

PREFACE

El Salvador as a Model

This book deserves careful reading, not only because of the current interest in the topic, which is examined here from an original perspective, but also because of the lessons that can be learned from it. The peaceful settlement of the conflict that has devastated El Salvador is in fact an example of the reestablishment of peace by means of, firstly, the synergism between the will of the parties to the conflict; secondly, the backing of their external allies and internal mediators, and thirdly, through the institutional and personal support of the United Nations Secretary-General and his closest collaborators. Among the internal mediators, the Salvadorian Catholic Church, in particular, has been a catalyst of this will of peace of the two parties, first through Monsignor Romero, in the defense of human rights, and later through Monsignor Rivera y Damas, in his role as inspiring mediator. The Salvadorian peace process can be seen as a model for ending contemporary fratricidal strife, for the avoidance of future conflicts, and for dealing with old ones when these flare up.

Humanitarian Law

The Salvadorian case also deserves to be studied - and herein lies the value of Tathiana Flores' book - because it is on more than one account a precedent in the field of humanitarian law. Just as Guatemala in 1954 was the first case of application of Article 3 common to the Geneva Conventions of 1949, El Salvador was the first case of application of Protocol II of 1977.

El Salvador has also demonstrated that the implementation of humanitarian law can be carried out through several mechanisms, which complement or follow each other. From the beginning of the conflict, the ICRC was active within the framework of its mandate of protection and assistance in favour of the civilian populations and wounded combatants of both sides. The United Nations, for its part, publicly proclaimed the applicability of Protocol II, firstly through the Human Rights Sub-Commission, and then through the General Assembly (the ICRC discretely negotiated the practical modalities with the parties). The NGOs, on their side, publicly denounced the humanitarian law violations of both parties. This set of approaches and dialogues exerted constant pressure on both the Government and the FMLN, making them take humanitarian law progressively more seriously, and finally involving them in a negotiation that would eventually lead to peace. The humanitarian component was not forgotten in the creation of the ONUSAL, which, in consultation with the ICRC, gradually took up its humanitarian tasks in favour of the protection of civilians. The importance of this humanitarian component of the ONUSAL Mission should be highlighted, as well as its operational character throughout the whole national territory.

Humanitarian Law has accompanied the peace process in El Salvador in a decisive manner, contributing effectively to create the initial trust necessary for the establishment of a dialogue. The delegates of the ICRC, for instance, were in charge of organizing the transport of FMLN representatives to La Palma and, under the protection of the Red Cross, guaranteed the demilitarization and neutralization of the location of the peace talks.

This well documented book eloquently describes the importance of humanitarian law for the peace process, studying the Salvadorian case in parallel with the cases of Irak, Somalia and Rwanda, which, after the San José Agreement which envisaged the creation of the ONUSAL, were examined by the Security Council. The example of El Salvador remains, however, the most complete and convincing of all the cases of peaceful settlement of disputes in the context of the United Nations.

The Human Factor

Tathiana Flores skilfully describes the human factor, the essential role of all the personalities, with their different backgrounds, who invested all of their institutional and personal credibility in the success of the peace talks. Peace is only possible when the parties to the conflict are fully convinced of its necessity. It is only feasible when leaders place their personal authority and political credibility at stake in its favour; when these leaders see that they are backed by their external allies; when they can enjoy national credibility through the support of their moral authority; and, at the international level, through the support of the Secretary-General and his regional representatives, who, by respecting all spokespersons, facilitate the institutionalization of a dialogue, the demobilization of combatants and the return to a situation of legality and democracy where the fundamental norm of humanitarian law and human rights are respected.

El Salvador shows again that these efforts would not have been possible without the backing of the Salvadorian people, who were also convinced of the inevitable necessity of a peaceful settlement for a conflict that could not have been solved otherwise. The success of the peace in El Salvador and elsewhere can be initiated by individuals, but must be guaranteed by wide support.

An Effort to Continue

The endeavour towards peace must continue, its momentum must be maintained, supported and defended in the political, economic and legal spheres. A continuing investment in peace should be made, since it is by far and from all perspectives much less costly than war.

This valuable study constitutes an appeal to the pursuing of the peace effort in El Salvador, an effort that is worthy of emulation. The double lesson of this interesting book deserves to be followed. The application of humanitarian law, which renders possible the respect for civilian populations and captured or wounded combatants, allows the possibility of a dialogue and of national reconstruction to be preserved. Respect for humanitarian law also makes this negotiated peace credible and lasting.

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