supra* note 19, at 10-17 (examining the realities of gendercide when male children are preferred to female children).

75. See Miko, *supra* note 73, at 1-4. Trafficking in people, especially women and children, for prostitution and forced labor is one of the fastest growing areas of international criminal activity and one that is of increasing concern to the U.S. Administration, Congress, and the international community. Although men are victimized, the overwhelming majority of those trafficked are women and children.

76. See Kathleen A. McKee, *Modern-Day Slavery: Framing Effective Solutions for an Age-Old Problem*, 55 CATH. U. L. REV. 141, 178 (2005).

77. *Id.*

78. *Id.*

79. See RICHARD, *supra* note 73, at 5.

Traffickers typically lure women to the United States with false promises of jobs as waitresses, nannies, models, factory workers, or exotic dancers. Capitalizing on rising unemployment, disintegrating social networks, and the low status of women in the source countries, the traffickers promise high wages and good working conditions in exciting U.S. cities.

Id.

80. See *Traditional Practices being Abused to Exploit Children in West Africa, Warns IOM*, INT’L ORG. FOR MIGRATION (Nov. 22, 2006) [hereinafter *Traditional Practices*], <http://web.lexis-lexis.com/universe/document?m-967eca94f9edf64e7059>.

Cultural and traditional beliefs in West Africa are being misused to abuse children across a region where an estimated two million

Once the victim is entrusted to the trafficker, his or her life will be totally controlled. The trafficker will take possession of the victim's immigration documents,⁸¹ will determine where the victim lives, will control the victims' movements, and will determine the work conditions and compensation.⁸² Violence and drugs may be used to ensure total control.⁸³ Aside from fear of the trafficker, the victim will be inhibited in his or her ability to leave due to the trafficker's threats against the victim's family members,⁸⁴ the control of his or her immigration documents,⁸⁵ and the lack of familiarity with the language and culture of the country into which he or she is trafficked.⁸⁶ If the victim comes from a country in which there is corruption in government and government

children are thought to be victims of human trafficking or other forms of exploitation, warns the International Organization for Migration. The informal and traditional African practice of poor parents sending their children to friends, relatives and to informal schools such as Koranic schools or Daaras because they don't have the resources to send them to conventional institutions, has long been regarded as a form of community support. Education in Koranic schools for both rich and poor is widely respected in teaching people to appreciate material deprivation and to help people become responsible adults.

Id.

81. See RICHARD, *supra* note 73, at 28.

82. See *Manliguez v. Joseph*, 226 F. Supp. 2d 377 (E.D.N.Y. 2002).

83. See RICHARD, *supra* note 73, at 25.

The most egregious trafficking cases tend to make the headlines and involve the worst cases of involuntary servitude, violence and human rights abuses. In these cases, women may be forced to work anywhere from sixteen to twenty hours per day, and often live in conditions of captivity within the US. These women have had their freedoms severely curtailed. They are kept in situations of forced labor through sexual, physical, and psychological abuse; threats of violence to themselves and/or their families; bonded labor; enforced isolation; and/or seizure of their passports, travel, or identity documents.

Id.

84. *Id.* at 5.

85. *Id.*

86. *Id.*

complicity in trafficking, the victim is unlikely to take the risk of trying to escape and seeking out the assistance of the police.⁸⁷

A critical element in the trafficking scheme is the commodification of the victim. The woman or child is not seen as a human being but rather as a piece of property, which can generate income.⁸⁸ The woman is a means of perpetuating the family line, but only if she gives birth to a male child.⁸⁹ Most marriageable when she is young, a daughter who is not married by the time she is in her twenties may be unmarriageable.⁹⁰ Consequently, this renders her vulnerable to attack by male members of

87. *See id.* at 15.

Though many prostitution houses operate independently, they appear to share information with one another regarding any possible law enforcement raids, and some have hideaways to conceal the women and girls from the police. Corruption also facilitates the industry. For example, there have been allegations made against New Orleans police department officials that they were accepting bribes from local brothels, likely in exchange for tipping the brothels off to impending raids.

Id.

88. Susan Tiefenbrun & Christie J. Edwards, *Gendercide and the Cultural Context of Sex Trafficking in China*, 32 *FORDHAM INT'L L.J.* 731, 734 (2008) (“In Chinese culture, girls typically marry into the husband’s family, leave home, and take care of their husband’s parents.”). In other words, it is the son who will contribute to his parents’ care and maintenance when they are old.

89. *See* ELIZABETH BUMILLER, *MAY YOU BE THE MOTHER OF A THOUSAND SONS* (Random House 2011). *See also* Tiefenbrun & Edwards, *supra* note 88, at 734.

90. Elizabeth Warner, *Behind the Wedding Veil: Child Marriage as a Form of Trafficking in Girls*, 12 *AM.U.J.GENDER SOC. POL’Y & L.* 233, 241 (2004).

The two major reasons why parents marry off their girl children have to do with economics and the desire to control female sexuality. Girls are considered less valuable than boys, particularly so as they get older. Poor families do not want to waste scarce resources on their daughters, who leave home when they are married and thus cannot be expected to contribute to the family income or provide support for their parents as they grow old. The bride-price that a young girl fetches is needed to support her birth family and pay off debts, and in many cases is a source of funds to purchase brides for her brothers. For all these reasons, the girl’s family benefits more from her marriage at an earlier age. (citations omitted).

Id.

the community who believe that if she is older and unmarried she is probably a woman of loose morals and therefore will require greater protection from sexual aggression within the community.⁹¹ As an actuality that is particularly true in paternalistic nations, the result is that population policies essentially work to magnify and advance male dominance, albeit indirectly, providing income for the family by selling off a burdensome female family member, and ultimately using women and children as an income stream for the family unintentionally.

The argument can be made that the primary focus of population control is generally women.⁹² As the bearer of children, however, the question should be asked whether placing this responsibility on women alone puts them in conflict with their male partners, further underscoring their less valued social status than their male counterparts, placing them in a position to be further disadvantaged in society. This difficulty is underscored in countries that have implemented stringent policies to limit family growth, such as China, or that face increased pressure to limit population growth, such as India. China's "one child per family

91. *Id.* at 241-42.

[S]o long as there is any chance that a woman could have sex with more than one man or at times and places of her own choosing, her husband can never be sure that her children are also his Unmarried girls are at risk of being attacked by sexual predators, which increases the pressure to marry her off for her own "protection" for the older she is the greater are questions about whether she is still a virgin and, accordingly, the greater are the chances that she will be viewed as fair game.

Id.

92. KRISTOF & WUDUNN, *supra* note 67, at 135. Offering an interesting observation on this issue:

There's some evidence that decisions about childbearing reflect deep-seated tensions between man and women about strategies to pass on their genes. Polling tends to confirm what evolutionary biologists have sometimes suggested, that at a genetic level men often act like Johnny Appleseed, betting that the best way to achieve a future crop is to plant as many seeds as possible, without doing much to nurture them afterward. Given biological differences, women prefer to have fewer children but to invest heavily in each of them. One way to curb fertility, therefore, may be to give women more say-so in the family.

Id.

policy” has resulted in women being subjected to forced abortions and involuntary sterilization.⁹³ In India, modern medical technology facilitates gender selection; if the fetus is determined to be a female, the mother may be subjected to significant pressure to abort the fetus by her husband’s family or to kill the child upon birth.⁹⁴

An immediate consequence of these policies is to produce a gender imbalance in the population.⁹⁵ In some parts of China, the number of males per thousand births is 134 while the number of females is 100.⁹⁶ In the short term, the goal of limiting the national population by family size is achieved;⁹⁷ however, to ensure continuation of a family line with a male child, female children are at risk of abortion or infanticide.⁹⁸ In the long term this means that there will be a limited universe of young females for the male children to marry when they come of marriageable age. In fact, there is now evidence to suggest that women from Southeast Asia are being trafficked into China as mail order brides to compensate for the inadequate supply of available adult female spouses.⁹⁹ The

93. Tiefenbrun & Edwards, *supra* note 88, at 742 (“The strict regulation of women’s reproduction choices through compulsory birth control measures and limited forms of contraceptives deny Chinese women the freedom to make their own reproductive decisions. Access to information and education about contraceptives in China is also extremely limited, in addition to the severe lack of quality reproductive care in rural areas.”).

94. See David M. Smolin, *The Missing Girls of China: Population, Policy, Culture, Gender, Abortion, Abandonment, and Adoption in East-Asian Perspective*, 41 CUMB. L. REV. 1 (2011), available at http://works.bepress.com/david_smolin/9.

95. See Kohm, *supra* note 19, at 1-2.

96. *Id.* at 1.

97. See Shlamowitz, *supra* note 28.

98. *Id.* (citing *Sex Selection Abortion: Worldwide Son-Bias Fueled by Population Policy Abuse*, CHARLOTTE LOZIER INSTITUTE (May 30, 2012), <http://lozier.adeo.tv/wp-content/uploads/2014/09/CLI-Fact-Sheet-on-Sex-Selection-Abortion-.pdf>).

99. Tiefenbrun & Edwards, *supra* note 88, at 735 (“Experts believe that China’s One-Child Policy has resulted in a male-female birth ratio imbalance, and the scarcity of women has contributed mightily to the increase in trafficking of women for brides.”). See also U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT 91 (2008), available at <http://www.state.gov/documents/organization/105501.pdf>; U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT (2009), available at <http://www.state.gov/documents/organization/123357.pdf>; U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT 112 (2010), available at <http://www.state.gov/documents/organization/142979.pdf>; U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT 121 (2011), available at

adverse effects of the lack of marriage partners on young males and on the future of the family as a social unit have yet to be determined.

If we acknowledge that the variables that impact sustainability are also factors that impact upon human trafficking, then any long term proposals to advance sustainability must be synchronized with proposals to combat human trafficking. Where should that work begin? Since the family is a recurrent factor in both sustainability and trafficking and is the smallest unit of social organization that governs at the local level, it should begin with the family.

As noted above, the factors that impact upon sustainability will vary from one country to the next. Consequently, each country will need to conduct its own self-analysis to determine what factors are in play and how to craft a plan to deal with those factors. For example, not all countries have a birth rate that exceeds their death rate.¹⁰⁰ In fact, some countries are experiencing a dearth of births resulting in a decrease in population.¹⁰¹ For such countries, the population issue may be population distribution and over concentration in geographic areas as opposed to excessive population growth.

The issue of population distribution and concentration may be a function of migration and immigration.¹⁰² For example, a natural disaster such as draught or a tsunami may destroy existing legal, social and economic infrastructure and force individuals out of their communities and into other areas that are not equipped to provide food, water, shelter, and employment for the sudden surge in population. This displacement also has the potential consequence of disrupting families, isolating individuals and facilitating their being trafficked by individuals who

<http://www.state.gov/documents/organization/164453.pdf>; U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT 118 (2012), *available at* <http://www.state.gov/documents/organization/192594.pdf>; U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT 129 (2013), *available at* <http://www.state.gov/documents/organization/210738.pdf>.

100. See MOSHER, *supra* note 44, at 26, nn. 11 & 18. Mosher, who is critical of past and present population control policy, contends that there are both developed and underdeveloped nations that are facing declining birth rates.

101. *Id.*; see also C.J. Chivers, *Putin Urges Plan to Reverse Slide in the Birth Rate*, N.Y. TIMES (May 11, 2006), <http://www.nytimes.com/2006/05/11/world/europe/11russia.html?pagewanted=all>; *Falling Population Alarms Europe*, WASH. TIMES (Dec. 2, 1987).

102. See FATIMA, ET AL., *supra* note 3.

promise to take them to an area where they can secure employment and thus provide for the basic needs of their families.¹⁰³

Similarly, individuals who flee their countries because of civil war become separated from family members and end up in refugee camps where there are insufficient facilities to accommodate the day-to-day living needs of the displaced population.¹⁰⁴ Moreover, governmental policy may not operate to assist these refugees in securing asylum and becoming integrated into the host population.¹⁰⁵ This uncertain legal status of the displaced population again facilitates their being recruited by deception or being forced into trafficking for forced labor and/or sexual exploitation. Consequently, moderating population movement needs to be dealt with as a part of any strategy to address sustainability.

Although lack of adequate food supply is indicia of the failure to promote and ensure sustainability, there are countries that produce adequate food supply yet have segments of the population that cannot access that supply. This may be a consequence not of population numbers but of a lack of infrastructure to ensure that the food produced reaches all segments of the population.¹⁰⁶ It may also mean that land

103. See *Hearings on Trafficking of Women and Children*, *supra* note 70, at 16 (statement of Theresa Loar, Director, President's Interagency Council on Women: "What is it that drives trafficking? Economic desperation. Children, and girls in particular, are pulled out of school early because of financial hardship in a family. This enhances the likelihood they will fall into the hands of traffickers. In many cases, victims desperate for work are lured into trafficking schemes through false promises of employment as teachers, factory workers, nannies, sales clerks.").

104. See Alvin Powell, *Perilous Plight for Syrian Refugees in Lebanon; Child Exploitation, Illness Among Concerns Cited by Researchers*, HARVARD GAZETTE (Feb. 5, 2014), <http://news.harvard.edu/gazette/story/2014/02/plight-of-syrian-refugees-in-lebanon-becoming>.

105. See also Verenia Keet, *Plight of Syrian Refugees in Turkey*, PRESS TV (Sept. 13, 2014), <http://www.presstv.ir/detail/2014/09/13/378558/plight-of-syrian-refugees-in-turkey/>.

106. For example, in Southeast Asia production levels do not appear to be a problem. However, rising prices may be. See Nathan Childs et al., *Southeast Asia Projected to Remain Top Rice Exporter*, U.S. DEP'T OF AGRICULTURE ECON. RES. SERVICE (Feb. 21, 2013), <http://www.ers.usda.gov/amber-waves/2013-february/southeast-asia-projected-to-remain-top-rice-exporter.aspx#.VBiFymkS7uc>. In other words, adequate rice supply has been produced. However, high export prices for rice may make it unaffordable for the population of the country in which it is produced.

ownership is so fragmented that families are unable to grow sufficient products to support themselves and market surplus to generate income. It does not require a stretch of the imagination to realize that individuals will relocate to other areas, particularly urban areas, in an effort to ensure they have income to provide food for their families. These individuals are likely targets for traffickers who will recruit them with promises of work at home and abroad that will often result in involuntary servitude. They will be bound to work at jobs for which their alleged debts to their employers for transportation to the job site and the cost of their room and board will entrap them for the foreseeable future.¹⁰⁷

A necessary component of sustainability is economic development.¹⁰⁸ Construction of new manufacturing facilities, however, necessitates either suitable housing at the manufacturing site or reliable transportation to and from the facility. The failure to create the necessary infrastructure to support workers at industrial or business work sites can result in the marginalization of those workers. For example, at the present time, Brazil is preparing for the international soccer tournament and the 2016 summer Olympics. As a part of that preparation, the government is

107. Jane Buchanan, *Hellish Work: Exploitation of Migrant Tobacco Workers in Kazakhstan*, HUMAN RIGHTS WATCH (July 14, 2010), <http://www.hrw.org/reports/2010/07/14/hellish-work>. According to the press release accompanying the report,

[t]he 115-page report . . . documents how some employers confiscated migrant workers' passports, failed to provide them with written contracts, did not pay regular wages, cheated them of earnings, and required them to work excessively long hours. Human Rights Watch also documented frequent use of child labor, with children as young as 10 working, even though tobacco farming is especially hazardous for children.

Kazakhstan: Migrant Tobacco Workers Cheated, Exploited, HUMAN RIGHTS WATCH (July 14, 2010), <http://www.hrw.org/news/2010/07/14/kazakhstan-migrant-tobacco-workers-cheated-exploited>.

108. See Douglas Beal & Enrique Rueda-Sabater, *The 2014 Sustainable Economic Development Assessment*, BCG PERSPECTIVES (Feb. 5, 2014), https://www.bcgperspectives.com/content/articles/public_sector_globalization_2014_sustainable_economic_development_assessment/.

See also Aguirre, *Sustainable Development*, *supra* note 10, at 924-27 (discussing various economic theories and how they may drive population control, and thus sustainable development policies); see also Aguirre, *supra* note 12.

tearing down neighborhoods that are home to many low-income families.¹⁰⁹ Some of these families own their homes, and yet the families are being relocated to another section of Rio de Janeiro.¹¹⁰ According to critics, the housing in the areas to which families are being relocated may be of poor quality, unaffordable, and distant from work.¹¹¹ Assuming there is public transportation that can be accessed to continue to work at jobs in the old neighborhood, will that transportation be reliable and affordable or will it run infrequently thereby causing residents to miss time from work or lose their jobs altogether? Again, the displacement of individuals and families, the adverse impact on wage earners' ability to maintain employment, the lack of affordable housing, and the challenge of finding new employment opportunities in the areas to which they are relocated makes these workers susceptible to promises of traffickers who promise gainful employment elsewhere that may turn out to be forced labor.

Clearly, in a global economy where technology plays an increasing role, an educated work force is essential. In many areas of the world, however, access to education is limited and restricted to male children. Female children are kept at home to assist in running the household and raising their younger siblings.¹¹² In some cultures there is a practice of sending ones children to live with relatives or friends of the family; the understanding is that the children will perform chores in the host household, and in return, the host household will make sure that they receive an education.¹¹³ While the goal is worthy, it is often not fulfilled. Traffickers with connections to families and communities will insinuate themselves into the families' confidence.¹¹⁴ Poverty and the number of

109. See Kenneth Rapoza, *Some Brazilians Not Happy About Olympics*, FORBES (Aug. 12, 2012), <http://www.forbes.com/sites/kenrapoza/2012/08/12/some-brazilians-not-happy-about-olympics/http://www.forbes.com/sites/kenrapoza/2012/08/12/some-brazilians-not-happy-about-olympics/> ("Thousands of Rio's poorest residents are living in fear of losing their homes to forced evictions . . ."). See also María Carrión, *Brazil's Poor Pay World Cup Penalty*, THE PROGRESSIVE, <http://www.progressive.org/brazil-poor-pay-world-cup-penalty>.

110. *Id.*

111. *Id.*

112. See *Hearings on International Trafficking in Women and Children*, *supra* note 60; *Hearings on Trafficking of Women and Children*, *supra* note 70.

113. See *Traditional Practices*, *supra* note 80.

114. See McKee, *supra* note 76.

family members to be provided for will persuade the family to release the children to the traffickers.¹¹⁵ The end destination of the children will often be factory work or hard labor for which they will receive little or no compensation, and will experience control through threats of violence and actual violence and denial of any opportunity to access basic educational services.¹¹⁶

A plan that addresses all these factors in a way that minimizes the risk of the unintended consequence of human trafficking must focus on women's opportunities, rather than simply limiting or emphasizing reproductive rights of women.¹¹⁷ What are the necessary components of

115. *Id.*

116. See NOT MY LIFE (Worldwide Documentaries 2011) (documenting the labor exploitation of children in hazardous jobs such as domestic servitude, begging, sex tourism, fishing, and child soldiering), available at <http://worldwidedocumentaries.com/not-my-life>.

117. Paula Abrams, *Symposium on Population Law: Population Control and Sustainability: It's the Same Old Song But With a Different Meaning*, 27 ENVTL. L. 1111, 1125 (Winter 1997). In analyzing population policy as it relates to sustainability, Abrams notes:

Gender dynamics also are an integral part of natural resource management and conservation. In many societies, women are responsible for performing and supplying the basic functions and necessities of family life: water, fuel, and food gathering and cultivation. Women are closely affected by the depletion of resources necessary for subsistence, yet at the same time, restrictions on women's access to the labor market and the most desirable agricultural land severely limit their options in supplying these basic necessities. Increased work for women may actually lead to higher fertility as women seek additional labor support from children or deny female children access to education so the children can spend more time on domestic chores. Resource policy in many states has focused on exports and thus has ignored these local problems. Furthermore, women have for the most part been excluded from any political participation in addressing these local resource issues. Thus, the same equality issues so critical to enlightened population policies are also an essential component of sustainability policies which respect human rights.

Id.

such a plan? First, if one of the goals is to reduce population density within a specific geographic region, there must be a strategy that encourages people to migrate away from areas in which population density threatens environmental sustainability and to relocate to areas that are underpopulated. Second, the areas to which people are encouraged to relocate must have adequate governmental and economic infrastructure to support the influx of population. There must be adequate, affordable shelter as well as an adequate water supply. There must be a local economy that can provide jobs to new residents. There must be a transportation system that ensures that citizens can access work and necessary services efficiently and economically.

The city of Singapore offers a small-scale version of what such a plan might look like. In the early 1970s, faced with rapid economic growth and urbanization, the City of Singapore made a commitment to developing and implementing a long-term plan for sustainability.¹¹⁸ It faced the challenge of a finite land base and, consequently, a limited capacity to raise its food supply and supply all resources necessary to fuel its economy and a fast growing urban population.¹¹⁹ Among the issues that had to be dealt with was population distribution. Concentrations of population in certain areas of the city resulted in a drain on such resources as housing, water supply and waste disposal services and inhibited future economic growth.¹²⁰ To respond to this challenge, the city linked economic development and environmental sustainability to land-use planning. As a result, a Master Plan was developed that prescribed land-use zoning, plot ratio, and development density.¹²¹ In decentralizing, both individuals and businesses were relocated. De-centralization was linked with a massive public housing program and infrastructure development. The underdeveloped sectors became the site of new housing to facilitate the relocation of families. Businesses were planted in the new housing communities to allow people

118. Ooi Giok-Ling, ENVIRONMENT AND THE CITY: THE SINGAPORE EXPERIENCE WITH ENVIRONMENTAL MANAGEMENT, 10 No. 5 NAAG NAT'L ENVTL. ENFORCEMENT J. 28 (1995).

119. *Id.* at 29. (During the 1950's, "Singapore experienced urban congestion in the central area where a third of the population was living in some one-eighth of the total land area.").

120. *Id.*

121. *Id.*

to work close to where they lived.¹²² Systems were introduced to ensure that ground water was recycled.¹²³ Green areas or parks were created in the sectors with water catchment areas to allow the collection of rainwater to enhance available water supply.¹²⁴ Human opportunity, rather than population control, was at the center of the city's plan.

What relevance does this have to addressing the link between sustainability, population control and the risk of human trafficking? Research indicates that infant mortality, women's access to health services, availability of education for women, and opportunities for women to participate in the economy all play a role in family size. When women experience increased educational and economic opportunities, they are more likely to delay child bearing and reduce family size.¹²⁵ They are also less likely to be lured into trafficking schemes predicated on false promises of escape from poverty and placement in lucrative jobs.

Admittedly, what may be effective on a municipal level may have to be adapted in order to work on a national scale. However, the model employed by the city does provide a useful checklist of multiple factors that impact upon environmental sustainability and contribute to sustainability when intentionally coordinated and synchronized in response to the need. Implementing and expanding opportunities for women, instead of burdening women with reproductive restrictions creates solutions for and protections against abuses of women through human trafficking. It also fosters future sustainability.

122. *Id.*

123. *Id.*

124. *Id.*

125. See KRISTOF & WUDUNN, *supra* note 67, at 135 ("The key to curbing population is often less a technical matter of providing contraceptives and more a sociological challenge of encouraging smaller families. One way to do that is to reduce child mortality, so that parents can be sure that if they have fewer children, they will survive. Perhaps the most effective way to encourage smaller families is to promote education, particularly for girls.").

III. SOLUTION: THE FAMILY PROTECTS WOMEN, CHILDREN, AND THE ENVIRONMENT

The family is the first indispensable feature of any society.¹²⁶ Healthy family structures support population stability.¹²⁷ Understanding the contribution of women to this stability and how it occurs in the context of the family is particularly relevant. Business and Economics Professor Maria Sophia Aguirre, an expert in theories of population, resources, and family as they relate to economic development and growth, states, “[t]he family . . . and the woman’s behavior within the family, in her capacity as an economic agent, is crucial to family development.”¹²⁸ Aguirre explains that while some view the family as an obstacle to achieving sustainable development,¹²⁹ an opposite view argues that “the family is the key because it makes ‘sustainable’ development possible.” Many economists have supported the position that healthy families are needed for vigorous economic activity.¹³⁰ Others have argued that the family makes sustainable development possible precisely because of its connection with population, and that population control policies hamper and undermine both families and economic development.¹³¹ Aguirre argues that empirical evidence demonstrates that when the family is disrupted, the individual and social costs are tremendous, and that years of population control policies have led some developed nations into

126. Aguirre, *Feminine Vocation*, *supra* note 10, at 53 (explaining a woman’s contribution to the economy, her capacity as an economic agent, and the critical nature of these roles to family development, and therefore to society).

127. UN Documents explain this principle well. U.N. Population Fund, (UNFPA), *Summary of the ICPD Programme of Action*, ch. V-VI, available at <http://www.unfpa.org/public/home/sitemap/icpd/International-Conference-on-Population-and-Development/ICPD-Summary>.

128. Aguirre, *Feminine Vocation*, *supra* note 10, at 53.

129. Maria Sophia Aguirre, *Family, Economics, and Sustainable Development*, BARCELONA: INT’L UNIV. OF CATALUNY PRESS (2008), available at http://www.uic.es/progs/obj.uic?id=483539e317153_

130. See, e.g., Becker, *supra* note 10; Amartya Sen, *Population: Delusion and Reality*, THE NEW YORK REVIEW OF BOOKS (Sept. 22, 1994), <http://www.nybooks.com/articles/archives/1994/sep/22/population-delusion-and-reality/>.

131. Aguirre, *supra* note 129, at 1-2. “The positive correlation between human capital and economic growth, infrastructure and economic growth, healthy institutions and economic development, as well as health and income per capita, are well-known relations in international economic development.” *Id.* at 13.

serious financial concerns.¹³² Indeed, disruption or fragmentation of families is very costly to governments in that aid to those families is provided municipally through public support.¹³³ Empirical evidence shows these costs are very large.¹³⁴

“[D]ata across sciences also shows that the breakdown of the family damages the economy and the society since human, moral, and social capital is reduced and social costs increased[,] thus, forcing [] [nations] into a population trap would condemn them to unsustainable development.”¹³⁵ Initiatives that work toward protecting healthy families as a means to eradicate poverty, particularly the feminization of poverty, are germane. When women have the same educational opportunities and nurture prospects as men, they share similarly in important roles in both society and the family.¹³⁶ Protecting women’s choices in this context is pivotal.

Policies dealing with increasing fertility rates should respect gender equality and non-discrimination and promote women’s health by guaranteeing the right of couples and individuals to decide on the number and spacing of their children. These aspects are not only important in their own right, but essential to the achievement of social cohesion, eradication of poverty, full employment and economic growth.¹³⁷

132. *Id.* at 9. (noting the experiences of Brazil, Mexico, and Nigeria, the largest debtor nations in the world).

133. See Lynne Marie Kohm & Rachel K. Toberty, *A Fifty-State Survey of the Cost of Family Fragmentation*, 25 REGENT U. L. REV. 25, 26-27 (2012), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2205349 (discussing costs of family fragmentation to state governments and future generations).

134. See generally FRANCIS FUKUYAMA, *THE GREAT DISRUPTION: HUMAN NATURE AND THE RECONSTITUTION OF SOCIAL ORDER* 23-29 (1999) (examining thirty years of sociological, biological, and economic evidence in the United States of profound social structure transformation which includes declining families and increased individualism in the context of crime rates, waning political trust, financial deterioration, and family breakdown).

135. Aguirre, *supra* note 129, at 18-19. Aguirre further argues against Malthusian and New-Malthusian theories that people are the enemy of progress by noting that these theories lead to seriously flawed policy actions that are inefficient, and actually hamper sustainable development. *Id.* at 18.

136. PLATO, *supra* note 24, at 322-23, 330-31.

137. Lamackova & Zampas, *supra* note 46, at 2.

Just as policies dealing with adjustments to a nation's total fertility rate should respect gender equality, so also should sustainable development policies; yet because these policies work to place the burden of population control squarely on women, they harm women, placing them at greater risk. A comprehensive view of human dignity requires a fundamental paradigm change from sustainable development policy, which advances mandatory contraception, sterilization and forced abortion as population control to protect the environment, to policies that protect women and the family.

There is a clear interconnection between authentic sustainability of human societies and the family. The family can be the foundation for sustainable development when it affords regard, respect, opportunity, and dignity upon women, but many United Nations promulgations on behalf of women serve to disconnect them from notions of family, the very context that can offer great empowerment.¹³⁸ The family is an ideal context to also offer excellent support for the environment.¹³⁹ Rather than humans threatening the balance of the planet, they are the key resource to make the world better and habitable for all.¹⁴⁰ "Families can protect the

138. See Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13. See also Aguirre & Wolfgram, *supra* note 8, at 154-57 (discussing the negative implications of CEDAW and the UN Decade for Women: Equality, Development and Peace at Copenhagen in 1980); Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III), art. 10.1, 11.1, 16.3 (Dec. 10, 1948); American Declaration of Human Rights, art. VII, 17(1) (1948). See generally Report of the Committee on the Elimination of Discrimination Against Women A/53/38/Rev. 1 (May 14, 1998).

139. See generally SARA GILBERT, *THE IMPERFECT ENVIRONMENTALIST* (Ballantine Books 2013) (proffering family conservation, conscientious environmentalism, and transferring those concepts generationally through a family's daily habits).

140. Cascioli, *supra* note 8, at 34. (noting that some scholars argue that sustainable development is essentially an anti-human ideology that reduces man as a threat to himself and the entire Earth).

This negative view of man of which the environmental catastrophism is both cause and effect, is translated into an extension of the power of States and supranational institutions. They dictate that if man is evil . . . there must be a strong state power to keep man under control.

environment by teaching responsible consumption Civil society depends on the family for its own health and well-being.”¹⁴¹

Using current data on sustainable development policies, and analyzing that data with current total fertility rates and declining populations, family strengthening policies that foster sustainable development solutions must be offered by both national and international governance policy. United Nations documents hold that the protection of the family by the international community is of paramount importance as “the natural and fundamental group unit of society.”¹⁴² Professors Aguirre and Wolfgram have argued, though, that the effect of the United Nations’ current approach to the family on international and domestic laws and policies “threatens the fundamental organic unity of the family itself, and consequently, the development of human and social capital.”¹⁴³ Furthermore, over the last twenty years, and largely since the International Conference of Population and Development in Cairo in 1994, the United Nation’s family policy has come under intense scrutiny by civil societies and national governments around the world because “they have come to recognize the broad implications of binding legislation in this area.”¹⁴⁴

The understanding and treatment of the family as a group began to be seen as detrimental to women, a source of exploitation and abuse that hampers women’s full development and infringes on their human rights. As a result of this shift, policymakers and theorists began to break down a once organic entity, united by blood and kinship, into a collection of autonomous individuals bound together by contract and goodwill.¹⁴⁵

Population policies advancing sustainable development place the primary burden for implementation of those policies on women. United Nations documents declare, however, that mothers and their children are “entitled to special care and assistance.”¹⁴⁶ This special care and assistance should require a more careful examination of how those

141. Aguirre & Wolfgram, *supra* note 8, at 178.

142. Universal Declaration of Human Rights, *supra* note 138, art. 16.3.

143. Aguirre & Wolfgram, *supra* note 8, at 115.

144. *Id.* at 120.

145. *Id.*

146. Universal Declaration of Human Rights, *supra* note 138, art. 25.2.

policies place women at risk to accommodate sustainable development. Aguirre and Wolfgram explain that these policies work to redefine¹⁴⁷ and disrupt the family.¹⁴⁸ While disrupting the family, these policies also work to separate women from their reproductive capabilities,¹⁴⁹ “linking advancement of women with fertility reduction,” and to relegate motherhood.¹⁵⁰ Additional respected female scholars also argue that motherhood and family do not oppress women, but rather offer women fuller expression.¹⁵¹ These scholars explain that a healthy family provides a lifestyle of the best opportunities for women, both economically and personally.¹⁵²

Population policies impact the family, and necessarily the women who create and nurture those families. Those policies should be central to the promotion and protection of women and their families for improvement, support, and affirmation.¹⁵³ As the family is the solution to global economic and environmental problems, strong families provide a context where women and children are valued, and in turn provide the best answer to population and demographic concerns, and to their associations with human trafficking concerns. The correlation between

147. Aguirre & Wolfgram, *supra* note 8, at 146 (discussing U.N. conference discussions and language usage have worked toward international redefinition of the natural family).

148. *See generally id.* at 122-29 (discussing various perspectives that work to divide family members against one another to achieve sexual and reproductive freedom). “[T]o treat the family as a hotbed of discrimination and violence ... is to demean it and rob it of its dignity. To treat it as the source of rampant overpopulation, as population control advocates do, is to reduce it to sex and reproduction.” *Id.* at 178.

149. *Id.* at 127-28 (explaining that reproductive capabilities are separated from sexual realization, a matter of high importance, by contrast).

150. *Id.* at 154 (tracing U.N. Conference themes focused on reproductive health, where women’s rights and protection from violence seemed possible only through the suppression of reproductive capacity and control of fertility). “Motherhood was a stereotype to be broken down.” *Id.* at 166; *see also* Janne Haaland-Matlary, *The Family Under Siege: The Western Political Process and the Example of the Beijing Conference*, ANTHROPOTES: REVISITA DI STUDI SULLA PERSONAE LA FAMILIGIA (1996).

151. *See, e.g.,* Mary Ann Glendon, *A Glimpse of the New Feminism*, 175 AMERICA 1, 10 (July 6, 1996) (discussing women’s desires and opportunities as connected to family); Janne Haaland-Matlary, *Womanhood on Women’s Own Terms*, CRISIS (Mar. 21, 1997) (explaining the fullest expression of womanhood as including aspects of family life).

152. Glendon, *supra* note 151, at 11; Haaland-Matlary, *supra* note 151.

153. Aguirre, *Feminine Vocation*, *supra* note 10, at 20.

sustainable development, population policies, and human trafficking illustrate the unbearable burden being placed on women and their families by national and international governance. Rather, the common good is better served by advancing the smallest governing body – a strong and healthy family. Since the family is a recurrent factor in both sustainability and trafficking and is the smallest unit of social organization that governs at the local level, sustainability for any government facing demographic demise or human trafficking should begin with the family.

CONCLUSION

Examining the associations between sustainable development population policies and human trafficking has served to advise that population policies inherently place the primary burden for population control on women. That examination has also illustrated that these policies tend to place women at risk.

This article has considered important demographic concerns in light of sustainable development policies, revealing a need for population replacement in particular cultures, rather than broad global population minimization. This article has illustrated that restrictive population policy which characterizes sustainable development burdens women and places them at serious risk, particularly as subjects of human trafficking. It has offered the family as the best solution to concerns over both population control and human trafficking.

The general international trend advancing sustainable development policy presents an illusion of global strength reliant on reduced human population, despite the fact that “no one single relationship has been found between population growth and economic development or population growth and the environment.”¹⁵⁴ While making sustainable development a pervasive international policy brings serious harm to women, policies that foster healthy families protect women’s opportunities for education and employment, while simultaneously providing a context of health and safety and fulfillment for women

154. Aguirre, *supra* note 12, at 1. (“The international community has poured money into ‘population assistance’ to the detriment and relative neglect of real economic growth and social development.”).

individually. Strong families, furthermore, protect children from being harmed, kidnapped, or trafficked. A strong and safe family remains the most suitable social setting to bear and raise children in the safest, healthiest, most economical and efficient manner possible for the common good and the healthiest human population.

Policies that support women's choices and opportunities for education and employment foster diminished human trafficking, stable populations, healthy male-female relationships that provide efficiently for bearing and raising children, while also providing economic and environmental stability. Sustainable development based on family empowerment rather than population control can yield a healthy global population and a sustainable global environment, simultaneously also working to reduce human trafficking.

