



UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/1982/26  
8 March 1982

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Thirty-eighth session  
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL  
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

QUESTION OF HUMAN RIGHTS IN EL SALVADOR

Letter dated 8 March 1982 from the Representative of the United States of America  
addressed to the Commission on Human Rights at its thirty-eighth session

As I had occasion to state at the 51st meeting on 8 March 1982, my delegation, in the interests of saving the time of the Commission, decided not to make the statement on El Salvador for which it was inscribed.

I would therefore be grateful if the statement annexed to this letter is circulated to the Commission as an official document in connection with its consideration of item 12.

(Signed)

Michael Novak

Representative of the United States  
of America on the Commission on  
Human Rights

ANNEX

STATEMENT BY

MICHAEL NOVAK

UNITED STATES REPRESENTATIVE TO THE  
THIRTY-EIGHTH SESSION, UNITED NATIONS COMMISSION ON HUMAN RIGHTS  
ON THE SITUATION IN EL SALVADOR  
ITEM 12, EL SALVADOR  
8 MARCH 1982

Mr. Chairman, in December 1980, the guerrilla forces of El Salvador, in large part trained, supplied, and supported by Cuba, Nicaragua and other client States of the USSR, announced a "final offensive" which would face the newly elected President of the United States at his inauguration on 20 January 1981, with a *fait accompli*. No American administration would have chosen to be obliged to confront such a threat in its first days - or in any of its days - in office. Yet life, Mr. Chairman, as President Kennedy once told the people of besieged West Berlin, is not fair. Challenges come, not where one wishes they would come, but as reality supplies them.

In the 18 months before December 1980, the American administration of President Jimmy Carter had halted all shipments of lethal military supplies to El Salvador, because of human rights abuses in that poor land, so sadly named "The Saviour". Following the unsuccessful "final offensive" President Carter altered his policy to permit modest military assistance to replace stocks of material depleted by the Salvadorian military in their response to the guerrilla attacks.

Mr. Chairman, not only did the "final offensive" of the guerrillas fail in January 1981. It also deeply alienated many of the citizens of El Salvador by the violence it wantonly directed at innocent civilians. Bishop Rivera y Damas, in an important sermon - since El Salvador, like Poland, is a largely catholic country - urged his fellow believers to eschew the path of violence, whether by the right or by the left, and to return to the path of peace, peaceful change, democracy, and due process of law. Since 1932, El Salvador has known some 37 different Governments, many of them imposed by coup, and some four different Constitutions. This has not been rule by the ballot, Mr. Chairman. It has for sixty years now been rule by bullet. This awful system must be abolished. Rule of law must emerge.

This rule of law can only emerge if the vast majority of the citizens of El Salvador reject rule by bullet, and demand rule by ballot.

Mr. Chairman, the critics of United States policy in El Salvador since the end of 1960 usually imagine that there are only two parties involved in El Salvador: a vicious right-wing and the armed guerrillas, composed partly of Marxist Leninists (who supply most of the arms, money, battlefield communications, and international public relations) and partly of idealists. This analysis breaks like porcelain upon the facts, Mr. Chairman.

It was not a vicious right-wing Government that nationalized the banks. It is not a vicious right-wing Government that attempts to carry out the most ambitious land-reform programme ever executed in Latin America, launching a three-phase programme that began with the expropriation of every farm larger than 500 hectares and

establishing co-operatives for the peasants who had worked on them. Many of the bankers and large landholders fled from their country. It was not a vicious right-wing Government which has since October 1979 driven over 1,000 of the National Guard and other security forces out of the service because of human rights abuses. It was not a vicious right-wing Government which, under extremely difficult conditions, has called for elections on 28 March of this year. No, Mr. Chairman, the party that did these things was not a right-wing dictatorship, but a coalition Junta, under the leadership of the President of the Christian Democrats International, a man who has endured torture for his beliefs, a man unjustly deprived of his genuine election as President of El Salvador in 1972, Jose Napoleon Duarte and his colleagues.

My Government, Mr. Chairman, believes that the two-party analysis of El Salvador is wrong. There are three parties in El Salvador, two smaller, and one larger. The trouble is that the two smaller parties, of the extreme right and the extreme left, control most of the guns and have wreaked most of the violence. The largest party, the party which rejects both the vicious right and the vicious left, is relatively unarmed, and not so well organized as it must become. But it maintains the allegiance, without a doubt, of the vast majority of the people of El Salvador.

There is a vicious right-wing in El Salvador, Mr. Chairman. My Government and the people of the United States abhor the human rights abuses of that faction. There is also a vicious left-wing in El Salvador, intent on taking power and ruling by the gun. My Government and our people equally abhor the human rights abuses of that faction.

There is no dispute about the number of human rights abuses in El Salvador, Mr. Chairman. However the exact count is made -- whether by prudent verification or by inscribing each and every allegation as it is made -- the substance of the matter is unchanged. Whether 100 El Salvadorians are dying each week in abominable carnage, or 200 each week, the substance of the matter is unchanged. Even one such death each week would be an outrage. No human being, not one, should die by such abuse.

Neither is there any dispute about the relative estimates of who is more guilty, numerically. By virtually all accounts, it appears that a majority of the killing comes from right-wing death squads, paramilitary forces, and other, sometimes connected, indirectly or directly, to security forces. Just the same, the guerrillas have publicly taken "credit" for more than 2,000 killings of civilians between 30 June and 31 December 1981. Whoever is doing the majority of the killing, both sides are doing too much of it.

Mr. Chairman, capitulation to any armed band able to support 5,000 soldiers in the hills is not a way out of the 60-year-old morass of El Salvadorian politics. Rule by bullet constitutes no new revolution in El Salvador. It is only business as usual, dirty business, whether supported, as in the past by a feuding oligarchy or, in the present, by Cuba and Nicaragua, as surrogates of the Soviet Union.

For this reason, Mr. Chairman, the Congress of the United States demands certification every six months of progress toward democratic rule, true judicial reforms, and the rule of law - or else, the United States will not be permitted to continue offering aid, either economic or military. The democratic centre must emerge in El Salvador, must gain control over the forces of violence, right and left, and must respect the human rights of every single citizen of El Salvador - or else the United States will have no choice but to withdraw. So says our law.

In the murderous circumstances of El Salvador, Mr. Chairman, such progress is necessarily slow. Both the right-wing and the left-wing, for oddly similar motives, seeks to disrupt such progress. Each murders civilians even suspected of sympathizing with the other. Carnage is immense. In addition, unable to defeat the army by force of arms, the guerrillas have adopted, as Bishop Aparicio of El Salvador testified to me face-to-face, a "bare table" policy, determined to win by ruin and destruction what they cannot win in open battle.

For the truth is, Mr. Chairman, that the guerrillas in El Salvador are not like the Sandinistas in neighbouring Nicaragua at a comparable stage. In Nicaragua, the Sandinista support grew and grew in number. The church supported them. The business community supported them. In El Salvador, by contrast, the guerrillas themselves report in 1982 the same strength they claimed 18 months ago - 5,000 armed soldiers and about 15,000 covert supporters. Our intelligence confirms similar figures. The guerrillas are not growing. They can no longer call massive rallies, or hold national strikes. By their violence against their own people, they have become as ugly to the people as the hated and feared forces of the extreme right. In addition, the deteriorating liberties of Nicaragua, the assault there upon the Miskito Indians, the catholic church, daily liberties, genuine pluralism, and free elections, have discredited the Sandinist ideal. The people of El Salvador no longer believe what the people of Nicaragua once did believe, that a "popular front" whose money, military, and communications are controlled by a small Marxist Leninist faction, supported from abroad, intend ever to keep the promises they made. El Salvadorians who despise the right equally despise the left.

That is why, Mr. Chairman, the election of 28 March is so important. It is decisive. True, the left refuses to run candidates - just as the armed left of Venezuela refused to run candidates in the troubled elections held in that country

in the early 1960s. Yet in successive elections in Venezuela during that period, more and more of the guerrillas laid down their arms. They saw that they could gain a fair share of power by ballots, which they could not gain by bullets. The ranks of the guerrillas evaporated, over time.

We hope, Mr. Chairman, that democracy will emerge in El Salvador, as it emerged 20 years ago in Venezuela, from the fire of fruitless devastation; and that it will survive as a true growth in El Salvador, as it has so nobly done in Venezuela.

The election of 28 March will not, then, be decisive with respect to the left. Perhaps the next election will be, or the one after that, whenever it will be that the left will prefer the ballot to the bullet.

But the election will be decisive with respect to the centre and the right. My own Government cannot, and will not, take sides in such an election. Still, it may fairly be inferred that two things will be clearly and decisively established by the will of the people of El Salvador on 28 March. First to be decided will be the number of citizens who brave almost wartime conditions in order to show that they prefer ballots; and abhor bullets. Second will be the relative strength, in the new constituent assembly, of the centre and the right. A victory for President Duarte and his party would be, at this point, a stunning message to the world. A victory for a party close to the army would also be a message. Much hangs in the balance.

No wonder that Bishop Rivera y Damas has again and again begged his people to participate, as one slim hope of departure from the path of bullets.

After 28 March, Mr. Chairman, El Salvador will begin the process of forming a new Government, whose power derives from the consent of the governed. It will have the beginnings of that special legitimacy which comes from the consent of the people.

Yet no one should nourish illusions. Nowadays, legitimacy flows neither from power nor even from popular support. Legitimacy derives, finally, from respect for the human rights of those who freely yield Government their consent, but only in exchange for its protection of their fundamental rights. The new Government of El Salvador will be judged by its respect for the rights of those who call it into being. It must gain control over the forces of violence, including those close to its own security forces, and those also of the left.

Mr. Chairman, my Government has for El Salvador the same ideal it has for every other nation on earth: a Government of the people, by the people, and for the people.

El Salvador has never known such government. The birth of such government, in El Salvador's awful circumstances, has already been protracted, painful and bloody. No outcome will make all this turmoil worth its awful cost except democratic governance, respectful of the human rights of every citizen. That, Mr. Chairman, is our aim in El Salvador, as with Poland, as with South Africa, as with Latvia, Lithuania, and with every other place on earth. Such goals are not fulfilled quickly. They are not fulfilled without struggle. But they are perfectly in keeping with the underlying force of human history, the drive in every human heart for liberty and self-governance.

As Abraham Lincoln said at the gravesite of the single most bloody battle of human history until that time, at Gettysburg: "We are testing the proposition that all men are created equal. We are testing whether one more nation, so conceived and so dedicated, may not only come into being, but endure."

Mr. Chairman, we know we may fail in El Salvador. But, for liberty, defeat in the short run is not defeat in the long. False revolutions keep no promises. Liberty stirs even in the heart of tyranny; and it will prevail.