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# CONFERENCE ON HUMAN RIGHTS, PUBLIC FINANCE, AND THE DEVELOPMENT PROCESS

## RESPONSE TO KATARINA TOMAŠEVSKI

Dr. Peter Sollis\*

I would like to address a number of issues which Katerina Tomaševski raised. I agree that the language of human rights requires de-legalizing. In fact, I am trained as a geographer and entered into the field of human rights through grassroots development work in Central America, primarily in El Salvador, Guatemala, Nicaragua and Honduras. I found it virtually impossible to undertake development work in these countries because of their respective human rights situations. In a sense, I come to human rights and development issues from a practitioner's point of view, attempting to discover and create specific and concrete activity to move agendas along. I want to make some remarks specifically about my experiences because I believe there is a misconception or a misunderstanding about the link between human rights work and Central American non-governmental developmental organizations (NGOs).

Over the past two decades, two identifiable trends in the evolution of NGO work in Central America have emerged. First, there has been growth in the number of local organizations that specifically deal with violations of human rights,<sup>1</sup> such as Tutela Legal<sup>2</sup> in El Salvador. Second, there are a number of other organizations with origins that are unrelated to human rights, that have had to engage in first generation human rights work by force of circumstance. Some of these organizations include Central American trade union organizations, peasant organizations, and popular organizations, such as those that represent re-

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1. See PHILIP BERRYMAN, *THE RELIGIOUS ROOTS OF REBELLION: CHRISTIANS IN THE CENTRAL AMERICAN REVOLUTIONS*, (1984) (discussing the contribution made by the doctrine of liberation theology to the development of human rights organizations).

2. Tutela Legal is the Human Rights Office of the Archdiocese of San Salvador, El Salvador.

turned refugees who have been living under difficult conditions. Although these organizations emerged and developed in Central America in order to provide assistance to their constituencies in dealing with economic and subsistence issues, the plight of peasant, urban workers, and repatriated refugees requires a human rights monitoring mechanism. The lack of such a mechanism results in coping with human rights issues and documenting the impact on community life of the civil wars that have plagued Guatemala, El Salvador, and Nicaragua during the 1980s, without formal legal training.<sup>3</sup>

I think that human rights reporting activity has become more feasible, in part, because of the information revolution that is referred to in the Development Conference. Without the facsimile machine, for example, knowledge of many of the human rights violations that occurred in the November 1989 offensive<sup>4</sup> in El Salvador would not have emerged with such facility and speed. When I first started working for OXFAM,<sup>5</sup> one of the first issues that I dealt with was the Rio Sumpul massacre,<sup>6</sup> the 1980 murder of 600 men, women, and children along the remote border between Honduras and El Salvador.<sup>7</sup> This event went unknown for about a year, primarily because the international community did not believe the peasants who recounted the horrific events. News of the massacre only surfaced when David Blundy of the Sunday Times physically travelled to the border area to confirm what

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3. See generally JAMES DUNKERLEY, *POWER IN THE ISTHMUS: A POLITICAL HISTORY OF MODERN CENTRAL AMERICA* (1988) (tracing the political crises of Guatemala, El Salvador, and Nicaragua to the social systems in which they developed).

4. Lindsey Gruson, *Six Priests Killed in a Campus Raid in San Salvador*, N.Y. TIMES, Nov. 17, 1989, at A1 (describing the brutal murder of six Jesuit priests attributed to right-wing military death squads).

5. OXFAM is a British-based international NGO founded in 1942 that supports small-scale development work in Africa, Asia, and Latin America, and provides humanitarian and emergency assistance in disaster situations. See Cal McCrystal, *Notebook: Fifty Years On, Still Hungry for Change*, THE INDEPENDENT, Oct. 11, 1992, at 21 (reporting on OXFAM'S activities after fifty years in operation).

6. See BRIT. BROADCASTING SYS., SUMMARY OF WORLD BROADCASTS, Aug. 23, 1990, at ME/0850/D/1 (noting the Rio Sumpul and other massacres in a proposal for cease-fire). The Rio Sumpul massacre was just one of a number of such events that characterized the "war" against the civilian population by the El Salvadoran Armed Forces in the early 1980s. The links between army operations and refugee flows are well-documented. See BEATRICE EDWARDS & GRETTA TOVAR SIEBENTRITT, *PLACES OF ORIGIN: THE REPOPULATION OF RURAL EL SALVADOR* (1991) (discussing the relationship of military operations to refugee flows); BETH CAGEN & STEVE CAGEN, *THIS PROMISED LAND, EL SALVADOR* (1991) (discussing refugee flows).

7. BRIT. BROADCASTING SYS., SUMMARY OF WORLD BROADCASTS, Aug. 23, 1990, at ME/0850/D/1.

had happened there.<sup>8</sup> Today, because different types of NGOs have established human rights monitoring mechanisms, and because of the information revolution, such types of events would not go unreported. I think this represents important, though disconcerting, evidence of progress over the past ten years.

I am focusing on the Salvador theme, partly because it is an area in which I am presently trying to work, and because of the Peace Accords signed recently in Mexico to end the Civil War.<sup>9</sup> I think that the multilateral organizations that are going to manage the reconstruction of El Salvador will have to be very flexible. I was struck by the comment that Ibrahim Shihata made about the World Bank's mandate to reconstruct countries.<sup>10</sup> The World Bank was established after World War II to help reconstruct war-torn Western Europe.<sup>11</sup> But, I believe the reconstruction of El Salvador is another matter entirely and will be a test of how multilateral organizations can cope with altering the economic structures that aided in the precipitation of human rights violations.

There are several issues for Salvadoran reconstruction. The first is the information issue. The negotiated peace settlement means that there are winners but no vanquished. The significance of this is that all sectors of Salvadorean society feel they should be included in formulating reconstruction plans. The question will be how far an intergovernmental organization, like the World Bank, will alter its practice to ensure that the flow of information is not restricted to the government of El Salvador. Reconstruction must be an open, comprehensible, and inclusive process.

Here, I want to support the comments of Joe Eldridge who noted that the non-governmental community occupies a position in Washington which may aid Salvadoran reconstruction plans. Such a privileged position must be used in this specific case to ensure that the grassroots consultation and participation processes that are integral to the reconciliation process in El Salvador become part and parcel of the way that an organization like the World Bank does its business in El Salvador. I think that after ten or fifteen years of working on these specific issues

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8. David Blundy was a senior correspondent with the Sunday Times of London and was killed in crossfire in El Salvador in 1989. *British Journalist Dies After Being Shot in El Salvador*, THE FINANCIAL TIMES, Nov. 18, 1989, § 1, at 2.

9. The Peace Accords ending the decade long Salvadorean Civil War were signed in Mexico on January 16, 1992. Edward Cody, *Salvadorans Sign Accord Ending 12-Year War*, WASH. POST, Jan. 17, 1992, at A1.

10. See Ibrahim Shihata, 7 AM. U.J. INT'L L. & POL'Y 35 (1992) (discussing the activities of the World Bank).

11. *Hearing of the Senate Foreign Relations Committee, Subject: Confirmation of Deputy Secretary of State*, in FED. NEWS SERVICE, Mar. 15, 1989.

in El Salvador, I would be remiss if I did not use this opportunity to present these issues.

Finally, I want to make an observation. Jerome Levinson remarked that reform issues have a limited definition in organizations like the Inter-American Development Bank (IDB), in which land reform is no longer debated.<sup>12</sup> Anyone who knows a little about El Salvador will realize that a major problem in El Salvador is access to land; and, for many of the people who have been fighting, as well as many of the people who have been living in the conflict zones, land reform is a priority. One of the most important developments of the war is that the populations in the conflict zones and repatriated refugee communities, who comprised the individual land owners before the war, now want to hold land in some sort of collective form.<sup>13</sup> They do not want to again become individual land owners because, as such, they are vulnerable. The failure of career bureaucrats in the IDB to discuss land reform does not reflect the realities in El Salvador. Land redistribution is a real issue and must be addressed in order to facilitate development with respect for human rights. Land issues will not simply go away.

For example, a couple of months ago, I met a woman from El Salvador, a displaced person who is now living on lands in the Department Usulután. These lands were abandoned several years ago because of the fighting. The lands are particularly fertile and, therefore, apt for development of cash crop cultivation as part of the economic reform measures.<sup>14</sup> This woman is a squatter and, pursuant to the Peace Accords signed in Mexico, she has a certain squatter's rights. The IDB, however, has funded an irrigation scheme in the area occupied by the woman. Interestingly, an IDB representative and a Ministry of Agriculture representative went to the Department Usulután to talk to the Farabundo Martí National Liberation Front (FMLN) to obtain clearance for the project. The representatives wanted to determine whether the FMLN would burn the project if it was started. This woman was indignant when she told me the story. She said, "What have they [the FMLN] got to say for me? I'm living on the land. I want a say in how this project is implemented." She believes that she has a right to decide what is going to happen to her in the future. She was frustrated in her quest to find out more about the project. The IDB in Washington was

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12. Jerome Levinson, 8 AM. U.J. INT'L L. & POL'Y 43 (1992).

13. PETER SOLLIS, BULLETIN OF LATIN AMERICAN RESEARCH, DISPLACED PEOPLE AND HUMAN RIGHTS: THE CRISIS IN EL SALVADOR 46 (1992).

14. Cf. Russell Watson et al., *A Plan to Win in El Salvador*, NEWSWEEK, Mar. 21, 1983, at 18 (discussing a 1983 joint U.S.-Salvadoran program to combine military action and economic reform to attack rebel strongholds in Usulután).

unable to provide information about the process by which decisions were being made about her future. She had already been to the IDB office in San Salvador and received virtually the same message. Similarly, the Ministry of Agriculture in San Salvador could not inform her about the project or who was going to benefit from the project.

People like this El Salvadoran woman were previously silent, and also ignorant about how to organize or to gain a voice. But now, after a very difficult process, not only have they learned about empowerment, but they have potentially acquired the capacity to use that empowerment to try to achieve a better life. As poor people struggle to survive, they are not aware of the distinctions made between first generation and second generation human rights. Civil and political rights are not distinct from economic and social rights. The two sets of rights are related in a complex, interactive fashion. As we look for ways of formally linking development and human rights questions, we might learn more by observing how reality shapes the exercise of these rights.