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NOTES FOR AN ADDRESS  
BY THE SECRETARY OF STATE  
FOR EXTERNAL AFFAIRS,  
THE HONOURABLE MARK MACGUIGAN,  
TO THE UNIVERSITY OF TORONTO  
LAW FACULTY,  
TORONTO,  
MARCH 31, 1982

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CENTRAL AMERICA AND  
CANADIAN FOREIGN POLICY

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First of all, let me thank you for the opportunity to speak to you today. For somebody who in a previous incarnation was involved in teaching international law - and has gone on to try to apply some of these principles in the outside world - I can report back to you today that the world is not exactly as it is described in Oppenheim's classic International Law.

That gem of wisdom I pass on to you at no cost. Perhaps only for the cost of my lunch. International legal theory and the world of today fit each other less and less perfectly. That in itself is not a surprise. But it is a surprise - and I think a tragedy - that the elaborate international mechanisms for conflict resolution are less and less able to deal with the world which we face today.

I'll come back to this point in a minute in the context of what I'd really like to focus on today - namely Central America and El Salvador. 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 UN 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.

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 as this risk becoming the focus of East-West rivalry, the landscape on which the superpowers measure their gains and losses.

I don't want to convey any sort of neutrality in this regard. Along with our Western Allies, Canada takes Soviet expansionism in the Third World and in this hemisphere very seriously. However, we are realistic enough not to be surprised that East-West rivalries see targets of opportunity in unstable Third World situations - particularly situations of extremes where the grinding poverty of the many is colocated with the extreme wealth of the few.

In many parts of Central America, and particularly in El Salvador, we see with shock and horror widespread violations of elementary human rights, atrocities, torture, massacres and murder on an appalling scale. These crimes against humanity are perpetrated by forces on both extremes of the political spectrum. The Canadian Government continues to protest against this wave of violence.

But we cannot understand political terror in Central America, nor hope to resolve it, simply by blaming a clash of ideologies or great-power interests.

Here to me is the crux of the problem. Instability in Central America - and in most other cases in the Third World - is not a product of East-West rivalry. It is a product of poverty, the unfair distribution of wealth, and social injustice. Instability feeds on poverty and injustice. East-West rivalries flow in its wake. I can think of few examples where the process has been the other way around.

So when we look at Central America today, we cannot view this region exclusively through the prism of East-West rivalries because these are not at the root of the problem. Nor can we now view it uniquely through the prism of social and humanitarian concerns, because it is clear that East-West rivalries have now implanted themselves firmly in that region. This is an unfortunate fact to which we cannot close our eyes. It should also provide us with a sense of urgency concerning what can be done now to prevent this situation from developing elsewhere.

But in any event it is clear that looking at Central America exclusively in one or another of these ways warps the reality of the situation.

There are pressures in both directions - that is to view Central America exclusively as a social and humanitarian or as exclusively a security problem. These contribute to a foreign policy approach which is one-dimensional, allowing for no nuance or contradiction. Like a medieval morality play, good and evil players are identified and frozen forever into unrealistic positions. Those who oppose evil are naturally considered to be good. Those who are identified as good remain that way forever.

Such a one-dimensional view cannot provide the basis of a sound analysis of what is happening in Central America. Nor can any eventual solution to the conflict be a workable one unless it fully addresses both these major elements in a comprehensive way.

I believe that the states in the region have the right to choose to follow whatever ideological path their peoples decide. I don't believe that when a country chooses a socialist or even Marxist path it necessarily buys a "package" which automatically injects it into the Soviet orbit. This, I think, is where our views and those of the USA may diverge. The internal systems adopted by countries of Latin America and the Caribbean, whatever these systems may be, do not in themselves pose a security threat to this hemisphere. It is only when countries adopt systems which deliberately link themselves to outside forces or seek to destabilize their neighbours that a threat is posed. Canada has adopted a flexible approach in this regard. For example, we have not shifted our aid programs or our support because a régime has moved to the left in its internal affairs.

To take one example, Canada continued aid to Cuba up until the point when Cuba decided that it could afford the luxury of despatching expeditionary forces to Africa. Clearly it then had no more need for Canadian aid, given its new priorities. Consequently, we stopped giving Canadian aid.

What the Canadian Government is saying is this. Let countries choose their own paths for their own development. If they keep their social and humanitarian obligations to their people in the forefront of their actions, they will have Canada's help. If they work to meet the real needs of their people, they will have our support.

But, if their priorities are such that they put a premium on destabilizing their neighbours or using their territory to inject East-West rivalries into the region, they must be viewed as detracting from the security of the hemisphere. And if they fail to carry out the social and economic reforms urgently needed, Canada cannot help but draw the necessary conclusions.

The current focus of world attention in Central America is the conflict in El Salvador. The manner in which this conflict develops - how it is solved or not solved - will have enormous significance for all of Central America. El Salvador is a tragedy in itself. But the risk is that the East-West dimension of this conflict will sow the seeds of a much wider conflagration. This is why there must be a balanced solution found, and found quickly.

One of the focal points of the crisis in El Salvador had been the determination of the Duarte Government to hold elections for a Constituent Assembly. Those elections were held three days ago. Perhaps now is an appropriate time to review the Canadian Government's position, its actions, and to make several remarks on possible directions for the future.

First of all, what has Canada done to promote a peaceful solution to the conflict?

I met twice in 1981, in January and December, with representatives of the revolutionary leadership, the FMLN/FDR, to listen to their point of view and to urge negotiations with a view to a democratic solution through elections. I offered Canada's good offices to provide a site in Canada, or abroad at a Canadian Embassy, for such negotiations. The FMLN/FDR rejected these efforts; they prefer direct access to power, whether through negotiation or by force of arms.

We continue to favour a peaceful settlement brought about by the Salvadorans themselves. Canada is ready to seize any opportunity to play a constructive role with the agreement of all the parties concerned. Canada, like the United States, has welcomed the efforts of President Lopez Portillo of Mexico to prepare the ground for a solution in El Salvador and to reduce tension between the United States, Cuba and Nicaragua.

Canada has announced greatly increased aid levels, over one-half billion dollars, for the Caribbean Basin countries. This reflects our conviction that the answer to tension there is social and economic development rather than the force of arms. This was the basis for Canadian association with the Caribbean Basin Initiative. Within a greatly expanded Canadian aid program for Central America, Canada will consider restoring bilateral aid to El Salvador if conditions there permit. With regard to aid to Nicaragua, we have clearly announced our readiness to give aid to that country. But we have also expressed to the Nicaraguans our concern at what may be a growing tendency by them to depart from their own stated principles of political pluralism and non-intervention in the affairs of other countries.

Why did we support the elections in El Salvador? Most simply, because Canadians favour democratic government. President Duarte appeared determined to establish such a government despite violent opposition from the left and right. He was putting his position, policies and life on the line, as he did in the 1972 elections and their aftermath, as were all those who stood as candidates.

However, the FMLN/FDR rejected the elections in favour of what they termed a "comprehensive political settlement" under which they would form a government, presumably with Christian Democrats and others initially. The FMLN/FDR was extremely vague on when this new government would itself submit to elections.

I should also point out that the vast majority of members of the Organization of American States supported the elections. I might also note that Costa Rica in 1948 and Venezuela in 1960 emerged from civil war through elections. I should add in this regard that it would be tragic and unacceptable if Costa Rica - the only state in the region with a history of democracy - should be destabilized as a result of the spreading violence. Costa Rica, which has invested its capital in social programs rather than weapons and armies.

The elections held last Sunday in El Salvador saw a very large voter turnout. It is clear that the people of that country above all wish peace, and saw the ballot box as the best hope in that regard. The election took place, notwithstanding the efforts of the guerilla forces to disrupt it and by all reports the balloting was honest. There undoubtedly were some flaws in the electoral process, but then the elections were not conducted under ideal circumstances. But, the elections will turn out to have little meaning unless the new Government now places the needs of the people of El Salvador in the forefront of their programs.

However, it would be unrealistic to think that the left will now automatically lay down their arms. For this reason, we are urging that there be contacts between the new Government and the FMLN/FDR in order to try to arrive at a solution which takes into account the new circumstances flowing from the election itself.

It is clear that a solution to the El Salvador crisis does not lie in El Salvador alone. It is a regional crisis involving powers both within and outside the region. We are looking at social and humanitarian problems which have to be solved in the region, and we are looking at East-West rivalries which have to be removed from the region.

I referred earlier to the Lopez Portillo initiative. It has the merit - amongst other points - of recognizing the fact that the security concerns of a number of parties must be addressed. In other words that any agreement must recognize that the USA and the other countries of this hemisphere have legitimate security interests which must be protected.

What, in Canada's view, would represent the principles which should govern a wider solution to the conflict in the region? These, in my view, should include:

First, recognition that the problems of the region are rooted in social and economic questions;

Second, the urgent need to foster economic growth and social reform, the benefits of which must be distributed more widely amongst the populations. This, as I have said, is the heart of the problem;

Third, the right of each country to enjoy genuine independence, non-alignment and stability without the threat of outside interference, and;

Fourth, a recognition of hemispheric security needs and, in this connection, agreement to exclude the introduction of expeditionary forces and offensive weapons.

The challenge is to produce the outlines of a solution in Central America which is acceptable to the countries of the region and to all those who share an interest in pluralism and human rights. To move from an agreement on these or other general principles to a workable solution is an enormous task.

We are, I think, at a key juncture. The way in which the crisis in Central America is "managed" internationally over the next few months will be very important. The players involved cannot afford to lock themselves into rigid positions. Above

all, moves should not be taken which limit the options of countries in Central America and the Caribbean and which have the end result of driving them towards the Soviet Bloc. That particular outcome may well be the goal of certain elements in the region. By taking approaches which equate left-wing internal régimes automatically with Soviet domination, we may bring about a self-fulfilling prophecy.

Foreign policy is by its nature long term. We must be concerned about developments in Central America not just for their own sake, but because they may well come to have an impact on this country. For example, Canada is developing important political and economic ties with Mexico and Venezuela, two countries in very close proximity to the area of conflict. We must take a long-term view and recognize that we are increasingly living in a world in which the shock waves from events elsewhere have a tendency to travel further and faster than ever before.

In closing let me again reiterate that Canada is ready to play an active role in seeking solutions. I made this clear two weeks ago in New York to the Secretary General of the United Nations, the American Secretary of State and the Foreign Ministers of Mexico, Venezuela and Colombia. The principles which I have just outlined will guide my continuing discussions with Foreign Ministers in the region in order to promote a solution aimed at lasting peace. Thank you.