REPRESSION, FREEDOM, AND MINIMAL GEOGRAPHY:
Human Rights, Humanitarian Law, and Canadian Involvement in
El Salvador, 1977 - 1984

by

Kari Mariska Pries

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In its minimal geography fit the most contradictory realities
Of death and joy, of repression and freedom

Pedro Casaldáliga

*El Vuelo del Quetzal* (1988)
Abstract

This thesis addresses the potential for third parties to apply or make use of International Humanitarian Law and International Human Rights Law to protect civilians caught in the midst of civil war. A case study is presented of El Salvador, where conflict in the 1970s and 1980s took the lives of an estimated 75,000 people and caused immense human suffering. Of particular interest is how organizations under the aegis of the Salvadoran Catholic Church provided data on human rights violations, gathered with credible precision, to the international community. The Canadian public responded to the situation in El Salvador in a markedly different way than the Canadian government, whose pronouncements were at first ill-informed and uncritically pro-American. The question thus arises: do counter-consensus or public-pressure groups exert any influence over a state’s foreign policy and, if so, does this phenomenon contribute to conflict resolution? While there is disagreement over the actual success that public groups and interested parties have over government decision-making, this thesis demonstrates that, in fact, the counter-consensus in Canada did have a discernable impact on foreign policy during the Salvadoran conflict. These actions have potential contributions to make to conflict resolution and the search for a negotiated end to civil strife, which in the case of El Salvador was generated in the first place not by an alleged international communist conspiracy but by crippling geographies of inequality.
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<td>APII</td>
<td>II Protocol Additional to the Geneva Conventions of 12 August 1948</td>
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<td>BPR</td>
<td><em>Bloque Popular Revolucionario</em> – Popular Revolutionary Block (coalition of popular organizations).</td>
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<td>CEBs</td>
<td><em>Comunidades Eclesiales de Base</em> – Christian Base Communities.</td>
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<tr>
<td>CEBES</td>
<td><em>Comunidades Eclesiales de Base de El Salvador</em> – Base Ecclesiastical Communities of El Salvador.</td>
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<tr>
<td>CEDES</td>
<td><em>Conferencia Episcopal de El Salvador</em> - Salvadoran Bishops Conference.</td>
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<tr>
<td>CELAM</td>
<td><em>Conferencia Episcopal Latinoamericana</em> – Latin American Bishops Conference.</td>
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<tr>
<td>CIVS</td>
<td>International Committee of Verification and Follow-up – created by the Esquipulas II agreement of August 1987. Members included the Secretaries-General of the UN and OAS, foreign ministers of the five Central American countries, Contadora and the Support Group.</td>
</tr>
<tr>
<td>CONIP</td>
<td>The National Committee of the Popular Church.</td>
</tr>
<tr>
<td>CRM</td>
<td>Revolutionary Coordinator of the Masses (a precursor of the FDR).</td>
</tr>
<tr>
<td>Contadora</td>
<td>The diplomatic process seeking a regional peace settlement for Central America initiated by Colombia, Mexico, Panama, and Venezuela in 1983.</td>
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<tr>
<td>Esquipulas</td>
<td>Esquipulas I was the first meeting of Central American Presidents since the Nicaraguan revolution. It took place in May 1986 in the Guatemalan town by that name. Esquipulas II was held August 7, 1987 when the regional peace plan, <em>Procedure for the Establishment of Firm and Lasting Peace in Central America</em> was signed.</td>
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<tr>
<td>FDR</td>
<td><em>Frente Democrático Revolucionario</em>. The political wing of a left-leaning political-military coalition, at some junctures banned for its relationship with the FMLN.</td>
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FECCAS  
Federación Cristiana de Campesinos Salvadoreños – Christian Federation of Salvadoran Peasants (Joined in federation with the Farm Workers Union in 1976 and so also goes by the name FECCAS-UTC).

FMLN  
Frente Farabundo Marti de Liberación Nacional. The primary armed opposition coalition comprised of several left-leaning organizations including:

ERP: Revolutionary Army of the People (1993 became Expression of the People’s Renewal).

FAL: Armed Forces of Liberation.

FPL: Fuerzas Populares de Liberación – Popular Liberation Forces.

PRTC: Central American Revolutionary Workers Party.

RN: National Resistance.

ICJ  
International Court of Justice

ICRC  
International Committee of the Red Cross

IHL  
International Humanitarian Law

IHRL  
International Human Rights Law

NGOs  
Nongovernmental Organizations

ONUSAL  
United Nations Observer Mission in El Salvador

ORDEN  
Organización Democrática Nacionalista – Democratic Nationalist Organization.

OAS  
Organization of American States.

PCN  
Party of National Conciliation.

PDC  
Christian Democratic Party.

UCA  
Universidad Centroamericana “José Simeón Cañas” - Central American University “José Simeón Cañas”.

UES  
Universidad de El Salvador – University of El Salvador (Also – “La Nacional”).

UGB  
Unión Guerrera Blanca or Mano Blanca – White Warriors’ Union or White Hand, a notorious death squad.

UTC  
Union of Farmworkers.
Preface: One of the Dead Who Never Die but Rise Again in the Salvadoran People…

When I first began contemplating an MA thesis topic, I did not plan to write on El Salvador’s struggle between war and peace. Initially, I set out to research about something more family related. My original intent was to study Paraguay and the pedagogic practices of its Mennonite communities. I identified this topic because my father’s family was sent to live in Paraguay after the end of World War II, as homeless and stateless refugees. Establishing project guidelines and research parameters was as far as I got before I realised that another thesis subject was calling out for my attention. Whatever I researched had to be relevant to my life in an immediate and vibrant way. Therefore, a combination of my pacifist faith as a Mennonite and an interest in current affairs and Canadian foreign policy led me in a very different direction.

Without fail, when someone finds out that I am a pacifist and pursue this belief to the best of my ability in everyday life, numerous questions arise. Would I ever resort to violence? What would I do if someone were attacking a loved one? What about ‘Just War’? Are there not some conflicts that require a reciprocal action of arms? When has peaceful resistance or a pacifist stance ever been successful? When has conflict been mediated peacefully? How does a pacifist stance help people in some of the most difficult situations imaginable? How does a person without a gun protect loved ones from someone with a gun? These questions always pose a challenge.

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1 Oscar Romero, in an interview shortly before his death, responded to threats on his life and safety with characteristic lucidity: “I have frequently been threatened with death. I should tell you that as a Christian, I do not believe in death without resurrection. If they kill me, I will rise again in the Salvadoran people…Martyrdom is a grace that I do not believe I deserve. But if God accepts the sacrifice of my life, may my blood be the seed of freedom and the signal that hope will soon be a reality.” These ideas were internalised by the armed opposition in El Salvador and also in other Central American countries. Nicaraguan leader Tomás Borge, on hearing about the death of a comrade responded, “You are wrong, Colonel. Carlos Fonseca is one of the dead who never die.” See Anna Peterson (1997), Martyrdom and the Politics of Religion: Progressive Catholicism in El Salvador’s Civil War (Albany, NY: State University of New York Press), 47.
I realise now that these questions will never disappear, and in fact will persist. They are unavoidable. My mother, when she served as Youth Minister at my home church, engaged them in our Sunday afternoon discussions. On one occasion, hooking up a video to our church’s massive television, she screened the film *Romero* (1989). I was an impressionable teenager at the time and the dramatic portrayal of the three years of Oscar Romero’s archbishopric seared itself into my mind. A decade or so later, I was again confronted with Romero’s faith and leadership when, as an exchange student in Scotland, I studied Latin American and African Catholic theologies under the guidance of Dr. Mario Aguilar. Once more the notion of faith as strength and a weapon of non-violent resistance presented itself. It combined my interest in Latin America, conflict resolution, mediation, and negotiation with examples of pacifist response. Here, at last, was a focus to work on: the fight for human rights in war in El Salvador.

This topic, I believe, also echoes the situation in which the world currently finds itself. Researching and reading documents, newspapers, and texts relating to the Salvadoran conflict in the 1980s has convinced me that little has changed today. Nor have the tactics, the arguments or the rhetoric marshalled by the United States on the world stage to convince Western nations in particular that US rationale for armed conflict is both justified and beneficial. Repeatedly, Western nations are informed that in order for freedom and democracy to rule, for women to be allowed the vote and education, and for children to be fed, our policies, funds, and militaries need to support good and combat evil. Even media coverage and the politics of information have not changed. There was, and is, censorship of the press at the source through culpable pressure or issued threats to life. Then, as now, media carry little more than government handouts. The domination of corporate wire services has continued. Canadian media, as with the American Embassy in San Salvador and later in Baghdad, rely on generic information for deaths, battles, and body counts. Although there were dozens of NGOs present in El Salvador in the 1980s, prepared to present on-the-ground testimony to the Canadian government, in many cases our
officials chose instead to listen to the word of the American Secretary of State, who would present ‘convincing’ evidence that an ‘international communist-conspiracy’ was behind El Salvador’s woes.

Today’s cover-ups, the manipulation or outright fabrication of intelligence, and the rhetoric for American-style intervention, have not changed from the situation in El Salvador and neighbouring Central American countries in the 1980s. I am frequently disheartened at the significant parallels and outright repetition of tactics between my study and what I read daily about Afghanistan and Iraq. Throughout this project, it proved virtually impossible not to become disquieted by media manipulation. That, however, is a topic for future study.

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In conducting this work, my first thanks go to Professor W. George Lovell. Without his patience, understanding, and support this project would never have seen the light of day. Indeed, his enthusiasm and guidance has motivated me to the finish.

I also wish to mention my father, the Rev. Dr. Edmund Pries, to whom I express my most grateful thanks for his hours of debate and observant discussion. Equally, I also thank my mother, Joan, and my sisters Kirsten and Kayla for their extortions to ‘get it done already’ when I lingered over information, research, and readings for months on end.

Further thanks go to Professor Michel Veuthey, who made sure I got the most out of the Summer Programme at the International Institute for Humanitarian Law in Sanremo, Italy, and Professor Mario Aguilar at the University of St Andrews for his patient encouragement. I would also like to offer appreciation to Professor Stan Johanneson who has provided helpful advice over the years both academically and on life in general.

For their support through some of the best and some of the worst times, I would like to thank my housemate Lib Yanch and aunt, Anita Pries. Sharone Karagach, Brandon Weigel, and
Kevin Williams must also be appreciatively mentioned, as should Stephen Yantzi, who helped me obtain access to restricted documents and provided the use of his floor in Ottawa. Finally, I would like to thank Simon for his daily challenge of every idea I voice and put on these pages.

I hope someone gets my message in a bottle.
Chapter 1: Introduction: Geography, War, and Conflict
Resolution in El Salvador

There is a general agreement that, by virtue of its personal and territorial supremacy, a State can treat its own nationals according to discretion. But there is a substantial body of opinion and practice in support of the view that there are limits to that discretion when a state renders itself guilty of cruelties against and persecution of its nationals in such a way as to deny their fundamental rights and to shock the conscience of mankind.¹

This is a study of the protection of civilians in war. War as we have come to know it has changed drastically in form and function. In recent decades, the vast majority of conflicts have been of an internal rather than international nature – conflicts that are fought more fiercely and with increased barbarity because they are among neighbours and among parties located within the boundaries of a sovereign state. The cruelty and disregard for societal norms exhibited by warring parties in civil war is a feature traceable to antiquity.² However, civil wars are not completely isolated events but experience varying degrees of intervention by concerned or interested third parties. This was certainly the case in El Salvador, one of the smallest countries in all Latin America, less than half the size of Nova Scotia.³ Conflict can also spill over state borders in the form of refugees, pulling more reluctant actors into the fray. “Unfortunately,” as Timothy Sisk puts it bluntly, “there is even more bad news.”⁴ Not only do new conflicts emerge as quickly as the old ones disappear but civilians are now becoming the new target, illegal but strategic military objectives.

³ See Figures 1 and 2 for maps of El Salvador, indicating political divisions and zones of conflict.
Many argue that the roots of conflict in El Salvador, and Latin America more generally, may be traced back to the Spanish colonial period, when land and wealth began to be concentrated in the hands of a few.\(^5\) Conflict invariably assumes the form of an economic, resource-driven struggle, especially in Central America, because populations are confronted with acute geographies of inequality.\(^6\) What often goes unacknowledged is that people themselves are a resource far more valuable than land per se, which is worthless without labour to work it.\(^7\) Native Salvadoran peoples, Pipil or Nahua (Nahuatl) speakers in origin, those who survived the initial Spanish conquest, later became a subjugated peasantry made to grow export crops that earned their Spanish masters considerable wealth. With independence in the nineteenth century, an increasingly landless population moved to fill seasonal labour requirements as hired hands and then, in the twentieth century, manufacturing positions in urban areas as well.\(^8\) Disconcerting manifestations of wealth for a few, and misery for many, allowed little room for political negotiation. As a result, the traditional basis of democracy, “[as an] expression and dialectical resolution of antagonisms among its various constitutive parts and groups,” was stunted.\(^9\) Ensuing violence, murder, persecution, and disappearances were a product of a modern state’s

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\(^6\) Others observe that the political system in El Salvador lacked “the ability to engage in constructive dialogue between powerful economic interests and citizen groups.” José Castañeda (2000), “The Best Military Strategy of All is to Avoid War,” *When the AK-47s Fall Silent: Revolutionaries, Guerrillas, and the Dangers of Peace*, ed. Timothy Brown, pp. 117-137; 118.

\(^7\) Thanks to Dr. Lovell for this insight.

\(^8\) One young organiser in the late 1970s commented: “The truth is that we learned something this year. They need us. For ten months of the year we are less than the dirt under their feet. But in November and December, they need us [to harvest crops and commodities…] We have them by the balls and all we have to do is squeeze.” Daniel Santiago (1993), *The Harvest of Justice: The Church of El Salvador Ten Years after Romero* (New York: Paulist Press), 68. The term ‘campesino’ denotes a Latin American small farmer or peasant.

deliberate monopoly over its sovereignty to the express exclusion of its people. In consequence, El Salvador’s civil conflict achieved a high level of solidarity within a majority of Salvadorans and resonated abroad in the name of social justice.

The theory and practice of conflict resolution today regards independent actions and interests as integral to the process, moving beyond the traditional shortcomings of conflict management. It no longer merely involves finding a set of agreements for ceasefire to establish a veneer of peace. Contemporary peace mediation includes a series of human security and humanitarian measures along with justice to facilitate reconciliation rather than continuing to make do with a less than equitable division of limited assets. Traditional state-centric diplomacy, as was attempted through two sets of peace negotiations in Central America in the mid- to late-1980s, provided only a narrow framework capable of addressing a single set of concerns. Conflicts, as understood today on the other hand, are by their very nature multi-dimensional, with multiple participants and an even greater number of supports working through diverse means for resolution. El Salvador’s negotiated settlement was one of the first to implement such ideas. The Salvadoran case represents a set of dimensions that could not be resolved until the realist nature of the international system, guided by the Treaty of Westphalia, was shaken by the end of the Cold War. Binaries and exclusionary positions, according to Oliver Richmond, began “to lose

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10 To be disappeared is to be abducted and never seen again. This method of population control became popular in the 1960s when the word was then developed. Kuper (1981) and Smith (1987) in John Pickles (2000), “Ethnicity, Violence, and the Production of Regions: Introduction to the Special Issue,” Growth and Change 31, pp. 139-150; Liam Mahony and Luis Eguren (1997), Unarmed Bodyguards: International Accompaniment for the Protection of Human Rights (West Hartford, CT: Kumarian Press).

11 Juanita Martínez, a survivor of the 1932 massacre, was asked by one of her grandson’s friends what was lacking from that earlier revolution in their efforts: “Back in 1932 we had no way to communicate with the city. Today I can go down to Pedro’s store and use his phone to call the capital. One reason our struggle failed in ’32 was because we peasants had no way to communicate with the workers in the city. Also we now have television. If we had television in ’32, who can imagine the world standing by as 30,000 of our people were horribly killed…” Santiago (1993), 68.

their conceptual legitimacy in the face of emerging normative issues[.]”13 It was in this new order of pluralist actions with its renewed interest in humanitarian issues that multiple parties, sovereign government, opposition armed forces, and alternative political groups could sit around the same table. Ideally, with the help of information, ideas, and data collected by independent groups, and influenced by international states faced with internally mobilized pressure groups of their own, conflicting factions are required to not only to end hostilities but also to take steps to change the socio-economic inequalities responsible for conflict in the first place.

**Spaces of Terror, Networks of Solidarity**

Ustedes han oído hablar de geopolítica. Podríamos decir de la geopolítica lo siguiente: cuando un país, una región, se ve que es crucial, que es un punto importante para la política internacional, o para los intereses de algunos países o de algún imperio... se dice que aquél país o aquella región son "geopolíticamente" muy importantes.14

Geography, from the very beginning, has been associated with territorial expansion or imperialist projects driven by war. In an animated and optimistic address, E.G.R. Taylor defined the study and application of geography firmly as a tool of war, in which “geographical intelligence of every kind then becomes vital.”15 It was not until the mid-twentieth century that geographers, some of whom found a sympathetic forum in *Antipode*, helped re-politicize geographical knowledge and challenge Taylor’s views.16 For example, David Harvey wrote about, and debated, “Revolutionary and Counter Revolutionary Theory,” while Russ Roach and Bill Rosas dissect,

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13 Richmond (2002), 143.
16 For instance, the first article based specifically on Latin American interests was Gary Fuller (1971), “The Geography of Prophylaxis: An Example of Intuitive Schemes and Spatial Competition in Latin America,” *Antipode* 3(1), pp. 21-30. Fuller invokes Gould to demonstrate that the “truly destitute” in Latin America could be empowered by the provision of better mental maps: “[E]ducated elite holds enormous power of decision for geographical assignments, an understanding of the overall spatial view that is held by the majority may be critical for planning purposes and understanding future developments” (25).
with some success, “Advocacy Geography.” Furthermore, as Gearóid Ó Tuathail discusses, the publication of Yves Lacoste’s *La Géographie, ça sert, d’abord, à faire la guerre* (geography is first and foremost about making war) initiated a critical examination of geography’s function and proved the need for conceptual reappraisal. Since Taylor’s era, geography has assumed many guises. Its forte, however, remains its ‘spatial’ perspective, a means of gaining a better understanding of conflicts as a product of space and power. For many practitioners, the crux of geographical investigation is to examine the myriad geographies that are produced and reproduced from across the power spectrum.

Conflict has been described as the struggle for status, scarce resources, and significant social change. Bartos defines its manifestation, *conflict behaviour*, as a situation in which “actors use conflict behaviour against each other to attain incompatible goals or to express their hostility.” Absolute and relative spaces are integral to this understanding of conflict as they define its emergence, shape, and scope. Therefore geography, although often assumed to be objective in a nature-oriented sense, is in fact all about influence and control. Ó Tuathail asserts that geography is a product “of histories of struggle between competing authorities over the power to organize, occupy, and administer space.” This struggle often becomes one that pits authoritative centers against dissident margins. Borders, therefore, become not just lines on a

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17 In concrete terms they argue, “Advocacy Geography is the general product of the social responsibility trend in the professions and, in particular, advocacy planning, the practical arm of the spatial science.” Russ Roach and Bill Rosas (1972), “Advocacy Geography,” *Antipode* 4(2), pp. 69-76; 70.
20 Ibid.
22 Ibid., 13.
23 Ó Tuathail (1996), 1.
map, encompassing an administered space, but separating often starkly different conditions of life and death.\textsuperscript{24}

John Agnew argues that “responding morally to others is a capacity that is learned.”\textsuperscript{25} However, these potential lessons often have a limited motivational capacity over space. The philosopher David Hume observed some time ago that ordinarily human empathy for others tends to diminish with distance. While, in many respects, this remains true, travel and media have reduced the distance between wide-ranging plains, creating a ‘time/space compression,’ Harvey’s concept of the annihilation of space by reducing the time needed to cross it. Empathy and consideration between human beings does not erode now so much with distance as with a lack of cultural understanding. Therefore, the goal is not simply to persuade powerful elites to care about their fellow citizens, human rights, or fair treatment from beyond international boundaries. Rather, more may be achieved by encouraging dissident margins to mobilize for lasting change in human rights observation. While governments are not likely to experience a moral reaction in a time/space or cultural compression, individuals and groups are. It is through pressures on government, and government desire for power through votes, that a response can emerge.

Aldo Lauria-Santiago and Leigh Binford suggest that many scholars overlook the local, small-scale interactions and actors who assemble the “familiar large-scale, state-centered, national-level processes” when grappling with El Salvador’s tumble to civil war.\textsuperscript{26} Numerous successful mobilizations, Don Kalb suggests, demonstrate that, “civil society action ha[s] the

\begin{footnotesize}
\begin{itemize}
\item\textsuperscript{24} David Delaney (2005), \textit{Territory: A Short Introduction} (Malden, MA: Blackwell Publishing), 4.
\item\textsuperscript{26} Aldo Lauria-Santiago and Leigh Binford (2004), \textit{Landscapes of Struggle: Politics, Society, and Community in El Salvador} (Pittsburgh: University of Pittsburgh Press), 8.
\end{itemize}
\end{footnotesize}
capacity to actually intervene in global high politics and behind-the-doors expert negotiation[.]”

The importance of social movements and the rearticulation of political space is also highlighted by Simon Dalby, who calls for “concomitant reconstruction of political community at the global, local and regional scales.”

Geography provides a framework for the analysis of power, cause (ethnic, resource, territorial), and for resolution. The discipline’s ability to interact with political, cultural, environmental, and historical considerations provides the optimal space for a concept as complex as conflict in time and place. Geography, then, has always been an integral part of war. More recently, war has become the study of geography. Through aspects of network and conflict theories, the interests and interactions of outside parties involved in El Salvador are more coherently assessed. Finally, critical geopolitical studies, such as discussions by Routledge, Ó Tuathail, and Agnew, provide a context for the multiplicity of relations between hegemonic and counter-hegemonic powers and discourses. Routledge states that terrains of resistance represent an interwoven web of specific symbolic meanings, communicative processes, political discourses, religious idioms, cultural practices, social networks, economic relations, physical settings, envisioned desires and hopes. These are endowed with varying degrees of strategic force, movement and meaning according to the particular spatial, cultural and historical contexts of a conflict.

Therefore, in a study such as this, where local and third-party organizations apply international tools to observe, witness, mediate, and negotiate conflict, geography plays a prominent role in analysis and resolution.

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Methodological Procedures

International Humanitarian Law (IHL), with which I became better acquainted while attending an international institute on the subject, proved of inestimable conceptual worth to the study of peace and conflict in El Salvador. It furnished me with a set of principles and procedures that proved to be the groundwork for this thesis. At first, however, it seemed logical to focus my research activities on the National Security Archive in Washington, D.C., which stores hundreds of thousands of documents on American relations with El Salvador. The United States, was after all, the country most heavily involved in the Salvadoran conflict and very much aware of both IHL and how it was so brutally violated in El Salvador. Then, before plans for Washington were finalised, another research window appeared.

The National Library and Archives of Canada house information containing a detailed record of correspondence between the Canadian Embassy in San José, Costa Rica, which monitored all of Central America in the early 1980s, several Canadian government departments, the Salvadoran government, and concerned NGOs. In addition, Canada also participated in the United Nations Observer Mission in El Salvador (ONUSAL), the files to which I never gained access. Unfortunately, requests filed with the Canadian Library and Archives are subject to certain subsections in the Access to Information Act that can delay requests, pending further departmental consultation and investigation. Although a number of files were released, numerous other collections will become available on 26 October, 2007. Chapter 5, in which I examine Canadian involvement in El Salvador in detail, is therefore based on a sampling of primary government documents from the Archives but also from numerous other sources. Canadian election observer reports were retrieved from the Library of Parliament in Ottawa. A collection of reports, speeches, and other publications from the 1980s was made available by Dr. W.G. Lovell. Other reports, fact-finding mission summaries, and commentaries were located in various
research institutes and libraries. Newspaper articles also contribute pertinent Canadian viewpoints to Chapter 5. This miscellany of information revealed intriguing group interests and government responses, which together contributed much to my understanding of how applicable international law, such as IHL, provides tools for solidarity, witness, and research groups.

To find an approach to the discussion and application of IHL and human rights, including observations by various bodies and potential impact on conflict resolution, proved no easy task. I decided to examine how an organization or state reacted to the conflict at hand, the extent to which international law applied, and whether or not the settlement process was affected and to what degree. According to Robert Yin, the how and the why are explanatory questions that lead to case studies, histories, and experiments as the most likely research strategies. This structure allows for the analysis of a distinctive situation with numerous variables. The case study also has a defined structure and theoretical position composed of multiple sources of evidence. Therefore, this approach is one that encompasses every aspect of the research project and comprises a comprehensive research strategy.

Unfortunately, unlike a simple single-case study as a unit of analysis, multiple variables comprise this thesis. It is a single-case study in that the overarching unit or context of analysis is the early civil war period in El Salvador. In this structure, the unit of analysis for the Salvadoran civil war timeframe is the applicability of IHL and IHRL. The Salvadoran Catholic Church and Canada (further divided into national organizations and the government) are the two chosen bodies through which the application of the relevant law is observed. One of Yin’s requirements for a single case study is that it be unique. It must not only answer a question interesting to the

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researcher but also solve a problem that is significant to a broader group of people. In this case, for example, the ONUSAL mission’s application of IHL in El Salvador is already thoroughly developed. Numerous other aspects of the Salvadoran negotiation process have also been analysed in detail. However, as far as I could discern from English-language sources (and some research in French as well), little investigation has been conducted on Tutela Legal and its contribution to the ultimate observation of legal violations. Canada’s role as a third-party state is also relevant. According to articulated complaints at the time, Canadian Salvadoran policy tended to be lumped together in a more general Central American strategy with little allowance accorded to marked regional variations.

The Salvadoran peace negotiation process is a unique case in many areas of research because it represents, for the international community at any rate, a success story in comparison to other attempts at international mediation of civil conflict. It is significant as a negotiated settlement to a bloody civil war because of the “unprecedented, activist role of the United Nations as mediator.” Equally important, this experience makes an important contribution to jurisprudence regarding the application of Additional Protocol II to the Geneva Conventions of 1949. Also unusual is the degree to which human rights were a visible element of the national and international discourse surrounding the war and the prominent role they played in the negotiated resolution; provisions that address both past violations and codify future protections were central to the peace agreements. El Salvador’s application of IHL is an instructive case as it due to its

wider applicability to other negotiated conflict settlements. Although several parts of the thesis are based on secondary research and observation, the Canadian perspective is something that holds potential applicability to other third-state situations. Overall, my intent here is twofold: (1) to examine third-party applications of IHL and IHRL in the Salvadoran civil war and (2) to find out to what degree they were successful in order to analyse to what extent these applications contributed to a negotiated peace settlement.

Rhetorical Analysis

The process of analysis for this work, with special attention paid in Chapter 5 to domestic influences on Canadian foreign policy, is ‘interpretive’. Political discourse is treated as a wider reflection of the socio-political dynamics influencing the conflict. Here particular attention is paid not only to the content of the discourse but also to the attitudes it represents and the relationships it reveals, “a mode of symbolic action.”\(^\text{35}\) It emphasises the importance of argument and style as a representation of the power dynamic existent between discussant parties. In this procedure, where communication is of primary importance, texts are the first and most weighted objects of analysis.\(^\text{36}\) The text forms most used in this analysis are (1) formal statements in the form of official communiqués; (2) speech texts; (3) press releases; (4) briefings and policy guidelines; and (5) informal, unscripted texts such as press interviews relayed in newspapers, parliamentary committee hearings, and recorded conference question sessions. Free discussions recorded in parliamentary sessions and conference panels provide additional insight into the power dynamic between concerned parties.


\(^\text{36}\) Ibid.
Project Parameters

This thesis is designed around three subject areas contributing to a conflict and its resolution: (1) the applicable law and its interpretation by involved parties; (2) the implementation or understanding of applicable law by organizations and concerned groups; and (3) how the recording and observation of legal measures can affect the outcome and negotiated settlement of a conflict. Under these terms, I was able to link my interest in a faith-based approach to conflict and Canadian foreign policy as it affects, and is affected by, world affairs. During El Salvador’s civil war (approx 1980 – 1992), the policy of both the Salvadoran Catholic Church and the Canadian government changed according to pressure, leading party, and the situation on the ground. As a result, for each chapter a particular time frame has been loosely defined to highlight the legal structure applicable, changing responses and policy towards the conflict, and its resolution.

After Chapter 2 further sets the Salvadoran scene, Chapter 3 addresses the development of International Humanitarian Law and International Human Rights Law and their applicability to the conflict in El Salvador. Thereafter, this study is divided by time period, each of which showcases a significant actor. Thus, the mid-1970s to 1980 (Chapter 4) is represented by the Salvadoran Catholic Church. The Catholic Church developed human rights observation groups, monitoring and recording organizations that promoted human rights among campesinos through grassroots development. From 1980 to 1984 (Chapter 5), Canadian foreign policy and Canadian public reactions to the conflict are discussed, as well as initial attempts to increase monitoring and interest in El Salvador. Although the conflict was brought to national public attention and resulted in a larger than expected reaction at the time, Canada was not a significant third-state mediator or observer despite having been asked on numerous occasions to fulfill this function.
The Salvadoran conflict makes an remarkable case study for International Humanitarian Law’s requirements of civilian protection and information dissemination. Canadian involvement in El Salvador at that time demonstrates that third-party states have the political currency to comment on and influence conflicts. The extent to which they extend their political interest, however, depends in large part on domestic influences. Reactions on the part of the Canadian government, for instance, were comprised of internal tensions: whether to heed the requests, advice, and intelligence emerging from the United States or to react more strongly to national organizations, international bodies, and Canadian NGOs whose reports provide a very different analysis of the situation. This dilemma is one frequently experienced in Canada. By way of conclusion, the idea of the third state and the recording and publication of human rights abuses by Salvadoran organizations, such as those run by the Catholic Church, combine in the crucible of a United Nations peace negotiation process. How do these processes contribute to mediation, negotiation, and reconciliation in a given situation?

In armed conflict, alternative tools are always needed to facilitate the path to conflict resolution. Ideally, International Humanitarian Law (IHL) helps concerned individuals and institutions comment on, and ultimately protect, citizens caught in the midst of civil war. The more people, organizations, and states understand the parameters and applicability of IHL, the better all can react to protect civilians and to facilitate the road to peace negotiations. Although, at times, the laws governing war seem abstract and non-tenable in the extreme, a peacekeeping initiative that works without resorting to arms is a viable option for conflict resolution. Let us now turn to El Salvador in more detail, and how Canadians began to be involved in its “minimal” but intense geography.
Chapter 2: ‘This is El Salvador’: Origins and Development of Conflict (1970-1985) and the Beginning of Canadian Involvement

El Salvador’s civil war did not emerge or unfold in a vacuum. The volatile nature of twentieth-century politics in the country, along with much of the rest of Central America, was characterized by abject government attention and powerful military involvement. Economic and social conditions are in key ways attached to the perpetuation of human rights violations by state authorities. Although some might argue that economic development leads to political stability and democracy, which in theory increases respect for human rights, incomplete or unequal modernization can have a very different effect.

There are two different but related interpretations of social and political violence in third world countries. Robert McNamara epitomizes the first. “There can...be no question,” he writes, “but that there is an irrefutable relationship between violence and economic backwardness.” In this interpretation, poverty lends itself to greater human rights violations as governments attempt to create a “semblance of order” to attract foreign investment. The second theory is expanded upon by Samuel Huntington, who argues that it is not the poorest of the poor who inhabit countries most vulnerable to violence but instead those who have received the promise of modernization but have yet to experience its delivery. What took place in El Salvador was more along the lines of a third experience: that the country, having been deluded by dreams of

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1 This quote is the ironic shrug of a journalist commenting on the incongruity of a military-adopted child of massacred parents threatening visitors with a potentially loaded gun. Oakland Ross (1994), Guerrilla Beach (Dunvegan, ON: Cormorant Books, Inc.), 21.
2 I use the term ‘authority’ in this discussion because, in El Salvador, the government and the military represented two separate but interacting institutions. Both exercised authority although, sometimes without the knowledge of the other.
4 Ibid.
5 As discussed in Ibid.
development, realised it was instead exchanging cheap primary resources for expensive internationally manufactured products. This situation, combined with a desire to remain visibly stable to investors from the United States, resulted in increased repression and restricted human rights.

Repeated election fraud throughout the 1970s only served to exacerbate a process of political polarization. The Christian Democrats (PDC) and the National Opposition Union (UNO), led by José Napoleón Duarte, won the 1972 elections but military intervention fraudulently inserted Colonel Arturo Armando Molina as president instead.\(^6\) Molina’s regime was the first since an uprising in 1932 to face armed peasant resistance, to which it responded in heavy-handed kind. The armed forces came out in force against the PDC, driving many of its leaders out of the country.\(^7\) This repression convinced many that reforms would not happen democratically.\(^8\) As a result, many disaffected political participants turned to guerrilla groups and grassroots community organizations (both rural and urban) to demand economic and social reforms through mass demonstration and protest. In Canada, a government assessment observed:

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L’Eglise, auparavant peu ou pas impliquée dans les questions de politiques sociales, prend position et se range du côté des masses défavorisées. L’université catholique dont la liberté académique et idéologique est garantie
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\(^6\) An alliance of Christian Democrats, National Revolutionary Movement and National Democratic Union.


\(^8\) National debate on agrarian reform was forced by the surprise support of the new Christian Democratic Party (PDC) under José Napoleón Duarte. Consequentially, the National Agrarian Reform Congress met in San Salvador January 5-10, 1970. Government, non-government, labour and private sectors were invited to present. However, campesinos and the rural labour force were ignored. For greater detail, see Liisa North (1985), *Bitter Grounds 2nd Ed.* (Toronto: Between the Lines). A priest active in the field was sent by the Archdiocese to testify at the hearings. Father Jose Inocencio Alas was kidnapped a few metres from the Assembly after presenting a forward-looking position to the conference. His life was spared when Bishops Rivera and Urioste intervened on Alas’ behalf with the Minister of Defence Fidel Torres. They located him hours later at the edge of a cliff, beaten, drugged and naked. Tommie Sue Montgomery (1983), “The Church in the Salvadoran Revolution,” *Latin American Perspectives*, Winter, pp. 62-87; Prendes (1983).
par la constitution, deviant un catalyseur dans le processus de sensibilisation
des masses.\textsuperscript{9}

Increased attacks by right-wing groups on the Catholic Church began in earnest because of the
links between theology and Marxist theory.\textsuperscript{10} The anti-church campaign, sanctioned and
promoted by Molina, included attacks on proponents of Liberation Theology but also went
beyond to attack all ‘subversives’ who rejected the increasing violation of human and democratic
rights.\textsuperscript{11} As James Dunkerley argues, “[I]n this way the first steps towards the implementation of
a ‘national security’ campaign against communism took the form of an offensive against religious
groups.”\textsuperscript{12} Furthermore, Church actions in favour of the poor attracted hostility on the part of the
elite and the established order who depended on cheap labour. Landowners did not take kindly to
priests preaching human rights and even providing moral support for strike actions.\textsuperscript{13} By 1977,
the situation had deteriorated significantly.

The rising interest and participation in group protest demonstrated an increasing strength
of the left, which served to augment the fears of the oligarchy.\textsuperscript{14} The oligarchy, the fabled
“fourteen families,” responded in turn by financing death squads and enlisting the help of the
armed forces.\textsuperscript{15} A decade earlier, in 1967 the National Democratic Organization (ORDEN) was

\textsuperscript{9} Canada (1978), Note No. 1888, La direction de l’Amérique latine.
\textsuperscript{10} Article 157 of the Salvadoran Constitution reinforced these restrictions, “Clerics and laity shall be
forbidden to make political propaganda in any form invoking religious motives or making use of the
religious beliefs of the people. In the churches, on the occasion of acts of worship or religious instruction,
criticism shall not be made of the laws of the state, of its government, or of individual public officials.”
\textsuperscript{11} Dunkerley (1982).
\textsuperscript{12} Ibid., 108.
\textsuperscript{13} Jeffrey Klaiber (1998), \textit{The Church, Dictatorships, and Democracy in Latin America} (Maryknoll, NY: Orbis Books).
\textsuperscript{14} William LeoGrande and Carla Robbins (1980), “Oligarchs and Officers: The Crisis in El Salvador,”
\textit{Foreign Affairs} 58(5), pp. 1084-1103.
\textsuperscript{15} The term, ‘fourteen families’, does not represent a concrete number of families dominating land, wealth,
and politics but rather serves to denote a symbolic group.
established.\textsuperscript{16} It recruited members from the peasantry and working classes, indoctrinated them with pro-government propaganda, and asked them to inform on any community dissidence. In return, they were armed and given special privileges, including job preference. Richard Lapper and Hazel Johnson illustrate this situation through the testimony of one of their informants:

The government created Orden to control the peasants, because the army can’t be everywhere watching what we’re doing all the time. So the peasants in Orden watch us for them and they’re sent to provoke us. Since we don’t challenge the government militarily it has to have an excuse to attack us. If Orden provokes us and we react then the army comes in to pacify the situation.\textsuperscript{17}

With the advent of President General Romero in 1977, ORDEN worked more closely with security forces, to the benefit of the Salvadoran elite.

These security forces and their increasing threats against the greater population first attracted high-level attention in the US government when, in June 1977, the White Warriors’ Union started intimidating the Catholic Church. The Church was accused of promoting communism, with members of the Jesuit order singled out for retaliation.\textsuperscript{18} The United States, under pressure from American church groups and representatives of Congress, demanded that Romero exercise restraint; the threatened slaughter of the Jesuits never took place.\textsuperscript{19}

\textsuperscript{16} Death squads such as ORDEN promoted or FALANGE (\textit{Fuerzas Armadas de Liberacion Nacional – Guerra de Extermination}, later the UGB or White Warriors’ Union) were paramilitary unites that carried out anonymous attacks on civilians. These squads were often supported by the government. They were comprised of military, police or recruited community individuals to report and ‘prosecute’ disloyalty to the state. Mahony and Eguren (1997).


\textsuperscript{18} LeoGrande and Robbins (1980), 1089.

\textsuperscript{19} In July 1977, the United States held a series of Congressional hearings on the situation in El Salvador. At the topic on “Religious Persecution in El Salvador,” ex-American Ambassador Ignacio Lozano Jr. argued that 1976 was the real year the persecution of Catholic prelates began: “On the one hand, we had young, socially conscious priests seeking on behalf of the campesinos a better way of life and a bigger slice of the economic pie brought on by booming coffee and cotton prices, and on the other hand the landowners, seeking to protect their own economic interests […] numerous right wing groups […] mounted a shrill
Unfortunately, the situation continued to deteriorate. Canadian internal reports struggled to make sense of the situation. Embassy officials voiced early cautious optimism and pleasant surprise at the initial agricultural and political reform attempts ventured by Romero, but this quickly faded as repression, kidnappings, disappearances, and murders increased significantly. Information that the president was “fastidious in maintaining law and order with the minimum use of force or even the threat of force and […] made genuine efforts to project an image of dedication to the principle of human rights” were overly hasty in their assessment.\textsuperscript{20} There had been some ‘lip service’ to President Carter’s determined stand on human rights, especially as Romero was aware that the United States would oppose international lending unless there was a semblance of moderation in his ‘security-building’ tactics.\textsuperscript{21} Romero, along with his Foreign Minister Álvaro Ernesto Martínez, invited the Inter-American Commission on Human Rights to visit El Salvador in order to promote his temperate image on human rights.\textsuperscript{22} In hearings, however, he continued to defend ORDEN as a group helping to ‘combat terrorism’.\textsuperscript{23}

A Special Committee of the OAS was encouraging in its conclusions, arguing that the campesino sector be permitted to organise in every method existing in a democratic system and that the government protect them and any associates, particularly the Catholic Church. Furthermore, it was clearly stated that “necessary measures be taken to prevent continuation of the persecution of the members of the Catholic Church who act in legitimate exercise of their campaign in the Salvadorean press against the Catholic Church...this campaign of vilification apparently had the tacit approval of the government[.]” McClintock (1985), 178.

\textsuperscript{20} Ralph Reynolds (1978), Letter from the Canadian Embassy, San Jose, Costa Rica, to the Under-Secretary of State for External Affairs Ottawa, Re: Political, Economic and Security Situation in El Salvador, 1 March.
\textsuperscript{21} Ibid.
\textsuperscript{23} Ibid.
pastoral mission.” Unfortunately, the report did not have much of an impact and its recommendations were not implemented. The United States continued to exert pressure on President Romero but both its commitment to human rights and the Salvadoran President’s willingness to exert restraint were weak. Subsequently, a military junta disillusioned with Romero’s policies ousted him in a bloodless coup. The Proclamation of the Armed Forces of El Salvador indicted the former president for violation of human rights, corruption, sowing ‘economic and social disaster,’ and sullying the reputation of the armed forces. In return for broad public support, they promised socio-economic and land reforms.

Reform and social improvement, however, did not occur under the new ‘moderate’ military junta. The intensity and frequency of human rights violations actually increased after the reform government took power, causing the Catholic Church, human rights groups, and public organizations to speak out. Campesinos and their leaders suffered most heavily, but targets could include even those suspected of being sympathetic. Arbitrary arrests occurred on a regular basis, while rights to due process, trial, and defence faltered. The climate became so repressive that even the leaders of the political opposition were denounced as terrorists. The Church helped mediate some of the growing effects of this despotism. As Brian Smith points out, at the international level “church networks [became] one of the most reliable sources of information to the outside world on the extent of rights violations inside [Latin American states].” Therefore, as the tension between factions increased, so too did the Church’s denunciation of the abuse of the Salvadoran people.

24 Ibid.
25 Dunkerley (1982).
26 It is hard not to see the corresponding echoes around the world in contemporary society.
Canada’s Relations with El Salvador, 1977 – 1984

Canada’s relations with El Salvador have most often been tempered by the tragedy of war. With Prime Minister Pierre Trudeau’s declaration that Canada needed to make greater forays into Central America, research and aid initiatives sprung into being. Nevertheless, it took conflict and gross human rights violations in El Salvador to attract Canadian attention. Upon learning about the situation, concerned Canadians made the trip down to the region to express solidarity, to provide humanitarian assistance, and to promote negotiated peace alternatives. What many did not realise is that Canadian representatives had made the trip before. Many believed that Canada had little history of imperialism and therefore could foray into Salvadoran conflict mediation with little political baggage. To the contrary, Canada had in fact played a supporting role in the most influential event of Salvadoran twentieth-century history: the massacre that followed the...
Communist-led uprising of 1932.\textsuperscript{28} During this event, two destroyers arrived on Salvadoran shores to protect British and Canadian interests. Few people at the time realised that Canada had a navy, let alone one capable of offering assistance and protection to Commonwealth interests. Although Canadians did not pay much attention to its first incursion in Central America, the 1980s conflict garnered increased attention and demands for Canadian participation in a negotiated solution.

It was well-acknowledged that El Salvador, and Central America more generally, was a neglected area of Canadian foreign policy; until late 1980, the Canadian government refrained from making substantial comments regarding the region. Often, when one of the three Ministers of External Affairs during the 1980s would speak, however, the flood of letters expressing concern about the situation would increase substantially.\textsuperscript{29} Nevertheless, some Members of Parliament (MPs) and national media sources were not immediately convinced of the necessity of Canadian involvement. For example, MP Ken Robinson excused the lack of government action: “[C]oncern about El Salvador is a basic concern – one that is very hard to sell to your constituents who find that they have many other things that concern them a great deal more.”\textsuperscript{30} However, this attitude changed as more people began to pressure the government through the formation, across Canada, of approximately 350 solidarity, research, and humanitarian interest groups.

\textsuperscript{28} The impact of this revolt so deeply etched itself in the Salvadoran communal psyche that during the civil conflict of the 1980s, all parties chose elements from that first rebellion to represent their positions. One of the major right-leaning terror groups named itself after the president who instigated that massacre, General Maximiliano Martínez, while the armed opposition coalition remembered the executed Communist leader of 1932 by naming itself Farabundo Martí.

\textsuperscript{29} For instance, in February 1981 after meeting with American Secretary of State General Haig, Minister MacGuigan mentioned that he had “reason to pause” over new information the Americans had presented to him. Human rights groups and Church organizations as well as concerned citizens were incensed that undisclosed documents could sway the Minister to the extent that he would perform an about face on its opposition to outside interference in El Salvador. Marina Strauss (1981), “Protests forecast for Ottawa over El Salvador,” The Globe and Mail, 6 February, 11.

\textsuperscript{30} CentreStage Theatre Archives (1982), “El Salvador: Canada’s Position, March 10,” (Toronto: Toronto Arts Productions, CentreStage Forum). Ken Robinson was MP for Etobicoke Lakeshore from 1968. He was a part of the parliamentary observer mission that visited El Salvador in 1981.
The key issues on which Canada took a position were elections, election observers, possible massacres and their perpetrators, attitudes toward a negotiated settlement, and the problem of refugees. Drawing from these issues, it is possible to discern several themes that occupied government concerns. While there were small economic and developmental aid concerns, the government was more uneasy about regional security. Successive MPs and bureaucrats reiterated that they were opposed to outside intervention such as that perpetrated by the United States because of its negative impact on stability. However, government actions stated otherwise, as Canada refrained from confrontational statements over El Salvador. Canada’s foreign policy did slowly evolve and draw the country more closely into humanitarian concerns and peace negotiations. Canada increased its contact, acted as an observer and advisor to the Contadora process, and accepted a greater number of refugees from the region. In addition, the Ministers for External Affairs, Mark MacGuigan and Joe Clark, made two visits, in 1984 and 1988, to meet with government officials and Canadian NGOs. Two parliamentary committees and a group of MPs led by Oxfam-Canada also visited the region.

Visibility as a Voice

In one of the few agreed-upon statements by all sides during decades of failed attempts at peace in El Salvador, President Cristiani stated in 1992 that the cause of El Salvador’s war lay “in the absence of democratic political space and the lack of economic hopes in a country characterized by exclusion and authoritarianism.” Over the course of this horrendous war, more than 75,000

31 “There is much more that Canada can do to enhance its visibility as a voice for just and peaceful solutions to the terrible spiral of violence engulfing the isthmus.” Maurice Dupras (1984), “A Canadian Perspective on Political Solutions to the Current Conflicts in Central America,” Notes for an Address to the International Conference on Latin America, Montreal, 17 March.


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persons are estimated to have died; 70,000 of those are thought to have been non-combatants.\textsuperscript{33} Fact-finding missions and investigative reports conducted by independent NGOs like Americas Watch or concerned groups like medical teams confirm that certain people were targets of additional repressive measures.

The purposes of observer and investigative missions ranged widely: to locate and understand the legal status of ‘disappeared’ workers, parish priests among them; to aid cooperants and health professionals; to examine the treatment of political prisoners; to study health and rights conditions; and to assess the impact of the political violence on public institutions and protections. These visits always included meetings with the Archdiocese of San Salvador and its associated organizations working on human rights and legal issues. Individuals would repeatedly describe the gross humanitarian violations that were taking place, perpetrated in large part by the American-funded armed forces.\textsuperscript{34} Visiting officials and organizations would then disseminate the information internationally, providing increased legitimacy for their continuing intercession on behalf of Salvadoran civilians.

This was not a war against a particular dictatorship but rather an insurgency against a political system. Although armed opposition forces proposed dialogue with the government and the army in 1982, and repeated that stance in 1983, under pressure from military forces President Duarte rejected any possibility of talks until 1984. Not until 8 October 1984, at the United Nations’ General Assembly, did Duarte concede that negotiations were needed. Canadian

\textsuperscript{34} In 1994 the UN Truth Commission’s supposition that around seventy-five percent of Salvadoran forces directly involved in eight massacres of civilians had been trained and graduated by the School of the Americas in Fort Benning, Georgia, was confirmed by the disclosure of American government documents. Carlos Vilas (1996), “Prospects for Democratisation in a Post-Revolutionary Setting: Central America,” *Journal of Latin American Studies* 28, pp. 461-503; 479.
counter-consensus and research parties agitated for public statements in support of Salvadoran negotiation and national dialogue between parties. The Canadian government did support several different attempts at negotiation but it sometimes fell short of concrete support in international fora like the United Nations.

What will next be argued is that humanitarian law, as a tool of protection for civilians in war, has the power, even when applied by independent organizations, to attract attention to a situation otherwise forgotten or overlooked. These tools, when applied correctly, can garner the support of third-party states to support the pursuit of a solution and mitigate the effects of armed conflict. Unfortunately, it was not until the murder of six Jesuit priests in 1989, acknowledged by President Cristiani to be the work of the army, that a peace process was afforded serious consideration in El Salvador. The Jesuit murders were so symbolic of the continuing reign of terror that it undermined the American alliance with the Salvadoran military and achieved what Archbishop Romero begged of President Jimmy Carter almost a decade earlier: “I ask you, if you truly want to defend human rights:

--to forbid that military aid be given to the Salvadoran government;
--to guarantee that your government will not intervene directly or indirectly, with military, economic, diplomatic, or other pressures, in determining the destiny of the Salvadoran people.
--In these moments, we are living through a grave economic and political crisis in our country, but it is certain that increasingly the people are awakening and organizing and have begun to prepare themselves to manage and be responsible for the future of El Salvador, as the only ones capable of surmounting the crisis.35

The systematic analysis of third-party application of International Humanitarian Law (IHL) and human rights law in a non-international conflict toward an end goal of negotiation is

integral to the development of peaceful resolution. Examining the early years of the Salvadoran civil war through the eyes of third-party organizations and the provisions of IHL is important because it illuminates the role of jurisprudence on non-international armed conflicts. It also contains potential lessons for organizations operating in other conflict situations. It is to this timely body of legislation that I next focus my attention.
Chapter 3: International Humanitarian Law and its Applicability to Armed Conflicts of a Non-International Nature

Although the cruelty, death, and destruction caused by armed conflicts may seem impossible to restrain, there are theoretical limitations to the behaviour of belligerent parties. To that extent, laws have been established to mitigate, wherever possible, the impact of war. However, these laws are, as Charles Garraway puts it, very much a “Faustian pact between the needs of humanity and the necessity of the mission.”\(^1\) International Humanitarian Law (IHL), as with all international law, developed from a combination of custom, general principles of law, treaties, judicial decision, and academic venture to form a significant jurisprudence applicable in a range of areas and through any number of methods. This body of law has become one of the most comprehensibly codified branches of international law and its primary treaties, the four Geneva Conventions of 1949, are almost universally ratified.\(^2\) It is, in the end, a law of exception, as IHL only applies when other branches of international law have failed to preserve or create peace.\(^3\) These ideas are illustrated in El Salvador’s experience. Its civil war and conflict resolutions represent the first application of IHL in a non-international armed conflict.

The history of law in war and the introduction of humanitarian principles into conflict is one which is arguably as old as humanity itself. Two schools of thought compete within IHL driven by those using war as a tool and those working for the protection of those affected by the armed conflict. Thus, there is a corresponding distinction between the Laws of Geneva and Hague

IHL itself is comprised of only the former, beginning with the Geneva Convention of 1864, treating on the protection of the victims of war. The Laws of War, embodied by the Laws of The Hague, concentrate more closely on the legality of weapons and the way they are employed. However, this distinction between the two strands of IHL is not widely preserved. The International Committee of the Red Cross (ICRC) especially favours a wider approach, something approved of by legal expert Claude Emanuelli, who argues that the interplay between the two is so frequent that to maintain a distinction is artificial. Essentially, IHL outlines rules to protect the victims of armed conflict along with mechanisms for ensuring compliance with its provisions.

IHL can be traced from the ancient Greeks through the medieval period to an early codification in the nineteenth century. The overall coverage of IHL is divided into two distinct parts: jus ad bellum (a set of criteria or law justifying the resort to war) and jus in bello (law of conduct in war). IHL is comprised primarily of a set of conventional rules, customary norms (i.e. law which has become customary or universal) and jus cogens. There are three fundamental principles relating to the conduct of hostilities including the principle of distinction between

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5 Officially known as the Convention for the Amelioration of the Condition of the Wounded in Armies in the Field. Geneva, 22 August, 1864. It was adopted as a part of the establishment of the International Committee of the Red Cross at a conference attended by sixteen European States. The main principles laid down were: (1) relief to the wounded without any distinction as to nationality; (2) neutrality (inviolability) of medical personnel, establishments and units; and (3) the symbol of the Red Cross. The Convention was replaced by the Geneva Conventions of 1906, 1929 and 1949.
8 For a more complete history of the development of IHL prior to codification see Appendix A.
9 Jus cogens is defined as compelling law that cannot be violated by any country, (that is a body of ‘higher law’). In Nicaragua vs. United State of America for instance, the International Court of Justice relied on the use of force as being a “conspicuous example of a rule of international law having the character of jus cogens” or accepted doctrine. ICJ Reports (1986), 100; quoted in Gennady Danilenko (1991), “International Jus Cogens: Issues of Law-Making,” European Journal of International Law 2(1), 42; 65.
combatants and civilians, the prohibition of weapons causing undue suffering or indiscriminate destruction and superfluous injury, and the Martens Clause ensuring that all those affected or participating in conflict remain protected by the principles of humanity and the “dictates of public conscience.” Furthermore, the application of IHL differs depending on whether the conflict in question is of an international or non-international nature. Finally, IHL applies in conjunction with other branches of international and national law including International Human Rights Law (IHRL) and internal state legislation. This can be a complementary interplay for the better application of IHL and IHRL, especially in those armed conflicts caught ‘in the fog of war’.

Defining International Humanitarian Law (IHL)

Until the late twentieth century, International Humanitarian Law referred only to the Geneva Convention on the protection of war victims whereas in the present context it is increasingly employed in reference to the entirety of laws of armed conflict. In fact, as the International Court of Justice (ICJ) Advisory Opinion of 8 July 1996 on the Legality of the Threat or Use of Nuclear Weapons concluded:

These two branches of the law applicable in armed conflict have become so closely interrelated that they are considered to have gradually formed one single complex system, known today as international humanitarian law. The provisions of the Additional Protocols give expression and attest to the unity and complexity of the law.

IHL is derived from that law regulating the use of force between states and other belligerent parties.

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11 I.e. Those armed conflict situations which are difficult to define or classify as international, national liberation, internal or tensions and disturbances.
13 Quoted in Chetail (2003), 239.
There are two distinct ways of looking at armed conflict\textsuperscript{14} – the reason for the conflict and the methods used therein. \textit{Jus ad bellum} defines the legitimate reasons a state may engage in war and focuses on certain criteria that render this belligerency just. Its principle modern legal source rests in the Charter of the United Nations, Article 2.4\textsuperscript{15} and Article 51.\textsuperscript{16} Indeed, the distinction made between \textit{jus ad bellum} and \textit{jus in bello} is an important one as it results in the neutral application of the latter without complication of incorporating the obligations of the parties in the former.\textsuperscript{17} IHL is the body of law pertaining to \textit{jus in bello} and, in some ways, is similar to IHRL as it regulates and provides implementation mechanisms for the actions of individuals as well as States. However, IHL should not be conflated with IHRL.\textsuperscript{18} Despite growing convergence and some arguments for their joint implementation, there remain significant differences. Significantly, unlike IHRL, IHL or the law of war justifies the killing and wounding of non-combatants, innocent civilians, out of military necessity or collateral damage. Although

\textsuperscript{14} Although armed conflict is not defined by the Geneva Conventions or Additional Protocols, Emanuelli (2006) argues that a conventional definition regards armed conflict as existing “when there is a resort to arms by a government, armed sides or between armed groups in a state.”

\textsuperscript{15} Eugene Rostow observes that Article 2.4, although now generally considered to be \textit{jus cogens}, has been inconsistently adhered to, at best, he writes “the political history of the last half century has been dominated by a series of acts of aggression in open violation of Article 2 (4). If it is not a dead letter in the U.N. Charter, no one can say it has yet become a fully respected norm of the living law.” Eugene Rostow (1996), “The Laws of War: Constraints on Warfare in the Western World,” \textit{ORBIS} 40(1).

\textsuperscript{16} Article 2.4 states: “All members shall refrain in their international relations from the threat or the use of force against the territorial integrity of political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.” Article 51 states: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations.”

\textsuperscript{17} Theodor Meron (2000), “The Humanization of Humanitarian Law,” \textit{The American Journal of International Law} 94(2), pp. 239-278. However this is not to say that there is no connection between \textit{jus in bello} and \textit{jus ad bellum}. As Roberts points out, recent practice demonstrates and confirms that the justification for the resort to war is impinged by IHL in several ways. Most often, however, it is the violations of IHL which provide the impetus for action through coalition or NATO operations and Security Council interventions. Adam Roberts (1995), “The Laws of War: Problems of Implementation in Contemporary Conflicts,” \textit{Duke Journal of Comparative & International Law} 6(11), pp. 11-78.

\textsuperscript{18} See Meron (2000).
IHRL can be derogated in some instances, it protects the physical integrity and human dignity of life in all circumstances and no one may be deprived of life (except as a part of judicial verdict). This is indeed a change in orientation for international law because for centuries it was only concerned with relations between states. While IHL’s primary duty is still to establish the duties of parties to an armed conflict, there is a marked attempt to spare individuals from the ravages of war as well.

According to Frits Kalshoven’s definition, IHL aims to “mitigate the human suffering caused by war, or, as it is sometimes put, to ‘humanize’ war.” It does not purport to turn war into a humane activity but it attempt to limit and prevent human suffering in times of armed conflict to the best ability of the parties involved. In other words, it attempts to restrain belligerent actions from “wanton cruelty and ruthlessness” to provide underogable protections for those most affected by war. Those persons and parties IHL seeks to protect include all who are not or are no longer taking part in the hostilities. In addition, IHL creates rights for individuals who cannot waive those rights in whole or in part. Thus, those who violate IHL hold a direct responsibility for violations and are theoretically liable to prosecution by international or national courts. Jakob Kellenberger concludes that “the guiding principle is that individuals have the right to be protected from arbitrariness and abuse because they are human, which was an idea that revolutionized international law and had a lasting impact on international relations.”

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19 Derogation means that in some instances, certain laws can be suspended and therefore violated in extreme circumstances or with real necessity to contain a situation.
22 Ibid, 2.
24 Emanuelli (2006)
25 Ibid.
to sum up, the purpose of IHL, and indeed IHRL as well, is the protection of the life, health and dignity of human beings.  

**Fundamental Principles of Humanitarian Law**

IHL contains three fundamental principles or categories developed in the codification of the laws and customs of war, jurisprudence, and through the decisions of the principle judicial organ of public international law, the International Court of Justice. The fundamental principles relating to the conduct of hostilities are clearly developed in the Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons. First, there must be a differentiation made between combatants and non-combatants. According to the Court, this principle is enacted to protect civilians to the best extent possible: “States must never make civilians the object of attack and must consequently never use weapons that are incapable of distinguishing between civilian and military targets.” However, it is in the 1977 Protocols Additional to the 1949 Geneva

26 Kellenberger (2003), 646.  
27 What Emanuelli (2006) emphasized in further discussion with participants at the 6th Summer Course on International Humanitarian Law was that there is a need to maintain a set of moral standards or “the whole thing slips.” A State, therefore, is expected to operate in accordance with the statues and conventions of which they are party and all aspects of customary international law besides in all circumstances regardless of considerations of reciprocity. In addition, reprisals are prohibited as they go expressly against Article 1. There is a need to respect and a duty to ensure respect from all sides along with a duty to comply through a fulfillment of all obligations irrespective of reciprocity. All states are directly concerned with IHL violations (as will later be discussed) as the obligation to comply is law ergo omnes.  
28 See Appendix B. The ICJ is not a diplomatic body or a General Assembly nor a security council. A fundamental understanding is that its jurisdiction is by consent. It is a principle judicial body entitled to consider judicial decisions when a dispute has been brought to its attention. Its decisions do not rest on a system of precedent in that it cannot cite a previous decision in another case though it cannot be inconsistent. Finally, the court’s decision is not binding but law-abiding states will not dismiss a final advisory decision. Koroma (2006).  
29 Quoted and discussed in Chetail (2002), 200.
Conventions that this customary rule attains clear and ratified expression. Indiscriminate weapons and attacks are thereby prohibited through the customary principle of distinction.30

The second principle is the prohibition of the use of weapons “that cause unnecessary suffering or superfluous injury.”31 This idea was among the first in customary and codified international law. The trouble with this principle is that for the courts, it is difficult to define between unnecessary and necessary or acceptable suffering, although Shahabuddeen observes that suffering is defined “superfluous or unnecessary” only if it represents a material excess in relation to the military necessity, advantage or objective sought.32 This leads directly into the final principle of IHL embodied in the Martens Clause.33 The clause provides the ethical foundation for the customary laws of war and is intended to cover all instances not covered by codified law. As a result, civilians and combatants remain under the protection of custom derived from humanity and the dictates of public conscience.34 The purpose of IHL is to maintain the dignity of the human person as much as possible.

The maintenance of human dignity also entails that the treatment of persons in the power of an adverse party requires a minimum standard of treatment. It is under these standards that Article 3, common to the four Geneva Conventions (Common Article 3), is enacted.35 This ‘treaty in miniature’ addresses the case of armed conflict ‘not of an international character’

32 Discussed in Chetail (2002), 202. What is interesting is that Veuthey (1976) calls this “excessive use of violence by a State or an armed political grouping” terrorism should it be seeking to inspire anxiety, fear or a state of submissiveness within the injured parties. Also, Frits Kalshoven (1983-4), ‘Guerrilla’ and ‘Terrorism’ in Internal Armed Conflict,” American University Law Review, 33, pp. 67-82; 71.
33 Called by the name of the Russian delegate who suggested the clause at the 1899 Hague Peace Conference to provide general coverage in unforeseen cases, easy to summarize and possible to disseminate.
34 Chetail (2002), 203.
35 Appendix C.
occurring on the territory of one of the High Contracting Parties. This was the only treaty law applicable to internal armed conflict until Additional Protocol II of 1977 (APII) but is only occasionally successful. For instance, Common Article 3 was applied in the 1986 ruling on Military and Paramilitary Activities in and Against Nicaragua (Nicaragua vs. United States of America). The principle, unfortunately, merely demands respect for certain rules already recognized in most countries and thereby is considered customary.

International vs. Non-International Armed Conflicts and Additional Protocol II

There are several different types of conflict identified to which different branches of law or legal norms are applicable. It is important to be resolved on the type of armed conflict in a given situation as international law recognizes at least four different conflict situations (see Figure 3). What is most important to this discussion is the difference between international and non-international law, how IHL (and later IHRL) applies in each situation and what implications this has on the conflict itself and the protection of civilians caught in that situation. Civil wars or wars of a non-international nature have constituted a threat to international peace and security since the early 1980s. The United Nations, as a key actor in the mediation and observation of conflict, came to understand the changing situation entailed a more immediate involvement in areas of civil conflict through its mandate to protect civilians in areas under threat. Traditionally, internal conflict was viewed as a matter for that state outside an international law jurisdiction.

36 This was actually a convoluted situation because though the dispute in Nicaragua was an internal conflict between the Contras and the government, but more importantly it was also an international conflict because it was judged to be between the Sandinistas and the American Government. As such the rules are the same in both situations but there are two different set of characteristics. In applying Article III to this case, the ICJ judged that IHL can be applied similarly in internal and external conflicts. Koroma (2006).


The ICRC wanted the whole of the Geneva Conventions to apply to all armed conflicts at all times and, although they were not successful in this endeavour, Common Article 3 is still able to regulate an undefined range of non-international armed conflicts. Enacted in 1977, APII also applies to internal conflicts but includes the protection of non-derogable human rights. All conflicts to which APII is applicable are also covered by Common Article 3. Therefore, international law, beginning with IHL and IHRL, now applies within states as well as without through its incorporation in domestic law.⁴⁰

**Figure 3: Conflict Classification by Type and Applicable Law**

<table>
<thead>
<tr>
<th>Situations of Internal Tensions and Disturbances</th>
<th>Short of armed conflict, use of force by government forces to restore order or public safety</th>
<th>IHRL – with some derogations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>International Armed Conflict</strong></td>
<td>Two or more states engaged in armed conflict</td>
<td>IHL – Four Geneva Conventions, API</td>
</tr>
<tr>
<td></td>
<td></td>
<td>IHRL – with derogations and limitations</td>
</tr>
<tr>
<td><strong>Wars of National Liberation</strong></td>
<td>People fighting colonial domination and alien occupation or against racist regimes</td>
<td>IHL, IHRL in a similar manner to international armed conflict</td>
</tr>
<tr>
<td><strong>Internal Armed Conflict</strong></td>
<td>All armed conflicts not characterised as international or national liberation</td>
<td>Common Article 3, APII – conflict must take place on the territory of a High Contracting Party government forces and Armed Opposition Groups fulfilling certain requirements</td>
</tr>
</tbody>
</table>

The Distinction between International and Non-International Conflict

The existence of an armed conflict is an essential pre-condition for the application of IHL as it is a law applicable exclusively in war.\(^{41}\) Furthermore, even if there is little dispute as to the existence of an armed conflict, the breadth and scope of the law varies with its nature. There also may need to be a level of violence achieved before the relevant law is applicable. What complicates the identification and classification of an armed conflict is the trend towards the internationalization of armed conflicts “geographically confined to the territory of a single state.”\(^{42}\) If a third-party state intervenes on the side of the Armed Opposition Forces, it is considered an international conflict, as exemplified by the *Nicaragua* Case. However, the situation becomes more convoluted if that state is intervening on the side of the conflicted government.\(^{43}\) Although it may seem as if the distinction between international and internal conflict has lost much of its significance to more equitable terms, the issue is still very much a real one as the laws that apply to the latter are rudimentary and skeletal compared to the IHL applicable to an international situation.\(^{44}\) It also presents a problem in the identification and classification of combatants as legal or illegal as many are not soldiers of regular armies but armed civilians and others, often with little discipline or command structure.\(^{45}\) Thus, proper identification may be difficult but remains essential for the best application, implementation and later prosecution of IHL.

In internal hostilities there is a scale and intensity rating to identify the appropriate action and law. The first is a civil peace with isolated acts of violence and falling under the legal


\(^{42}\) Ibid, 3.

\(^{43}\) Ibid.


\(^{45}\) This will be discussed in greater detail later on. Murphy (2003).
Rebellion and insurgency represent an intermediary phase comprised of collective action with varying degrees of organization. This situation can lead a government to declare a state of emergency or even siege. The threshold for the applicability of IHL is still not crossed in this instance and although some IHRL is derogable, it still governs all actions committed. Many feel that the level of legal protection in these situations is sadly lacking and so ‘minimum standards of humanity’ to complement the treaty instruments have been developed through a number of initiatives.\(^\text{46}\) The final scale or intensity of internal armed conflict is that of belligerency. Although an insurgency represents a significant degree of organization and collective action, it is only when insurgents are recognised as a belligerent party that the full range of IHL applicable to non-international armed conflict applies. Lindsay Moir states that “this amount[s] to a declaration by the recognising party that a conflict has attained such a sustained level that both sides [are] entitled to be treated in the same way as belligerents.”\(^\text{47}\) This recognition is not, however, a statement of control or governance; it is simply a confirmation of war where means to a resolution are required.\(^\text{48}\)

**Treaty Law and Other Rules Applicable to Non-International Armed Conflict**

The fundamental principles of IHL are applicable to all armed conflicts. Long-established laws applicable in armed conflict rely on the ability and willingness of belligerent parties to apply IHL and customary laws. This includes differentiation between civilians and combatants and between legitimate military targets and non-military subjects. This recognition may be difficult to the point of impossible during internal armed conflict, however, due to the very nature of that warfare.

\(^{46}\) ICRC (2003)
\(^{48}\) This statement was made in the case of El Salvador’s FMLN, for example, when Mexico and France issued a joint statement of recognition of their belligerency in 1981.
Moir points out that insurgent forces often resort to guerrilla warfare and indiscriminate attacks because they are bereft of the military hardware and manpower available to government forces.\footnote{Moir (2002).}

However, recognition and application of the greatest possible protection is important to reduce the harm done to all within the contested territory. An examination of major internal conflicts of the twentieth century demonstrates that in cases of greater IHL implementation, regardless of the official status of the conflict, a negotiated solution was more readily achieved. In contrast, civil or internal armed conflicts where the government did not acknowledge belligerency, and a continued denial of applicable IHL occurred, barbaric conduct on both sides increased.\footnote{For example, the Greek revolt against the Ottoman Empire, the Hungarian Civil War, the Cuban Wars of Liberation against Spain and the Spanish Civil War all experience increased IHL and IHRL violations. All instances involved a government unwilling to recognise the belligerency against them. “Admittedly, violations can occur in any armed conflict, but one may conclude that a recognition of belligerency tended to encourage the observance of the humanitarian rules of warfare, whereas an absence of recognition had the opposite effect.” Moir (2002), 12-13.}

There are several applicable laws that are required to be observed and enforced in internal conflict. First, customary law applies in all circumstances where treaty law is not applicable. It fills all those gaps left due to a lack of substantive coverage or due to a lack of ratification.\footnote{Henckaerts (2002), 187.}

Customary law is often regarded as a “general practice accepted as law.”\footnote{Statute of the International Court of Justice, Article 38.1.b, quoted in Henckaerts (2002), 189. Customary law is looked at for the actual practice and \textit{opinio juris} of states. \textit{Opinio juris} or opinion of justice represents a believe that a behaviour or action was performed because it was a legal obligation. It is, therefore, the subjective mental element of a judgement stating whether the practice of a state was due to a belief of its obligations.} Therefore, even if the state in question has not ratified an applicable treaty, aspects of it may still be in force because those obligations are based on certain “general and well-recognised principles, namely: elementary considerations of humanity[.]”\footnote{\textit{The Corfu Channel Case (Merits),} quoted in Chetail (2003), 243.} Of course, the process of forming, refining, and maintaining customary law is a continuous process where action, word, and argument contribute
to its alteration. The legal standing of many of the most important tenets of IHL depends heavily on their status as international custom. Judge Abdul Koroma also states that the ICJ recognises that the Conventions themselves “are reflective of customary law and as such universally binding.” As a result, customary law are the essence and basis for those treaties comprising IHL although they also continue to exist outside codification, defining protection of victims in armed conflicts.

The first and only codification on this subject before the 1977 Protocol II (APII) was the short Common Article 3. And, while this article is extremely important, it only contains general principles as a “timid breach in national sovereignties.” The silence prior to the Common Article 3 of the international community on situations of internal armed conflict reflected a conviction that international protection would be granted and belligerency recognised only when they had had success on the battlefield, enjoyed the support of the indigenous population under their control and exercised government-type functions. Common Article 3 represents an attempt to impose the underlying humanitarian principles of all four of the Geneva Conventions of 1949 on parties to an internal armed conflict. It can be enacted on the territory of all High Contracting

54 The concept of violation is essential in customary law because, should enough states acknowledge and allow certain actions that contravene the standing custom, the law will be degraded to the new minimum standard. Gerald Postema (2007), “Custom in International Law: a Normative Practice Account,” The Nature of Customary Law: Legal, Historical and Philosophical Perspective, eds. JB Murphy and A Perreau-Saussine (Cambridge: Cambridge University Press). In this case, however, only official physical behaviours or actions count towards custom. Practice which violates an existing custom does not count towards the formulation of a new rule unless “it is done under a claim of right.” Furthermore, “a contrary practice by some states does not prevent the existence of a rule of custom as long as this practice is generally considered as a violation of the existing rule and not as an indication of the recognition of a new rule.” [emphasis added] Henckaerts (2002), 190.
56 Koroma in his dissenting opinion of the legality of the threat or use of nuclear weapons, quoted in Chetail (2003), 244.
Parties (which does not present a problem as there are 189 states party to the Geneva Conventions – almost universal ratification). However, as was earlier mentioned, it stipulates that there must be an ‘armed conflict’ though no definition is given:

[T]here is, as yet, no universal accepted definition of the term, and common article 3 helps in so far as it defines those conflicts to which it applies in a negative way, stating what they must not be (i.e. international in character) without offering further guidance as to their precise identification.  \(^{59}\)

Ultimately, the application of Common Article 3 is automatic as soon as an armed conflict exists and there should be little allowance for a discretionary assessment of the situation.  \(^{60}\) In many cases where Common Article 3 has not been applied, it has not been a lack of definition but rather reluctance on the part of certain governments to acknowledge that the events taking place on their territory are real armed conflicts.  \(^{61}\)

Common Article 3 has no requirement that the government be a party to the conflict but does impose obligations on all parties to an internal armed conflict.  \(^{62}\) The marked reluctance on the part of certain governments to acknowledge a Common Article 3 situation in their country, something which persists despite the express provision in the article that its application does not affect the legal status of the parties participating in the conflict, is “undoubtedly” the fear of giving status to the rebels.  \(^{63}\) Some view state recognition of belligerency as activating the entire *jus in bello* but Moir presents two convincing arguments to contradict this risk. First, conflicts in which insurgents are recognised as belligerents were intended to fall under the scope of Common Article 3. In addition, insurgents are not in the position to become party to the Conventions

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59 Moir (2002), 32.
60 See Appendix C for a more complete illustration of Common Article 3’s application.
63 Ibid, 14.
(Article 2.3 is simply inapplicable) and thus are not envisaged as having similar powers.\textsuperscript{64} Thus, Common Article 3 has a wide scope but is narrow in content in that it does not assign greater legal terms to the parties involved.\textsuperscript{65} It is meant solely to provide the best possible range of civilian protections in the largest number of situations.

\textbf{Additional Protocol II: Relating to the Protection of Victims of Non-International Armed Conflict}

Article 1 of Additional Protocol II (APII) relates to the protection of victims of a conflict “taking] place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized groups which, under responsible command, exercise such control over a part of its territory.”\textsuperscript{66} Thus, it is of more limited applicability than Common Article 3 or the Martens Clause but it contains detailed stipulations guiding action and protection in internal armed conflicts. It significantly expands the protections afforded sick and wounded. Furthermore, its guarantees of humane treatment and its stipulations regarding judicial proceedings are expanded and developed from Common Article 3.\textsuperscript{67} In order for APII to be called into application, however, four closely connecting conditions need to occur: (1) the conflict must involve the state and its armed forces; (2) a degree of organization and presence of a responsible command are required of the armed opposition forces; (3) belligerent groups are required to be able to sustain concerted military operations; and finally (4) the armed opposition group must be able to exercise some control over a part (usually stipulated at approximately one third) of

\begin{footnotesize}
\textsuperscript{64} Ibid., 40-41.
\textsuperscript{67} Junod (1983-4). Humane treatment includes a general restatement of the prohibitions of torture and ill treatment of detainees. The provisions of APII also prescribe custody conditions, the practice of religion and medical care among them (Article 5).
\end{footnotesize}
national territory. With these stringent terms, it is only in rare cases that all the requirements are actually met to activate all of APII. The civil war in El Salvador was the first of these.

The concept of *jus cogens* in international law presupposes a set of rules so fundamental to the functioning of the international community that no state can derogate from them. The international community accepts the concept as *erga omnes*, something that can only be modified by a subsequent norm with the same essential character. The ICJ has also recognised that, “because they constitute *intrangressible principles of international customary law*” IHL fundamentals are an obligation *erga omnes*, with or without ratification. Not surprisingly, then, there was some reluctance to accept that any customary rules existed in internal armed conflict when discussions were held around APII. Maron argues, however, that APII contains a basic core of human rights, many of which are already accepted as representing certain fundamentals of customary international law in human rights instruments. He cites ICRC commentary arguing that APII contains “virtually all the irreducible rights of the Convention on Civil and Political Rights” and as these are held universally, so too should APII. When Maron looks for customary international law in military manuals and the like, he concludes that states are silent on those rules governing their actions in internal armed conflicts to insist that until the declaration of belligerency these actions should be considered a national matter of law.

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68 APII, Art. 1, para. 1.
69 The Spanish Civil War (1936-9) was another of these but occurred long before any such treaty requirements were in place. A more recent case could possibly be that of Bosnia-Herzegovina.
70 For discussion, see Chetail (2003).
71 This discussion, Chetail (2003) takes its basis from Article53 of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations.
72 *Legality of the Threat or Use of Nuclear Weapons*, quoted in Chetail (2003), 250.
73 Theodore Meron (1989), *Human Rights and Humanitarian Norms as Customary Law* (Oxford: Clarendon Press), 72. Maron also points out that the Martens Clause is useful in this case because, even if there is “a gap in the law or because the parties do not consider themselves to be bound by common law or because the parties do not consider themselves to be bound by Common Article 3, or are not bound by Protocol II, this does not mean that anything is permitted.” (fn. 200)
74 Meron (1989), 73.
75 Ibid.
Moir demonstrates that change to help this case is slowly taking place. For instance, provisions of the Appeals Chamber can be regarded as solidifying emerging rules of customary law. In the Salvadoran case, it cites public statements of the government of El Salvador as proof. Although protesting profusely that APII was not de jure applicable to the civil war, the government declared in 1987 that it had agreed to comply with its provisions as it was merely a development on Common Article 3, “which in turn constitute[d] the minimum protection due to every human being at any time and place.” As the opposition forces, the FMLN in 1988 also contributed to the formation of customary law for internal armed conflicts. At that time, although it had become clear that the government was not ready to apply APII, which it had ratified in 1978, the FMLN undertook to respect both Common Article 3 and APII. They issued a formal statement certifying the following: “[the] FMLN shall ensure that its combat methods comply with the provisions of Common Article 3 of the Geneva Conventions and Protocol II, take into consideration the needs of the majority of the population, and defend their fundamental freedoms.” While not entirely confirming FMLN practice of customary law because it was also bound by treaty law, it does demonstrated the growing realization of that group that certain boundaries needed to be imposed in their continued conflict.

**Accountability of Armed Opposition Groups in Internal Armed Conflict**

Armed opposition groups are bound to the principles of IHL through APII and Common Article 3 as well as some forms of customary law. Cassese clearly demonstrates how insurgents

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78 Zegveld (2002) correctly points out that the even though El Salvador had refused to apply APII, this did not affect the obligations and applicability of this law since they do not depend on reciprocity.
are obligated to implement IHL in internal armed conflicts. As was explained above, APII develops and expands Common Article 3. The latter requires all parties to a conflict to comply with the applicable IHL. Therefore, as armed opposition groups participating in a non-international armed conflict where belligerency has been declared in some form, they must adhere to all requirements of APII as well. Furthermore, it is the structure and nature of the body of the armed opposition groups which brings APII into effect in the first place.

Ultimately, however, it is because they operate on the territory of a High Contracting Party that armed opposition groups derive their rights and obligations and are bound by the relevant norms laid down therein. There are special agreements and ad hoc declarations which armed opposition groups may issue that they expressly agree to comply with Common Article 3 and APII and this is one further way to ensure implementation and compliance (see below). Nevertheless, this is a small measure as international bodies consider the ratification of pertinent treaties by the state in question to be “a sufficient legal basis for the obligations of armed opposition groups.”

**International Human Rights Law (IHRL) and International Humanitarian Law**

International Human Rights Law (IHRL) has long influenced the development of IHL and despite very different histories and occupying distinct categories of international law, they are both called into play in internal armed conflicts. One intriguing legal position defines IHRL as a system attempting to guarantee the individual right to develop as a human being or promotional law while IHL, with its final goal the protection of civilians in conflict, is deemed survival law. IHRL provides rights for individuals while IHL gives rights to states and armed opposition

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79 Discussed in Moir (2002).
80 Zegveld (2002).
81 Ibid., 17.
groups within a territory. Both of these regimes, distinct as they are, apply in times of internal armed conflict. IHL is applicable, as has been demonstrated, through specific provisions to that effect and through customary law. IHRL, on the other hand, is less structurally codified so far as it governs the relations between the state and its subjects. It also has an increasing influence on the development of more effective IHL but most agree that it still does not require implementation from armed opposition groups. Furthermore, while IHL cannot be derogated from because of its narrower scope of application, IHRL applies in all circumstances but can be partially suspended in a situation in exceptional emergency. Krieger states that in situations where both are applied, IHL takes precedence as lex specialis. Common Article 3 is the common ground between these two branches of law as it provides for the recognition and protection of human rights in times of conflict and is customary and therefore ergo omnes.

Although individual human rights have figured prominently in moral, legal and political theory over the centuries, the modern foundations rest in the aftermath of the Second World War and the world’s reaction to grave violations during that conflict. Whereas in the past, the Law of Peace was set aside during ties of war, human rights are not nearly so officially easy to set aside in the contemporary context. There is some strong discussion on how to coordinate the laws of peace with the laws of war (IHL and IHRL) while still addressing the concerns of those who

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84 Zegveld (2002) points out that international criminal law does not apply to opposition groups as such. This could be in part due to the fact that when caught and prosecuted, it is national criminal law which still applies for the most part in an internal armed conflict.
argue that there should remain a separation between the two. Indeed, relevant IHRL treaties denote a clear recognition of applicability and obligations by states for observance. The enforcement instruments for human rights violations can be a useful alternative to the implementation and prosecution for contraventions of IHL. Furthermore, IHRL requirements, at least the non-derogable ones, will still apply should the government choose not to recognise the applicability of IHL in an internal conflict. However, what still separates these two branches of law is the concept of the right to life. While IHRL regards this as a non-derogable right, IHL allows killings that are justified as a legitimate military objective or as collateral to an objective judged ‘proportional’.

In the end, IHRL and IHL are not identical bodies of law but they complement one another for better protection of civilians in war. The Inter-American Court concludes that both should be applied to the best results possible. In the Bamaca-Velasquez case, it decided that not only could IHL be applied but that in order to avoid an unlawful restriction of human rights law, it could permit reference to other treaties applicable to that state. Heintze points out that the Court’s judgement in this case was that “the undeniable existence of an internal armed conflict meant that ‘instead of exonerating the State from its obligations to respect and guarantee human rights, it was necessary to consider certain exceptions to these obligations in order to protect civilians’.”

89 Ibid.
92 In war, the legal context applies IHL to combatants and civilians. As such, though Article IV of the International Covenant on Civil and Political Rights states that no person may be arbitrarily deprived of their life, IHL allows death. Pocar explains that though the right to life cannot be derogated from, it does allow for certain limitations or legal allowance. Therefore, it cannot be called arbitrary for one combatant to kill another inside the structures of IHL.
rights, this fact obliged it to act in accordance with such obligations.”\textsuperscript{93} In addition, although IHL has a distinct connection with conflict situations there is no justification to rule out the application of those human rights provisions that are non-derogable \textit{as a minimum}.\textsuperscript{94} Much of IHL mirrors human rights provisions and thus, although IHRL only binds states, IHL extends the requirement to abide by humane treatment principles to armed opposition groups. Thus, as a minimum, IHRL and IHL support and develop one another to a very material extent with APII filling in some of the oversights in IHRL instruments.\textsuperscript{95}

Unfortunately, even with the instruments of IHL and IHRL working in conjunction to provide the best protection possible for civilians in internal armed conflict, it often proves ineffective or too difficult to implement properly. APII has a very high threshold for applicability and so is subject to frequent rejection by conflicted governments.\textsuperscript{96} Additionally, the complexity of conflict and the confusion over which laws apply, make identification and reporting difficult for inter- and non-governmental organizations (NGOs). Although these organizations make attempts to use their influence to protect human rights during armed conflicts, they refer to IHL only irregularly.\textsuperscript{97} Most often these organizations rely on IHRL through reference to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.\textsuperscript{98}

\textsuperscript{93} Heintze (2004), 805.
\textsuperscript{94} ICRC (2003). Many of APII prohibitions have equivalents under IHRL and, in contrast to Common Article 3, APII is more comprehensive in its structure than IHRL.
\textsuperscript{95} See Appendix D for a summary of the applicability of IHL and IHRL.
\textsuperscript{96} The Rome Statute has remedied some of these problems in recent years along with the statute establishing the ICTR by establishing the category of crimes against humanity but this does not figure prominently in this discussion.
\textsuperscript{98} Ibid. Organizations include, but are not restricted to, Americas Watch, Human Rights Watch International, Amnesty International, the International Commission of Jurists, and numerous religiously based organizations.
trouble promoting IHL issues in the media. While human rights violations are well publicised and understood by the average public, IHL is a much more complex subject area for wide dissemination. Therefore, in many cases and with the system of information gathering and assessment increasingly dangerous and difficult, organizations chose the reporting of human rights violations as their number one priority.

The Importance of IHL and IHRL in Application: The Case of El Salvador

The conflict in El Salvador from the late 1970s until its various peace agreements were concluded beginning with the San José Agreement on Human Rights on 26 July 1990 was of a non-international nature. Under international law, the government of El Salvador requested and received war material and advisors from ‘friendly’ states to counter the Farabundo Marti National Liberation Front (FMLN), which added an international dimension but continued its internal classification under IHL stipulations. As a result, from very early on, organizations were stating that APII should be applied to this particular situation. The fact that the ICRC was also

99 Ibid.

100 This is an essential concept to this paper. It means that in some cases what has been reported as human rights violations will also have corresponding contraventions in IHL. Because IHL is not so widely applied, especially in non-international armed conflicts but is a necessity for resolutions and reconciliation after the conclusion of the conflict, human rights reports and that of IHL can be discussed and analysed in conjunction.


102 The investigative Report of a Medical Fact-Finding Mission to El Salvador, conducted under the sponsorship of four medical and scientific organizations working in conjunction with the International League for Human Rights, applied in their framework for the evaluation of the human rights conditions of health professionals and political prisoners IHL and IHRL treaties to which El Salvador was party at the time, “particularly the four Geneva Conventions of 1949 and their 1977 Protocols and the International Covenant on Civil and Political Rights.” Alfred Gellhorn et al. (1983), Report of a Medical Fact-Finding Mission to El Salvador, 1. Amnesty International presented, in 1981, an open letter to the US Secretary of State stating, “Amnesty international is aware that these human rights violations in El Salvador are occurring at a time of civil conflict between guerrilla groups and the Salvadoran government…We note that all of the human rights instruments referred to above also stipulate that even in time of war governments may not derogate from their commitment not to subject anyone to arbitrary deprivation of life or torture or other cruel, inhuman or degrading treatment. Indeed, to the extent that the present state of hostilities in El Salvador might be considered to be an armed conflict not of an international character, such actions by any
allowed to perform specific tasks within their ability during an armed conflict by the Salvadoran
government was a tacit acknowledgement that there was another party to their conflict of a
belligerent nature.\textsuperscript{103} The government was unwilling to state this officially, however, because, as
was demonstrated above, they were worried that this would “confer on their domestic enemies a
license to kill, maim, or kidnap security personnel and destroy security installations subject only
to honourable detention as prisoners of war until the conclusion of the internal armed conflict.”\textsuperscript{104}

Michael Bothe, a well-respected authority, argued in 1982 that, although single raids and
other small incursions did not merit the distinction of a military operation, “the number of persons
killed […] was too high to justify labelling the events euphemistically as ‘internal unrest’ or
‘sporadic violence.’”\textsuperscript{105} He pointed out that by this point the United Nations had already resolved
that Common Article 3 was applicable and further argued that, as full-fledged battles were not
necessary to make APII applicable, and because the conditions of threshold were met, it should
be called into play. Thus, Bothe’s conclusions were that, already in 1982, three sets of legal rules
applied to El Salvador’s situation: “the three international treaties for the protection of human
rights, the two U.N. Covenants, and the American Convention on Human Rights to which El
Salvador is a party; article 3 common to the Geneva Conventions; and Protocol II.”\textsuperscript{106} Waldemar
Solf disagrees with Bothe’s analysis that APII applies to the Salvadoran conflict. He states, “I
also wish I could concur in the belief that the humanitarian rules of Protocol II apply to an
insurgency like the present conflict in El Salvador. I regret, however, that neither the practice of

\textsuperscript{103} The Red Cross was, by 1981, educating soldiers in IHL through monthly base visits.
\textsuperscript{105} Michael Bothe (1981-2), “Commentary: Non-International Armed Conflicts, Article 3 and Protocol II:
\textsuperscript{106} Ibid., 907.
states, the negotiating records of the 1949 Geneva Conventions, nor the 1977 Protocols confirm [Bothe’s] optimistic analysis of the law."107 His dissention was grounded in the fact that only the government of the state affected by internal armed conflict can determine whether a threshold of APII has been reached.108 Ultimately, the Salvadoran government feared that any acknowledgement of international law as applicable to the FMLN would boost their standing both internally and internationally.109 This situation did slowly change so that, by the end of the 1980s, both sides had admitted that APII was applicable and was important to the improvement of the human rights situation.110

International organizations and other international bodies such as the United Nations Human Rights Committee recognised that there was an internal armed conflict with the potential of being declared belligerency under APII and the four Geneva Conventions. As a result, numerous organizations established themselves in the country to begin investigative and

108 Solf (1981-2). The only exception is if the case is brought for litigation in the ICJ with the consent of all acting parties. Thus, Solf concludes, “I fear that the government of El Salvador is not yet prepared to agree with Professor Bothe’s conclusion.” 932.
109 The United Nations has attempted on several occasions to instigate a system of human rights reporting for states involved in conflict whereby they submit reports on the internal situation. This system has been seen to be deeply flawed, however, because the author divulging information are commonly some of the perpetrators of that abuse. Moir (2002) also questions the value of this exercise given their typical quality during a conflict. She cites the two submissions of El Salvador during the armed conflict, in 1983 and 1993 which demonstrate the weakness of this mechanism. In the first, the government admitted that as long as there was military action there would be human rights violations and that excesses had been committed on both sides. UN Doc. A/39/40 (1984), 12 para. 72. After the submission of the second report, the Human Rights Committee stated that the document “neither accurately nor candidly represent[ed] the actual human rights situation in El Salvador in the period covered by the report […] In particular, it provide[d] little relevant information on such key areas as the protection of the right to life under Article 6 of the Covenant, the prohibition of torture under Article 7, the right to liberty and security of person under Article 9 and the guarantee of due process under the law in accordance with Article 14.” UN Doc. A/49/40 (1994), 38 para. 210. Quoted in Moir (2002), 259-260.
110 The detriment of human rights violations was recognised quite quickly at least by the FMLN although it took them many years before making an official declaration of obligation in 1988.
observation work on human rights and to further the protection of civilians.\footnote{Civilians, although referred to extensively in APII Article 13, are not defined explicitly. However, API defines the term ‘civilian’ negatively as “any person who does not belong to one of the categories referred to in article 4.A.1, 2, 3, and 6 of the Third Convention and in article 13 of this Protocol.” As such, any person who is not a not member of any party to the conflict is a civilian. The civilian population is comprised of all persons not actively participating in the hostilities. This does that mean that civilians working in combat support roles without participating directing therein are also considered protected. Discussed in Goldman (1987).} The ICRC identified their work in El Salvador from the time they set up a permanent delegation in 1980 “in many respects exceptional.”\footnote{Roland Hammer (1987), “Developing a Humanitarian Awareness: A Case Study of El Salvador in the 1980s,” Security Dialogue 18, pp. 201-207; 203.} It recognised that the National Red Cross society was already very active and well respected and that the government as well was willing to allow both the National Society and the ICRC to operate in some capacity.\footnote{For instance the armed forces and security corps agreed to allow a series of lectures be given in all the barracks in the country. The FMLN was also quite welcoming to Red Cross operations but, given the nature of their organization and fighting methods, were not as easy to reach. So that the information could be disseminated to the FMLN as well, mass communication, like the radio and the press, was used in a variety of circumstances. Ibid.} It did see some encouraging developments for a short period of time between 1984-5. The publicity campaign that the ICRC launched to make the whole population aware and familiar with the basics of IHL was also lauded as a step in the right direction.\footnote{Bothe (1981-2).} The government attempted superficial steps to curb the number of human rights violations by its troops by establishing a special commission to eradicate the death squads in 1984. President Duarte also announced aerial attack guidelines but these small gestures towards APII provisions were hardly effective.\footnote{Many comment that these actions were either ‘too little too late’ or that they were not meant to succeed in the first place – only attempted at the behest of the United State which was feeling the pressure from congress to visibly demonstrate that human rights progress was made before more aid would be willingly sent. Moir (2002).} The government of the United States also made some early gestures toward the guarantee of human rights through congressionally required certification by the State Department and the president before US aid could be authorised.\footnote{Gloria Valencia-Weber and Robert Weber (1986), “El Salvador: Methods Used to Document Human Rights Violations,” Human Rights Quarterly 8(4), pp. 731-770.}
El Salvador, as the first case of implemented APII, is often referred to when discussing the applicability of these obligations and requirements. The experience of reporter Robert Block clearly illustrates how important, how relevant, and also how useless IHL can be if it is not disseminated to the conflicting parties or is not properly applied. In this instance, the IHL prohibiting parties to armed conflict from using civilians as shields for military objectives was called into play. In March 1984 members of the FMLN attacked a train traveling to San Salvador and, although attacks directed at trains were primarily cargo trains as military objectives, in this case the train contained several cars of civilians along with a detachment of soldiers and 5,000 rounds of ammunition. Eight people, including children, were killed. According to the government forces which brought the international press to the site, this was proof that the FMLN were war criminals as they had not distinguished between a military objective and civilians.

Civilians were lying dead inside one of the carriages while outside a mother was left crying over the body of a small boy. Her cries and cursing of the guerrillas were broadcast and cited as further proof by the Army spokesman as barbarity of the armed opposition forces. However, with further investigation by certain reporters, the details of the fight emerged and called into question the criminality of the action being exhibited by the government forces. The FMLN had brought the train to a halt and demanded that a detachment of soldiers along with the shipment of ammunition on board be surrendered. Fighting started and surviving witnesses testified that, when it intensified, the soldiers moved into the civilian carriage, shooting at the attackers while keeping behind those passengers for extra protection. The army had already removed the bodies of its soldiers before the reporters arrived on the scene (some fifteen hours

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117 It must be remembered that in 1984, although many organizations were stating that APII, Common Article 3 and other IHL applied to El Salvador’s civil war, the government nor the FMLN had agreed to this application. Therefore, in this instance, only Common Article 3 and its related laws along with non-derogable IHRL was applicable.
later) so that they would not be observed alongside the civilians. In the end, it remained unclear as to whether or not the government forces had committed a war crime or not. If they had entered the civilian area to use them as shields then it would clearly be a war crime. However, if they had retreated to that car because they thought it was the most protected spot, then they would have committed no violation of law.\textsuperscript{119}

The FMLN realised quite early on that their actions were having a direct effect on the strength of their support among the inhabitants of El Salvador. After the failure of the 1981 offensive, a FMLN leader admitted to the \textit{Washington Post} that the lack of success could be attributed in large part to the “revulsion of the campesinos against guerrilla atrocities.”\textsuperscript{120} It was not until 1988, following the exploding of a minibus outside San Salvador in which eight civilians were killed, that the FMLN apologised for its tactics and agreed to more completely follow IHL and IHRL thereafter.\textsuperscript{121} To state that the FMLN and the government were caught in an incredibly hard situation is an understatement. Internal armed conflicts are often cited as some of the most difficult, cruellest and bloodiest fought wars.\textsuperscript{122} Furthermore, the idea of purposefully seeking to ‘humanise’ conflict is one of those seemingly ridiculous goals in such a situation.\textsuperscript{123} There is a purpose behind these attempts: an unquestionable link exists between the actions of a party during the conflict, the support of civilians throughout the process, and the increased chance of achieving peace and reconciliation while restoring the rule of law after hostilities cease.\textsuperscript{124} In

\begin{flushright}
\textsuperscript{119} Ibid.
\textsuperscript{120} Solf (1981-2), 932-3.
\textsuperscript{121} It was at this point that the FMLN undertook to respect Common Article 3 and APII more completely: “The FMLN shall ensure that its combat methods comply with the provisions of Common Article 3 of the Geneva Conventions and Protocol II, take into consideration the needs of the majority of the population, and defend their fundamental freedoms.” This quote was also cited in the Tadic Interlocutory Appeal of the ITCY as evidence of the customary law status of Common Article 3 and APII. Zegveld (2002), 25; Moir (2002), 122-3.
\textsuperscript{122} Goldman (1987).
\textsuperscript{123} Meron (2000).
\textsuperscript{124} Salmón (2006).
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the end, IHL is essential for non-international armed conflict for two reasons: first it defines the identical international obligations of all parties to the conflict (domestic law and IHRL do not demand that same equality of obligation) and, secondly, it instigates a predictability of behaviour with the result that some degree of reciprocity is likely.\textsuperscript{125} Lastly, while reconciliation and peace are not the direct objectives of IHL, they are an indirect result of IHL enforcement. International Humanitarian Law was being devised just as the conflict in El Salvador reached crisis point. Its genesis allowed the Salvadoran Catholic Church to speak out against human rights abuse, invoking the principles of IHL. By doing so, this once conservative institution furthered its transformation into a progressive force. This remarkable alteration is our next subject of discussion.

\textsuperscript{125} Kellenberger (2003).
Figure 4: Drawing by Refugee Child: in contrast to other such drawings, the guerrillas are portrayed as fighting back.\textsuperscript{126}

\textsuperscript{126} Wood (2003).

“‘If development is the new name for peace,’...Latin American underdevelopment with its own characteristics in the different countries is an unjust situation which promotes tensions that conspire against peace.”

El Salvador’s ruling elite maintained power over the centuries through control of land, manipulation of political office, support of the armed forces, and acquiescence on the part of the Salvadoran Catholic Church. Of the last-mentioned, not-so-holy alliance, Jacques Lambert observes “institutionalized contradictions between lofty goals and grim realities did not end with the empire in 1821.” Significant elements in the Salvadoran Church, along with parallel factions in the Latin American Catholic Church, experienced a transformation in the mid-twentieth century that brought them into increasing conflict with privileged, wealthy elites throughout Central America. Starvation wages for rural labour and industrial workers, which assured abject poverty, caught the attention of priests and lay ministers, who started to rethink their approach to pastoral action. The Latin American Catholic Church underwent internal division and struggle to identify its position in society during a time of wider political and social awakening. Far from being opportunistic in its fight for human rights, the Church was implementing Pope John XXIII’s assertion that if human rights are not respected, “there is no possibility of peace for

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1 See Appendix E for timeline summary.
humanity.” Human rights, justice, and the empowerment of the individual, formally described as a preferential option for the poor, became of primary concern in ministry.

This new orientation resulted in what is known as a theology of liberation. Influenced by the political climate, the Church established different methods of ministry to promote, mediate, and denounce violations of human rights. The Second Ecumenical Council of the Vatican (Vatican II), through publications of Guadium et Spes and Pope Paul VI’s Enciclica Populorum Progressio, provided an initial indication of the direction in which the Church wished to move. Documents produced around this time also insisted not only on continuing charity but addressing structural injustices. Especially influential in Latin America was the Second General Conference of Latin American Catholic Bishops in Medellín, Colombia, in 1968. The resulting theology influenced the Latin American Catholic Church on contemporary socio-economic and political issues. Notable in the Medellin documents was the urgency of their call to immediate action. Renato Poblete argues that the Conference conclusions signified “a revitalization of ecclesial conscience and behaviour.” Once armed conflict broke out in the country in earnest, the Archdiocese of San Salvador formed and gave protection to organizations charged with

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5 Vatican II also promoted Bible study (something not previously enjoyed), which empowered individuals not previously able to participate in theological contemplation. As Dodson quips, “as the children of the Reformation learned long ago, encouraging Bible study among the faithful ( democratizing access to God, as it were) can have a disruptive effect on established religious structures.” In Michael Dodson (1988), “Review: The Church and Political Struggle: Faith and action in Central America,” Latin American Research Review 23(1), pp. 230-243; 238.
6 The Latin American bishops did not heavily participate in producing the documents comprising Vatican II and were actually surprised by some of the developments therein. However, they were inclined to adopt the changes having closely observed the impact of the Cuban Revolution on the Cuban Catholic Church. “For many clerics attempting to find ways to neutralize the seeds of violent revolution, Vatican II was a green light for social involvement.” Manzar Foroohar (1986), “Liberation Theology: The Response of Latin American Catholics to Socioeconomic Problems,” Latin American Perspectives 13(3), pp.37-57; 39.
7 Poblete (1980).
8 Ibid. At Medellin poverty was examined in its social context and not regarded solely a matter of individual failure requiring charity.
9 Ibid., 47.
monitoring violence. Through a variety of methods, elements in the Salvadoran Catholic Church spread their commitment to human rights and the protection of civilians, contributing to the internationalization of concern for violations in El Salvador. The actions of religious personnel and the methods they established to promote, mediate, and denounce violations of human rights were unique. This chapter seeks to demonstrate the success and importance of the role of international organizations, the motivation of people to participate, and the resonance this had internationally.

The social situation in El Salvador during the 1970s began to change in response to glaring inequality and rising political discontent. An important influence was Liberation Theology. Beginning in 1971, Peruvian theologian Gustavo Gutiérrez developed early theological justification and terminology for this new religious direction. Gutiérrez reasons that a situation of injustice is a form of institutionalized violence that ignores the rights of individuals: sin is the oppression of the powerless. These theologies were further developed at the next Bishops’ Conference in Puebla, Mexico, where the Latin American Catholic Church made a formal commitment to a “preferential option for the poor.” The poor had always been important to the Church, but this new statement was something more tangible: it was a clear reflection that “the promotion of human rights was inseparable from the task of the Church to preach God’s word.”

Many religious workers (priests, nuns, lay workers) found it impossible not to see truth behind a theology of liberation once they moved into the slums and took up jobs alongside the working poor. One Guatemalan volunteer working with the *Cursillos de Capacitación Social* described this theology in praxis: “[I]t was impossible to read the Bible with the campesinos ‘without

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11 Ibid.
discussing their right to eat, their right to health, …their right to live as human beings.”

Joaquin Villalobos, a comandante of the FMLN, explained that these changes within the Church and its new social teachings formed a part of the Salvadoran revolutionary process.

Although there were factions that opposed the development of Liberation Theology, the movement enjoyed support among working priests and with the Archdiocese of San Salvador. As a result, several successful programmes were established. Their achievements became obvious as the government, military, and security forces, with the support of the oligarchy, began targeting religious establishments and workers. This brutal singling-out attracted the attention of the international community. It also served to increase trans-national solidarity networks among other popular communities and religious organizations. Repression of the clergy and religious workers increased with their continued work on basic human rights. This political awakening helped peasants and the socially minded to resist. Therefore, the power of the message and its visibility to the international community represented a real threat to the continued impunity of the government and the military establishment.

There are three key elements through which individuals and organizations attempted to mediate the repressive situation in El Salvador while working for ‘peace through justice’ and a ‘preferential option for the poor’. One of the earliest steps was a move to empower and build the confidence of campesinos through Comunidades Eclesiales de Base, or Christian Base Communities (CEBs). The communities served to unite, strengthen, and provide spiritual guidance. In order to establish these CEBs, priests, nuns, and associates physically joined the persecuted elements of the population in their communities and homes. To provide further self-

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assurance and resolve, peasant training centres in places like northern Morazán province were established. *Socorro Jurídico Cristiano ‘Arzobispo Oscar Romero’* (Archbishop Oscar Romero Christian Legal Aid Service), established in 1975, and *Tutela Legal*, the legal human rights agency of the Catholic Church’s Commission on Peace and Justice formed in 1982, focussed on documenting human rights violations. In all these measures, members of the Catholic clergy afforded the necessary witness and official condemnation of civilian persecution.

**Legal Structure Protecting Human Rights to 1980**

Several bodies of law were in force during the period 1977 – 1980 that provided, at least in theory, for the regard and promotion of human rights in El Salvador. Additionally, the state introduced what it deemed laws of protection but which, in and of themselves, were repressive and did not facilitate human rights. The conflict invoked both internal and external bodies of law.

**The Constitution of the Republic of El Salvador and Other Laws**

The Constitution of the Republic of El Salvador was promulgated in 1962. It obliged the state to ensure the liberty, economic well being, social justice, health, and culture of its inhabitants (Article 2). Furthermore, in Sections X and XI, these individual and social rights expand to include the right to peaceful assembly, preservation and defence of life, the right to justice and due process, and the right to life and *habeas corpus*. The Constitution also provides

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16 Articles 164 and 168. Every person has the right of *habeas corpus* when their freedom is illegally restricted by any authority or individual. Individuals in prison or in custody are protected under Title IV of the Law on Constitutional Procedures, a writ of *habeas corpus*. The court orders a writ of *habeas corpus* (Art. 40-76). If the detention continues illegally, the Court orders criminal proceedings to commence against the responsible parties for the detention. Unfortunately, in El Salvador, the Court was not
measures to uphold these rights and every citizen has the right to request that a law or decree be declared unconstitutional. In cases where imprisonment, confinement or restriction has not been authorised by law, the citizen can be protected by a writ of *habeas corpus*. What the Constitution also provides for are situations in which the suspension or limitation of those standards may take place. The government frequently employed these tactics in the final years of the 1970s. Under the terms of the Constitution, the University of El Salvador could also be limited in its autonomy.

The most famous limitation on constitutional rights was the *Law of Defence and Guarantee of Public Order*. It severely impinged on human rights in the name of public security and outlawed any sort of government opposition. Public gatherings, press freedoms, and the dissemination of information which might disrupt social order were all banned. Outsiders such as American Ambassador Frank Devine endorsed such measures in the name of greater public order.\(^\text{17}\) This ‘public security’ law served to exacerbate an already charged situation. Armed opposition forces proved to be beyond the reach of the government apparatus, leaving moderates and civilians to experience its primary effects. The law also managed to silence opposition parties, leaving Archbishop Romero as leading critic and spokesperson for the moderate left in the country.\(^\text{18}\)

**International Human Rights Obligations**

As discussed in Chapter 3, several international charters or commissions came into effect during this time. Specifically, El Salvador agreed to the resolution of the Inter-American cooperative in many cases where such cases were attempted, resulting in recommendations during the 1992 peace negotiations that all judges on the Supreme Court be replaced.


\(^\text{18}\) Ibid. At this point the Church was vilified even by government propaganda and death squads assassinated priests with impunity.
Commission on Human Rights (OAS), signed the American Convention on Human Rights (San Jose 1969), and agreed to be party to numerous treaties further protecting human rights.\(^{19}\)

**Working for Human Rights, Empowerment, and Public Witness\(^ {20}\)**

The Catholic Church began to speak out against abuses as members and priests in El Salvador applied a faith-based approach to the country’s grim socio-economic situation. Thus, elements of the Salvadoran Church applied the tenets of Vatican II and Liberation Theology to mitigate the rising violence of the 1970s through new mass programmes. Opposition to these reforms and initiatives appeared in many right-wing arenas, and among several conservative bishops.\(^ {21}\) While divisions within the Salvadoran Catholic Church became entrenched, boding trouble in the years to come, Archbishop Chávez was receptive to many of the ideas coming out of the Latin American Episcopal Conferences. These tools were pounced on by an active clergy desperate for tools to support the oppressed majority and bring attention to the widespread human rights violations. A theology of liberation, one that responded specifically to Salvadoran needs and situations, caused attention to be re-directed to these issues and re-focused Church concerns.

\(^{19}\) As of 1978, it had also signed the following conventions on human rights: International Covenant on Economic, Social, and Cultural Rights; International Covenant on Civil and Political Rights; Optional Protocol to the International Covenant on Civil and Political Rights; Convention relating to the Status of Stateless Persons; Convention on the Political Rights of Women; Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices Similar to Slavery.

\(^{20}\) As must be reiterated, the policy of promoting human rights as emphasised by Medellín was not actively pursued until pressures from the lay clergy and priests working in community mounted. In some cases it took tragedy before the hierarchy would act. Many point to the murder of priest Rutilio Grande, who had been facilitating CEBs in Aguilares, as the awakening of Archbishop Romero to the plight of the poor. Many people also exerted pressure on the Church to make the changes because they had nowhere else to turn. For a more complete discussion see Brian Smith (1979).

\(^{21}\) For instance, the First Week of the National United Pastoral in July 1970 was attended by religious workers around the country (priests, religious orders, lay preachers) but from the bishops only Archbishop Chavez and Bishop Rivera y Damas took part. The other Bishops, including Bishop Oscar Romero, even worked to ‘correct’ the conclusions of the event. Prendes (1983).
Liberation Theology: Motivation for Human Rights Action

Liberation Theology was said to alarm some while inspiring others; it acted as “an Orwellian ‘buzz word’ that implies a multiplicity of meanings for diverse listeners.” This theology, which places an increased emphasis on the physical as well as the spiritual dimension, is a salient ideology and practical methodology for those who work and live in the rural communities and urban slums of Latin America. Until the mid-twentieth century, the emphasis for humanitarian aid and support was a type of social welfare in the Judeo-Christian tradition. Here benevolence and charity were important, not only to help those in need, but as a moral dimension of religious experience. The Church had remained generally optimistic about the future and believed that economic growth and prosperity were pending. For this reason, the Church pursued its traditional easing of the immediate suffering of the poor while remaining optimistic over the imminent arrival of the alleviating effects of development.

When it became clear that development expectations were unrealistic, the Church identified the need for an ecclesiastical as well as a political response. They began to send worker-priests out into the community to live and take up jobs alongside campesinos. As in Argentina and elsewhere in Latin America, priests found that the institution had previously appeared more an agent of pacification than a minister to the needs of the people. Factions within the Church realised that it was no longer possible to preach the gospel without standing

23 Estella Evans (1992), “Liberation Theology, Empowerment Theory and Social Work Practice with the Oppressed,” International Social Work 35, pp. 135-47. There is a corresponding understanding in Buddhism, Islam and others. Buddhists believe, for instance, that good deeds in the present life have future influence on the form of your reincarnation. Muslim moral and ethical duties, in complete obedience to the will of Allah, often includes support of neighbours in need.
with, and acting for, those to whom the texts of the New Testament were actually addressed.\(^{25}\) Thus, the Christian gospel was now understood as a tool of socio-political and economic reform.

Priests in Latin America began speaking in terms of the concrete needs instead of the wholly spiritual. God’s word, it was argued, must be read by those in solidarity with the poor and committed to physical as well as spiritual liberation.\(^{26}\) Liberation theologians also began to critique certain aspects of traditional biblical interpretation as something that had less to do with the intended message of the text and more to do with the proclivity of those doing the teaching.\(^{27}\)

What fully developed as a result was the realization that the Church is part of, and acts in, a temporal world. Michael Fleet puts it succinctly thus, “[I]t reflects, reproduces, and often intensifies social conflicts and tensions at both hierarchical and grassroots or parish levels.”\(^{28}\)

Problems for liberation theologians and Catholic clergy arose through internal and international critics who labelled this approach to ministry thinly veiled Marxism, associating it with the global Cold War.\(^{29}\) This is not to say that Marxist ideology was not in any way reflected in this theology but rather that Christians were rediscovering early church radicalism in the text of the New Testament and approached certain tenets of Marxism from that foundation.\(^{30}\) Dodson contends that Liberation Theology emerged as an amalgam of a new understanding of early Christian tradition and Marxist social analysis; the former borrows structures from the latter to

\(^{27}\) Fleet (1983).
\(^{28}\) Fleet (1983), 108.
\(^{29}\) For instance, Roelofs cites several newspaper articles where this accusation is specifically levelled. Mark Roelofs (1988), “Liberation Theology: The recovery of biblical radicalism,” American Political Science Review 82(2), pp. 549-566.
\(^{30}\) Roelofs (1988).
explore issues like class conflict. The line that separates religion and politics was vanishing as belief, linked to action, became not just a political conviction but a mode of life.

The three principle elements of Liberation Theology can be summarized as follows. It is first and foremost an interpretation of Christian faith derived from the suffering of, and hope for, the poor. Where poverty at times has been interpreted, especially in Christianity, as a badge of moral distinction, demonstrating simplicity and a lack of temporal attachments, misery was ‘discovered’ to have no virtues, as it retards human potential and limits Christian life. Secondly, Liberation Theology is a critique of society and the fundamental assumptions made in it. Finally, this approach critiques formal religion from the angle of the poor. As Levine states, “[f]or the kernel and the core of Liberation Theology is not theology, but liberation.” Consequently, it also addressed institutionalised violence and the continued abuse of the poor:

Through a defect in the structure of a company, of an economy, of a political and cultural way of life, whole populations are deprived and live in such dependency that their own initiative and responsibility are paralysed, along with all chance of cultural advancement and participation in social and political life (Paul VI, Pop. Progressio, n.30), thus violating fundamental rights.

Furthermore, as leading liberation theologian Gustavo Gutiérrez concludes, it is only with the poor that “it will be possible to grasp the true meaning of the biblical cry for the defence of

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31 Dodson (1979). The relation of all of this to Marxism is, of course, highly controversial but even the perception of its sympathy toward the ideology was hugely detrimental to those engaged in its praxis. Critics, as pointed out earlier, identified the theology as subordinate to that political agenda. Others countered that what Jesus himself was calling for was “revolution, a radical restructuring and reordering of social values and priorities.” Through this, the issue of violence is also raised and linked to human rights. A liberationist reading of the Biblical text quickly reveals the pacifism of the New Testament; sometimes difficult to pursue given the brutality in their immediate lives. (In the Salvadoran case, there was only one instance where a member of the clergy is suspected of having taken up arms.)


33 Aldunate (1994).
human rights.” As a result, human rights were considered to be economic and social as well as the fundamental right to life. The step from this doctrine to action and implementation could not be missed.

Liberation Theology in Practice and Debate

In the Salvadoran Catholic Church there were several divisions among the clergy. One represented the most traditional or neo-conservative faction. This group was sceptical of a possible ‘just society’ and preferred to adhere to a pre-Vatican II theology. It placed importance on the sacred, spiritual and institutional aspects of the Catholic faith. Furthermore, this faction sustained significant links to government and elites. In El Salvador, conservative-minded bishops included Aparicio, Alvarez, Barrera and Revelo. They were, at times, quick to accuse their own fellow clergy of Marxist tendencies. Another bloc represented the more radical approach of Liberation Theology, but in two different veins. The first were those who, above all, valued a democratic popular theology with uncompromising solidarity of the poor without the radical undertones. Others not only adopted Liberation Theology in its entirety but incorporated Marxist categories and methodologies as well. In some cases, views would change, so that Romero became more liberal during his Archbishopric while Monseñor Rivera y Damas became more moderate. Although Rivera y Damas was firmly in favour of social justice, he understood that necessity of Church unity and temperance of statement to act as a negotiator between warring factions. Thus, while being concerned and speaking out against human rights violations, he was more restrained than Romero had been, strategizing a role for the Church as moderator and

34 Ibid.
35 All of these bishops had links to the elite of El Salvador. Alvarez held the rank of Colonel in the army and was also its chaplain. Revelo attracted international attention when he blessed new war planes which had arrived just outside San Salvador in 1981. Aparicio had a close relationship with President Molina and, from him, received as gift a hacienda. All of these bishops, as verified by Montgomery (1983), were also supported by the Secretary General of the Comision Episcopal de El Salvador (CEDES) who was convincingly identified as a member of the White Warriors Union.
observer in peace negotiations. What is important to note is that all those within the Salvadoran Catholic Church felt the need to leave their mark on the situation in some way, from professed opposition to full involvement.

Miguel Castellanos and others point to the impact of Church action in the 1970s on those seeking new freedoms in El Salvador. Others such as Daniel Santiago disagree, arguing that people were motivated to attempt another approach that forged internal power and sought international recognition. Although the relative number of people participating in Christian Base Communities (CEBs), using church-sponsored clinics, or learning new skills through small cooperatives, was just a fraction out of the larger population, these initiatives did accomplish two important developments. First, these efforts stood out as a bold alternative to the military-dominated state, and second, the international community experienced an awakening through Salvadoran records of consistent and persistent violations.

**Comunidades Eclesiales de Base: Building Human Dignity and Self-Worth**

Out of a predicament of grotesque abuse and repression in the 1970s, communities fostered by motivated religious workers became an important counter to state action. A series of documents and Episcopal letters prepared by Latin American bishops revealed their genuine concern for human rights.\(^{36}\) Salvadoran priests aligned with Liberation Theology quickly set about establishing *Comunidades Eclesiales de Base* (CEBs). CEBs represented an empowerment strategy that emphasised the importance of an individual understanding of the dynamics “of power and power relationships within their social, political and economic systems.”\(^{37}\)

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\(^{36}\) Smith (1980).

\(^{37}\) Evans (1992), 141.
Encouraged by the Church’s position, trained lay workers alongside priests and catechists helped Salvadorans organize to protect themselves and promote their rights. A former FMLN comandante, Miguel Castellanos or Napoleón Romero García, also confirmed the influence that Jesuit students and the Christian Federation of Salvadoran Peasants (FECCAS) played in the mobilization of the masses. Priests such as Rutilio Sanchez and Rutilio Grande were not revolutionaries but contributed to the seminarian-organised campesino movement.\footnote{Miguel Castellanos was a leader in the FMLN until he left in 1985 due to ideological differences. He and other former armed opposition leaders formed the Centre for National Studies which frequently entered the media spotlight to debate and denounce FMLN strategies along with their human rights violations. Courtney Prisk, ed. (1991), \textit{The Comandante Speaks: Memoirs of an El Salvadoran Guerrilla Leader} (Boulder, CO: Westview Press, Inc.).} CEBs promoted lay leadership, member participation, and community involvement guided by the preferential option for the poor.\footnote{Anna Peterson (1997), \textit{Martyrdom and the Politics of Religion: Progressive Catholicism in El Salvador’s Civil War} (Albany, NY: State University of New York Press).} They exhibited working democracy at a very personal and micro-communal level and promoted a sense of self-worth and self-confidence. Leigh Binford argues that frequent emphasis on the assassinated Archbishop Romero and other energetic leaders neglects the very important army of lay peasant and worker catechists acting in their communities.\footnote{Leigh Binford (2004), “Peasants, Catechists, Revolutionaries: Organic Intellectuals in the Salvadoran Revolution, 1980-1992,” \textit{Landscapes of Struggle: Politics, Society, and Community in El Salvador}, eds. Aldo Lauria-Santiago and Leigh Binford (Pittsburgh: University of Pittsburgh Press).} The essence of CEBs was to promote equality of all under God and state. As Tommie Sue Montgomery words it most cogently:

\begin{quote}
The message is a radical break with the past: that it is not God’s will that the people be poor; that they are equal before God to the large landowner down the road; that they have a basic human right to organize in order to begin taking control of their own lives; and that throughout human history God is a God of justice who has always acted on behalf of the poor and oppressed.\footnote{Tommie Sue Montgomery (1983), “The Church in the Salvadoran Revolution,” \textit{Latin American Perspectives} 10(1), pp. 62-87; 72.}
\end{quote}
This was a creative new way of reaching people, one that served to empower them. It organised people when state law forbade organization and resulted in activities that were often deemed subversive.\textsuperscript{42}

In areas such as Tenancingo and Usulután activists would identify their action as beginning with the arrival of catechists. “That’s how the orientation began,” they would explain, “in a language you could understand: as human beings, we are of value” or “as a consequence, it was clear that we have rights as human persons. That’s how it captivated so many people.”\textsuperscript{43}

What distinguished CEBs from other entities was the ecclesial dimension: faith and commitment to its development brought people together to reflect and support.\textsuperscript{44} Thus, although CEBs were often seen by outsiders, and especially right-wing militia groups, as radical political developments, most people participated in them for the sole purpose of sharing and building faith and lives.

**Training of Local Leaders: Educational Initiatives**

Popular education was an important part of life in the CEBs. Crafts knowledge or job skills were shared in order to promote self-improvement as an initial form of education.\textsuperscript{45} Campesinos were then recruited from these fledgling groups to receive special training to lead others and act when clergy could not be present; as John Hammond puts it, to become “delegates

\textsuperscript{42} In fact several bishops and clergy, including Oscar Romero, demonstrated progressive attitudes toward social justice and a preferential option for the poor without incorporating or adopting the more radical aspects of the theology.

\textsuperscript{43} From personal interviews conducted by Elisabeth Wood (2003), *Insurgent Collective Action and Civil War in El Salvador* (Cambridge: Cambridge University Press), 99.


of the Word." What took place at these training centres was often described by the participants as an awakening and a new way of seeing things. They began in a traditional manner, learning church doctrine informed by Liberation Theology; the state of the nation, poverty and social structure; and techniques for leading their local communities. There was, of course, a great emphasis on literacy. This was considered part of the "genius" of the new pastoral movement: "it both made people feel the need for literacy and brought them the means to meet it."

Most important for the furthering of human rights was the commitment of priests to full emancipation of the minds and spirits of the people they were instructing. Priests would use their cultural capital or status to extract low self-worth and replace it with a determined self-respect. Training centres were not fora for instilling rebellion but rather a means to promote self-confidence. A secure person could readily lead local organizations, disseminate the Christian message, and teach technical skills to help satisfy material needs. Small self-improvement projects did have the habit of becoming social, economic and occasionally political as well, but this was seen as a single process of solidarity.

Although much has been written on the value of CEBs, their ultimate benefit for participants and their impact on the cause of social justice has been called into question. Yvon Grenier posits that instead of representing 'participatory and populist communities' as described by so many others, CEBs continued to exhibit the traditional Catholic leadership style. Hence, CEBs for Grenier are not as revolutionary as others might suggest. While he does concede that

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49 Ibid., 74.
the Church was a significant motivating force behind the people, he dismisses the authority and influence of community leaders educated in training centres. Grenier acknowledges that a part of the Salvadoran Church did become radicalised in the late 1960s and built on that change in approach. However, he cautions that the impact of the CEBs new role not be afforded too much credit for the mobilization of the lower strata. Alternatively, he suggests that more credit of revolution be given to the education and radicalization of youth in urban centres and of the middle class for their educational institutions.

Grenier concludes that the Church was not an instrument in politically motivating campesinos toward armed revolution. The Church’s foremost concern was solidarity with the poor and their full understanding of their rights as human beings under God. But what he overlooks is that the education and training of leaders within those communities was also tremendously influential in their political mobilization, as Binford, Montgomery, and Elisabeth Wood all point out. Binford asserts that many of these newly formed catechists became aligned with the political or even armed opposition of their own accord – even if they were influenced by the supporting priest.\(^\text{52}\) Wood quotes significant personal interviews in support of her position, which demonstrate that activists themselves acknowledge the empowering nature of their training: “Strategically, [the campesino training centres] taught with the Bible in hand, but in truth the purpose was to orient us to our own reality.”\(^\text{53}\) The problem was, with increasing self-

\(^{52}\) Binford (2004). Dr. Charles Clements records an interesting exchange he had with one commander in the FMLN after asking if he was a Christian. Commander Raul Hercules (Fidel Recinos) explained, “I was raised on the message of Father Alas and Father Grande. Though others said we would never bring change without guns, we thought it was possible. We demonstrated, we organized, and we said ‘no’ for the first time in our lives. [Instead…] Alas was kidnapped…and left for dead. Father Rutilio was machine gunned. My own father was cut to pieces. That man Gulliver, you know him? Gulliver went to a land where all the people were very small. When he stood up, he ripped apart the threads that they used to imprison him. Now we have stood up too. […] We know what we are fighting for.” Dr. Clements, a Quaker doctor, went to El Salvador to be a physician with the Revolutionary Democratic Front. Charles Clements (1984), *Witness to War: An American Doctor in El Salvador* (New York: Bantam), 123.

\(^{53}\) Wood (2003), 101.
worth, both in rural and urban areas, CEB participation had social and political consequences that alarmed the elite, the government, the military, and many of the bishops as well. Sister Joan Petrik, however, comments on how this exchange of growing unrest was worth the risks. She noticed that, after a time, communities with CEBs even looked different: “[People walked] upright, their heads held high, with self-confidence.” Their understanding of their rights was instrumental to the social, economic and political situation at hand.

**Speaking Out as Public Witness: Archbishop Romero and Church Media**

Although he himself admitted to progressive priests that his mandate at the time of his nomination “was to finish you off,” Archbishop Oscar Romero was headed in a very different direction, one through which he was transformed into a spokesperson, witness and defender of oppressed Salvadorans. His appointment happened at a time when the Archdiocese was under attack for its pastoral policies. Several priests had already been deported and the physical abuse of two more were ultimately responsible for activating the Salvadoran Church. Three weeks after his installation, Romero’s friend and fellow priest Rutilio Grande was assassinated, along with two parishioners. Grande and other Jesuits had angered the landowners in Aguilares county because their work empowered local campesinos. Romero later reflected: “Father Grande’s death and the death of other priests after this impelled me to take an energetic attitude before the

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54 Quoted in Montgomery (1983), 67.
55 Peterson (1997), 61. For a long time Oscar Arnulfo Romero y Galdámez wanted nothing to do with the liberation theology movement that was taking place around him. If one examined his earlier life as a priest in San Francisco, the central parish or San Miguel or met him as the Bishop of Santiago de María, it would have been impossible to envision the role he would play in El Salvador’s conflict or that his death would be so costly a decision at a pivotal point in the war. As a spiritual, traditional, and morally severe apostolate, his appointment was greeted with dismay by the more active and radical religious workers, which is precisely why he was put forward for the job by the elite and the government of General Molina. It was thought that he would rein in those who were taking the ideas of Vatican II and Medellín too far and continue the austerity of the Salvadoran Catholic Church. However, once he really began to walk among the people and observe the social injustice on a very personal level, he was no longer physically affected by the idea of a Church that defended and worked with the poor.
government.” On another occasion he told James Brockman, “It was like a call from God.” The Archbishop responded vigorously to the murders and the persecution of the Church and the Salvadoran people.

Romero understood the commitment he was making and the personal dangers it presented. He drew the nation together even as he broke the Church away from the government and demanded explanations for the repressions committed by the military and security forces. Traveling from district to district, his sermons became famous for his outspoken denunciations against institutional violence, military brutality, and horrific murders. Romero’s “passionate defence” of the people’s right to organise became legendary. By 1980, some were even referring to the popular church as “prophetic” due to his unique approach and engaging homilies. It was through his support that the Mothers Committee was formed in 1977 to provide assistance for themselves and other Salvadorans who had lost people to the violence. Romero also built up Socorro Jurídico, a voluntary legal aid organization, and brought it under the official wing of the Archdiocese. In all these pursuits Romero worked assiduously, promoting and speaking out for human rights, aiding victims, and drawing international attention, wherever possible, to the plight of his people.

Romero’s sermons and his commitment to bear witness greatly contributed to his effectiveness. Swanson believes that the Archbishop was “acutely aware” that his statements...
were received by people located in the very violence he was denouncing. He monitored his own actions and timed his responses in a way that demonstrated his forethought: “he had to consider not only the probable effects of his statements in achieving his own strategic goals, but also the probable strategic uses of his statements by all sides.” This was especially true with his release of his pastoral letters. In each case a letter would be released after a significant event, such as the inauguration of President Romero or the fall of the Nicaraguan dictator Anastasio Somoza. He would then speak about human rights or violence or he would denounce the prolonged tyranny causing such serious damage to the common good of the country.

Swanson notes the increased urgency in Romero’s fourth pastoral letter, The Church’s Mission amid the National Crisis, written after the Sandinista victory in July 1979. At one point in the missive, he quotes Pope Paul VI’s encyclical, stating: “[T]he classic teaching of Catholic theology, according to which insurrection is legitimate [is] ‘in the very exceptional circumstances of an evident, prolonged tyranny.’” This reference acts as a measured approach to the sensitive issue of revolt, which he surreptitiously avoided in earlier statements. It was only because Romero saw the tyranny as vile and observed the Nicaraguan revolution’s successes that Swanson believes he dared to voice the idea at all. But “even then, he raised the possibility of legitimate insurrection only by quoting the words of Pope Paul VI.” On other occasions, the Archbishop would make political statements from a position of faith, such as in 1979 when he denounced the Romero government, calling on its officials to resign. In every instance Romero worked towards a greater understanding how faith should inform social action and Christian justice.

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61 Swanson (2001), 136.
62 Ibid.
64 Romero (1985), 144; also Swanson (2001), 138.
**Speaking Out Abroad**

Archbishop Romero undertook to speak out as widely as possible. He would meet with international representatives, speak at universities and invite human rights observers to the country. On 13 January, 1978, Archbishop Romero and a number of his colleagues presented their own information to the OAS’ Inter-American Commission on Human Rights. As previously mentioned President Romero had requested that a Human Rights delegation visit San Salvador during the latter part of 1977 to calm internal fears and satisfy cursory demands issued by Carter’s administration. Government officials had already presented to the Committee and justified any questionable actions, especially those that fell inside the *Law of Defence and Guaranty of Public Order*, as something necessary to deal with the international and national subversives bent on terrorism. Archbishop Romero presented a very different picture to the Commission in answer to questions regarding ‘the conflict’ between the Catholic Church and the government. He discussed in detail Church activities to improve the lot of campesinos, the resistance encountered among the elite or business class, and the accusations of ‘political activity’ against priests. Romero further recounted the violent reactions against the campesinos, their leaders, and the priests resulting from their perceived sympathies for ‘terrorist activity’. The Catholic Church categorically rejected these government accusations, arguing their actions in solidarity with the poor were solely in keeping with biblical teachings.

The Commission also thought it necessary to visit the community of Aguilares, which had been identified as a site of serious conflict between the campesinos and priests on the one hand and landowners, paramilitary groups, and the government on the other. The Commission’s

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66 Organization of American States (1978). The Chief Justice further assured the Commission that allegations against the Courts were untrue and that the enacted Law of Defence was adopted “because of the campaign that had been launched abroad in connection with alleged violations of human rights.” He also pointed out that the preamble of this Law established its necessity because of terrorism and ‘international subversion’.

67 Ibid.
Report states that initial information they received cited these conflicts as “the cause of serious violation of human rights, such as murder, disappearances, persecutions of members of the Catholic Church and other abuses.” Campesinos gave numerous reports and relevant details of events which had taken place in Aguilares. In order to confirm these testimonies, however, the Commission met with the local Justice of the Peace and the Mayor of Aguilares who contradicted Romero, arguing that groups of campesinos had initiated acts of violence by invading and burning haciendas.

**Broadcasting Witness of Human Rights**

Forms of communication held by the Church were developed as an expression of their universal message and approach. The oldest form was the newspaper *Orientación* founded in 1953 or 1954. Less dependant on the Bishops Conference was the journal *Justicia y Paz*, which first appeared in 1972. YSAX, the Catholic radio station, was also an important instrument in distributing information and support to the Salvadoran people. Romero broadcast his weekly homilies over the airwaves. In these sermons he condemned recent abuses. Consequently, Romero’s Sunday broadcasts soon achieved the largest audience in the country of any radio programme. Although he criticised any human rights violations, the reality, reflected in these denunciations, was that the government and its various official and unofficial forces were responsible for the majority of the...
violations. As a result of these and other programmes, YSAX was the target of bombings. Many of those who listened to Romero’s broadcasts used headphones because they “[feared] repressive consequences if their interest in this program became known.” Montgomery points out that Romero’s Sunday Mass not only attracted hundreds to gather in the Cathedral but those too concerned about safety to physically attend who would find alternate means of listening. Visiting clergy would be warned not to attend his services due to the dangerous “unpredictability of the peasants.” However, as one American priest found out, even to avoid the service and walk into the market place was not to escape Romero’s forceful message as almost every stall had a radio tuned to YSAX. More remote communities would even broadcast Romero’s homily from the plaza loudspeaker. Not only were these broadcasts about religious instruction; they were also records or oral newspapers, in which the names of people killed, assaulted, tortured or disappeared were read aloud.

The contrast of YSAX with government-sponsored media was striking. Although pro-government media practiced a degree of self-censorship, on occasion they would even justify acts of repression and normalise violations. A case in point is the campaign against Archbishop Romero in what Lawrence Ladutke’s aptly names a “misuse of its privilege to express itself.” The Truth Commission, established as a part of the 1992 ceasefire agreements, quoted two El Diario de Hoy articles that implicated this newspaper, along with other media outlets, as tools and active proponents of the repressions. The articles denounced Romero as “a demagogic and violent Archbishop … preach[ing] terrorism from his cathedral,” and they encouraged members of the armed forces to ready their weapons for use against him. Unfortunately, his own bishops were no better. Bishops Aparicio, Alvarez, Barrera, and Revelo sent a document to Rome accusing,
among other things, that YSAX and Orientación were successfully deceiving international media with a good story of church persecution and government human rights violations whereas “the present government dares not act with the firmness demanded by the security, tranquility, and peace that the state has the obligation to guarantee the nation, so as not to give food to the international smear campaign.”

Nevertheless, these repressions and restrictions were noted by international reports and commissions. The OAS Inter-American Commission on Human Rights observed in its 1978 Special Committee report that death threats and demands of censorship had been made to the press. As well, periodic threats emanated from government authorities to close Orientación and YSAX. Further restrictions were specifically implemented, including the Law for the Defence and Guarantee of Public Order, which severely restricted human rights monitors, trade unions, opposition groups, and rural peasant leagues. Even though the law was repealed in 1979, threats and bombings of national and private media continued. Just how compelling and forceful Romero’s programming was through YSAX, is demonstrated by the fact that the YSAX transmitter or antenna was bombed ten times during Archbishop Romero’s tenure. The Orientación office also received several bombs but still managed to increase its circulation substantially during this period.

Speaking out for human rights during a period of intense repression has the typical result of attracting negative attention, and the situation of the Church was no exception. They paid for their effort to be faithful to their understanding of the Bible through attacks, repressions, and personal threats. What brought the terror to such a fevered pitch, however, was the fact that as

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heroic as individuals were, it was the efforts of the people to organise into social bodies that really threatened state authorities.\textsuperscript{81} Of course, key witnesses were targeted for their explicit defence of the Salvadoran people. Romero received threatening letters on a regular basis, sometimes multiple per day.\textsuperscript{82} He did what he could, however, to lend the traditional immunity of the Church to the Salvadoran people to ensure that the death of priests as well as his own could not be separate from the people. For example, his 1980 speech in Louvain makes it clear that “[i]f all this has happened to persons who are the most evident representatives of the church you can guess what has happened to ordinary Christians, to the campesinos, catechists, lay ministers, and to the ecclesial base communities.”\textsuperscript{83} While Romero was alive people felt hope for a peaceful liberation.\textsuperscript{84}

**Records and Data of Violations: Socorro Jurídico Cristiano and Tutela Legal**\textsuperscript{85}

The Catholic Church under Romero took a more serious approach to the monitoring and recording of human rights violations. Four nongovernmental human rights organizations were in operation between the late 1970s and early 1980s: the El Salvadoran Committee on Human Rights, the Mothers Committee,\textsuperscript{86} and the two Church associated organizations Socorro Jurídico del Arzobispado and Tutela Legal. Tutela Legal quickly earned a reputation as the most credible

\begin{footnotes}
\footnotetext{82}{Chacon et al. (2000).}
\footnotetext{84}{Bahman Bakhtiari (1986), “Revolution and the Church in Nicaragua and El Salvador,” *Journal of Church and State* 28, pp. 15-42.}
\footnotetext{85}{It is interesting to note that although Tutela Legal and Socorro Jurídico are the most frequently referenced authorities on human rights violation in El Salvador, there is little written about the operations of either institution, their development and functioning.}
\end{footnotes}
source of information on human rights violations in El Salvador.\textsuperscript{87} The offices of both of these church-related organizations came under severe attack throughout the civil war because of their reporting methods.\textsuperscript{88} These organizations were afforded as much protection as possible by the Archdiocese, who invited them to operate out of their building. Once again Romero and later Rivera y Damas extended the cloak of Church protection as much as possible. This caution did not always work, however, as the organizations had their offices invaded and their records destroyed on several occasions. Workers could also become targets of arrest, abduction, torture and murder, having aided victims of human rights abuses.\textsuperscript{89} Many never abandoned the project, however, but managed to forward information to international observation groups such as Americas Watch, Amnesty International, American Civil Liberties Union and more regional organizations and activist groups like the Inter-Church Committee on Human Rights in Latin America in Canada.

\textit{Socorro Jurídico’s} primary function after the 1979 coup was in documenting instances of human rights violations. Conservative pressure from the American and Salvadoran governments were upset or threatened by the operations of the organization that led to a 1982 reorganization by Archbishop Rivera y Damas. \textit{Tutela Legal} thus became the human rights agency of the commission while \textit{Socorro Jurídico} continued as an independent volunteer organization. It was at this point that \textit{Tutela Legal} was authorised to collect, document, and publish information relating to \textit{all} perpetrators of human rights violations.\textsuperscript{90} This was where the earlier \textit{Socorro Jurídico} had come under fire. They were following international law by reporting primarily those violations

\textsuperscript{88} Both the Salvadoran Press and the American Embassy criticised the organization profusely.
\textsuperscript{90} Ibid.
perpetrated by the government (and military) during the early years of their operation. Americas Watch and an independent assessment by Valencia-Weber and Weber reported that Socorro Jurídico’s methodology was meticulous, even though the US administration critiqued it profusely – an antagonism that amounted to a “go-ahead” for military pressure. This meant that in December 1980, for instance, Socorro Jurídico’s office was raided seventeen times in one week and numerous files of confidential testimony were stolen. Workers’ names also appeared on lists of names denouncing state ‘traitors’.

The Socorro Jurídico office, operating in the late 1970s, applied IHRL where the preservation or denial of basic human rights is the responsibility of the government. Therefore, the systematic deprivation of those rights amounts to a violation. The Office’s mandate was to provide legal assistance to those who requested it, take testimony of those who came to record a human rights violations by the state, and seek redress through the legal system (although this was usually slow, ineffectual and stilted). Its ultimate tool ended up being the presenting of reports and documents on violations to the international community, both through its own means and through various human rights organizations. Although the body was not officially able to speak for the Archdiocese, the Church in its own denunciations regularly cited these legal reports.

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92 Americas Watch (1982), 14.
93 In multiple discussions of human rights violations and their observance in El Salvador, UN Ambassador Jeane Kirkpatrick’s statement on the situation is used to illustrate the terrible inconsistency of the United State approach to government violations in other states. While she argues that all major sources of abuse, government, individual and group, should be taken into account, “it is not reasonable to judge peaceful countries with a long experience of self-government by the same standards as strife-torn countries with weak legal and political institutions.” Thus, as Valencia-Weber and Weber point out, some governments more friendly to the United States are not truly in violation of human rights (El Salvador) because there are multiple attributable parties while in other cases (like Nicaragua and Afghanistan), the governments are the sole parties at fault. Valencia-Weber and Weber (1986), 736.
The methodology of *Socorro Jurídico* and later *Tutela Legal* included testimony under oath by individuals and the practice of submitting habeas corpus claims on all disappearances. In this way, *Socorro Jurídico* established the most thorough records of Salvadoran government violations. Until 1981, *Socorro Jurídico* complied with its mandate and fulfilled international human rights standards by exhausting legal channels to find redress in human rights cases. As continued until the end of the conflict in 1991, the Supreme Court in El Salvador upheld the status quo and elite interests, instead of pursuing their legal mandate, by refusing to pursue presented cases. Although discouraged, *Socorro Jurídico* and *Tutela Legal* continued its documentation – its records were used by international organizations and contributed to the Truth Commission and Human Rights Reports during the early steps of the UN sponsored peace process. Difficulties encountered included access to rural areas under armed forces control and official hostility to the project on the part of the government and the US embassy, as well as the Salvadoran military and paramilitary groups. However, Salvadorans continued to report to *Socorro Jurídico* and *Tutela Legal*, some making long journeys from remote regions at personal risk. This, combined with its thorough documentation and confirmation procedures, established its pertinence as guardians of Salvadoran justice. Records, although by no means complete, did identify patterns of abuses, geographical concentrations of attacks on the civil population (within the areas where the Office could operate), and types of abuse.

IHL and IHRL jurisprudence indicates that a government is responsible for protecting the human rights of its citizens and international standards designated at the time only governmental-related abuses as prosecutable violations. *Tutela Legal*, under the urging of Archbishops Romero

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94 Tabulation of human rights violations does not include combatants of either side but only those civilian deaths which can be sufficiently documented as not combat related. The difficulty of producing sufficient evidence of violation or *habitus corpus* in rural areas due to force controls (either armed opposition or military) means that in records there are relatively fewer reported cases from those areas.

95 Americas Watch (1982), 19.
and Rivera y Damas, departed from this by monitoring the main Salvadoran armed opposition
groups as well as military and government related forces. However, the US State Department,
its Salvadoran Embassy, and the Salvadoran government itself continued to level accusations of
bias and frequently mischaracterized Tutela Legal’s actions, research and data collection methods
as well as its connection to the Catholic Church. Internationally, this criticism was countered by
numerous organizations such as the Americas Watch, Helsinki Watch, Amnesty International,
The United Nations Commission on Human Rights and the Inter-American Commission on
Human Rights of the Organization of American States affirmed the actions and methods of the
Legal Office as reliable.

Conclusion
After the assassination of Archbishop Romero, Arturo Rivera y Damas worked hard to mediate
and reconcile armed parties in the conflict and within the Catholic Church itself. Unfortunately,
much of the pressure exerted on the Catholic Church after Romero’s death to tame or stop its
testimony of human rights violations through its various outlets was successful. Archbishop
Rivera y Damas did not denounce these violations with the same “prophetic” power as his
predecessor but he did keep presenting concrete cases of human rights violations in his Sunday
sermons and radio broadcasts. He did, however, attempt to present a ‘more balanced’ critique
by placing government and military violations on the same level as the FMLN, which was a great
discredit to the latter. By the end of the war, the information that Tutela Legal had compiled

98 Ibid.
indicated that government security forces and death squads had committed the majority of the abuses, something confirmed by the 1993 Truth Commission.100

The different human rights monitoring methods developed and pursued by the Catholic Church during this time represented an important recognition of the importance of human rights within conflict situations and its influence on the potential for resolution. Data collection and reporting, along with psychological support for survivors who have been deprived of their loved ones, represent the reason people work with human rights documentation, according to the Vice Chair of the Americas Watch. It can provoke international attention but also exert very effective pressure on the government responsible by the very nature of the data building against them.101 Pressure, censure, and action from the international community or individual states in a human rights monitoring situation requires data and proof. This was something that was recognized and actively pursued by the Catholic Church through its protection of related human rights organizations and their tireless workers. The Salvadoran Church developed this path through its commitment to the people of El Salvador and through a theological belief that human rights meant lifting up the poor to a place where they were equals under God. And the state.

A testimony to the effectiveness of Archbishop Romero’s message and successful solidarity with the Salvadoran people is illustrated in the treatment of his memory in the country. To remember him was a dangerous business. Peterson describes how simply displaying a photo, image, or book about him was sufficient to draw military attention. One interviewee concluded: “No one talked about Monseñor, because it was subversive.”102 At the same time, Salvadorans

100 Hernandez (2003).
101 Ibid.
102 Peterson (1997), 101. The rest of Peterson’s discussion is very interesting. One boy told an inquiring reporter ten years after the fact “talking about Monseñor is a sin.” Similar phrasing was echoed by other interviewees on different occasions – having souvenirs of the Archbishop is a sin – a sin in the eyes of the rich, against the status quo and therefore a source of strength and danger for the weak. (Ibid.)
believe that the Archbishop was killed for telling the truth and for giving the power of truth to the
people. Peterson concludes: “They found in Romero that rarest of persons in El Salvador: a
powerful person willing to defend the dignity and share the fate of the weak.” What Oscar
Romero represented, however, transcended the minimal geography of El Salvador. His death was
a seismic event that sent shock waves far beyond the territorial limits of the tiny Central
American national, reverberating (among other distant observers) in the moral conscience of
Canadians.

103 Ibid., 102.
Chapter 5: Human Rights Organizations, Pressure Groups, and Third-party States: Canada’s Experience with Human Rights Violations and Civil War in El Salvador

Observations of human rights violations by organizations under the protection of the Salvadoran Catholic Church attracted the attention of international organizations and independent states. Publications of data and records of serious violations and massacres evolved into an acknowledgement by significant parts of the international community that the application of IHL could no longer be denied to the Salvadoran conflict. Fact-finding missions and observation teams were sent between 1980 and 1983 by several organizations, including official human rights groups like Americas Watch and Amnesty International. In addition, there were numerous independent investigative missions like those sent by a group of medical associations, the International Commission of Jurists, or the Association of the Bar of the City of New York. All viewed their findings through the prism of IHRL and IHL, arguing that it explicitly applied to the Salvadoran situation. Many of these used records and data produced by Tutela Legal and the Salvadoran Human Rights Office to present their reports to an international public. In Canada, the public awoke to the violence and violations taking place in El Salvador and mobilised in response. Latin American research groups, founded in the late 1960s with Prime Minister Pierre Trudeau’s new commitment to the region, found new public audiences for ‘academic advocacy’. Pressure from these domestic organizations, along with security-threatening American activities in the region, triggered a foreign policy stance.

Changing perceptions of sovereignty, international law, domestic politics, and the protection of human rights by both the state and the international system challenged the Canadian government. Canada appreciated that the Central American crisis was rooted in a history of
injustice and inequality, not, as maintained by the Reagan administration, fuelled by Soviet or communist interference.\(^1\) It also traditionally adhered to the principles of non-intervention and self-determination, “the right to follow whatever ideological path their peoples decide,” arguing for support for hemispheric political pluralism.\(^2\) This appreciation did not extend to an interest in involvement the Salvadoran conflict. Complicating matters, however, was the growing agitation from counter consensus groups in conjunction with international human rights organizations for Canada to use its “political capital” to help reduce the tensions between the government and the armed opposition groups in El Salvador.\(^3\)

The Canadian government tried its best to balance two very different sets of expectations. It was reluctant to dispute a thorny political issue with the United States and therefore compromise arrangements that might affect bilateral relations between the two neighbours. On the other hand, it was facing mounting pressure to maintain its reputation as a middle power and effective human rights monitor. The result was what Brian Stevenson calls “its unprecedented involvement in inter-American affairs in the 1980s.”\(^4\) Canada maintained an appearance of even-handedness with all five Central American states, officially objected to any military support in the

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\(^1\) Furthermore, Minister for External Affairs, Mark MacGuigan frequently stated that Canada did not see the Third World principally in terms of the East-West struggle but as “the battleground for the survival and well being of the human race.” Darryl Dean (1982), “A Wrinkle for Canada on Caribbean Policy,” *The Globe and Mail*, 12 June, 9.

\(^2\) Pierre Elliot Trudeau (1983), Speech to the Commonwealth Heads of State Meeting, St. Lucia, February.

\(^3\) Tim Draimin regards this political capital as resulting from its traditionally low profile in the region combined with its struggle to repatriate Canada’s constitution – a process which was seen by the region as symbolic of Canada’s independence and coming of age. Tim Draimin (1981), “Canadian Foreign Policy and El Salvador,” *Bitter Grounds: Roots of Revolt in El Salvador*, ed. Liisa North (Toronto: Between the Lines), pp. 99-110. CAPA, on the other hand, presented a whole host of reasons for Canada’s standing from its continued conversation with revolutionary Cuba to its continuous negotiation of complicated bilateral agreements with the United States. CAPA (1984), *Brief on Canada and Central America* (Toronto: CAPA), 29 March.

region from outside forces (including the United States) and, for the most part, distributed aid on the basis of need and not of ideological persuasion or as reward/punishment to a government.

States are unitary actors to which, as Alexander Wendt observes, “we can legitimately attribute anthropomorphic qualities like identities, interests, and intentionality.”\(^5\) Furthermore, states retain the ability to intervene as the primary actors on the international stage but do so according to national interests.\(^6\) Alternatively, dissidents voicing opposition to, for instance, an authoritarian regime, do so to “uphold a moral principle” instead of private interest.\(^7\) Since the late 1960s, social movements and NGOs have championed these moral principles to foreign policy makers. Some Canadian foreign policy analysts are sceptical about the influence domestic forces can exert on the system.\(^8\) Others, however, like Stevenson, are convinced that at least during this period of Canada’s foreign policy history, the counter-consensus was able to direct Canada’s attention to Central America and the situation in El Salvador.\(^9\) This pressure emerged from Canadian church groups such as the Inter-Church Committee on Human Rights in Latin America (ICCHRLA), the Canadian Catholic Church, the Canadian Conference of Catholic Bishops, and other faith-based organizations from around the country. Human rights organizations, academic groups like the Canada-Caribbean-Central America Policy Alternatives (CAPA), journalists and commentators such as Oakland Ross and Stan McDowell from *The Globe and Mail*, and concerned citizens from coast to coast also became involved.\(^10\) Conferences

\(^7\) Ibid., 3.
\(^10\) Newspaper reports covering Third World issues during that time, as today, were sensational, violent and dealt primarily with death tallies and gross abuses. Few in Canada at the beginning of the Salvadoran conflict had any first-hand knowledge of the area or the genesis of its violence. The average citizen relied, for the most part, on the press for information. Now, as has been argued, faith-based organizations had
were held to inform and to discuss; solidarity networks and protest actions were organized; and numerous weekly, monthly, and occasional publications were established. People were further motivated by local experience because, as Liisa North observes, “by the end of the 1980s almost every sizeable Canadian community and many rural areas, counted a number of people who had short-term or long-term experience” in the region. Many objected to Canada’s established foreign policy at the time because it was seen as helping many Latin American governments maintain repressive regimes.

Canada moved ahead in an effort to establish a more concrete and enlightened regional policy. The Canadian foreign minister made visits to the region in April 1984 and November 1988. Members of Parliament (MPs) toured refugee camps and held discussions with foreign officials. At home, two parliamentary committees, established to conduct thorough studies in 1981-1982 and 1988, recommended increased Canadian presence and participation in these pressing issues. The question was then what a country like Canada could do to promote freedom through human rights. How does a third-party state protect civilians from torture, from detention

other sources of knowledge and information coming through church networks. Furthermore, some such as Minister MacGuigan could be persuaded to make policy statements based on unseen US intelligence. Academics had their own primary sources, being able to better access the region through personal visits. However, outside of the testimony of expert witnesses and one visit made in 1981 by four members of the Sub-Committee, MPs based much of their knowledge of El Salvador in newspaper reports. The major ‘national’ newspaper at the time was the Toronto Globe and Mail, listed on the world’s fifty greatest newspapers, and the most read newspaper by MPs. The second most-read newspaper was the Ottawa Citizen. Due to the sources used to get information on El Salvador, Canadians received through these two sources a primarily American perspective. Walter Soderlund demonstrates in a 1985 study that the Ottawa Citizen obtained most of its content from secondary sources while the Globe and Mail was fare more balanced by sending a couple of correspondents to the region. Oakland Ross sent reports from El Salvador on the every day and the disappeared. He managed to convey a human side to the conflict which did not have the traditional reporting concentration on the military. Stan McDowell was one of the first to grab onto the Salvadoran issue and bring, through his foreign affairs column, attention to the ludicrousness of the situation. Walter Soderlund (1985), “Press Reporting on El Salvador and Nicaragua in Leading Canadian and American Newspapers,” Canadian Journal of Communication 11(4), pp. 353-368.

11 Liisa North and CAPA (1990), 213.
without trial, from extra-judicial executions, and the right to live, subsist, and participate politically according to their wishes?

Given that Central America was not a region of historic importance for Canada and that El Salvador was the last state in the region with which Canada established diplomatic ties (1961), the most obvious question is why interest and concern increased as much as it did. Why did Canada choose to augment its diplomatic contacts at such a volatile time? In addition, since there was relatively little that Canada could use to implement international laws against violations, the question remains as to what a third-party state is able to accomplish in regards to the promotion and protection of human rights and respect for IHL. Public opinion was, after all, demanding action. The flood of letters to Ottawa expressing deep concern for the continuing human rights violations, especially after the murder of Archbishop Oscar Romero, escalated still further after remarks by then Minister for External Affairs, Mark MacGuigan (MP, Liberal) proclaiming Canadian “acquiescence” to the US right to intervene.\(^{13}\) When Conservative critic Flora MacDonald vigorously questioned MacGuigan on the subject in 1981, the minister rejected that Canada had an obligation to help maintain peace in El Salvador, stating: “I am not aware that we have any serious obligations in that part of the world, in Central America, which is not an area of traditional interest.”\(^{14}\) Later on, however, there were signs that Ottawa was altering its approach.

Members of the Parliamentary Sub-Committee on Canada’s Relations with Latin America and the


Caribbean were surprised that during their proceedings they had found so much support for the development of that particular policy initiative across the country. Accordingly, outside pressure, its own experience of hearing from expert witnesses, and actually visiting El Salvador influenced the Sub-Committee’s recommendations to Parliament.

Activism on the part of the counter-consensus played a significant role in the development of Canadian policy towards the Salvadoran conflict. Their developing ‘cosmopolitical’ approach to international issues created a practical association between concerned parties in Canada, internationally, and those within El Salvador. People, organizations, and politicians ventured to the country in growing numbers. They went in search of information, the means to a dialogue between conflicting parties, and in the hope of finding a path to a negotiated solution. While demanding that Canada respond to the situation, many realised that state-oriented methods of conflict management were inadequate. Not only was it acknowledged that all parties needed to participate in conflict resolution, but through a language of human needs and human security it was found that the best way to begin and to attract attention to the situation was to pursue local witness and peace-building activities.

The activities of NGOs and other groups still adhered to the dominant Westphalian concept of peace resolution. As a result, Canada was called on to act as an independent mediator with other friendly states. A growing interest in the concept of the human security framework enabled these groups not only to play roles at alternative levels of the conflict but also continue to make use of established and accepted international principles and laws. As Richmond points out on the increasing importance of unofficial actors, “it is the space between officialdom, state and human security, that NGOs have begun to fill[.].”

Humanitarian law provides the legal tools and

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context in which they operate and to some extent protect victims from the principle of non-intervention, which is a “decided obstacle” to enforcement initiatives. Their actions highlight the gap that exists between humanitarian issues, conflict situations and state practice.

**Domestic Influences and Counter-Consensus in Canadian Foreign Policy**

Foreign policy is a contested ground between public interest groups, the public as a whole, and the state. During this time in Canadian foreign policy, there was repeated insistence that public participation was an important part of policy development and implementation. For instance, the 1970 government White Paper insisted that policy decisions would be inspired by the causes and desires of civil society. Consecutively, Allan Gotlieb, Flora MacDonald, and Allan MacEachen for the Department of External Affairs affirmed that not only was public participation important for foreign policy but that greater public participation in the process was needed. To quote MacDonald:

> Foreign policy must not be the exclusive preserve of the few, inside or outside government...I have stressed, and cannot stress enough, the importance I attach to parliamentary and public input in our foreign policy review.

Nossal identifies this call for greater involvement of public opinion “orthodoxy of domestication,” a strategy that is more rhetoric than a realistic function of government. How much, then, does public opinion or the mobilization of special interest groups affect the conduct of foreign policy?

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16 Ibid., 149.
18 I was unable to locate any statements given by the dominant External Affairs Minister, Mark MacGuigan to this end.
20 Ibid.
Denis Stairs argues that, theoretically, public opinion has the opportunity to influence the agenda, the parameters, and the policy in foreign policy.\(^{21}\) To start, the public can define an agenda by agitating for its address, thereby affecting the policy-maker’s perception of its importance. However, citizens lack the ability to control the potential response. Small public groupings, especially when they are well organised, are most likely to be able to affect this sort of change. Numerous methods of contact and pressure are utilised to achieve this result. A clear illustration of the integral nature of this function as it applied in the mid-1970s was Trudeau’s response to questions about the Nigerian civil war: “You have the funniest questions.”\(^{22}\) He was ‘puzzled’ that he should receive questions on a subject that was in no apparent way related to Canadian concerns. Alternatively, the idea of parameter-setting suggests that there are ways in which public interests can manoeuvre to limit the range of politically workable choices to a given situation. In some cases, opinion may be unconcerned about possible responses or outcomes. Policy-makers are thus concerned about the prospective public response and attempt to foresee constituent opinion and anticipate reactions.\(^{23}\)

Finally, with the power of policy-setting, public sentiments and concerns can actually determine the choice responses to a situation and not just limit the options. Although the occasional political issue may raise public concerns on moral or humanitarian grounds, Stairs concludes that most often the public will become active with threats to domestic or economic issues. If governments are going to launch a full policy-setting initiative, however, concerned publics require “specific and well-defined substantive content.”\(^{24}\) As individuals often lack the required tools for such an endeavour, policy-setting will ultimately take place through organised

\(^{22}\) Quoted in Stairs (1977-1978), 131, fn.6.
\(^{23}\) Ibid.
\(^{24}\) Ibid., 135.
groups which funnel interests in an orderly fashion. However, this response runs a greater risk of being attacked by a countervailing set of interests or opinions or underestimated by policy-makers who misidentify them as specific sectorial groups. Although foreign policy is rarely an item that determines the outcome of an election, policy-makers are aware that governments can be brought down by a single issue and so are less likely to risk the alienation of any of their constituents. They may also pay attention to contrary opinions because they believe it is part of their obligation to the state.  

The domestic sources and influences on foreign policy, or how to examine the relationship between the state and civil society, is theorised through several empirical structures. Individuals and groups in civil society are able to make their wishes known to the state but the key is to what degree these agitations are successful. Following a pluralist conception of the “formation of mass opinion and the distribution of power,” expected public opinion is autonomous with the power to shape the policy agenda and defining the action of policy-makers, suggesting that the “opinion-policy” consistency would frequently occur. The “democratic frustration model” of Joel Brooks, while still maintaining a pluralist base, assumes a more elitist approach featuring the business elite as prominent policy-influencers while the differing opinion of the masses will be more generally unsuccessful in achieving its policy goals. Brooks’ expected result is a substantial inconsistency between opinion and policy. Nossal goes even farther by presenting the possibility of a statist approach to foreign policy. This approach to state-civil relations makes four key assumptions. First, policy-makers have their own interests and preferences that will figure heavily in their decision-making process, regardless of their

25 Ibid.
27 Discussed in Ibid., 540.
relationship with the dominant polity. Second, state interests are perceived as separate from societal interests. It also assumes that, should those interests between state and society diverge, the state will follow and act on its own preferences. Finally, the Statist approach assumes the state will always have the power to prevail over civil society and therefore is able to withstand public pressures. Rather than perceiving the state as one uniform body, however, this paradigm suggests that government polities are guided by a power struggle. Most important, however, is that this theory allows for minimal input from domestic parties in the policy-making process.²⁹

Dominant class theory is an alternative to the Statist approach that also assumes significant state autonomy but which perceives it as heavily influenced by structural and class factors. Cranford Pratt argues that this theory is more powerful because it takes into account influential values and attitudes.³⁰ However, it sees the capitalist state influenced by business elite as the guiding class where unity is sought through the continued “reproduction of its conditions of production.”³¹ Under these terms, foreign policy would be expected to reflect a preoccupation with the furthering of the capitalist state in a global economic society. Pratt also rejects the idea of a Pluralist model which theorises the democratic state as a place of power from which the public may develop a multitude of structures to pursue divergent interests. ‘Effective democracy’, in this line of thought, would require constant mediation between competing opinions to create a working consensus.³² A pluralist approach is somewhat utopian and inflates the importance of interest groups in general, while the dominant class theory is right to emphasise the corporate sector which is able to dominate the policy-influencing sector through its vast financial implications. However, when a set of motivating issues arise, it is possible that public, organised

²⁹ Ibid.
³¹ Ibid., 104.
³² This argument is confirmed and expanded by Ibid.
groups move beyond purely financial and capitalist guiding principles and put pressure on policy-makers through a series of political and educational activities that have the power to alter the operating assumptions upon which the government bases its decisions.

**Counter-Consensus Groups and Canadian Foreign Policy**

The emergence of a significant number of organizations whose opinions differed substantially from official government policy or capitalist interests was heralded as counter-consensus. This phenomenon centered on humanitarian concerns and was successful in attracting public and state attention to conflict in Central America. Institutions that at one time supported or remained indifferent to Canadian foreign policy now began to oppose it. They criticized what they perceived as regional exploitation and, importantly, that Canada was falling short of its diplomatic responsibilities with the region. These groups did not constitute “special interests,” reflecting their own economic or ethnic background, but instead were individuals who had gathered on ethical grounds to oppose important aspects of Canadian foreign policy. They did manage to appeal in some instances to national interests in building a reputation distinct from American interests by addressing new aspects of the international landscape but worked in opposition to the government with varying degrees of success on others.

These groups, including the Latin American Working Group (LAWG), the Inter-Church Committee for Human Rights, CAPA, Oxfam-Canada, Project Ploughshares and the Inter-Church Committee on Human Rights in Latin America, collectively began to oppose government foreign policies, reading a different set of interests and obligations for Canadians on the international stage. They commented on the neglect in foreign policy to express the liberal and humane nature of Canadian values. Although the Trudeau White Paper, *Foreign Policy for Canadians*, addressed

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33 Ibid.
some of these ethical considerations, these ideas were mostly forgotten or relegated to the responsibility of individuals by the mid-1980s. In contrast, counter-consensus groups felt that ethical obligations were the first and most fundamental of Canada’s obligations beyond Canadian borders. They regarded this approach not a breaking down of the Westphalian system but as recognition that there is a universalism of obligation to fellow human beings that could not be denied in a more interdependent and globalising world system. The second element of counter-consensus mobilization was a profound distrust of dominant state interventions and interferences in southern hemisphere state politics and security concerns. Finally, they were concerned that poverty in these ‘Third World’ states was in part due to direct Canadian involvement.

Dominant class and Statist theorists argue that it is unlikely that counter-consensus groups could influence, let alone instigate, policy change within the government. They assert that counter-consensus interests and opinions are not reflected in government policy. However, there are two distinct policy areas, for this term at least, where the above hypothesis does not hold. The first was that counter-consensus groups did share common stabilization and security concerns for citizens and Salvadorans abroad and immigrants at home. Often these similarities would quickly re-diverge as stability on the government books was commercially oriented both in private business and in aid. Furthermore, the organizational capacity and expertise in the field of the counter-consensus meant that they had the ability to shift the parameters of foreign policy

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34 The Economic Council of Canada, for instance asserted that moral arguments and humanitarian responsibilities “seldom constitute sufficient reason for action between states.” Quoted in Pratt (1983-1984), 126.
36 I would say that this is either an exception to the rule proposed by statists and dominant class theorists or that the government is more receptive to public opinion than the hypothesis allows.
through public education and political activities, thereby changing the operating assumptions for government policy formation.\textsuperscript{38}

As a result, whether or not the government was distant and unsympathetic to these opinions and interests, it still had to take them into close consideration when moving forward with policy on the region. For instance, when Allan MacEachen arranged an official visit to Central America as Minister for External Affairs, it is very likely that El Salvador was not on his itinerary, not because of a lack of time as was excused, but that he and the government were attempting to quietly appease domestic disapproval. Canadian public opposition to a Salvadoran visit, which could have been skewed as express acceptance of the regime within El Salvador, was expressed before his departure in a full-page advertisement in \textit{The Globe and Mail} urging him to criticise American activities in the region.\textsuperscript{39} It also ‘reminded’ him of the political currency Canada that held in the region, allowing the state to work for peace and promote a negotiated settlement over military intervention.\textsuperscript{40} This was not the first time such a petition had been placed in \textit{The Globe and Mail}, nor would it be the last concerning Canadian actions in El Salvador.

Although people repeatedly argued that Canada had a limited ability to influence or promote reconciliation in Central America, others were convinced that the state should remain undeterred by its limitations. Robert Miller argues that Canada can be modest about its ability in such situations but also imaginative about “identifying and developing a wide range of peacemaking tools” and seize every opportunity to develop its peacemaker capacity.\textsuperscript{41} One of the

\begin{itemize}
\item \textsuperscript{38} Ibid.
\item \textsuperscript{39} Appendix F. As discussed above, the \textit{Globe and Mail} was the best way to reach politicians because it was the most read newspaper for government individuals.
\item \textsuperscript{40} Non-Intervention in Central America: Canadians for Self Determination (1984), “A Peace Role for Canada,” \textit{The Globe and Mail}, 30 March, 10.
\item \textsuperscript{41} Robert Miller (1992), “Aid as Peacemaker: Concluding Observations and Reflections,” \textit{Aid as Peacemaker: Canadian Development Assistance and Third World Conflict} (Ottawa: Carleton University Press), 201-210; 201.
\end{itemize}
most visible Canadian presences in El Salvador and Central America during the decade of conflict were individuals from Canadian Church and academic research organizations that ultimately formed part of the counter-consensus in Canada. They doggedly challenged the assumption that Canada continued to be a “follower nation” when it came to interests and actions in the region. Their actions were in part responsible for the different image of Canada held by Central Americans themselves. Peter McFarlane describes Central American perceptions of Canada as something quite un-Canadian: “they viewed the country as a confident hemispheric power that had traditionally been an important player in regional affairs.”

Consequently, on several occasions Canadian government officials were approached to participate in the peace negotiation process. The United Nations Secretary General invited Canada to contribute to the 1989 formation of the United Nations Operation in El Salvador (ONUCA), a result of its long history of peacekeeping and in recognition of its continued participation and advice given to Contadora draft treaties. Another reason for this perception of hemispheric influence may be the ways in which Canada chose to contribute to the region. Canada ultimately supported negotiated alternatives opposed to United States strategies and therefore contributed strategic aid instead. Not only did Canada approve US$22 million for Salvadoran reconstruction during the ONUSAL years (1990 – 1995) but it also funnelled aid after 1986 through local NGOs. This ultimately preserved space for social and human rights

44 Liisa North and CAPA (1990), Between War and Peace in Central America: Choices for Canada (Toronto: Between the Lines).
organizations bypassed by larger funds and contributed to the strengthening of human rights understanding among Salvadorans.

Legal Basis for Third-State Involvement in an Internal Conflict

The best example of the evolving approach of the international community to the protection and implementation of humanitarian law is the United Nations’ progressively widening interpretations. In fact, as Tathiana Flores Acuña points out,

the interaction of human rights and humanitarian law norms, as well as their common protection of essential rights, has led the UN to incorporate the violations of humanitarian law in the situations likely to endanger or threaten maintenance of international peace and security.  

Robert Matthews and Cranford Pratt argue that it is important to respect the sovereignty of other states but not at the expense of the humans who comprise it. This approach, requiring the respect of humanitarian law norms and affirmed by the position of the Security Council, to some extent limits state sovereignty as it was conceived in the past. Actions in sovereign nations can be limited by intervention. The dominant world paradigm would indicate that intervention takes place only when national interests are at stake and consist either of (1) military operations, (2) the threat of force, or (3) significant economic pressures. There is a distinction between intervention and interference, something that is integral to the interpretation of Canada’s responses in El Salvador. Interference is an effort to achieve similar results (the respect of human

47 Ibid., 11.
but through a combination of pressures, that one state can apply on another without
enough significance to constitute an intervention.\textsuperscript{49} As Matthews and Pratt state:

\begin{quote}
[A]ny comprehensive discussion of a human rights component to foreign
policy must embrace both interventions on behalf of basic human rights and
intentional interferences, acts having less impact than interventions but
nevertheless intended to persuade a foreign regime to respect the rights of its
citizens.\textsuperscript{50}
\end{quote}

Rein Müllerson cites several developments that encourage the observation of IHL in
internal conflict, despite the lack of enforcement mechanisms due to sovereignty rights. These
developments have the ability either to limit the extent of the atrocities or even punish some at a
later date. The first is the role of mass media or what has been called the ‘CNN factor’. This
proved helpful in motivating public sentiments in Canada in support of a negotiated resolution
and some form of negotiation support on the part of their government. Another factor that has
slowly increased in importance is that of the effectiveness of impartial humanitarian organizations
such as the ICRC, Oxfam, and in El Salvador, the Green Cross, and many others, which served to
extend humanitarian assistance to civilians.\textsuperscript{51}

Secretary of State for External Affairs, MacGuigan explained to a University of Toronto
Law Faculty the Canadian government’s position on the application of international law in
Central America. He points out that there is guidance when dealing with external threats or the
use of force by one sovereignty against another but that there is a clear distinction between
international conflicts and civil war. He commented:

\textsuperscript{49} Matthews and Pratt (1985).
\textsuperscript{50} Ibid., 162.
\textsuperscript{51} In El Salvador the Green Cross was more effective on the ground than was the ICRC as the latter was perceived by civilians as working in too close relationship with the government.
In El Salvador, we see widespread violations of elementary human rights, atrocities, torture, massacres, and murder on an appalling scale. The Canadian government continues to protest against this wave of violence.²²

However, at the same time, he suggested that little beyond protest can be accomplished. According to the Minister, as long as Central American countries, including El Salvador, keep their social and humanitarian obligations to the forefront of their obligations, Canada would continue to supply them with aid. The prevailing policy was that aid would not be to reward or punish but was instead reserved for those in greatest need. Canada did, however, suspend aid to El Salvador for four years because the dire situation there could not guarantee the distribution of Canadian funds. In this instance, although there were few available mechanisms to implement IHL and require the observation of human rights, Canada had the option to use diplomacy, aid, and speech to attempt to influence matters for the better.

A more thorough discussion of the applicable law and its potential application by the Canadian government towards the Salvadoran case was presented by the Standing Committee on External Affairs and National Defence in their sixth report to the House of Commons.⁵³ The committee discussed both its understanding of the nature of human rights and the lack of serious effort to protect citizens from such abuses in Latin America. It also offered specific acknowledgement of the work that organizations were doing to protect the rights of Latin Americans:

[These organizations] have stimulated government concern for human rights; have deepened our understanding of these issues; and have significantly

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⁵³ Canada (1981), Canada’s Relations with Latin America and the Caribbean: Report to Parliament, Standing Committee on External Affairs and National Defence, Issue No. 48, 8 December.
contributed to the protection of human rights in Canada and Latin America. Their activities mirror the values that we, as a nation, wish to project abroad.54

The consensus of the sub-committee was that the essential objective to promote these rights in other states was the “progressive embodiment of these rights in international law.”55 On the other hand, Minister MacGuigan dismissed the application of international law to the Central American situation, not only because it was complex and lacked clarity in application, but because it potentially “becomes part of the rhetoric used by each side to bolster its case both domestically and internationally; in other words, it becomes an instrument of public opinion.”56 Such excuses made by states are typical to avoid the intended responsibility to disseminate and observe the implementation of such law as widely as possible. Hence, international law tends to be applied more frequently as tool of critique by independent organization with the goal of inciting reaction from the state.

**Canadian Involvement in El Salvador during La Matanza, 1932**

Canada did, in fact, have a history with El Salvador, of which counter-consensus groups were right to fear a repeat. Up until the Trudeau era, successive Canadian governments opted for a distinct and aloof role in Latin America. Canada placed first emphasis on its bilateral relations with the United States and then on its leadership within the Commonwealth.57 It had small economic interests and development projects through CIDA from at least the 1920s. The Montreal-based company International Power also had operations in San Salvador from where it monopolised the entire power industry in the country. However, there was only one significant

54 Ibid., 10.
55 Ibid., 10.
56 Canada (1982), Address by the SSEA Mark MacGuigan to the University of Toronto law Faculty, Toronto, 31 March.
57 Peter McKenna (1995), *Canada and the OAS: From Dilettante to Full Partner* (Ottawa: Carleton University Press).
instance prior to the 1970s where there was an official presence in El Salvador: during *la Matanza* (the massacre) of 1932.

*La Matanza* is the Salvadoran term for the failed peasant revolt inspired by the Communist Party under the leadership of Farabundo Martí. The country had experienced political instability from the turn of the century due to vacillating coffee prices, which underwrote the economy. While wealthy landowners were able to take advantage of this by expanding production through land acquisitions, it came at the expense of campesinos upon whose backs the industry rested. In the countryside, this resulted in a Marxist-influenced movement demanding land reform, while in urban areas it created a sense of nationalism that surged against the American, British, and Canadian dominance of big industry.\(^58\) By the 1930s, these rising resentments both increased the volatility of the situation and marked a change in the governing structure of the country. The power of governance also changed in December 1931 from outright oligarchic domination to military tyranny under the army. During this time, massacre by security forces and associated irregulars in January 1932 of around thirty thousand Salvadorans demonstrated that state security institutions “served to protect the interests of the rich against the threats posed by the poor.”\(^59\) Not only did it demonstrate that the governing parties and elites had little respect for the lives of their fellow citizens but that foreign powers observing such horrific and blatant abuses (such as Britain, Canada, and the United States) had little to say on the subject and were willing to turn a blind eye in favour of security.

Canada actually played a unique role in this affair, during which anyone in Indian dress or running from security forces was subject to elimination. First, Izaak Walton Killam, founder of International Power and long-time friend of Canadian Prime Minister R.B. Bennett, found his

\(^{58}\) McFarlane (1989).

\(^{59}\) North (1990), 166.
company branch in San Salvador at risk from the rising tide of revolt.\(^{60}\) The company had expanded its holdings in that country to such an extent that it monopolised power prices and used that control to increase their rates exponentially. This garnered them a reputation for “ruthless opportunism,” which made them a focus of popular protest and action.\(^{61}\) An employee in the Salvadoran office wrote to the Montreal Head Office that they would be under threat but this information did not surprise the Bennett government once it was informed because it had already, two years earlier, received word from British officials that the political situation was deteriorating and that they may need help in the future. Thus, when the British chargé d’affaires cabled London on 13 January that movements in the country were aimed at setting up communism, Britain responded by suggesting to the chief of navel staff in Ottawa that they direct their destroyers in the area to the Salvadoran port of Acajutla.\(^{62}\)

Orders were issued for two destroyers, under Commander Brodeur, to contact the British representative and failing that, to offer the Salvadoran government whatever assistance needed to secure British lives and property.\(^{63}\) Travelling to San Salvador to meet with the British Consul, Brodeur saw first hand the terror unfolding. His secret report to the Prime Minister observed:

> It appears that up to a short time ago this low class of labourer was content with its lot [25 cents a day local currency], or at least indifferent to the appalling conditions in which it worked – low wages, incredible filth, utter lack of consideration on the part of the employers, conditions in fact, not far removed from slavery…Under these circumstances, it is hardly to be

\(^{60}\) Levenstein (1981) disagrees that this company had any influence over Canadian response to the region, however. He points out that the company was incorporated in El Salvador and therefore not legally Canadian and furthermore, it was ascertained that few Canadians were resident in the country at the time and none employed at International Power.

\(^{61}\) McFarlane (1989), 46.


wondered that communism made many converts, and the number of affected Indians grew rapidly." \footnote{64}

The bodies of dead Salvadorans lined the rail tracks between Acajutla and San Salvador and government troops “were killing rebels right and left.” \footnote{65}

Between the 25 and 26 January, news reports of the Canadian presence made Canadian headlines, with the \textit{Vancouver Sun} declaring “Canadian Destroyers from BC to the Rescue. El Salvador Aflame with ‘Red’ Revolt.” \textit{The Globe}’s front page proclaimed “Canadian Destroyers Stand By to Protect Life in Salvador.” \footnote{66} While this event in Canada served to mark the rising power of the Canadian Navy, Brodeur was not so convinced of the merit of their presence. In a later report, he wrote:

There is no doubt that the presence of the ships on the coast strengthened the President’s stand considerably, as he immediately started sending troops out of town when he found we were prepared to act in case of emergency. The landing of that platoon had a wonderful moral effect on his troops. \footnote{67}

The Canadians continued their pleasantries with the Salvadoran military, including a luncheon after which five peasants were to be executed. \footnote{68} Brodeur seems to have few qualms about the bloody situation that the Canadians were peripherally supporting although the number of bodies still wearing white flags to provide them immunity from government forces were mentioned with some small sense of unease. \footnote{69}

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\footnote{64} Quoted in McFarlane (1989), 57.  
\footnote{65} Nikiforuk and Struzik (1981).  
\footnote{66} This was of course in reference to the British lives which they were there to protect including the five women ‘rescued’ from a port-side village and taken aboard the Canadian battleship.  
\footnote{68} The Canadians did slip away before the actual execution, thinking it unadvisable that they watch although they did snap photos of the condemned men, several of which were published to accompany Nikiforuk and Struzik’s 1981 article in the \textit{Globe and Mail}.  
\footnote{69} Levenstein (1981).
Every Canadian involved in the project – government or navy or the press – seemed to be quite satisfied with the venture. Seemingly the only challenge came from opposition leader William Lyon Mackenzie King, who demanded, “Will the Minister assure the House that this incident has nothing to do with any attempt to blast a way into the markets of South America?”

This operation does cast into question Canada’s claim that they had a non-imperialist heritage as the mission shored up a dictator whose legitimacy had not even been recognized at the time of the revolts. Furthermore, in the sealed reports Commander Brodeur filed, he argued after his visit to the surrounding region, “The Indians didn’t know what Bolshevism meant – to them it meant an organization to release them from slavery.” There were several problems with the landing and the general effectiveness of the operation. Once the Canadian destroyers reached Salvadoran shores they were bound by ‘King’s Regulations’ to aid the British if a request for assistance was made, but the regulations also discouraged a landing, except as a last resort. Hence, there was a lot of fumbling with a single platoon docking and then reboarding and then docking and reboarding once more as confused reports and requests emerged from the panicked British consul.

Another problem with the operation was that Canadian citizens were bewildered by the situation. Although editorials and headlines proclaimed the power of the Canadian Navy, as the Globe’s editorial remarked, there were few links between the two countries and ‘ordinary folk’ had to search a map to find out where this was all taking place. It was because of the bewilderment of the people as to what Canada was taking part in, its original lack of involvement in the nation, and no accurate representation in local press that the matter quickly was forgotten.

70 Quoted in Nikiforuk and Struzik (1981) and McFarlane (1989), 49.
73 “It being a general obligation on all His Majesty’s civil and military officers to afford mutual assistance to each other in cases affecting the King’s Service.” Levenstein (1981), 458, fn. 33.
74 Levenstein (1981).
and the emerging reports were sealed away. Without public protest or interest, the Canadian government was free to forget what they had been party and witness to in El Salvador.

In the end, this small Canadian action shored up the government side with enough symbolic support that it would last for decades to come. The action also gave Canada greater visibility in the region and so increased its trade power there along with “most-favoured-nation” treaty arrangements. By being present during a massacre, Canada gained status as a naval and trade power as well as being seen as an independent nation by several Central American governments. What Canada did not acquire was an ability to speak out or even process human rights and explicit humanitarian violations in the region.  


With the beginning of the Trudeau era in the late 1960s, Canadian investment expanded into Third World countries and, combined with a bigger diplomatic profile, it seemed that Canada was establishing a new arena for relationships with Latin American states. However, this changed with the overthrow of Salvador Allende in Chile: Canada quickly followed the American line. This submission and quiet support for the CIA-backed topple of Chile’s democratically elected

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75 It may be that the reason the Salvadoran government was reluctant to have foreign naval forces, both Canadian and American, docked during this time of massacre is that they were worried about the consequences of witness. Once the General realised, however, that they were there solely to protect their own interests and citizens, and realising perhaps that some of them were far more worried about Bolshevism and the spread of the red menace than the lives of the campesinos, he was much more open. A young Commander William Manfield pointed out that it was the lower decks that sided with the masses in the Canadian fleet – reflecting a type of class recognition of the situation.

76 McFarlane (1989) makes a very good argument about Canadian choices following the overthrow of Allende in 1973. Through its acceptance of the “Kissinger Doctrine” of limited sovereignty for countries in the hemisphere, “Ottawa ignored the implications for Canada’s own sovereign rights under this expanded Monroe Doctrine.” (136) The policy meant that the United States felt it could move against “un-American” economic and political systems with impunity. The Canadian Ambassador to Chile even went so far as to suggest that the country needed Pinochet’s “particular kind of discipline”. Only an impassioned eulogy in the House of Commons by the New Democrats manage to shame the government for their support of a military dictator against the people. For a full discussion, see McFarlane (1989), 132-145.
government was to continue in other areas of foreign policy. The first, most frequent, and longest protests against this and other such policies emerged from trade unions, sections of the press, and Canadian churches, all of which were now firmly behind the battle for social justice in Latin America. Ottawa’s problem was therefore to respond to protesters and activists while maintaining a façade of agreement with the United States and thereby not imperilling bilateral relations. Thus, between March 1978 and May 1979, the Central American Embassy in San José, Costa Rica, and the Department of External Affairs moved expeditiously to gain a more grounded understanding of the developing situation in El Salvador.

Repeated fraudulent elections in 1972 and 1977 invoked significant reactions from the international community. Soon after General Carlos Humberto Romero’s inauguration in 1977, he implemented new repression measures specifically aimed at an active Catholic clergy and the countryside experienced increased persecution. In a very short time, Romero and his supporters began physically eliminating any dissenters, popular organizations, and moderates. This confronted Canada with a problem for its diplomatic relations, if it was to be true to its tradition of human rights in foreign policy. For years, the Canadian government had been carefully “supporting the development of international norms of human rights” and encouraging broad adherence to them. However, the situation in El Salvador was a complex mix of international humanitarian observance and national interests about which Ralph Reynolds, the Central American Ambassador during the mid-1970s, seemed cautiously optimistic in his report on a February 1978 visit to El Salvador. He observed that the situation had calmed from the year previous and that the expected repression had not unfolded: “[I]ndeed [Romero] has been fastidious in maintaining law and order with the minimum use of force or even the threat of force.

77 For instance, Don Jamieson (1977), Address by the SSEA to a joint meeting of the Canadian Human Rights Foundation, the Canadian Council on International Law, and the Canadian Section of the International Commission of Jurists, Ottawa, 26 October.
and […] has made genuine efforts to project an image of dedication to the principle of human rights.”

Reynolds pointed out that the American Ambassador, Mr. Devine, was impressed with Romero’s attentiveness to human rights, although it was supposed that some of the changes from the Molina regime were “purely cosmetic.” The Canadian Ambassador’s final assessment was one of cautious endorsement, believing that Romero would do a better job maintaining peace and security than the previous president, Molina.

These sentiments changed as the conflict worsened and statements made by the church divulged to international observers that the “slight improvement in relations between Romero and the church […] were] already at an end.” However, this general sentiment of caution pervaded much of the communications between the Embassy at San José and Ottawa. In his final letter of June 15, 1978, Reynolds reviewed his previous communications and expressed what he called his now “pessimistic” view that El Salvador was the sick man of Central America. He observed Salvadoran appointees like its Ambassador to Costa Rica, also concurred, being “despondent” about the situation. What is evident throughout these early years is that there was an intense interest in fashioning responses to mitigate American displeasure. For example, while the kidnapping of wealthy industrialist Ernest Sol Meza and Luis Mendez Novoa was observed with great interest, there was little acknowledgement of government actions against the majority population. Instead, government assessments stated that such violations “would begin” if the kidnapping of the wealthy continued. This stance was in complete opposition to solid evidence provided by national and international human rights organizations operating in the country that repression had already begun.

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78 Canada (1978), Letter to the Under-Secretary of State for External Affairs Ottawa, Re: Political, Economic and Security Situation in El Salvador, 1 March.
79 Ibid.
80 Canada (1978), Letter to the Under-Secretary of State for External Affairs Ottawa, March-April.
In December 1978, a British Parliamentary Delegation visited El Salvador and produced an assessment very similar to that of the independent organizations. It was the first significant government report to present such a bleak outlook. Their exhaustive eight-day tour included interviews with senior officials, representatives of political parties and trade unions, relatives of the imprisoned, killed or disappeared, and senior representatives from the church, including Archbishop Romero and other priests. The British delegation states:

We cannot avoid the conclusion that day by day individual human rights – not only those of foreign businessmen who have been kidnapped or even killed by terrorist groups – but on a much larger scale of those who voice their disapproval of its policies are being drastically and systematically violated by the government of El Salvador.

The report further states that should these gross violations of human rights continue, they would lead to greater social polarization, which could “only end in violent tragedy reminiscent of the massacres of 1932.” They concluded that the value of international pressure could not be overestimated and was a means considered integral to the Salvadoran people in their continuing struggle for democracy.

A similar report produced by Chargé d’Affaires Christine Lundy was much less scathing than the British report, but even it expressed concern at the steadily deteriorating situation. For instance, she noted that prisoners sought by the Fuerzas Armadas de la Resistencia (FARN) had likely been liquidated. However, Lundy also argued that the human rights situation did not appear to be as severe as it was in several other Central American states. External Affairs took issue with this assessment as they were looking for something more; it was increasingly obvious that

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83 Ibid.
84 Ibid.
85 Canada (1979), Letter to the Under-Secretary of State for External Affairs, Re: Situation in El Salvador, 10 April.
the issue was becoming important in Canada. The department did not appreciate what they described as a lack of discussion and depth of analysis on the human rights situation in Lundy’s report. In responding to the report, Under-Secretary of State for External Affairs, V.M. Edelstein, expressed his frustration at the lack of detail. He and his office were reading other reports, the British one and others including that of a US Congressman’s visit in 1978, which stated that, “In El Salvador, we saw an unrepentant government dominated by the military perpetuating terrorism and a persecution of religion seldom if ever seen in any nation in the Western Hemisphere within living memory.” It was no longer deemed advisable to be receiving information on El Salvador from foreign sources – the government now needed a more reliable, independent, Canadian assessment of human rights.

The government was unsure about how to address human rights concerns even after proclaiming such commitment to them on an international, unilateral level. Minister of External Affairs Don Jamieson in 1977 argued:

> [A]s a priority, we must seek international action and consider bilateral action when there is reliable evidence that the grossest human-rights violations are systematically perpetrated, for instance, genocide, mass murder, and widespread repression.

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86 Quoted in Canada (1979), Letter to the Canadian Embassy, San José from the Under-Secretary of State for External Affairs Re: Situation in El Salvador, 2 May.

87 There is ample evidence that Canada did understand some, if not all, which was taking place in El Salvador at the time. In one letter, the Embassy in San Jose opened in frustration, “Somewhat at loss to know what is meant by quote presente crise unquote in ELSAL. ELSAL is in almost permanent state of crisis.” Canada (1979), Letter to Exterior Affairs Ottawa from San Jose Re: Situ in ELSAL, 15 March. The Embassy at San Jose also sent a letter to all Canadian citizens within the country warning them of the dangers of remaining in the country but also informing them of evacuation plans in conjunction with the American Embassy. Canada (1979), Letter to Canadian Citizens in El Salvador from Christine Lundy, Charge d’Affaires, San Jose, 8 May. Canadians were in fact integrated into a US Embassy emergency warning system which would secure their evacuation in the event of an emergency. This dependency may have had some influence on Canada’s ability to comment on US meddling as they relied on American lift and evacuation capabilities for the safety of Canadians. By 31 May all CIDA cooperants had been pulled from the country “in view of increasing and indiscriminate threat to all foreign personnel.” Therefore, once again, Canada was amply aware of the human rights situation in El Salvador. Canada (1979), Letter to Exterior Affairs Re: Security of CDN Citizens in El Salvador, Ottawa, 31 May.

88 Canada (1977).
The Canadian government was slow in catching on that citizens were not protesting international human rights violations in countries solely “where they have relatives or friends.”89 They were pressuring the government on political, moral, and humanitarian principles. Therefore, Lundy was accurate in her assessment that church groups and other parties would be concerned about Canadian actions in El Salvador and that they would scrutinize CIDA’s aid and development initiatives to determine whether they facilitated the process towards human rights observation or whether aid to a country that violates human rights would be viable. While the government reassured people that it was “very concerned” and expending “its best efforts” through political channels to promote negotiated resolution, the Canadian public wanted something more: they demanded action.

By the early 1980s, MPs on the Sub-Committee for External Affairs and National Defence were also frustrated with the slow government progress in formulating a Salvadoran policy. The Canadian government continued to receive any non-governmental reports with healthy scepticism and even backed down from outright support to United Nations condemnations. First, what is interesting to note is that although the Canadian government remained unresolved, citing insufficient international collaborative evidence, the International Committee of the Red Cross (ICRC) had identified the Salvadoran situation as civil war.90 Local and international NGOs had also declared and applied IHL to the situation and, in August 1981, Mexico issued a joint declaration with France calling for recognition of the Salvadoran

89 Ibid.
90 Furthermore, the Canadian government was not ignorant or unaware of the Red Cross’ assessment as in 1981 it set aside funds for the ICRC to provide aid and emergency relief to displaced Salvadorans and others suffering from the effects of the violence.
revolutionary opposition – the FDR and the FMLN – as a representative political force. By stalling on the subject, the Canadian government was effectively supporting the Salvadoran government and American involvement, both of which classified the continuing violence as a domestic disturbance. In addition, what had been identified by the Department for External Affairs as a necessity for an independent Canadian assessment of the situation in 1979, was cited by MacGuigan in 1981 as a reason for the lack of “strenuous” denunciation of U.S. military aid to the Romero regime, even though Canada was officially opposed to such actions.

**Impact of Public Opinion on Canadian Foreign Policy**

Nobody had ever seen any Canadian, except a soldier, who had been in Vietnam. But you’ve got thousands who’ve been to Nicaragua for the crop [as volunteer coffee-pickers], or as missionaries. It’s a different lobby, or presence. Nothing in our experience has prepared us for that. – External Affairs Official

Information coming out of El Salvador from human rights organizations under the protection of the Salvadoran Catholic Church began to reach the Canadian public in the late 1970s. With this data, citizens now had the facts (unlike the gunboat diplomacy of 1932) with which to challenge the government on their stance and demand changes. Furthermore, the Salvadoran lobby was different from that for Vietnam in that many Canadians raising their voices had first-hand accounts gathered in solidarity, study, and fact-finding tours. These actions also challenged the long held perception that Central America was a US preserve dominated and dependent on US

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91 This joint declaration was an incredibly important step in making international law ‘stick’ in El Salvador. Not only was the FDR-FMLN acknowledged as a legitimate force but this meant that France and Mexico recognised the applicability of non-international IHL and that this opposition had a right to sit at the negotiation table for any agreements.
94 LAWG (1984), 35.
companies and interests. Through the latter part of the twentieth century, Canada also developed a larger reputation for human rights monitoring and peacekeeping operations. Cognisant of that more recent heritage and with a growing sense of global responsibility, citizens had the ability to present information, concerns, and alternative policy suggestions to incumbent Members of Parliament (MPs), some of whom were more responsive than others. The main concerns for activists, religious workers, and academics during the early 1980s were the elections and election observers, ongoing massacres, the arms supply, the process towards a negotiated settlement, and the plight of refugees.

Groups concerned with the region also wanted to highlight the necessity for a truly Salvadoran resolution to the conflict. Studies and working groups drew attention to the tendency that, when North Americans dominated the discussion, issues tended to be skewed in terms of East-West tensions and the Cold War climate. Many emphasized the need to conduct more bilateral talks and find ways and means to approach the negotiating table that were truly Salvadoran. This also applied to those commentaries more broadly focused on the resolution of Central American conflict. As MP Maurice Dupras succinctly argued, “a Latin American view of Latin American reality is precisely what is needed.”

95 The Wilson Centre in Washington, D.C., the ICCHRLA, CAPA and MP speeches have made these observations.
96 Maurice Dupras (1983), Address: “In Search of Central American Alternatives: A Proposal for a Latin-Canadian Initiative.” To support this argument he notes Gabriel García Márquez’ comment while receiving his 1982 Nobel Prize for Literature: “The interpretation of our reality through patterns not our own serves only to make us ever more unknown, ever less free, ever more solitary.”
Canadian Church Organizations

The increased interest of Canadian Churches with the actions taken by their counterparts in El Salvador began with the Liberation Theology movement in the late 1960s. However, three basic changes occurred in the early 1970s that served to realign Canadian churches on the matter of foreign policy towards the country. First, Canada faced a new agenda including economic, environmental, and social questions to which churches had a more defined idea in line with their theological interpretations. Secondly, this theological approach created a disjuncture between the goals and ideals of Church and State. There was also a very deep reassessment by churches of their own approach to the world and, as had taken place in the Latin American context, they found that this called for a greater realignment with issues of social justice.

Development and change in church actions in relation to government and foreign policy was the touchstone for 1970s mobilization as they were emerging from two decades of internal reappraisal. Consequently, with the growing awareness of the situation in El Salvador and in Central America, new ideas and organizations emerged. Mainstream denominations began to encourage greater inter-church dialogue resulting in a proliferation of inter-church organizations. Additionally, in response to a call from Pope John XXIII for missionary work to be reactivated in Latin America during the 1950s, numerous Quebec priests and lay workers went to the region and forged a special “Latin” bond with the people. This may also be what later led the FMLN to announce that Quebec was providing support to their cause. The early church support committee for the situation in Chile during the 1970s changed its name in 1977 to the Inter-

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97 The churches being referred to here are mainstream churches with international ties. Some smaller church groups also became heavily involved but participated through organizations representing Christian-based policy options.
98 Stevenson (2000).
100 Quebec was in fact providing funds to support refugees in camps with food and emergency supplies.
Church Committee on Human Rights in Latin America (ICCHRLA) to better reflect its growing interest and necessity for research and support.

ICCHRLA declared their goal to be one of peace:

Our response and the slow empowerment which comes through experience, through engagement and social and political action has only begun. Canadian Christians are challenged [...] to oppose the repression, its political, military and commercial foundations and supports.¹⁰¹

In keeping with these goals, an ICCHRLA Newsletter was issued every month to better communicate with church groups, the wider public, and to “promote the building of an effective solidarity.”¹⁰² It also organised conferences such as the 1980 Canada and Latin America in the 1980s: Alternatives for Development, which attracted a large audience. In their assessment, “the Conference was characterized by a profound revulsion against dictatorship and repression and a deep, mental, spiritual and emotional commitment to change.”¹⁰³ Repeated visits to El Salvador by the ICCHRLA and other Canadian church investigators resulted in reports conveying their findings to MPs and the Secretary of State for External Affairs. In addition, frequent newspaper articles would feature critiques from Church sources because these organizations carried enough credibility to withstand accusations of bias and inaccuracy from government bureaucrats in the Department of Foreign Affairs or even the Minister himself.

Once violence broke out in 1980, the ICCHRLA began to include a critique of Canada’s foreign and economic policy in the region in their reports and publications. ICCHRLA denunciations along with the flow of refugees into Canada began to cast the government in a negative light. In a special Globe and Mail series entitled, “Cross and Conflict: The Catholic

¹⁰² Ibid., 1.
¹⁰³ Ibid.
Church and Central America,” ICCHRLA, along with Canadian Catholic representatives, discussed their well-founded position for El Salvador. Minister MacGuigan had accused the Canadian Catholic Church of taking a position contradictory to the Vatican. Not only was this refuted but they presented strong evidence, again collected by Salvadoran Catholic human rights and legal organizations. These church organizations had worked with MacGuigan the year previous to develop public policy expressing opposition to foreign intervention in El Salvador. They were therefore strongly disappointed that this carefully crafted position was so quickly reversed “on the basis of evidence submitted by one of the countries whose military intervention Mr. MacGuigan opposed only a few months ago.” Not only did Church groups speak out but so too did academic groups, solidarity movements, and ‘regular’ citizens also raised their voices when this sudden policy reversal regarding American operations and interventions took place. Comments that people were sending more letters over the issue of Salvador than any since Vietnam or Biafra, however, were quickly dismissed by External Affairs, a spokesperson for which said that 150 letters a week was certainly not unusual for a ‘hot button’ issue.

These organizations kept on working with the government through meetings, communications and briefings, however, in an attempt to influence Canadian foreign policy. A 12 June, 1984, report states,


105 There was also an implication that Canada had no embassy in El Salvador to get them direct information while the Canadian Catholic Church had direct links with Catholic organizations in the country. In other words, they were using Salvadoran sources while MacGuigan was accepting unseen intelligence from the Americans who themselves acquired disappearance and death tallies from newspaper sources. The problem of gathering information counts from journalist reports include: self-censorship; death threats influencing reporting; government influence over media outlets; editorial decision-making over which stories to print; and the probable ignorance of more remote, less interesting or politically contentious cases.


We are pleased at this time to continue the dialogue regarding Canadian policy and Central America, [...] for the ongoing exchange at the highest levels regarding Canadian policy. Further, we wish to note and affirm initiatives which the Minister has undertaken since our meeting of October 11th, 1983.  

Top of their list of priorities for El Salvador were the elections that had failed to reduce the internal conflict or smooth the complexities of a solution to the civil war. They were also concerned that human rights sources had observed that more “killings and other violations of human rights involving government forces” had reached their highest levels under President Napoleón Duarte since the 1979 coup. In order to ensure that the information they were passing on to the government in the hopes of action was as accurate as possible, ICCHRLA had also sent personnel to visit the region in 1984. This visit served to confirm “in detail” the grave situation of human rights. Such delegations believed that they were having an effect on the policy of the government and felt safe to acknowledge the progress that was being made towards these matters. What this stance represented was a moral approach to Canada’s foreign policy; a position often been repeated in more secular terms of Canada’s responsibility as a middle power. Church-affiliated groups in Canada were committed to speaking out about the situation in El Salvador for its own sake and for that of Canadians themselves: “[W]e wish to stress our conviction that the security and well-being of Canadians will be best served when fundamental social justice, respect for human rights and peace are won.” The disapproval of inaction expressed here was an excellent resource, it turned out, for the Canadian government to apply when they expressed their own displeasure with the lack of improvement in El Salvador and offered their services in a negotiated settlement.

109 Ibid., 5.
110 Ibid., 27.
Academic Representation

Academic associations arose in the early 1970s to foster interest, studies, and understanding of Latin America to go along with Trudeau’s foreign policy plan of developing “closer relations with Latin American countries on a basis of mutual respect and reciprocal advantage” to “enhance Canadian sovereignty and independence.”\(^\text{111}\) The Canadian Association for Latin American Studies (CALAS) expanded Latin American studies in several Canadian universities. The Canadian Association for Latin America (CALA), founded in 1969, promoted business sector interests for potential bilateral trade. Finally, Canada-Caribbean-Central America Policy Alternatives (CAPA) was established to promote academic and independent researchers as well as facilitate networking among interested parties. All began to comment regularly on pertinent affairs as well as provide testimony and recommendations to Parliamentary Committees and MPs, publish papers and briefings to educate the public, host conferences as a forum to exchange ideas. Canadian universities played an influential role in the development of relations with Latin America and the Caribbean. Not only did they contribute to the greater body of academic research but they produced, in addition, two major background papers to aid the Sub-Committee’s better understanding of the situation.\(^\text{112}\)

A group of University of Toronto students associated with the United Church started the Latin American Working Group (LAWG) to look at Canadian connections and actions in the region along with its historical operations. It was designed to hold a core number of researchers, writers, and academics who would provide significant commentary and action throughout the 1980s on Canada’s continuing role in Central America. It later also built ties with Catholic


\(^{112}\) Maurice Dupras (1983) acknowledges the importance of these commissioned works: “This work proved of direct and practical benefit to us in the formulation of our work and stood as an example of positive cooperation between academics and policy makers.” Maurice Dupras (1983), “Canada’s Relations with Latin America and the Caribbean,” Notes for an address at the University of Manitoba, 7 April.
activists and missionaries who had been observing the transformation of ministry in Latin America to one of liberation. Other organizations that started to work along with them included Oxfam, which would later organise its own education mission for Members of Parliament to visit a Salvadoran Refugee camp in Honduras.

LAWG is one good example where academics, researchers, and religious workers cooperated to provide information and inform the government of human rights concerns in the region. It carried out a variety of research and education programs including the series, LAWG LETTER, to broadcast their information more widely. It put emphasis on network building by working with the Canadian trade union movement, which also publicised occasional protests and boycotts in favour of Salvadorans as well, and ecumenical church projects. In their Anti-Intervention Handbook, for instance, LAWG simply and concisely argued for Canadian interest in the region. They stated, “[W]hen Canadians stand up for principles like ‘respect for international law’, ‘self-determination’ and ‘non-intervention’, it is our own interests that we are defending.” The group argued that Canada has a responsibility as a state neighbour as well as a member of international institutions that increases Canadian liability in the region. For each of the Central American states they provided a brief overview of the situation and interpretation of contemporary events as well as suggested policy developments. For El Salvador, LAWG described the democratic climate following the election of Jose Napoleon Duarte on 6 May, 1984 and provided reasons they regarded these elections as faulty and without significant merit. While Duarte’s willingness to enter into dialogue with the FDR-FMLN helped legitimise his regime


internationally, “Duarte’s ability to negotiate is extremely limited by the powers he represents.”

LAWG also spent a great deal of time discussing possible Canadian responses to the human rights violations, to American interventions, and to alternative negotiations such as Contadora. Like many other concerned organizations at the time, LAWG suggested that the role of the international community could be decisive in the mediation of Central American conflicts but also that Canada had its own unique role to play. As far as an independent approach to El Salvador on Canada’s part was concerned, the Conservative government was hesitant but independent initiatives by Conservatives MPs were also able to play a role in slowly bringing about greater involvement of Canadians in the peace, observation, and verification process.

The Canada-Caribbean-Central America Policy Alternatives (CAPA) was another active academic organization organised in 1982. It brought together researchers and academics interested in Central America and formed a network among regional research centres and independent scholars along with similar groups in the United States and Europe. Its stated objectives were:

1. To encourage and help coordinate Canadian research on the region and on Canadian ties with the region.

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116 Contadora, named after the Panamanian resort island where the first peace talks took place in 1983, is the peace effort developed by Mexico, Panama, Colombia and Venezuela. It was developed in response to United States efforts to isolate Nicaragua and intervene in other situations. Activities by European powers and a peace mission led by Canada MP Ed Broadbent through Socialist International all failed to have any influence.
117 These suggestions were tempered with a recognition that Canadian observers, should they be offered as a part of the peace process, would have to work to ensure that their involvement would not be a repeat of Vietnam where Canadian observers became known as agents and allies of the American operation. (Ibid., 29).
2. To disseminate, to wider audiences, the results of research which might have an impact on public policy.
3. To formulate both broad and specific alternatives for Canadian policy towards the region.
4. To cooperate with other organizations interested in Caribbean and Central American affairs.
5. To support the activities of researchers in that region who are working to develop social, economic, political and cultural alternatives.\textsuperscript{118}

CAPA accomplished these goals by releasing periodic publications and, what they called the “CAPA Memo,” – a series of briefings, newspaper clippings, and development memos. In addition, they also provided information to interested MPs, entered into dialogue with the government on several fronts, spoke at Parliamentary Sub-Committee meetings and organised conferences and panel discussions.

One such panel discussion held in 1982, entitled \textit{El Salvador: Canada's Position}, brought together a history professor, a member of parliament at large who was also an Anglican priest, and who was familiar with labour movements having worked in a factory, a member of parliament who sat on the Sub-Committee on Canada's Relations with the Caribbean and Central America (but emerged with a dissenting opinion), and a representative of the RDF. Their goal for this panel discussion was to create dialogue and educated the attendees regarding the merits of opinions on all sides.\textsuperscript{119} What the presentations from two MPs who had separately visited El Salvador and Salvadoran refugee camps managed to do is educate the audience but also demonstrate the wide range of opinions on Canadian policy. Although both had participated in the Sub-Committee discussing these very subjects, and produced the final 1981-1982 analysis presented to parliament, neither agreed in any aspect other than something needed to be done.

\textsuperscript{118} CAPA (1984), \textit{Brief on Canada and Central America}, 29 March, i.

\textsuperscript{119} Unfortunately, it seems that the MP officially representing the four person delegation to El Salvador at the meeting, Ken Robinson, was not a popular figure and often had to be protected from jeers and comments by the moderator which distorted some of what he had to present.
With such varying opinions within the Sub-Committee, the complexities of the relationship were thrown into sharp relief.

CAPA developed out of the growing academic interest in Central America and maintained this very academic structure throughout. It played a very important role in bringing together academics who wanted to do advocacy work as well as research. It operated alongside the Jesuit Centre for Social Faith and Justice and so also collaborated with them on several occasions to suggest policy alternatives. Its research interests concerned Canada’s political relations, investment and trade in the region, bilateral relations with the United States as they affected regional policy, and “community economic and political power in the Caribbean and Central America.” Once the research area was firmly established, CAPA also turned to more thorny areas such as militarization, aid, and trade in the region as it pertained to Canadian foreign policy.

**Dissenting Government Voices: The Ability to Act**

Four MPs who were consistently outspoken and promoted solutions in line with the counter-consensus were Flora MacDonald, Dan Heap, Ed Broadbent, and Maurice Dupras. All were concerned with Canadian foreign policy regarding El Salvador and hoped to persuade the government to follow a better, more balanced approach. MacDonald was concerned that the government accepted so readily the American description of the armed opposition as ‘Communists’: “I met some of these people and they seemed anything but radical in their presentation. I could understand the concern they have in a country where people are economically depressed.” She was also in firm agreement with the recommendations of the

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1981 – 1982 Sub-Committee when it expressed strong reservations about the worth of national elections before some sort of de-escalation of conflict could be achieved:

[I]t ought to be clear to even the most prejudiced onlooker that El Salvador is further than ever from peace. [...] [I]t is a ‘tragic fact that the exercise of the right to vote does not by itself guarantee the basic human rights of Salvadoreans.’

However, she was most disillusioned that the government consistently failed to use their political currency and good offices to influence international institutions such as the International Monetary Fund towards a more sensitive role in the region.

Dan Heap, MP for Spadina, was much less measured in his expressed opinions on the Salvadoran situation. He acknowledged outright that he had a bias on behalf of the working people. Speaking before the first set of elections in 1982, Heap argued that while he also possessed a bias in favour of elections, those which were to take place in El Salvador were not conducive to the development of a peace process. He had visited Salvadoran refugee camps in Honduras through Oxfam-Canada.

There were numerous accusations circulating about Honduran refugee camps being used by Salvadoran guerrillas, especially from Honduran government officials and the colonel in charge of national intelligence, but without actual intelligence. Heap, along with fellow participant MPs Roy Wanan and Joe Lee, came to the conclusion after their travels that “equal participation is not a possibility [in the upcoming elections] from the information we received. ‘A ritualistic election will produce a democratic

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122 Flora MacDonald (1983), Notes for Remarks to the Latin American Symposium, Carleton University, Ottawa, 7 October.
123 This trip was arranged by Oxfam-Canada in 1981 to take four MPs, one from each political party, down to visit Salvadoran refugee camps in Honduras and acquaint them with the situation through interviews and meetings with residents, aid workers and religious volunteers. They also met with Honduran government officials.
124 Heap reported how the Colonel responded to questions about proof of guerrilla activity by saying “well, I don’t have any personal knowledge but I read it in the newspapers.” CentreStage Theatre Archives (1982).
façade for continued military oligarchic rule and its attendant implications. The situation in El Salvador will not be altered for the better – we urge Canada to reject the offers to participate in the election and indeed to repudiate it.”

Another MP to make frequent statements in favour of a distinctly Canadian approach and policy towards Latin America, Central America, and Central American countries individually was Maurice Dupras. He was intent on Canada continuing its own philosophy of international relations and socio-economic development and felt that this was in line with the desires of Canadians for practical action. On issues of human rights as an unacceptable interference in the internal affairs of other countries, he, in conjunction with the Sub-Committee, rejected the view. Dupras declared:

[W]e did so on the basis of the fundamental principle that human rights repose in individual human beings and not in states. We did so on the basis of the Universal Declaration of Human Rights and subsequent protocols and conventions which represent the beginning of an international law of human rights. And we did so because we were fully persuaded that the denial of human rights is one of the most powerful destabilizing forces in contemporary international relations.

As a result, on many occasions he urged greater participation in the hemispheres and membership in the Organization of American States (OAS) to better utilize Canada’s influence and contribute to its stabilization. He was in full agreement with the suggestions and recommendations of the Sub-Committee, which was thought to have contributed an independent Canadian perspective on potential solutions. During a trip down to El Salvador, for instance, Dupras was outspoken in his conviction that elections would not improve the human rights situation or other problems.

125 Ibid.
126 Dupras (1983).
127 Ibid.
128 This visit made headlines. Dupras, as chairman and head of the small delegation visiting with the Salvadoran foreign minister and other officials in 1982, stated that the Canadian general public did not
Stability was to be a primary concern through its human rights, trade and investment, and development assistance policies with a long-term goal to remove the conditions which give rise to dialogue.\textsuperscript{129}

More than just making speeches or sitting on committees, Ed Broadbent took the greatest individual initiative in response to El Salvador’s conflict. When Canada was urged internationally to take a stand on human rights in El Salvador, he acted through Socialist International to attempt to identify a path to negotiated solution. Already in early 1981 he called Canada’s position on El Salvador “the most important foreign policy question currently facing the country.”\textsuperscript{130} He argued that the government should present a firm position against American military aid to El Salvador because to do otherwise was a moral hypocrisy. At the behest of Socialist International, a global alliance of political parties of which he was vice-chair and Willy Brandt president, Broadbent traveled around Central America attempting to raise awareness and potential for a negotiated solution to the Salvadoran conflict. Although the impartiality of the mission was jeopardised by unwise remarks early on, he continued to pursue the participation from country to country. Officials from El Salvador, Mexico, Cuba and the FDR all agreed to meet with the travelling delegation. In the end, however, President Duarte pointedly and publicly rejected any possibility of an international effort to end the war. Guillermo Ungo, President of the FDR, on the other hand, remarked after meeting with the group that “this helps – and finally we will get to a

\textsuperscript{129} ‘It is primarily at the international level that Canada should seek to promote stability by directly addressing security concerns. The mounting violence in Central America, which is threatening to engulf the entire region, arises primarily from internal causes [...] reinforced and spread by the injection of outside ideological concerns and by the provision of military assistance.’ Maurice Dupras (1984), ‘A Canadian Perspective on Political Solutions to the Current Conflicts in Central America,’ Notes for an address to the International Conference on Latin America, Montreal, 17 March.

political solution. Years later, history will say that Mr. Broadbent’s mission and other missions were a success.”

Editorials were also favourable about the mission, considering that whatever the degree of success, the mission had been attempted and Salvadorans could see that the international community was beginning to make a concerted effort beyond the arms provided by the United States. Back in Canada, after blatant rejection on the part of the United States for meetings with Broadbent, the government also refused to condemn the 1982 elections, which it deemed “free,” with the potential to end the slaughter. Broadbent, along with several of the above-named MPs and many Canadians, felt that the government was playing into the hands of government-sponsored terrorists in El Salvador.

**Canadian Involvement in El Salvador, 1980 – 1984**

The Canadian government slowly caught on to what informed Canadians were saying with regards to the situation in El Salvador. Canadians wanted a clearly articulated government position. The most preferable direction would be one in which Canada stopped “acquiescing” to the United States on the issue of human rights and to stop making a distinction between arms provided to combatants and American arms provided to American-favoured combatants. Thus, speeches and reports became much more cautious in their commentary, while at least stating that things were changing. Lubbock and Miller argue that Canada did not approach the nation or indeed the region with any sort of “salvation” in mind. Rather, Canada was more interested in mutual benefits that middle and small power realities could share. This idea also dominated Canada’s approach to human rights commentary: it spoke out but not nearly as boldly or as frequently as agitating parties within the country wished. Occasionally it would pursue quiet diplomacy through international channels, such as the United Nations, but to emphasise its

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disagreement with the gross violations in El Salvador, it did cut aid to that country from 1981 until 1986. Canada did have a unique set of opportunities which it put to use with varying degrees of success, although it was never what many Canadians thought the middle power should be: creative and imaginative.

**Independent Mediator for Conflicting Parties**

The request for Canada to act as an independent mediator was issued on numerous occasions. The FMLN and FDR leadership was frequently quoted as hoping that Canada would be able to help them find a solution because Canada was, again, a country to be trusted as a party that was considered to treat all fairly. Canada did offer to mediate at one point in early 1981, but this was rejected in favour of upcoming elections. By the mid-1980s, the government began to accede to many of the demands being issued by concerned NGOs. In 1984, Canada presented independent commentary on various security and control aspects of the Contadora Peace Document requested by the Contadora Group in the autumn of 1983. Here it also acted in an advisory position during subsequent negotiations. However, as this was a state-dominated process and not one that involved armed opposition groups it was not a successful endeavour. Later Canada also resumed its previously suspended aid to El Salvador in the hope of greater movement towards peace.

**Election Observation**

Elections are an important step in the process of democratic development but can also be vastly over-estimated in their impact on the political-economic situation within a state. Elections

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133 Representatives from the Revolutionary Democratic Front (FDR) also stated that if Canada was going to be taking an interest in the situation, officials should talk to both sides in order to better facilitate and ‘understand’: “it’s not correct for the Canadian Government to take a position without hearing both sides.” Moses (1981), 13.
134 As certain aspects of IHL apply to all parties in a conflict, acknowledging their equal participation and responsibility for violence, a solution can not truly be negotiated without inviting all parties to the table.
represent only one of many ways in which citizens can influence government decisions and work towards a more just society. Shawn Bird and Philip Williams make the point that, when judging the potential impact of elections on democracy in a given polity, we must “consider the opportunities available to citizens to participate in policymaking and to hold elected officials accountable,” as well as the processes by which leaders are selected, if we are to have a proper understanding of the situation. The primary focus of elections in El Salvador during the 1980s was to find some sort of government that would be representative of the people to the degree that it would be able to reduce if not eliminate human rights violations and bring an end to the conflict.

The United States has complemented its actions in a foreign state by promoting electoralism which, contrary to the official line, creates an illusion of reform. In El Salvador this process was designed to rationalize more military aid and provide greater legitimacy for an “exclusionary and repressive” regime. For elections to be free, fair, and competitive they must combine universal suffrage, fairness in voting and the right to organize as political parties and present candidates who will not face any intimidation or threat to life.

The Salvadoran elections project was an intensely debated and very contentious topic in Canada. Some wanted Canada to go immediately to observe all elections, while others were convinced that Canada’s presence for the presidential elections in El Salvador would give legitimacy to a process that was both highly questionable and unbalanced; all left-wing parties

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These elections were especially protested because of the fraudulent history of past exercises and the fact that observers had been invited to be present but not to assess or critique the process. Members of the government argued that not to go would contradict the democratic system because, as a democracy, it could not oppose the attempted process. MP Ken Robinson presented the government position in an early 1982 panel discussion:

[W]e believe that the best method of resolving political differences in any country is by ballots not bullets. Therefore, we support the proposal of the Government of El Salvador to elect a constituent assembly which will eventually lead to democratically elected Government. We recognize that in the present circumstances in El Salvador, the electoral process will not be of the type that we have happily become accustomed to […] however, we believe that the electoral process, even if imperfect, is better than no elections.\(^{139}\)

When the elections did take place, British observers went and were satisfied with the mechanics of the process.\(^{140}\) However, numerous in-depth analyses rejected the acceptable mechanics as a cloak for a systematic reign of terror. The Sub-Committee also took a position against the elections, arguing that to send observers would sanction a flawed system. Instead, unofficial observers or representatives were sent to provide the Salvadorans with a sense of physical security.

Canada did send observers to the 1984 elections and, although newspaper reports of the day told of harrowing experiences and corrupt processes, the Canadian observers returned pleased with the mechanics of the process. Again, numerous organizations protested the observation of the elections, having heard and accepted the reason of left-wing parties for continuing their electoral boycotts. They did so not because they did believe in elections, but because there were

\(^{138}\) Such as the positions of the MPs discussed in the previous section. This position was supported by the counter-consensus and a majority of Letters to the Editor in The Globe and Mail in the year leading up to the 1982 elections.

\(^{139}\) CentreStage Theatre Archives (1982).

continuing assassinations of political candidates. Furthermore, the perpetrators of violence were mostly on the side of the government, thereby further jeopardising those who would participate on the left. Oscar Dada, a representative in Canada of the FDR, stated members of his party and its affiliates simply did not have any kind of faith in elections controlled by the Christian Democratic junta and hoped to pursue elections once a negotiated resolution had taken place. Therefore, the question of democratic elections in El Salvador proved to be a contentious and polemical issue for the Canadian government, because so many people were expressly against any attempt to justify the existing governing power.

Human Rights Observation and Commentary: When is it Civil War?

Part of the human rights verification and enforcement policy was that the Canadian stance was firmly against arms to El Salvador. This viewpoint too was contested on several occasions. First was the blatant contradiction that, although it opposed any provision of military equipment to the country and would “regard any supply of military aid by outside powers as an intrusion in the internal affairs of the Central American country,” Ottawa would not condemn the United States for sending arms to El Salvador. The Secretary of State for External Affairs argued that the Americans had provided him with intelligence which gave him “reason to pause” because it demonstrated a potential connection between the armed opposition group and communist forces. This issue caused a furor for the Liberal government as criticism came from all sides – both outside and within Parliament Hill. MP Flora MacDonald argued that although Canada had spoken out against any foreign intervention in the Salvadoran conflict during the

141 CentreStage Theatre Archives (1982).
December 1980 United Nations meetings, MacGuigan and Prime Minister Trudeau had backed away from that stance after meeting with American representatives. Furthermore, Juan Jose Martel, a member of the FDR’s executive committee, denied that documents in US possession and purportedly lifted from the FMLN, demonstrated Soviet and Cuban support for the opposition groups.

Working in El Salvador created difficulties for the Canadian government, no matter their intentions. Canadian citizens were demanding that their government stand up more rigorously to US intervention tactics and assert itself as a leader on international law and human rights issues, as had so often been stated in public speeches. At the same time, they had US government officials, Secretary of State General Alexander Haig among them, relaying alleged proof of Communist influences among armed opposition groups. These groups denied the connection, denials that were taken up by MPs such as Tory caucus External Affairs committee member Walter McLean, who at one point argued that Christian, social democratic, and intellectual groups were united with communists in the Salvadoran conflict:

If you need arms, you go anywhere you can get them, if the U.S. is arming the junta and the junta is shooting at you. [...] it is a very broad group putting their lives on the line. They’re anything but communists.\(^{144}\)

These statements against evidence provided by the United States were hardly successful. It would have been very difficult for Canadian government officials to expressly reject procured proof without evidence and investigation of their own, something that was still to be forthcoming.

However, as one document demonstrates, the Americans chose to disclose information in a way that favoured their position. A Directorate of Intelligence report from 20 January 1984, “El Salvador: Dealing with Death Squads,” obtained under the Freedom of Information Act in 1987, the document was heavily censored. The information that remains, projected the impression

that the Duarte government and the Salvadoran armed forces had undertaken steps to eradicate death squads and limit their activities. The palliative response reads, “for the past several weeks, government officials have publicly denounced death squads, and military leaders have pledged in the local press to punish human rights offenders.” A less-censored version of the document, procured in 1993, demonstrates, however, that the CIA was not at all hopeful that things would change. Instead key phrases included: “little progress,” “personally disinclined and professionally unable to affect a major cleanup,” with the response to cooperation labelled as having been “mainly verbal.”

**Conclusion**

Two periods of Canadian involvement in El Salvador triggered very different but immediate reactions from the Canadian public. In the 1932 instance, having little idea of where El Salvador was or what conditions there were like, the Canadian public was more concerned with how involvement increased its national image internationally. The lives to be saved were not Salvadoran but British. They also had few tools to react should Canada have decided on the right course of action. In the late 1970s until start of UN-backed negotiations in 1990, there was a new set of tools that could be applied for greater international leverage and results. Both IHL and IHRL were designed to provide an international mechanism to protect civilians from violations. This entails protection from their own sovereign state or opposition forces should there be enough international political will. Thus, in this second instance of concern over Salvadoran internal affairs, the Canadian people had the knowledge, some understanding and the requisite tools at their disposal to better help those needing support.

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Over the years of the conflict, both the government of El Salvador and opposition armed forces made propositions for discussions, perhaps leading to negotiations and peace. The FDR-FMLN would not, however, participate in elections until negotiations had been held. Archbishop Rivera y Damas called for elections to formalise a democracy that would demonstrate respect for people’s lives, permit political participation without fear of consequence, and grant the right to form political or other parties and organizations without fear of reprisals. Visiting representatives of the armed opposition forces also issued these concerns while in Canada. Oscar Dada and Guillermo Ungo both requested meetings and talks between all involved parties and suggested that Canada could help with the mediation process: “We are winning the war and they don’t want political negotiation.” Whether or not that statement is correct is not as important as the social justice issues behind it. The official stance of the Canadian government was that the elections would help.

Unfortunately, the elections did not end the situation or even help to mitigate its effects. However, the concerns and contributions of Canadians were now visible to conflicting parties in El Salvador and other parts of Central America, and so they felt able to call on Canada as a neutral party to help with attempts at negotiating peace processes. In July 1984, an official request was issued by Contadora for Canadian comments on the verification process. These were

146 Oscar Dada. CentreStage Theatre Archives (1982). Ungo, a leader of the Salvadoran opposition (FDR), visited Vancouver in the hope of persuading a greater number of Canadians to support them. Here he called for three-way negotiations among the opposition, the junta and an acceptable mediator like Canada. “Canadian policy [on El Salvador] has changed every two weeks or two months…I have hope.” Thomas Walkom (1981), “Salvador Politician ‘has hope’ for Canada,” The Globe and Mail, 6 July, 13.

147 Ken Robinson, as part of the official Sub-Committee delegation to El Salvador, met with General Garcia about the violations that continued to be perpetrated by members of the military and government forces. Here they were presented with ‘solutions’ they were implementing in response. Robinson argued that it was on the basis of representations made by Canada and other similar-minded countries that actions were being taken against anyone in the military who had committed a violation of any kind. In response to laughs and jeers, Robinson got defensive, “well this is what they are trying to do. Well its not perfect, I guess but it is a step in the right direction. They are at least trying to do something about it, these massacres and atrocities.” CentreStage Theatre Archives (1982).
submitted 23 August and included suggestions regarding the basic criteria for the establishment of a Control and Verification Commission (CVC). A total of four additional comments were added to confidential reports on security elements of a second draft and proposed Tegucigalpa amendments. While a meeting of the Executive Commission of Foreign Ministers indicated its intention to invite Canada as one of three states to form a ‘technical auxiliary group’ in order to design a mechanism for verification and control under Esquipulas II, this never took place.

What can be seen here is that groups that pushed the Salvadoran issue to government attention in the early 1980s made a Canadian presence in the hemisphere more visible. Thus, as the government began to respond, so did other states and opposition parties. Canadian government did not maintain the momentum, however, as the first four years under Prime Minister Brian Mulroney relegated the issue to low priority status, largely because of internal disagreements between Mulroney and External Affairs Minister Joe Clark. Nevertheless, what has been demonstrated here is that, using the right tools and approach, groups with concerns over aspects of Canadian foreign policy can have an impact on its application and reformulation.
Chapter 6: Conclusion - IHL, Violation Records, and Third Parties in the Peace Negotiation Process

It is so important to find little things that can keep [bigger] things rolling. We should be looking in every nook and cranny for areas in which we can contribute.

-The Right Honourable Joe Clark (1988)

Third-party observation of IHL and human rights have become increasingly important to conflict resolution as civil wars take on a greater number of international actors. The political will to find resolution is integral to that process. An engaged approach on the part of the international community, its continued involvement, and its concern in finding resolution through negotiation is also a substantial contributing factor. However, war is not conducive to moderate judgements or coherent approaches. Furthermore, implementing peace is far from easy. Human rights violations now take place as a strategic battle tactic. Although it is widely accepted that their observation and documentation is necessary for resolution and reconciliation, difficulties arise in project implementation. Resources are needed and networks must be built to back up the symbolic strength and presence of the international community. In other words, it is a considerable investment on any level to try to achieve a degree of peace through negotiation, mediation, and the observation of human rights.

This is where solidarity networks, which emerged in the early 1980s all over the world, exert some influence. Liam Mahony and Luis Eguren sum up the climate thus: “International solidarity brought together the socialist tenet, ‘Workers of the world, unite!’ and a global extension of the religious demand to ‘love thy neighbour.’”1 It was not a new concept, as peace and human rights activists had employed these ideas for centuries. However, the intersection of

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Liberation Theology’s preferential option for the poor, state violence against civilians, and an awakening global culture inspired “unprecedented international support movements around the world.”

Handed new tools with the codification of Additional Protocol II and the promulgation of International Human Rights Law, those concerned about the safety of civilians in war had new legitimacy to press their concerns. Were these tools to be implemented more widely, preliminary results in El Salvador may provide useful examples for their constructive applicability.

The first responsibility of the international community, in the case of El Salvador, was to disseminate the basic tenets of IHL and IHRL as widely as possible. All parties and civilians needed to be aware of these tools so that violations might be identified when they occurred and steps taken to report the contravention. Recognition by France and Mexico of the FMLN as a legal political force, for instance, allowed international and national observers to start applying IHL to the conflict by using its provisions to document violations and then propagate that data to influential constituencies. The concern of the international community regarding the respect of IHL has been reflected in the universal ratification of the Geneva Conventions of 1949 and Common Article 3, but the recognition for their implementation is often slow in coming. It is sometimes suggested that, should states be more pro-active in recognizing the existence of a conflict, more could be done to head off violations and facilitate a negotiated solution. A former FMLN comandante, José Castañeda, proposes that future conflicts learn from mistakes made in El Salvador:

Rather than attempting to decide whether the war in El Salvador was a low- or high-intensity conflict, it would have been far better for them to have accepted that it, like any war and regardless of its size, needed to be negotiated to an end as quickly as possible.

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2 Ibid.
Countries in Europe, unlike the United States, were committed to a policy of mediation, a set of policies that, although limited, allowed dialogue to take place from 1980 through 1989. After the increased violence of the latter years, however, it was finally acknowledged by the warring factions themselves that no military resolution would be possible. They were thus willing to invite a mutual party to act first as facilitator and then as official mediator in the negotiation process.

From early 1980, success in peace negotiations depended on the willingness of the government of El Salvador, the FMLN-FDR, the US government, the United Nations, and the international community to actively participate. All parties had to agree on the central issues and the leading problems to be addressed. The Socialist International attempted in 1981 to establish a forum for dialogue in Panama at the invitation of General Omar Torrijos. The FMLN-FDR was willing to attend but the government declined Ed Broadbent’s overtures with derision. In Broadbent’s final report, he concluded that a willingness on the part of the United States was needed before any shift in realpolitik could take place. Canada, with its strong bilateral relations, along with its growing interest in Central America, was lobbied at home and abroad to facilitate international talks on potential resolutions. For instance, Enrique Iglesias, Executive Secretary of the Economic Commission for Latin America, urged: “Canada has a tremendous capital of goodwill built up in Latin America. You should use it.”4 Others such as Minister MacGuigan, on the other hand, felt that Canada should continue its moral support to the Salvadoran government only if the regime continued its internal reforms.5

As a result of these developments, a parliamentary sub-committee was struck, which recommended that the Canadian government’s primary policy should be the promotion of

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4 Recommendations in Canada (1982), Final Report to the House of Commons, Canada’s Relations with Latin American and the Caribbean, House of Commons Standing Committee on External Affairs and National Defence, 23 November, 7.
stability in the region accompanied with the observation and endorsement of human rights.\textsuperscript{6} This recommendation was eventually implemented. Again, in 1988, with no end in sight to the Salvadoran conflict, the sub-committee held more hearings and issued further recommendations for Canadian involvement. At those hearings Jean Christie argued, yet again, that the Salvadoran people needed protection because of the gross violations taking place: “You are risking your life in El Salvador to do organizational work with the poor. You are similarly risking your life to continue living in areas considered to be under the influence of the FMLN resistance.”\textsuperscript{7} Although she made further suggestions regarding Canada’s potential role in the process, the sub-committee equivocated somewhat.\textsuperscript{8} It suggested that the region deserved continued Canadian attention and that peace required development and democracy above all: “[N]egotiations, not further violence,” it stated, “are the only acceptable way to address these conflicts. [A] regional peace process by and for the five countries of Central America should be welcomed and supported by the international community.”\textsuperscript{9}

Meanwhile, the Salvadoran Catholic Church also mediated various forms of dialogue. Having witnessed human rights violations, it provided documentation to the outside community and furnished its mediation services as one form of dialogue. Monseñor Rivera y Damas coordinated numerous proposals put forward by President Duarte and the FMLN-FDR, bringing them eventually to an internationally moderated forum. The disagreement, which prevented all forms of negotiation from being successful, was a split on how to approach an end to the conflict. The FMLN-FDR wished to establish a negotiated settlement with an immediate international

\textsuperscript{6} Ibid.
\textsuperscript{7} Canada (1988), Recommendations by Jean Christie to the Standing Committee on External Affairs and National Defense, 19 April.
\textsuperscript{8} Principles she suggested include: the need to fund people affected by the conflict and ensuring funding mechanisms do not force local organizations into relationships with their government.
force to record and address IHL and IHRL violations. The Salvadoran government, on the other hand, favoured an electoral process that they felt would prove by whom the people wished to be governed. Thus, once all sides acknowledged, after an FMLN offensive in 1989, that no clear winner would ever emerge, all sides agreed to sit down at the negotiating table and come to a decision. As part of the settlement of conflict, an agreement on human rights was reached whereby the Secretary General of the United Nations was invited to monitor the human rights situation.

It was not, in fact, until civil war in El Salvador had heated up that the Security Council of the United Nations began to concern itself with human rights or IHL monitoring in any specific way. Concern in the international community over IHL was reflected in the Security Council. It began to consider massive violation of humanitarian norms as a threat to international peace and security, increasing the legal obligations of individual states and limiting Westphalian notions of sovereignty. The San José Agreements on UN observation before an official cease-fire, therefore, were unprecedented in their establishment of observations. Since 1981, the United Nations had been involved in fact-finding in the country through two Special Representatives of the UN Commission on Human Rights. While they continued to issue reports, only when ONUSAL began its work did it recognize the full extent of the situation. Nevertheless, the persistent decade of national and international documentation in the region greatly facilitated the UN observation process. ONUSAL gave top priority to cases involving inhumane threats or actions against anyone not participating in the hostilities.

The time was, of course, a very challenging one. External Affairs Minister Joe Clark acknowledged as much in his letter to his Excellency Dr. José Manuel Pacas Castro, Minister of External Relations in 1989: “You have assumed office at a terribly difficult time, as the government of El Salvador faces the challenge of negotiating an end to civil conflict, while
attempting to safeguard the basic human rights fundamental to any democratic society.”

The FMLN was worried that, because the conflict had been so dominated by the relationship between the Salvadoran government and the United States, there would be little balance in the involvement of the Security Council and that the Americans would hijack the negotiation process. However, a group called *Friends of the Secretary General*, including Colombia, Mexico, Spain, and Venezuela, helped to provide a balance outside the Security Council to assuage FMLN worries about American interests. It was important for other parties, including Canada, to remain committed to the ‘uneven’ process of negotiation. What is revealed here, however, is that Canada’s understanding of what needed to be accomplished, and how to accomplish it in El Salvador, evolved over time. Government attention had been re-directed, and better informed on the key issues, by counter-consensus. Although it seemed that, overtly at least, Canada was contributing little to the continuing mediation process, External Affairs and the Embassy in San José had started to collaborate more directly behind the scenes in all avenues made available to them.

What seems clear is that it takes a multifaceted approach to terminate today’s armed conflicts. The Salvadoran experience reveals that there are substantial new tools and spaces for innovation in bringing parties to the table and producing a lasting agreement. New actors on the national and international stage, NGOs foremost among them, are able to apply existing tools like IHL to provide support for civilians on the ground, put pressure on states to participate in the solution process, and enhance the capacities of existing international bodies. What the Salvadoran example also demonstrates is an ability of third-party states to smooth the progress of negotiation without compromising the sovereignty of the country in conflict. Perhaps the most important

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10 Joe Clark (1989), Letter to his Excellency Dr. Jose Manuel Pacas Castro, Minister of External Relations, 6 July.
11 Canadian Embassy in San Jose (1989), Report of unscheduled conversation at 21 June G-77 Reception with Salvadoran Foreign Minister, 26 June.
lesson, however, was that to resolve internal armed conflicts, the process of negotiation must address its fundamental basis: stabilization and reconciliation cannot take place without the observation of fundamental human rights and the reform of repressive institutions.
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**Unpublished Theses**


Appendix A: The Development of IHL Prior to Codification

Armed conflict and its mitigation is of ancient origin. The underlying unity of IHL is seen as grounded on the “basic values of humanity shared by every civilization.”12 There is no society of any sort that has not established its own set of rules or even some vague direction covering the instigation and resolution of conflict.13 As Judge Christopher Weeramantry comments:

They were worked out in many civilizations – Chinese, Indian, Greek, Roman, Japanese, Islamic, modern European, among others. Through the ages many religious and philosophical ideas have been poured into the mould in which modern humanitarian law has been formed.14

Some of these codes and guidelines were written orders while others were more generally developed through practice. Experience also resulted in the first examples of codification in the 19th century either in the national context, such as that of the Lieber Code issued to troops during the American Civil War, or in the European context following the Battle of Solferino. It was a combination of these many early attempts to exercise some sort of restraint in war which has resulted in the treaties and customary law in place today.

Early conflict embodied the mentality of complete domination and victory with a final order of ‘leave no one alive’ or to slay the conquered enemy so that there would be less chance of them returning for another round of battle. A striking example of this is the conflicting methods of the warriors of Sparta and Athens in ancient Greece. Although the Spartans would execute their surrendered enemies freely, the Athenians had an alternative approach to warfare.15 They

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14 Quoted in Chetail (2003), 239.
developed a list of rules of engagement to govern their actions in battle, one of which forbade the execution of prisoners. Even earlier, however, is the declaration of Hammurabi, King of Babylon, “I establish these laws [laws of war] to prevent the strong from oppressing the weak.” Other early mention of laws limiting a combatant’s action in combat include Sun Tsu’s *The Art of War* (4th century BC) and the anonymous Sanskrit text *Manu Sriti* (between 200 BC and 200 AD), both of which forbade the killing of an enemy prisoner during times of war. Instead they both suggested absorbing enemies into one’s own army, enslaving them or offering to return them for ransom. In addition, Sun Tsu suggested the most fundamental principle of all: war should be avoided where at all possible.

**IHL in Western Tradition and Faith**

There are numerous Judeo-Christian and Muslim references to action in conflict. While the Pentateuch, Numbers 31:7-8 states that the Israelites did battle killing every male, taking their women and little ones captive, and collecting the booty of war, other wars were not nearly so unrestrained. 2 Kings 6:22 reports that in response to the Israelite King’s question as to whether he should kill the captured enemies, the Prophet Elisha replies “No! Did you capture with your sword and your bow those whom you want to kill? Set food and water before them so that they may eat and drink; and let them go to their master.” Similarly, in the Qur-an, Surah xlvii, paragraph 4 states that “after the slaughter tighten fast the bonds, until the war lays aside its

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19 Ibid.
burdens. Then either release them as a favour, or in return for ransom.”\textsuperscript{21} Thus, early faith traditions recognized the prevalence of conflict and attempted to mitigate its effects in certain circumstances.\textsuperscript{22}

This conflict between wanting to exercise restraint and the excesses of war carried on into the early Catholic Church. While it did endorse Saint Augustine’s \textit{Just War} doctrine, it also attempted to promote a more humanitarian side. For example, on one occasion the church attempted to restrain violence by limiting the use of certain weapons such as the crossbow.\textsuperscript{23} According to Geoffrey Parker, the foundations forming IHL in the medieval period include: natural and divine law, the writings of Saint Augustine and Thomas Aquinas’ \textit{Summa Theologica}.\textsuperscript{24} The basis of this ecclesiastical idea arose from the “Peace of God and Truce of God” movement of 11\textsuperscript{th} century France.\textsuperscript{25} This resulted from the problem of near-constant warfare experienced throughout Europe at the time. The church tried to mitigate this violence by issuing a series of proclamations restricting the performance of violence. Those protected under these terms were those associated with the church, peasants and the poor generally. The Truce of God also suspended violence during sacred times of the year and lasted from “sunset on Wednesday . . . until sunrise on Monday.”\textsuperscript{26} This peace would be given precedence at certain

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\textsuperscript{22} In fact, it seems that there is an early understanding here of reciprocity where those acting in these early conflicts felt that should they be gracious and generous to their enemies, they might do the same. However, there was also a degree that applied to the higher order of morality. God had directed leniency and grace through the prophet Elisha while the Qur-an advises that Believers have done their duty in showing such clemency as they could in the circumstances of war.
\textsuperscript{23} Krauss and Lacey (2002).
\textsuperscript{25} Declaration of the Synod of Charroux; Declaration of Drogo, Bishop of Terouanne.
\textsuperscript{26} [Truce for the Bishopric of Terouanne], (989 and 1063) “The Peace of God and the Truce of God,” \textit{Readings in Christianity}, Robert Van Voorst, ed., (Belmont, CA: Wadsworth Publishing Company, 1997), pp. 154-155; 154. Of course these observations were never successfully implemented to any great extent and it may seem rather funny that they attempted to make such restrictions in the first place. However, as
\end{flushright}
times of the year in an open-air ceremony where a bishop surrounded by miracle-working relics of saints would induce the gathered crowd to take an oath to peaceable action and the protection of the unarmed, their possessions and homes (“unless I find an enemy knight or noble inside”).

Thus, important expressions of non-combatant immunity for fellow Christians were imposed for ‘the simple sake of humanity’ to guide combatants and especially rising Christian knights into the Age of Chivalry.

Father of International Law: Development of a Natural Jurisprudence in Europe

Building on religious strife, international law was developed by Grotius (Hugo de Groot 1583-1645), Dutch jurist and diplomat, who is often cited as the father of the law of nations.

Following the Protestant Reformation which divided the Christian church in Europe, he explored and developed the view that law as articulated was not an expression of divine justice through religious edict but instead arises from human reason and philosophical exploration. Law should no longer precede action in this musing, but arise from it: the dawn of precedent. Grotius’ work, De Jure Belli ac Pacis (On the Law of War and Peace) recognizes that in Europe the one commonality is the human mind and it was on this point that he attempted to unite the European people. Thus, although he is known as the founder of international law, he was aiming for

Rowan Williams notes, “it is more than a comical bit of mediaeval eccentricity. Behind it lay the recognition that […] to be in a state of war with one another was horrible and ridiculous.” Rowan Williams (c2005), The Truce of God (Grand Rapids, MI: Wm. B. Eerdmans Publishing Co.), 25.


Of course, influencing this increasing advocacy for restraint on the part of the Church was as well a mostly unoccupied, brutal and lawless warrior class. The Peace of God movement therefore turned the brutal warriors of the 10th century into a militia Christi or the Christian knights of the Crusades whom the Church lost control of once again during the conduct of war against Islam. Church declarations of Peace or Truce of God, of course, did not apply to Muslims – combatants or civilians. See Jeremy Johns (1990), “Christianity and Islam,” The Oxford History of Christianity, John McManners, ed. (Oxford: Oxford University Press), pp. 167-204.


Ibid.
something greater – a law which would bind all who live on earth. He considers this law binding not only on sovereign states but on everyone. Others, such as Adam Smith, disagreed with this and described it as “a sort of casuistical book for sovereigns and states, determining in what cases war may justly be made and how far it may be carried on.” However, excellent work or not, Grotius was the first to attempt a complete natural jurisprudence and he was cited extensively as authority in judicial decisions, diplomatic practice and academic works until the late nineteenth century in numerous countries.

Thus, as has be demonstrated, IHL has a long history which grew out of practices adopted by fighting and limiting conflict actions inspired by humanity, chivalry and military necessity. Even in what are sometimes considered ‘less civilised’ times, philosophers, religious leaders and texts and military commanders ordered those under their care to spare the lives of captured enemies and treat them well or to avoid harm to civilians caught in their paths. In some cases belligerent parties even agreed to an exchange of prisoners after the conflict had ended. Over time, as will later be elaborated, these tacit agreements and practices developed into a body of customary law and rules relating to the conduct of war. As such, these rules must be respected by parties to an armed conflict, even in the absence of a declaration, treaty or reciprocal agreement to that effect.

32 Ibid, 4.
34 Kalshoven (1987).
## Appendix B: Relevant Treaties Comprising IHL to 1991

<table>
<thead>
<tr>
<th>Year</th>
<th>Treaty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1864</td>
<td>Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field</td>
</tr>
<tr>
<td>1899</td>
<td>The Hague Conventions Respecting the Laws and Customs of War on Land and the Adaptation to Maritime Warfare of the Principles of the 1864 Geneva Convention</td>
</tr>
<tr>
<td>1925</td>
<td>Geneva Protocol for the Prohibition of the use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare</td>
</tr>
<tr>
<td>1929</td>
<td>Geneva Convention Relating to the Treatment of Prisoners in War</td>
</tr>
<tr>
<td>1949</td>
<td>Four Geneva Conventions: I Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; II Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; III Treatment of Prisoners of War; IV Protection of Civilian Persons in Times of War (new)</td>
</tr>
<tr>
<td>1970</td>
<td>Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (biological) and Toxic Weapons and on Their Destruction</td>
</tr>
<tr>
<td>1977</td>
<td>Protocols Additional to the 1949 Geneva Conventions: I Relating to the Protection of Victims of International Armed Conflicts; II Relating to the Protection of Victims of Non-International Armed Conflicts</td>
</tr>
<tr>
<td>1980</td>
<td>Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW)</td>
</tr>
</tbody>
</table>
### Appendix C\(^{35}\): Conditions for the Application of Common Article

3

<table>
<thead>
<tr>
<th>Status of Party in Revolt against de jure Government</th>
<th>Organised military force, authority providing responsibility for its acts, acting within determinate territory, means to respect and ensure respect for Convention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Status of Legal Government</td>
<td>Recourse to regular military forces, in possession of a part of the national territory</td>
</tr>
<tr>
<td>Recognition of Belligerency</td>
<td>(a) de jure Government recognises insurgents as such, (b) Government has claimed rights of a belligerent, (c) accorded insurgents rights as belligerents for the purposes of the Convention, (d) the dispute has been recognised at some level of the United Nations as a threat, breach or act against peace</td>
</tr>
<tr>
<td>Traits Identifying Insurgents as Belligerents</td>
<td>(a) Organization exhibiting characteristics of a state, (b) exercise de facto authority over indigenous residents of a determinate territory, (c) armed forces under direction of civilian authority and willing to observe ordinary laws of war, (d) civil authority agrees to be bound by the provisions of the Convention</td>
</tr>
</tbody>
</table>

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\(^{35}\) After the summaries detailed by Jean Pictet (1960), *Commentary I*, quoted in Moir (2002), 32-35.
## Appendix D: Summary of the Applicability of IHL and IHRL

<table>
<thead>
<tr>
<th></th>
<th>IHL</th>
<th>IHRL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicability</strong></td>
<td>Times of armed conflict, either international or internal</td>
<td>At all times – with some derogation permitted in public emergency with the stipulation that they are proportional to the crisis at hand, non-discriminatory, do not contravene international law</td>
</tr>
<tr>
<td><strong>Parties Laws Bind</strong></td>
<td>All parties to an armed conflict – state and non-state actors;</td>
<td>Governments relating to individuals, with some debate for non-state actors exhibiting state-like functions;</td>
</tr>
<tr>
<td></td>
<td>Individuals may also be held criminally responsible for ‘grave breaches’ and other serious violations</td>
<td>Individual criminal responsibility for crimes may constitute international crimes</td>
</tr>
<tr>
<td><strong>Parties Protected</strong></td>
<td>Anyone who is not, or is no longer, directly taking part in hostilities including sick, wounded, PoWs and civilians</td>
<td>Applies to all persons</td>
</tr>
</tbody>
</table>
Appendix E: Significant Periods of the Salvadoran Catholic Church for Human Rights Mobilization


February 1977 – March 1980: Oscar Romero’s tenure as Archbishop of San Salvador. The earlier work and implementations continued with increased attention on human rights, social justice and witness. Romero concentrated on speaking out, witnessing and denouncing poverty and injustice. Violent attacks increase, Catholic clergy are increasingly targeted for torture and murder, culminating in the assassination of Archbishop Romero.

March 1980 – 1983: Although Romero’s close friend Arturo Rivera y Damas is appointed to replace the assassinated prelate, he is given the title of apostolic administrator to limit his power. Rivera y Damas keeps a lower profile although he does make initial attempts to mediate between the warring factions. Repression and violence against religious personnel continues and does not spare international representatives either. The new Archbishop also makes steps to heal the rift between bishop factions in the Salvadoran Church.

March 1983 – 1988: The road to peace and reconciliation is pursued by the Catholic Church in numerous different arenas. First Pope John Paul II pays a visit, publicly honours Romero’s work and calls for a return to dialogue and resolution. Rivera y Damas, now Archbishop has new peace-making opportunities as a result.

1988 – 1993: Catholic and Protestant (newly interested in social justice issues and rapidly growing as a result) join in an effort to kick-start national talks on peace and reconciliation. This put increased pressures on all parties to the conflict and resulted in the Catholic and Lutheran Churches being appointed as observers to the peace process.

Appendix F: Counter-Consensus Application of Mass Media

The Globe and Mail, Friday, 30 March, 1984, 10

A PEACE ROLE FOR CANADA

The Hon. Allan J. MacEachen, Secretary of State for External Affairs, leaves Sunday April 1 for a five nation tour to the United States and Central America. On this occasion we send a public message to the Minister.

Dear Mr. MacEachen,

On the eve of your departure, we had your decision to make Central America a priority especially at this critical moment when the United States has announced new military manoeuvres involving 33,000 servicemen. We urge you to consider, when important hemispheric personalities think of Canada's potential role in the Central American region:

"Many undersized countries have understood the problem and approached it in a constructive way. Among them, Canada has the best title to exercise a positive influence in Central America."

Rodrigo Chaoevado Ordoñez
Former Minister of Colombia

"There is much more that Canada can do to enhance its visibility as a voice for just and peaceful solutions to the terrible spiral of violence engendering the infighting."

"Canada has a chance to stand on the side of the future in Central America. The government's active encouragement of Guatemala is one step. But we urge you not to stop there. We must move from Latin America and accept a full role in the present of peace, stability, and social justice in the hemisphere, no matter how difficult or un-sweetening this may seem to the short-term." 

Maris Betancourt, M.P. (El Salvador)
Chairperson of Parliamentary Bi-Committee on Guatemala's Rights with Latin America and Central America

"Canada is a country universally respected for its commitment to the principles of self-determination and non-interference. At this critical moment, Canada -- as an important country of the continent and a neighbour of the United States -- has much to offer. It is the necessary time, the people of Guatemala are actively promoting a negotiated settlement and are increasingly opposing US military intervention."

Guillermo Urmeneta
President of the Democratic Revolutionary Front (FDR) of El Salvador

"One needs friends that will help and not friends like the U.S. who try to impose their will on the people."

Loreto Bello
Vice-President of Ecuador

"Canada has avoided the role of good neighbour. Canada has not brought to the attention of the foreign administration its disapproval and opposition to U.S. policy in the region."

Robert White
Former U.S. Ambassador to El Salvador

Mr. MacEachen, you have stated that “we do not believe in military solutions for Central America.”

When you visit Washington, are you going to make clear any public statements against dramatically escalating U.S. military aid and intervention in Central America? Will you continue to Secretary of State Shultz, Canada's opposition to continued military support for anti-Sandinista governments? Are you going to impress upon our colleagues the imperative for a negotiated political settlement to solve the fighting in El Salvador?

In Managua, is Canada going to strengthen support for Costa Rican neutrality and independence? Will Canada increase economic assistance to help maintain that independence?

In Managua, are you going to fulfill longstanding expectations and announce the establishment of a Canadian embassy? Will Canada play a long-term priority role of official bilateral aid to Nicaragua? Will you offer "Canada support for the people's election process?"

In Teiguaypilli, will you serve notice that Canada considers the large bilateral aid programme to Honduras inappropriate unless Foreign and United States military presence is ended and the process of nationalization resumed?

In talks with the Contradors (Guatemala, Mexico, Panama and Venezuela) will Canada make concrete proposals for respecting the peace initiatives? Can Canada, with European allies, also share an educational initiative designed to reinforce Centralservice's importance in Latin America?

Questions such as these, Mr. MacEachen, will require direct advocacy throughout the continent and beyond from your country and from Canadian experts in human rights, understanding and political diplomacy.

We send many Canadian with our best wishes for the trip. May each step on the way be marked by their diplomatic initiatives in support of justice, development, and peace.

MacEachen, Allan J.
Secretary of State for External Affairs

Non-Intervention in Central America
Canadians for Self-Determination

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