



Statements and Speeches

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CENTRAL AMERICA AND CANADIAN FOREIGN POLICY

An Address by the Honourable Mark MacGuigan, Secretary of State for External Affairs, to the University of Toronto Law Faculty, Toronto, March 31, 1982

...I'd like to address certain aspects of Canadian policy, in particular towards El Salvador. I want to make one or two comments on where things may go from here in light of the recent elections in that country. Before doing this, I want to make some general remarks about the legal and international setting in which events in Central America are unfolding.

International law is not comfortable in dealing with the sort of situation which one is moving towards in Central America today. The various international instruments, and the United Nations Charter itself, provide clearest guidance when dealing with threats or use of force by one sovereign state directly against another. International law makes clear distinctions in this regard between civil wars and international wars. International law is most difficult to apply, and unclear, in situations where armed political violence takes place within the borders of a single state, but which also involves outside powers in that conflict. This tends to blur the distinction between civil war and international war.

Under these sort of circumstances, international law tends to become the ally of both sides to any dispute. It may also cease to be law. It becomes part of the rhetoric used by each side to bolster its case both domestically and internationally; in other words, the law becomes an instrument of public opinion.

Thus the great challenge to international law is to adapt itself to current circumstances — a set of circumstances which is now very different from that envisaged by those who shaped the postwar international legal régime and who were clearly influenced by the pattern of interstate violence seen before and during the Second World War.

Key challenge

I raise this international legal point not just because I am here at the University of Toronto Law Faculty, but also because I believe that we have to have clearer international norms and workable international machinery to deal with current circumstances. To take one key challenge: can international law and international institutions contribute to preventing the spread of East-West rivalries into the Third World?

This, in my view, has become one of the great problems in international relations — how to stop East-West conflicts from inserting themselves into the developing world. Central America is a case in point. To a greater extent than ever before, regions such
