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## Book Review

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## BOOK REVIEW

**El Conflicto Honduras-El Salvador Y El Orden Juridico Internacional 1969\*** by James Rowles. Costa Rica: Editorial Universitaria Centro Americana (EDUCA) (1980). Pp. 303.

On July 14, 1969 the armed forces of El Salvador invaded Honduras. In the resulting "Hundred Hours War",<sup>1</sup> between one and two thousand persons were killed, more wounded, and the number of refugees and displaced persons was counted by the thousands. In the following month, this figure approached 100,000, of which the majority were Salvadorians returning to El Salvador from Honduras, where some 300,000 had resided before the war.

The Organization of American States managed to stop the hostilities on July 18. A demilitarized zone was established along the common border and the last of the Salvadorian forces were withdrawn by August 3.<sup>2</sup>

*El Conflicto Honduras-El Salvador y El Orden Juridico Internacional* (1969) is an investigation by James Rowles into the events of the conflict, the military preparations undertaken months before the first bullet was fired, the bitter disagreements between the Ambassadors of the States, the many unsuccessful attempts to prevent the war by the various international organizations involved, and the disastrous consequences that the war created.<sup>3</sup>

The primary objective of Prof. Rowles' investigation is to determine what lessons, if any, can be learned from this conflict, particularly in regards to the manner by which the various international entities can best make use of their procedures and legal mechanisms in order to end or prevent acts of aggression in other similar circumstances. His other

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\* English Translation, J. ROWLES, THE HONDURAS-EL SALVADOR CONFLICT AND THE INTERNATIONAL LEGAL ORDER 1969 (1980). (This book is currently being revised, updated and expanded for publication in English).

<sup>1</sup> Also generally known as the "1969 Soccer War".

<sup>2</sup> J. ROWLES, EL CONFLICTO HONDURAS-EL SALVADOR Y EL ORDEN JURÍDICO INTERNACIONAL (1969) 7, (1980).

<sup>3</sup> On October 6, 1976, El Salvador and Honduras signed a treaty establishing procedures for settling the dispute, see Agreement for Mediation, Oct. 6, 1976, El Salvador-Honduras, reprinted in III Inter-American Treaty of Reciprocal Assistance-Applications, 52-55, OAS (1977), which culminated in the signing of a general peace treaty between the two countries in Lima, Peru on Oct. 30, 1980, see The Times (London), Nov. 1, 1980, at 4, col. 5; and N.Y. Times, Oct. 18, 1980, at 10, col. 3.

objective is to explore the roles the law and the international legal mechanisms played, or what roles they could have played, during the different stages of this particular conflict.

James Rowles follows a chronological pattern in his treatment of the events which took place prior, during and after the actual confrontation. The investigation is divided into eight parts, which contain a wealth of historical materials and primary sources for the reader desirous of preparing and learning about other conflicts between the OAS members. Some scholars may be disappointed by the lack of historical analysis behind the type of relationship and continuing dialogue after the conflict between Honduras and El Salvador. But this is not a handbook of politics and diplomacy or an exhaustive treatment of the impact the war had on the policy of the particular country's internal politics. It is an analysis of the basic issues raised by each country to justify their position and the forums in which those positions were articulated.

The author analyzes the political and economic history of both countries. He describes the entire context within which the development of the dispute arose and was settled. From interviews with persons who took part in the negotiations to settle the dispute, an inside look is provided which enables the reader to get a broader view of the conflict.

The demographic explosion in Honduras and El Salvador, whose population growth rate is among the highest in the world, was a major cause in the growing social tensions between the two countries. Both countries were not only burdened by the problems associated with explosive population growth and a state of miserable poverty, but the existing wealth were and still are unequally distributed between their inhabitants.<sup>4</sup>

Prior to the conflict, Honduras had an open door policy toward migration from El Salvador. The migration of Salvadorians into Honduras was a convenient safety valve to the explosive population growth problems of El Salvador, but at the same time it aggravated the social problems presented to the Honduran government. Another major problem contributing to the friction between the two countries was the feeling in Honduras that El Salvador was proportionately benefiting from the Central American Common Market (CACM), to which both countries were members, at the expense of Honduras. This feeling was aggravated

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<sup>4</sup> By refusing to make the necessary structural changes needed such as an agrarian reform, both countries have been unable to alleviate the social tension which inevitably would lead to a conflict of the highest political and social magnitude. This can be seen today by the conflicts currently going on in El Salvador. See *Salvador's Arms Pipeline*, NEWSWEEK, Mar. 2, 1981, at 41-43. In the case of El Salvador, Jose Napoleon Durate, the Junta's Christian Democratic President is currently trying to press ahead with much needed social and economic reforms which include a vast redistribution of land to the peasants, see *The U.S. Gets Tougher*, NEWSWEEK, Mar. 9, 1981, at 39.

by the fact that Honduras was suffering from a serious balance of payments deficit, caused to a great extent by the influx of products manufactured in El Salvador under the free commerce regime of the CACM.

The answer to these problems by the Honduras government was article 68 of the Agrarian Reform Law. The article provided that only Honduran citizens could receive or possess through government concessions the lands distributed by the Agrarian National Institute. The practical effect of this legislation resulted in the eviction of all the Salvadorians from all the lands which they had occupied. The Honduras government also adapted a policy of close migration. This policy and the application of article 68 caused a lot of resentment in El Salvador.

Under these circumstances the soccer games between the two countries for the world cup elimination were played, which provided an appropriate occasion for the expression of nationalistic feeling and resentment. Abuses were committed against the citizens of both countries with neither government acting to stop such attacks. One of the principal questions raised concerning the conflict is why, even though so many international entities were involved before the actual war broke, no one was able to prevent it.

James Rowles describes the benefits hoped to be gained in the conflict. In the case of El Salvador, the government desired to obtain four results: (1) to force Honduras to stop the abuses and expulsions; (2) to gain a sufficient victory in order to force Honduras to consider new immigration policies and stop the evictions resulting from the application of article 68; (3) to receive compensation for the damages suffered by the Salvadorians residing in Honduras and re-entry of those forced to leave; and (4) to make Honduras more cooperative at the CACM.

A major question tackled by James Rowles is why were these objectives so important to the government of El Salvador that it had to invade Honduras in order to realize them?

James Rowles reasons that the answer to this question is not yet completely clear, but that it is closely linked to the internal political struggle. Mr. Rowles concludes that the expelling of Salvadorians residing in Honduras, which resulted in the constant flow of refugees returning to El Salvador, launched the conservatives into a state of panic. They realized that if the safety valve for their explosive population growth was closed, the social unrest would turn the displeasures towards the politics of the government, a tremendous social discomfort would be provoked, or, in other words, a "communist" revolution. This fear was shared by the government, the conservative faction, and the strong conservatives in the army.

According to El Salvador, it took such military actions because of the supposed human rights violations being committed against the

Salvadorians residing in Honduras. El Salvador claimed that it was exercising the right of self defense.

Honduras did not deny the obligation to protect and respect the fundamental human rights of the Salvadorians residing in Honduras, but it argued that such allegations were untrue.

At first glance, the action by the OAS in stopping the war and obtaining the withdrawal of the Salvadorian forces would seem to be an unprecedented success. As James Rowles describes, however, the success was not complete. The OAS Council had known about the dispute ten days in advance of the invasion, and the situation was being discussed by the Council at the time the Salvadorian armed forces launched their invasion. From this point of view, the action by the OAS represented a dramatic failure. For the first time in its 21 years of existence, the regional organization had not been able to prevent a large armed confrontation between two of its member states.

The author concludes that the action by the OAS involved both failure and success. Rowles inquires into the specific successes and failures by the OAS at the different stages of the dispute. Through this detailed analysis of the conflict, the author reveals the ways in which the international community responds with various legal mechanisms. He examines the collective decision-making processes and the impact it has on the international legal community.

The patterns of OAS involvement in Inter-American conflict are slightly different from those employed for other organizations. Instead of being "recommendation/judgments", it has been substituted by "investigatory/mediatory committee" and "investigatory/mediatory committee and judgment".<sup>5</sup> The nature of negotiations contribute to the futility of a search for a solution to conflicts. Negotiations are a unique blend of parliamentary procedure and diplomatic formality. The diplomatic influences color the negotiations on any issue with the concepts of state sovereignty and sovereign equality, which decreases the possibility of compromise.

The OAS has seldom passed resolutions directed against a particular state during the course of a conflict. Since the members have been reluctant to alienate a state and inhibit its cooperation with the organizations.<sup>6</sup> In a few cases, the OAS has made rather oblique judgments of wrongdoing after the conflicts had terminated, but only in one case, the Honduras-El Salvador War of 1969, did it specifically call for a cease fire and withdrawal during the course of the conflict and

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<sup>5</sup> M. ZACHER, *INTERNATIONAL CONFLICTS AND COLLECTIVE SECURITY 1946-1977* at 106 (1979).

<sup>6</sup> *Id.*

threatened to impose sanctions if the aggressor did not withdraw.<sup>7</sup>

James Rowles concludes that important lessons can be learned from the study of this conflict. Social and economic delay, specifically when it is united by pressures generated by a growing demographic explosion, can bring the developing countries to fight against each other in order to divert public attention from their internal social tensions and the resulting political instability. Many developing countries would feel tempted to look outside in search of more lands or other valuable resources. In summary, Rowles suggests that the issues in a conflict are not unique, but represent constant problems. James Rowles reasons that the conflict between El Salvador and Honduras could be just the first of many "Demographic Wars" which can take place between poor and less developed countries.

Secondly, Rowles concludes that it seems absolutely necessary to strengthen the International Commission on Human Rights in order for it to be capable of intervening rapidly to protect human rights of large groups of persons which may become the object of massive violation.

The author concludes that if any conflict threatens the international peace and security, the international legal mechanism can be utilized to prevent the beginning of hostilities or to put an end to a war. In focusing on the mechanisms, procedures and methods which constitute the international legal process, the impact of the "law" on the behavior of those making the decisions must be understood and promoted. Unfortunately, the dispute between Honduras and El Salvador did not end when the last Salvadorian soldiers crossed the boarder on August 3, 1969. Honduras blocked all commerce and Salvadorian traffic through its Panamerican highway and the number of refugees returning to El Salvador increased. In summary, the cold war replaced the violent one until 1976 when the two countries established procedures for settling the dispute, which culminated in the signing of a general treaty in 1980.<sup>8</sup>

This book provides an excellent analysis which extends beyond its Latin American confines and should be of interest to all students in the international law area. The upcoming English edition is an event which should be looked to with great expectation, particularly for those students of international law not fluent in Spanish and unable at this time to appreciate the analysis provided by Professor Rowles.

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<sup>7</sup> *Id.* at 114.

<sup>8</sup> *Supra* note 3.

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