
The Salvadoran Peace Accords and Democratization

A Three Year Progress
Report and Recommendations

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Introduction and Recommendations

The government of El Salvador declared a holiday January 16th to mark the third anniversary of the signing of the peace accords. Most Salvadorans were grateful for a day's rest, but on the 16th little in the way of celebration of the peace accords could be observed. The main achievement of the accords - an uninterrupted end to the fighting between the government and the Farabundo Martí National Liberation Front (FMLN) - has now lasted over three years. Even after twelve years of brutal war, peace, if not tranquility, may be taken for granted.

But some Salvadorans refer to the "peace" in quotation marks. A post war crime wave has led to great personal insecurity. A peasant in a recent poll said "the war is not yet over because people are still being killed for a trifle."¹ Former President Cristiani recently denied that the crime wave was a product of the end of the war. Many Salvadorans see high unemployment (particularly among young ex-combatants and former members of demobilized police forces), along with a post war profusion of weapons and the know-how to use them, as the key ingredients leading to increased, violent crime. Crime has not been slowed by the peace accords' call for economic reconstruction, the accords' requirement that weapons be collected and registered, or the accords' reform of the police and judicial systems.

Adding to the tension, last October an FMLN regional leader in charge of land distribution was assassinated in a San Salvador restaurant and two of his comrades were wounded. There is evidence that the assassination was a political killing related to the land issue. This year, a mayor from the governing ARENA party was assassinated by six gunmen. Political motives can hardly be dismissed. Perpetrators of other political assassinations have not been apprehended.

Each assassination tells Salvadorans that death squads exist and warns them to stay uninvolved. According to polls 52% of Salvadorans believe death squads exist. When asked who sponsors them, 36% said they did not know and half the sample declined to give any answer. Eighty three percent said they had never participated in a political meeting.²

War veterans have protested in the streets the government's alleged failure to comply with the accords' obligation, or a moral obligation to provide them with benefits. They have seized the Legislative Assembly three times, taken hostages, and have threatened to take up arms along transport routes. These actions escalated dramatically in January.

In some cases the protestors have turned violent. In the main the government has acted with restraint, but just days after the January 16th holiday the new National Civilian Police (PNC) fired on protestors, killing one and wounding two. Ironically, just days before the holiday, a ceremony took place marking the final demobilization of the National Police (PN), the third of three public security forces to be demobilized under the accords. Former members of these demobilized forces have been among the January protestors.

These developments and the failure of the post war economy to improve many people's lives have led to a more negative public assessment of the accords. The Institute of Public Opinion at the Central American University makes these comparisons of two polls.

Opinion	October 1992/1	February 1995/2
Positive	54.5	33.0
Neither good nor bad	1.1	20.2
Negative	35.6	36.4
Don't know/No answer	8.9	10.4 ³

This less than tranquil picture, and the passive observation of the peace accords, should not obscure the substantial accomplishments during three years of relative peace. In addition to demobilizing all FMLN military units and Army attack battalions and downsizing the military, the accords called for major structural and procedural changes in the government, the establishment of conditions for free and fair elections, a major human rights review of military officers and an international Truth Commission to investigate the most notorious of human rights abuses during the war, an entirely new police system and demobilization of old repressive police apparatus, extensive judicial reform and a heavily funded program of national reconstruction.

The United Nations, asked by the parties to mediate the accords during the negotiations, also was requested to establish the ONUSAL mission to observe and mediate the implementation of the accords. This mission had during its peak months over 800 observers - police trainers, military observers, human rights and electoral experts. Multilateral lending agencies and governments have contributed large amounts of money to post war El Salvador.

Most of the provisions of the accords have been met to the satisfaction of the signatories, if not always to that of other affected parties and international observers. The process has been marked by grudging and evasive actions and crises. However, the military and security units which were to demobilize have demobilized, with the possible exception of a military intelligence unit. There is agreement, if not precise verification, that the military has properly downsized. A new police force and police academy have been formed. General elections and the election of a Supreme Court have happened under guidelines specified in the accords. Though there have been many problems with the planning and execution of an economic reconstruction plan, substantial monies have been disbursed in retraining and credit programs. The most delayed aspect of the accords, the land transfer process, showed encouraging progress the last six weeks of 1994.

There is also hope of progress on issues closely related to the accords. For example, a newly constituted Supreme Court has made tentative steps toward cleaning up corruption and incompetence in the lower ranks of the judiciary. Following national and international criticisms of election procedures, a presidential commission, which included Rubén Zamora, the candidate President Armando Calderón Sol had defeated, agreed upon reforms to be recommended to the Legislative Assembly.

Other Peace Processes

In Nicaragua the U.S. supported guerrillas were to lay down their arms in June 1990 when a peaceful transition of government followed a defeat of the Sandinistas. But its peace process has been marked by considerable political violence featuring large armed bands of former guerrillas, and in some cases former government soldiers, making political demands. Little reconstruction has occurred, and at times the government has been barely able to govern, lurching from crisis to crisis. In Guatemala the war grinds on at low levels with the peace process stalled. Despite a partial accord over international human rights observation, human rights abuses continue at high levels.

In Mozambique the war stopped after two decades and a million deaths (compared with 75,000 in El Salvador). November's elections, won by the governing party, have been accepted by the guerrillas. The economic devastation makes Nicaragua and El Salvador look like paradise. In Angola the warring parties paused, after 17 years, for an election in 1992, but the Jonas Savimbi-led guerrillas refused to accept defeat so went back to war. There is a tentative peace process underway. In Cambodia, two years after elections the Khmer Rouge guerrillas continue fighting.

Despite the political violence noted above, the election campaign itself was virtually free of violence. Former blood enemies now debate in the Assembly. Though sectors of the hard right of ARENA (and beyond) persist in referring to the FMLN as terrorists, for the most part the media and opponents of the FMLN have accorded the former guerrillas legitimacy as political players. By comparison with the peace processes in other countries which suffered internal wars with cold war overtones in the 1980s, El Salvador has made great progress.

Nonetheless, serious problems remain. The accords are now slated to be fully implemented no later than April 30th. No serious observer believes this deadline will be met. ONUSAL's observers, now down to 90, will pull out by April 30th. UN Secretary General Boutros Boutros Ghali has asked the Security Council to leave behind a team of eight to pay particular attention to police and human rights issues, the seriously delayed land transfer program and the

delivery of benefits to former combatants. They face a difficult task.

The main ingredients shaping the 1992 peace treaty and advancing its implementation have been the reciprocal interests and political will of the parties to the treaty. All but the most grudgingly nationalistic Salvadorans would admit that the international players in general, and ONUSAL in particular, have played vital, though controversial, roles. With ONUSAL gone will treaty compliance remain incomplete because the parties have other priorities? This report, Hemisphere Initiatives' tenth on the Salvadoran peace process, signals areas of particular danger in land transfer, benefits to ex-combatants, human rights violations, the professionalization of the police and courts, and remilitarization of police functions.

Formal compliance with the accords does not necessarily fulfill their underlying goals or the broad goal of democratization. The accords, for example, call for civilian participation in the military academy and a change in the Constitutional mandate of the military, narrowing it to the defense of the sovereignty of the nation. New military academy committees and new words in the Constitution do not necessarily lead to a real practice of civilian control. The inner details of military budget remain unknown territory to the Legislative Assembly.

The recent selection of a much more professional Supreme Court is but one step in the process of reforming the behavior of an often corrupt, intimidated or incompetent judiciary. Human rights abuses by the new police force signal that creation of a new police force does not guarantee new behavior. Compliance with many of the accords is a starting point not the completion of real reform.

Political Process

Since the first post war election in March 1994, strenuous battles among, and, more important, within the political parties have marked the political terrain. But like the peace process these fights have left citizens on the sideline with little to celebrate.

The fight over the selection of a new Supreme Court left the country suspended for a month with no Supreme Court. During the process, the encouraging, and for the most part depoliticized, participation of a wing of civil society, the National Lawyers Association, was pretty much drowned out by the clamor among political parties in the Assembly.

After 12 years of fighting together during the war, the FMLN federation could not survive peace. It has formally split, with much of the ERP, headed by Joaquín Villalobos, and much of the RN departing. The remaining FPL, PRTC, and Communist Party have held a unifying congress. The ERP and RN state they are social democrats, while the other groups adhere to a more Marxist tradition. There is, however, a notable lack of disagreement on many basic political issues, leading to speculation that the split also has a good deal to do with personalities and power.

The Christian Democrats' (PDC) fratricidal six year war has continued and there is now a split, with one wing of the PDC moving toward ARENA.

Even ARENA's smoothly humming machine has developed serious knocks at a time when it could have been content to idle while its relatively weak opponents played divide and be conquered among themselves. Serious corruption charges from ARENA's ideological right have rattled the party and were soon accompanied by a major fight over the president's new economic plan. ARENA's dominant executive committee was reshuffled. Many feel the anti corruption campaign has a good deal more to do with score settling and getting power than with cleaning things up.

Spectacular and titillating as these duels may have been for sectors of the public, they have been costly. While the fights have been going on, Constitutional reforms passed by the old Assembly have not been ratified by the new. There has been little progress reforming El Salvador's troubled electoral system. Any of the reforms likely to be passed by the Assembly to establish a unified ID card system or residential based precinct voting will be difficult to implement. The old system was never successfully implemented after six years of trying, so delay in the Assembly will almost certainly negatively affect the next round of Assembly and local elections in 1997 and perhaps even the presidential round in 1999.

The long delayed transfer of lands showing encouraging progress in November, but in January looked as if it would stall again because, according to some versions, internal fights in ARENA had resulted in a change in Land Bank personnel. In other social and economic areas of the accords, the FMLN has not put forth a coherent reconstruction program to contend with that of the government.

In short, the parties have spent much time fighting while more important issues have not received

sufficient attention. Polls indicate that another cost of these fights is the public's reduced opinion of politics and political parties. In the midst of the political campaign for the elections of the century 82% said they had little or no interest in politics.

For citizens more active in the process, the ill defined "base" of the political parties, there may be more cause for disaffection. According to some estimates the FMLN has lost the effective participation of half of its base in the last few years. Both Christian Democrat factions claim a loss of activists. These losses are partially the result of infighting among the factions. ARENA's vast electoral machine may run more on the attractions of salaries for party workers and for a kind of social club, than on active participation. So centralized (and mysterious) is its decision making process and so intense has been infighting for quotients of power that there is little room for real participation at the party's base.

We do not mean to say El Salvador is unique. There are many bickering political parties around the world which do not have democratic processes. Electoral democracy has a serious problem in public apathy and low esteem for political parties. One theory in the United States holds that apathy is due to a contented population willing to let political elites play their games. But given the levels of poverty and war-created ills suffered by the Salvadoran population, contentment would not seem to be the cause of political apathy and disaffection. It is precisely because the accords set a new agenda, that the behavior of political parties merits close scrutiny.

Recommendations

1. The government and the FMLN should publicly commit themselves to the successful completion of the terms of the accords by April 30th. Preferably, the parties would make a joint statement.
2. The government should immediately extend the prohibition of land evictions beyond March 31 to correspond to the completion of the land transfer program. This will prevent civil disorder and encourage land transfers.
3. The Land Bank should place purchase money in escrow accounts for land owners in advance of final transfer of title to assure land owners that it will be paid immediately.
4. The intent of the land transfer program was not to grant land owners windfall profits above market value at public and international donor expense. Titleholders should not profit from infrastructure improvements made by those who have lived on the land during the war. To facilitate negotiations, and not lose another crop cycle, the government should grant production credits to land occupiers for this year's agricultural cycle. The government should introduce a bill in the Assembly that would permit expropriation (with compensation) of occupied properties, or compulsory arbitration of sale prices in the event it cannot find fully comparable lands for the occupiers and the title holder will only sell for a price above market value.
5. The electoral laws should be reformed to provide for residential voting in precincts small enough that most voters could walk to the polling place.⁴
6. The electoral laws should provide for a system of one identification card that would serve for social security, legal transactions and voting.
7. The Supreme Electoral Tribunal should, by law, select supervisory staff, with the power to hire and fire, who are not militants in political parties. The remainder of the staff would then be judged on its professional merits.
8. Laws requiring reporting of sources of campaign financing and setting limits on campaign spending are needed. Elections will not be truly fair in El Salvador until such laws exist.
9. The Legislative Assembly should ratify the constitutional reforms passed by the last Assembly that deal with judicial reform and habeas corpus. It should pass the proposed laws on Criminal Procedure and Penitentiary reform.⁵
10. The government should fully fund all reinsertion programs and meet the commitments made with war veterans without delay.
11. International donor agencies should focus their aid on projects which will finalize the compliance with the accords and which will sustain the accords' goals of institutional reform, human rights, and, in the area of reconstruction, economic development. Agencies should sponsor projects which would enhance human rights and investigative development of the National Civilian police, the land transfer program and development of those lands, judicial reform, and voter registration reform and the professionalization of the Supreme Electoral Tribunal.

The Struggle to Demilitarize the Police, Depoliticize the Judiciary, and Control Crime

The most difficult negotiations between the Salvadoran government and the FMLN between July 1990 and January 1992 centered on institutional changes necessary for FMLN members to safely reenter the political and social life of the country. Given the ideological and repressive background of the existing internal security regime, broadening the democratic political spectrum clearly required a profound reform. Initial FMLN proposals sought to abolish the military. The government's refusal was adamant. This stand-off gradually evolved to a plan to confine the armed forces to national defense and create a new civilian police force in charge of internal security.

This basic framework was put in place in the April 1991 Mexico round of agreements, which included constitutional reforms excluding the military from internal security functions, subjecting the armed forces more clearly to civilian control, and reforming the judiciary to reduce partisan political control of the courts.⁶ In the September 1991 New York negotiations the FMLN accepted that the safety of its members would be adequately protected by having presence in the new police force so long as additional military reform measures were taken. These New York agreements provided for a purge of military officers with dubious human rights records, a new armed forces doctrine, reforms in military education, major reductions in troop levels, a pluralistic Commission for the Consolidation of Peace (COPAZ) to verify compliance with the peace accords, and an agreement that former FMLN members could participate in the PNC without discrimination.⁷ The parties eventually agreed that 60% of the initial 5700 PNC members were to have had no role in the war, while the remainder would be split equally between former FMLN and former National Police.

The final accords signed in Mexico City on January 16, 1992 detailed more reforms: disarming and

abolishing the extensive paramilitary patrol network; replacing the military intelligence apparatus with a new civilian entity under the direct control of the president; cutting troop levels by half, including the phased demobilization of the five attack battalions that had spearheaded the war.

Other institutional reforms included the creation of a Human Rights Ombudsman's office with broad powers to investigate rights violations, to inspect police and military facilities without advance notice, and to refer cases to the courts. The judicial system was also to be reformed, with measures to require broader political consensus for the appointment of judges and minimal standards of professional qualification.

A complex calendar scheduled different stages of these and other elements of the accords. This was matched by a phased demobilization of FMLN troops over 10 months. The Treasury Police and National Guard were to be demobilized within 30 days. The third internal security force, the National Police, was to be phased out after two years while the new PNC was phased in.

Abolishing the Old Security Forces

The three old security forces did a poor job of preventing or solving crimes, often violated human rights in their efforts, engaged in open political repression, and were integral parts of the military. Under the Ministry of Defense, their officers trained at the military academy where they received heavy doses of ideology. Officers moved back and forth from military unit to security force. The close alliance between military governments in power from 1932 to 1979 and economic elites meant that security forces actively protected the assets of the economic elites to the point of having barracks on their lands.

There have been repeated attempts since the signing of the accords to maintain units of these forces. In March 1992 the government simply renamed the National Guard and Treasury Police, incorporating them intact into the army. After repeated FMLN protests, UN special envoy Marrick Goulding mediated an agreement whereby the security forces would be definitively dissolved. The Legislative Assembly repealed laws creating the two security forces. However, many National Guard and Treasury Police members continued to serve in public security roles when the National Police incorporated over 1,000 of them along with entire units from one of the demobilized attack battalions.⁸ In addition, the 2,000 member Special Brigade for Military Security is mostly former Guardsmen and Treasury Police. It is supposed to police the military and patrol borders; however, as part of anti crime "dissuasive" deployment, its troops patrol the main highway between San Salvador and the airport.⁹

Demobilizing the National Police proved to be especially difficult. Under an agreement which the FMLN now regrets, two PN units, an investigative unit and anti-narcotic, unit were transferred intact into the PNC (see below), and a third unit was added last December, though most of its members quit with severance pay. The government steadily postponed or rescheduled planned demobilizations on the grounds that crime was out of control. Finally, after a bloody bank heist in June 1994, a police lieutenant in charge of the National Police criminal investigation division was identified on a videotape of the crime and arrested as a suspect. This seeming confirmation of high-level police involvement in organized crime led President Calderón Sol to speed up the long delayed demobilization. The January 12 ceremony marking the official demobilization of the National Police was a year late.

Training and Deploying the PNC

The National Public Security Academy (ANSP) opened on September 3, 1992 four months late. The opening was delayed in part by the military's appropriation of a facility slated for the police academy.¹⁰

The Academy has had problems. Cadets have received inadequate training in investigation and anti-narcotics work, precisely the specialization of the two aforementioned units initially transferred intact from the old PN - the Criminal Investigations Division (SIU) and the Anti-Narcotics Division (UEA). In addition, students have complained about arbitrary rule

enforcement. It also appears that some students have purchased their 9th grade certification. ONUSAL sources have observed that many Academy graduates do not have a sufficient understanding of either Salvadoran or international legal norms. Most recently a list of graduating officers had many irregularities including yet more ex PN members, a violation of the quota agreements.¹¹ Whether portions of the Academy staff are complicit or whether the Academy is simply not able to handle all of its assigned tasks is an important issue. Still more important is the fact that some Academy graduates enter the police forces having violated rules on the way to doing so, not the kind of mentality hoped for in a reformed police force.

The Academy faced an extremely difficult task. It has been forced under tremendous time constraints to train and graduate police agents to serve in a tension ridden post war society undergoing a crime wave. However bad the old security forces had been, the immediate effect of the accords was to reduce a security force of some 14,000 to some 6,000. In 26 months the ANSP graduated some 250 officers and 7200 agents had graduated from the academy partially filling this gap, an impressive achievement.

The National Civilian Police (PNC) has suffered from budgetary problems. After delays, the government estimated \$128 million would be needed the first two years but could only provide half of that, the rest to come from international sources. The PNC is starting from scratch. The old security forces were not professional and had little appropriate equipment such as fingerprint kits and handcuffs. What they did have was largely not available to the PNC. Much of the nearly \$13 million in military assistance provided in the late 1980s by the U.S., such as vehicles, communications equipment and arms, had either been appropriated by the military, was missing, or was in bad condition.¹²

The first PNC agents deployed suffered severe equipment shortages and austere living conditions. Many were paid late. The ONUSAL police division provided extensive logistical support and on-the-ground instruction, which helped new agents and ONUSAL identify gaps in ANSP training.

Deployment took far longer than originally planned, so that when national elections were held in March 1994 most of the populous western part of the country was still patrolled by the old National Police. By last October PNC units were deployed in every department.

The Continuing Problem of Special Units of Ex-Military

The most damaging development in the PNC, and the one which has aroused the most public debate, has been the transfer of the Special Investigative Unit (SIU) and the special Anti-Narcotics Unit, known as UEA, now known as the DAN. SIU was established with extensive U.S. support to investigate human rights cases. However, not only had it failed to investigate some human cases, but it covered up evidence of human rights violations, particularly where the military was involved.

After ONUSAL protests greeted an initial attempt to transfer the two units, the government and the FMLN agreed in December 1992 to the transfer if investigation of individual records revealed no problems and if the personnel took a special ANSP course on human rights and PNC doctrine. The FMLN now says the agreement was made under the December 1992 pressures of an overall crisis in the accords' military and land issues.¹³

Nine months later, ONUSAL protested that there had been little evaluation of the UEA and SIU personnel, that some were added to the UEA after the December agreement (and thus could not have the special expertise the government had touted during the December negotiations), and that the one week course in the Academy had no attendance taken and no exam.¹⁴

The appointment of director of the UEA, Oscar Peña Durán, as Subdirector for Operations of the PNC led to a serious re-militarization of the PNC during late 1993 and early 1994 and undermined much of the progress that had been achieved. Promoted to Commissioner, Peña Durán then placed many of his former UEA colleagues in key positions throughout the PNC, although they were supposed to be limited to anti-narcotics work, and virtually eliminated ONUSAL involvement with the PNC.¹⁵

Following intense pressure from ONUSAL and the United States, Peña Durán resigned in May, 1994. ONUSAL was again invited to work closely with the civilian police, and some of the training courses were provided. But problems have continued.

The new administration of President Calderón Sol reaffirmed the requirement that all personnel from these two units go through the academy training course, and the need to remove those who were

added to the anti-narcotics unit after the December 1992 agreement. This January the PNC moved to dismiss the 71 who had joined after December 1992. The entire anti-narcotics unit went on strike, occupied their headquarters and threatened to burn all their files. The latter threat may have been related to charges emanating from the Legislative Assembly of financial wrongdoing. By February 22, the strike was resolved with some 200 of the four 400 person unit choosing to retire with a year's severance pay.

This may be the end of a two year effort by this unit to avoid the accords, even to the point of flagrant evasion of the rather modest training requirement. It exemplifies one of the more brazen forms of impunity still in existence in El Salvador, and that by a unit supposed to combat international drug rings.

The behavior of the Special Investigative Unit also leaves much to be desired. An example was its failure to respond to ONUSAL requests that the alleged assassin of FMLN member Oscar Grimaldi (which occurred in August 1993) be arrested. Weeks after the suspect had been identified, and the day after a visit by ONUSAL to the SIU in which the latter finally announced that it would arrest the suspect, the alleged killer was found murdered.¹⁶ A new commander for the SIU was named in December, 1994. He is a former attorney general who was accused of obstructing the investigation of the murder of the six Jesuits killed in November 1989.¹⁷

Effectiveness and Operational Challenges

The dangers to the peace process inherent in the continued weakness of Salvadoran institutions and their failure to end impunity have been constant themes in ONUSAL reports and statements. ONUSAL's 11th Human Rights Report reviewed 75 cases involving violations of the right to life reported to ONUSAL between July 1992 and March 1994 (from the 6th to the 10th report).¹⁸ In 18 cases victims or relatives did not go to judicial authorities, indicating a continuing lack of trust in judicial proceedings. In the 57 cases which did go to the courts, the police conducted investigations in only 27. In only 18 of the 75 cases was the identity of the alleged perpetrator determined; in only 9 were suspects in custody. ONUSAL concluded that, "From July 1992 until the time of writing of this report [June 1994], no one has been tried and sentenced for having committed any of the 75 most serious cases of violations of the right to life reported to ONUSAL."¹⁹

Not all of these cases can be laid at the feet of the PNC because some happened in the jurisdiction of the PN. The PNC won confidence and cooperation in many communities in which it was initially deployed, particularly communities which had little police protection in the past. People gave the PNC helpful information. In the early months two violent rural gangs were broken. The PNC's willingness to take on heavily armed criminals brought more public trust. Its success by the end of 1993 could be measured by the call by presidential candidates, from left to right, to hasten its deployment. The opposition criticized the government for not deploying the PNC in crime ridden San Salvador, and, perhaps for electoral reasons, the government did begin placing the PNC in areas of the capital.

However, the early success of the PNC is now under threat. One of the costs of transferring the SIU as a unit has been inadequate attention to training PNC cadets in investigative techniques. Fewer than 3% of civilian police officers are assigned to the investigations division; they have yet to receive proper training or equipment.²⁰

ONUSAL has documented increasing numbers of cases of abuse by PNC agents. Of 147 complaints received between November 1, 1993 and June 30, 1994, 30% concerned ill-treatment, excessive use of force and torture. In the three month period from July through September 1994 the number of abuses by the PNC reported to ONUSAL jumped to 87 from 28 during a similar period the year before. ONUSAL found two verified cases of use of torture to obtain a confession.²¹ People have died as a result of excessive use of force.

In dealing with these problems, internal disciplinary procedures have not been adequately applied.²² After much delay, the government recently named an inspector general for the PNC, attorney Eulogio de Jesús Guerra Payés, formerly of the government's Human Rights Commission and a government representative to COPAZ's Human Rights Subcommittee.

The increase in number of reported abuses can be seen as a result of a rapidly expanding police force as well as a civilian population which is more likely to denounce such abuses because repression is no longer systemic. But in other cases, abuses result from lack of training, direction and oversight, or old habits from the PN, or new ones being developed.

The most serious problem faced by this "rookie" police force is that it has entered the world in the midst of a gigantic crime wave. Despite some notable successes by the PNC, the crime wave rolls on with media stories of gory and spectacular crime easily drowning out the PNC successes. Citizens talk about crime all the time, not because of excessive media reporting, but because so many of their friends and family have been victims.

The PNC did not create the crime wave. Some Salvadorans claim that members of demobilized security forces have taken up a life of crime. By all accounts El Salvador remains a heavily armed country in the aftermath of the war. Little progress has been made in collecting weapons, registering them or registering the many private security forces which exist, all requirements of the accords. And poverty, living alongside a consuming middle class and a visible upper class, adds to the rich mix of post war ingredients of the crime wave.

Even optimal training and supervision in the formation of the Academy and the PNC would not have broken this crime wave. The crime wave has its own dynamic which harms the PNC. The violent nature of the crime contributes to excessive use of force. When crime pays so handsomely, and is so violent, citizens don't want to get involved. As one of the authors discovered upon being victimized by an armed robbery on a busy street, the lack of PNC success against crime in turn breeds citizen contempt for the law enforcers. More dangerously, some Salvadorans now claim things were better with the old police repressive police forces.

Unfortunately, indications of lack of public sympathy are being reinforced by a similar lack of sympathy from the political class, that is those who set the PNC's budget. Whereas a year ago political candidates were falling over themselves to support the PNC and increase their ranks, now they criticize. In February, the President of the Legislative Assembly Gloria Salguera Gross, as noted below, talked of the PNC's myriad problems, while the head of the Christian Democrats, Ronald Umana, called for the resignation of the director of the PNC.

Remilitarization?

We have noted continual pressures from the old military security forces to enter the PNC and retain their old roles. The military faces a threat of further

reduction. Confined to protecting the sovereignty of the nation, it retains a very large force by comparison with its own pre-war history and with all of its neighbors save Guatemala in a situation where there is no hint of international conflict. Its budget requests since the war have not been reviewed in any detail by the Legislative Assembly, but there have been calls from leftist Deputies for more information about its budget. The military has sought to protect its turf by acquiring new roles, particularly in post war construction projects. Construction firms in the private sector of El Salvador would prefer to have the work.

There has been an increasing tendency within the ARENA governments to use army troops for police work. For a year and a half, military troops have patrolled the 30 mile highway between the airport and San Salvador, and the numerous acts of highway robbery have been reduced. The FMLN dropped its objections to this exception to the peace accords when it became clear that the move was politically popular at least among those who regularly traveled the road, taxi drivers for example. The government then called upon the military to protect the coffee harvest from highway robbery. This was at the very early stages of PNC deployment, but the practice continued for another harvest.

The military was called in to help put down a demonstration by transportation workers in eastern San Miguel several months into Calderón Sol's government. One of the demonstrators was shot and killed. The circumstances of how the military was called in remain vague. Only two days after the event did the President acknowledge that he had ordered the military to the scene to help the PNC. Many believe the military acted on its own or was called in by the PNC officer.

The President of the Assembly, Gloria Salguera Gross, anticipating another demonstration by military veterans (see below), called upon Calderón Sol to provide troops for protection, and he did so. Many opposition deputies walked out of the Assembly complaining that this was a violation of the accords.

In late February Calderón Sol approved military patrols by 6-7000 troops to deter crime throughout the nation. He said the PNC (which numbers but 7200) will arrest people; the army will provide logistical support. Obviously patrolling is not the same as logistical support.²³

The dilemma is clear. The military is about four times the size of the PNC. The current deployment of 7200 PNC agents has not been capable of rolling back crime. The target 10,000, when met, will help but will not vastly reduce crime, barring unanticipated changes in the level of poverty and effective weapons collection. The temptation to use the military will remain. PNC leaders have called for upping the target figure to 17,000. This would take time and money. An obvious target for the money would be the military budget. It is far from clear the current government would be willing to confront the military over the budget. And even if it did, it would amount to confronting crime with more police and more jails - a formula currently in favor in the U.S. but one that does not attack the root causes of crime and which is, in any event, quite expensive. Only recently has the government come up with an economic plan, and it does not explicitly address the economic causes of crime or even the social equity issues mentioned when the President was a candidate.

Political Crimes

In late July 1994 the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups issued its report.²⁴ The Joint Group reported that it had received many indications of a generic metamorphosis of former death squad members into organized criminal activity, some of which appeared politically motivated. The report called for further measures to address this serious situation.

The Joint Group's report focused on the need to strengthen criminal investigation to combat politically motivated and organized crime and called for the establishment of a special unit within the PNC to investigate both. It urged greater coordination among the civilian police, prosecutors, and the courts to improve criminal investigative capacity. As a means to combat organized crime, it also called for legal reforms that would allow suspects to be rewarded for their cooperation in solving cases and urged the creation of special courts to deal with these crimes. A small (20-member) specially trained unit has been formed in the PNC, but bureaucratic delays in assigning three foreign advisors to work with the unit have limited its activities.

Belatedly set up after a wave of political assassinations in late 1993, the Joint Group was to implement a Truth Commission recommendation calling for an

in-depth investigation of illegal armed groups. As with other recommendations made in the Truth Commission's report of March 1993, the government did not follow up until, in this case, the assassinations more or less forced it to do so. Even then, there were strenuous negotiations between the government and the FMLN over the group's composition.

With a staff a fraction the size of the Truth Commission, it was to investigate the existence of illegally armed groups, with limited access to government and military records, and to do so in six months, (a deadline later extended by a few weeks). Formed just before the holidays, by the time it had hired staff and raised money two months were used up before it really began work.

Given the government's belated willingness to form the group, and a strange lack of interest and, apparently, cooperation from the FMLN once it got started, the Joint Group faced an impossible task and posed little threat to the operations of illegally armed groups. Nonetheless, the Joint Group gave the President Calderón Sol and the UN Secretary General a confidential annex with names of suspects. The President vowed to end impunity and prosecute those found guilty regardless of political tendency. There is no public evidence, however, that his Attorney General has followed up on these leads, and the President himself alternates strong statements about rooting out political crime with more fatalistic statements that such armed groups will always be around. Since the Joint Group's report, a leading member of the FMLN has been assassinated, and an ARENA mayor was gunned down by six men.

Similarly there is a lack of political will from any organized political sector to pursue the issue of attributing responsibility for the vast array of human rights abuses committed before the peace accords were signed. The March 1992 report of the international Truth Commission was met with a barrage of criticism from government, military, and ARENA circles and relative quiet from opposition political parties. For any group to further delve into these cases and many others not covered by the Truth Commission would require extensive resources and political courage.²⁵

Reforming the Judicial System

The Salvadoran justice system was and is a weak link in the chain of institutions needed to support and maintain a democratic society. Power in the justice system resides in the Supreme Court. It names lower court judges, controls the budget and has disciplinary powers over judges, court personnel, and lawyers.²⁶

Aggravating this inherently dangerous concentration of powers, the Supreme Court has been controlled by political parties. Until last July, the majority party in the Legislative Assembly selected the Supreme Court magistrates for five year terms. Political affiliation and family ties rather than professional competence have been the keys to appointment and reappointment. Legal disputes continue to be resolved based on money, power and influence. Whether a crime is even investigated still depends largely on the relative power of the victims and those responsible. In other cases, defendants remain imprisoned -- usually without trial -- for long periods of time because of political pressure rather than evidence against them. Judges routinely acknowledge that they acted under threat.

The peace accords negotiators recognized the need to increase judicial independence and improve judge mandated criminal investigation, and reached agreement in April 1991 on a constitutional change in the procedures for selecting all judges.

Under the reforms, the Legislative Assembly was to elect Supreme Court magistrates for staggered terms of nine years (instead of five), by a vote of two thirds of the deputies, from a list of candidates presented by the National Council on the Judiciary. Half of the candidates should come from lawyers' professional associations and should include "the most relevant currents of legal thinking."²⁷

In the past the Council was under the thumb of Supreme Court representatives. The 1991 constitutional reforms established the "independence" of the Council and sought to broaden its composition and increase its mandate. Under the reforms, the members of the Council are to be elected by a vote of two thirds of the members of the Legislative Assembly.²⁸

The reforms provide that Justices of the Peace will be named by the Supreme Court based on lists of three names proposed by the National Council on the Judiciary. With certain exceptions, they must be Salvadoran lawyers who will be included within the judicial career.²⁹

The new procedure resulted in the selection last July of a Supreme Court which is more professional, politically independent and pluralistic than its predecessor. It took a marathon session in the National Assembly to do the task. The political infighting lasted so long that the country went without a Supreme Court for a month. Despite the fact that the Lawyers Association and National Council of the Judiciary had, in the main, selected judge candidates based on professional criteria, the Assembly politicized the process, with both ARENA and opposition parties holding out for favored candidates. In the end, the two thirds majority requirement worked, forcing compromises which resulted in the selection of judges based on professionalism, even if the individual had been associated with political factions earlier.³⁰

Much remains to be done in retraining and replacing the personnel of the lower courts. Though powers over the lower courts remain (in our judgment) overly centralized in the Supreme Court, a more professional Supreme Court, working with the new National Council of the Judiciary and the Judicial Training School should be able to create a more professional judicial corps. After six months in office, opinions which covered the political spectrum from the FMLN to ARENA agreed that the Supreme Court's composition was a vast improvement, but that the court had only made timid efforts towards cleaning out and strengthening other levels of the judiciary.³¹

However, the court has taken some action. In February, Supreme Court President José Domingo Mendez, announced the resignation of one lower court judge and the suspension of another for having released a dozen members of a gang. Mendez

stated the cleansing of the judiciary would go on a continual basis.³² The Court last year also replaced the head of the Institute of Forensic Medicine, who sensationalized his dubious findings for television cameras on a regular basis. ONUSAL reports the Institute is being conducted in a more professional manner since the change.

An office of Ombudsman for Human Rights has been created as a result of the accords, but it has been slow to establish its authority and make its presence felt on key human rights issues. Aided by ONUSAL's technical cooperation, the office has been handling increasing numbers of complaints, as it prepares to take on many of the functions ONUSAL's Human Rights Division has performed since August 1991. A new Ombudsman should be selected by a two thirds majority of the Assembly shortly after this report goes to press; the selection deadline was February 27. Reports are that the process has become politicized in the Assembly. Each of the opposition groups has proposed a candidate and ARENA, waiting in the wings, has not yet revealed its candidate. Unlike the Supreme Court nominations, organizations of civil society have not been formally consulted by the Assembly.

Proposed legislation to reform the criminal justice system remains stalled in the legislature, slowing and complicating the process of reform. Improving criminal investigation and reforming criminal justice in El Salvador are unfinished tasks that must be completed if human rights are to be respected and systematic impunity ended. The progress that has been made in establishing civilian control over public order and eliminating abuses is not yet sufficient or irreversible. With the international presence in El Salvador scheduled to diminish dramatically in a few weeks, speeding up reforms to the justice system must be a top priority. In addition, the situation in the country's prisons is so desperate that the last year several prison riots, leaving over a score of people dead.

Delayed Reconstruction and Development

The accords' provisions on reconstruction and development are vague. They were written in considerable haste as the negotiators faced a December 31, 1991 deadline - the final day in office of the UN Secretary General Perez de Cuellar, the main international patron of the accords. There were enormous pressures to reach a total accord. In the final maneuvering the FMLN was not able to achieve the level of specificity of commitments and extra governmental oversight bodies it had achieved in earlier sections of the accords.

The main body of the accords contains specific concessions made by the government to alter the constitution, change the military, and abolish security forces in exchange for getting the FMLN to lay down the one major card they had to play - the demobilization of its army. In every case the FMLN sought to limit the government's actions by having extra governmental bodies or more pluralistic governmental boards oversee and define the implementation of the accords: the multiparty COPAZ as the chief implementing agency with powers, at least, to draft legislation, ONUSAL, the international Truth Commission, the Ad Hoc commission with powers to demand that the President remove military officers are prominent examples. The FMLN was not able to limit government control over reconstruction in the accords, save for a brief mention of a consultative role of the United Nations Development Program.

If the FMLN had pursued the war because it could not achieve meaningful social and economic reform in the anti democratic El Salvador without suffering political repression, then in the negotiations the FMLN chose, or was forced to choose, to rectify political and military issues rather than socio-economic problems. Had it chosen to pursue both in the negotiations, the accords might have been more strongly opposed by economic elites who were weary of the wars. The U.S. would be much more sympa-

thetic to political changes than the kind of redistributive social and economic ends the leftist FMLN had historically supported. And it was not likely the FMLN had the strength to significantly cut into the power of both of the power groups backing the government and offend the U.S. as well. The FMLN chose to carve into military power and the issue of impunity, perhaps in hopes of neutralizing economic elites or, even gaining their support for the accords.

The reconstruction sections of the accords do not convey a plan for post war economic development; in fact, they suggest that the signatories to the accords agreed to disagree, which effectively left the government in charge unhindered by any of the oversight bodies featured in the rest of the accords. The FMLN may have gambled that the international donors would be the overseers, and that they might have leverage with them after the accords were signed. There has been a margin of truth to this calculation. The FMLN has had success with international non governmental organizations (NGO's) sending aid to El Salvador, and has lobbied with some success with the US and multilateral European donors.

The chief exception to vagueness in the reconstruction section of the accords is the land question. Both sides of the negotiating table saw the potential for land conflicts to escalate into violent confrontation. Similarly, the playing out of the reconstruction game has given much emphasis to the issue of "reinsertion" - providing economic means by which soldiers on both sides can re-enter the economy. Failure to do this might also, it was thought, run the risk of breaking the peace.

The following two subsections take up two crucial issues: the much delayed transfer of lands to ex combatants and war affected civilians, and the protest of war veterans who claim to have been wrongfully denied benefits for their service. The

sections affirm that the failure to fulfill the promise of the accords might indeed do just that - threaten the peace.

The last subsection takes up contesting views of reconstruction implementation. It follows and updates a more comprehensive review of this issue we published last May called Rescuing Reconstruction, and places reconstruction within the framework of El Salvador's economy.

The Slow Moving Land Transfer Program³³

The land transfer program (PTT - Programa de Transferencia de Tierras) generated by the peace accords has now reached points of crisis so many times that crisis is normal and a brief flurry of progress in the last six weeks of 1994 was abnormal. It may be that there is, as we go to press, another flurry of progress as those involved in implementing the plan are under an April 30 deadline. However, in mid January and again in early March HI could find no one who thought the program would come close to accomplishing its goals by then; hence we have recommended that evictions be barred and the deadline extended.

At the outset of the dry season in October of 1992 and again in 1993 ONUSAL accurately found the land transfer program to be the farthest behind of a long list in the peace accords. It called for rapid progress before the beginning of the next planting season. Since October 1992, ONUSAL, the land subcommission of COPAZ, or one of the signatories to the accords have advanced four or five plans to speed up the process.³⁴ The accords' original calendar of implementation of land transfers has been renegotiated several times.

The PTT has not been dead in the water. Several thousand beneficiaries have received title and a mortgage, and several hundred old owners have successfully negotiated a sale. Of the properties that remain untransferred, a highly disproportionate number involve small pieces of land in less fertile areas of the country, each with a small number of families occupying the parcel. A disproportionate number are in the northern departments of Chalatenango and Morazán, two of the central areas of military conflict and the main base areas of the two largest factions of the FMLN, the FPL in Chalatenango and the ERP in Morazán. Both are areas which suffered heavy population shifts and

refugee problems during the war. Left to the end of the line have been, in other words, the poorer owners with the least fertile pieces of land occupied by families that would seem to have worse chances of success should they get the land.

Another problem has been lands in which the occupiers, over the years, put in considerable infrastructure -- not simply fences and storage tanks, but homes and schools. In some cases the occupied land is residential and not being used for farming. Such lands do not formally fall into the accords. In other cases the "communities" are on the land being farmed. In both cases negotiations over sales price are complicated by the infrastructure. The old owner neither wants to sell, thinking that when the occupiers leave for another piece of land offered by the program the infrastructure will remain behind, nor does the old owner want to pay for the improvements.

The Peace Accords Requirements

The accords address three war related land issues. Mainly, they attempt to resolve land disputes in war zones that arose as a result of the war. Land is also one of the benefits to aid the return to civilian life of ex-combatants, both FMLN and government soldiers. Finally, the accords call for the final implementation of agrarian reform legislation passed in 1980 in which certain lands over the limit of 245 hectares had never been expropriated. This no longer includes much land as the years of non enforcement left large landowners plenty of time to divide their parcels to escape the law's provisions, but what remains is to be used as a resource to meet the needs of the PTT.

During the war, many landowners ceased farming their land due to dangerous conditions. In many cases landless peasants willing to take their chances in the war zones moved onto the land. In other cases this dynamic had a political cast when landowners were forced by guerrillas to abandon their land, or, in other cases, by landless peasants taking advantage of the reduced police presence in a war zone.³⁵

In the peace negotiations the FMLN initially argued that peasant occupiers should be given the land. They had occupied it when its real estate value was near zero, due to war conditions, and invested years of their lives in dangerous conditions to make the land economically useful. Government negotiators insisted on the rights of private property; the old owners should have their titled rights recognized.

Political calculations infused the negotiations. Many of the land occupiers had been FMLN supporters and the FMLN had gone to war, in part, over the impossibility in the 1970s of redressing the problems of a rapidly expanding landless rural population, given a government allied with large landowners and extremely hostile to agrarian reform. On the other side of the table sat negotiators representing the ARENA government, a bastion of strength for the landowning classes. And many in ARENA were already alarmed and angry that the government had made any concessions at all to the FMLN during the 18 months of negotiations.

Both sides were sympathetic to the view that resources needed to be provided the members of each army, and, as many troops were from peasant backgrounds, land was an appropriate resource. The FMLN's position, that for the peace process to deny land to those who had occupied farms with war swirling around them would invite a rekindling of the causes of the war, found some resonance. By late 1991, when the negotiators finally turned their attention to this issue, it was already clear that in neighboring Nicaragua, inadequate attention during its peace process to the land issue had yielded organized rural violence which threatened those with and without land.

The negotiators agreed to recognize the titled landowners, but to prevent them from evicting peasant residents until the government had had a chance to offer to buy the land from the landowner, at market values, and then sell to the peasant residents with government financed mortgages at somewhat below market rates. Or, failing that, the government would be obliged to find another equivalent piece of land to sell to the peasants. Lands for resettlement were to come either from lands already in the possession of the state, land which the government was supposed to have confiscated some years before under the agrarian reform law, or lands which the state would purchase. From the perspective of the disputants at the negotiating table, it seemed to be a win-win solution, particularly in the context of the final days of negotiations when there was enormous pressure to find treaty language agreeable to both sides.

Implementation Realities

Nine months, and almost one crop season, after the signing of the accords very few lands transfers had been finalized or even begun. However, after six months the government and the FMLN had agreed

upon a list of lands in conflict, some 4600 parcels comprising 350,000 manzanas (1 manzana = 1.7 acres or .7 hectare), about 16% of the arable land in El Salvador. Teams comprised of ONUSAL, the FMLN and the government were visiting the lands to verify size, the name of the owner and the names of those residing on the land. This was not to be the last verification.

By October 1992, the FMLN realizing its bargaining position would be weakened once the last of its troops had been demobilized, wanted quick action, or a delay of its troop demobilization.³⁶ But the government claimed the verification was revealing many irregularities - lands not occupied or names registered on multiple pieces of land. Emiliano Zapata seemed to have been listed by overzealous FMLN cadre as a resident on several farms. The FMLN claimed the Land Bank was obstructionist and legalistic, seeking to undermine the agreement under pressure from ARENA militants who had opposed the accords or who wished to minimize any gain the FMLN or its supporters might get from the accords. Acrimony filled the air.

In October 1992, ONUSAL was faced with several catastrophic possibilities in the accords, the land crisis being one of them. It tried to break the log jam on land with a new plan which worked from a potential list of beneficiaries of an estimated 25,000 civilian residents on disputed land, and two agreed upon pools of ex-combatant potential beneficiaries, 7500 ex FMLN combatants and 15,000 ex soldiers. It then took an average value for prices of land of several qualities and calculated the total amount of land 47,500 beneficiaries could each purchase with a 30,000 colon credit limit (and the amount of foreign funding for the Land Bank). The formula yielded a land total of about 100,000 manzanas less than that involved in the 4600 pieces of land in the land list. The average piece of land each family would get would be just over 3 manzanas. The limiting factor became the credit limit and current market values. Both sides agreed to the plan.

The technicalities were not easy to master. A government Land Bank was to buy land at market prices from old owners willing to sell and then sell to peasant occupiers at the same price. Capital to finance these transactions came primarily from USAID and, to a much lesser extent from the European Community, which had launched a large development project in the Department of Usulután and was dealing with ex-combatants from both sides.

A mechanism for determining market price resulted in a formula based on a typology of soils and land contours. Of course any one piece of property may have variable qualities, and the price had to suit the old owner and the FMLN negotiators, as well as the Land Bank and the eventual purchasers. And the FMLN wanted from the Land Bank a price range for each piece of land the Bank had verified and evaluated.

What would be the form of purchase? Government negotiators and some donors were opposed to collective forms of ownership either out of ideology, a sense of peasant preferences, or fear that the FMLN would come to control the cooperatives it had negotiated for its people. However, in the initial calculations some 50,000 beneficiaries would be getting land, and no one wanted to face the prospect of subdividing the contested lands into 50,000 parcels and making 50,000 conveyances. So an awkward formula was devised, which has complicated the process to this point and will come back to haunt it in future years. A piece of land containing 10 or 100 families is conveyed as one piece of land, but each family receives an individual mortgage (with a limit of 30,000 colones - 8.7 colones = \$1) for which that family is individually responsible. But the group of families receives one title which they all sign. It is up to them to decide who will actually work which piece of land, but individuals do not have title to a parcel within the larger piece of land or to an individual piece of land which can be sold. It may be they could sell their percentage of the big title, but officials just roll their eyes when asked questions about the legal technicalities of that one - for example, do all the other co-owners have to agree? One supposes they would.

Suppose one of the beneficiaries defaults on the loan. Technically speaking, the Land Bank could have a court divide off 1/10 or 1/100 of the land. After five years of ownership, the land can be divided into individual parcels with individual titles. A massive task of titling is on the horizon which will in turn breed more uncertainty and confusion over one's property rights - precisely the problem the PTT set out to solve. It may be that the reader has found the above somewhat confusing; if so please realize that confusion has hampered implementation.

This formula, combined with the 30,000 colon credit limit, has led to a complex social problem. For an occupied farm of, say, 350 manzanas, a market price range is determined based on the market value using the soil type formula. Negotiations occur. Assume all

parties agree to 6000 colones per manzana or 2,100,000 colones. At a 30,000 credit limit, 70 families could purchase the farm each one getting 1/70th, about 5 manzanas. Which five manzanas is a question that must be put off. If however there are fewer than 70 families occupying the farm, additional families must be found to have a group which can come up with the total purchase price. The idea was that these additional families could be found on properties where the old owner refused to sell.

But FMLN negotiators have had a difficult time convincing beneficiaries to move even to a more economically viable piece of land. First, it often is not entirely clear that the old owner does not want to sell. Second, to move from the northern Department of Chalatenango to a farm in the coastal region of San Vicente is to change from a cool climate to a very hot humid climate. It is to be uprooted once again. And it is to be the newcomers among strangers in a context in which the strangers could determine which parcel you farm. They could fail to pay their debts which would affect the others on the land. But, in our examples, if families can't be found to fit the formula, the conveyance is delayed.

Other problems have abounded. Hundreds of owners could not be found, though once the centrally located negotiators decided to hire FMLN grassroots leaders to search them out, much progress was made. Hundreds of owners do not themselves have a document proving title. It has taken inordinate amounts of time to go through the steps to legalize these owners' claims. Other owners without title sold the land to another who was not aware the land was contested. In still other cases owners have died and left family members in dispute as to who was to get the land.

As delays have increased, families listed on a piece of land are not around during a subsequent verification of occupiers, or not there to sign the title at the point of transfer. The delays have led them to look for other opportunities, perhaps necessitating a temporary departure from the land, or the complexities and risks make them hang back from taking the final step.

In addition an unmeasurable but definite political reality dogged the process. To the FMLN, the Land Bank was an ARENA institution and there were currents within ARENA, particularly before the election, that did not want to see the FMLN be able to provide its ex-combatants or civilians who had sided with the FMLN during the war with a "reward" of land.

There was considerable mistrust felt toward the FMLN by bank officials (including banks involved with agricultural credits for ex-combatants) that they were faking the land lists, or telling their people not to worry about paying back the loans.

At the local level feelings ranged from those of large landowners who said they would be happy to sell the lands, to those who were bitter about the war and didn't want the FMLN to get the land. There were landowners and land occupiers who resented all the complications of having to deal with the land bank and with FMLN negotiators and wished to cut a deal directly with each other (of course in those cases they wanted Land Bank financing.) Such resentments seem to cover the political spectrum. There are ARENA voting landowners who want the Land Bank to get out of their way, and FMLN base area peasant occupiers who don't like the way FMLN representatives have dealt with their claim.

The local political and social conditions are complex and not well understood by outsiders, very likely including central negotiators in San Salvador. The titled owners of affected lands have in the main not been highly organized, though this may be changing. They run the gamut from well connected politically active ARENA supporters and elites comfortable with the idea of calling ONUSAL to push their own case, to people of modest economic and political means, to people who can't even be found. Some of the well connected ARENA types were the first to express a desire to sell their land, perhaps fearing in the early days of the process that the bank was going to run out of money.

The FMLN's difficulties convincing families of their "supporters" to move from one farm to another suggest a much looser, even dissonant, FMLN base than existed during the war. There has been bitterness among ex-combatants and land occupiers that at war's end what they got was the "right" to purchase land they had come to consider their own by right and possession over many years. As one ONUSAL representative involved in the process told Hemisphere Initiatives, "Hay de todo" - "There is everything" - all manner of social and political variability to which a negotiated and somewhat rigid model of exchange is being applied.³⁷

Implementation Process

A year after the October 1992 UN plan the FMLN and the government both advanced plans to speed up the process, but the government was perceiving that the

FMLN was having a hard time coming up with beneficiaries to place on lands which needed more people to meet the purchase price. The FMLN had also been put in the anomalous position of negotiating sale prices in which they, the representative of the buyer, were pushing the Bank to allow them higher prices limitations, because the owner was not willing to sell. A new round of negotiations in October 1993 resulted in a new calendar which would end the process in May 1994, just before the change of government, and around the beginning of the rainy season. That deadline was missed.

Total Properties Transferred

Date	Properties	Manzanas	Beneficiaries
Feb. 18, 94	335	41,194	10,498
Dec. 29, 94	687	68,832	17,076
Feb. 13, 94	744	72,085	17,895

FMLN Properties Transferred

Date	Ppty	Manzanas	Ex Combat	Occupiers
2/18/94	253	30,844	Total =	7,627*
12/29/94	575	57,540	4,098	9,998
2/13/95	626	59,568	3,755	10,721

Veterans of Salvador Armed Forces Properties Transferred

Date	Properties	Manzanas	Beneficiaries
2/18/94	82	10,260	2,871
12/29/94	112	11,292	2,980
2/13/95	118	12,518	3,481

Notes: Data sources are ONUSAL (1994 dates) and the Land Bank. *The data for the FMLN for February 18, 1994 did not break down its beneficiaries into ex-combatants and occupiers.³⁸

Recall that the October 1992 ONUSAL plan involved some 47,500 beneficiaries and 250,000 manzanas.

The problem of Chalatenango is considerably more acute. There is a target list of some 1043 lands, mostly small, all with FMLN beneficiaries. As of early 1994, 13 properties had been transferred. As of the end of 1994, according to one FMLN data sheet, 47 lands had been transferred. As of March 1, according to ONUSAL staff in the region 86 properties had been transferred. There are several current bottlenecks identified by those involved in the transfer process. These have been particularly acute in northern regions where many properties are small. Verifying the occupiers of a small property is obviously easier than of a large property with many

potential beneficiaries. But all other steps are at least as difficult (which partially explains why the small properties got left to the last.). It was in the north that more property owners could not be found and where higher percentages had no title. Legalizing the old owners title has been a major stumbling block.

In cases where agreements have been reached and legalities completed, it has taken the land bank far longer than the promised three days to pay the old land owners, in some cases months. This has caused other owners to hang back from selling, and likely has done so with increased determination as the deadline preventing evictions nears. There may also be an organized effort to keep land owners from selling. In any event in Chalatenango over 900 owners who earlier had accepted verbal offers, have pulled their acceptance off the table due to these factors.

Most high level sources now say that the number of beneficiaries is less than the numbers charted in the October UN plan of 15,000 military veterans, 7500 FMLN ex-combatants and 25,000 occupiers (listed as FMLN beneficiaries). The Land Bank now lists 11,600 as potential ex-military beneficiaries. They cite population shifts, unwillingness to have the FMLN move them to other parts of the country, a low level of desire to farm, particularly among ex-combatants who want to move to the cities. But it is at least as likely the potential beneficiaries have fallen by the wayside due to the confusions and inadequacies surrounding the program. As of a year ago, there was almost no program in place to inform military veteran beneficiaries that they might be able to get land. They had to know of the program, go to a local barracks and register, hope that the officer there would send their application to military headquarters in San Salvador, and then wait for a sufficient number of applications from the beneficiary's locality to pile up so as to acquire a piece of land. For FMLN beneficiaries, as indicated above, they would be entering a real estate transaction with many uncertainties. The credit limit may not be sufficient to purchase enough land per family to be economically viable, without considerable technical improvements or development of new crops, for which for most of the potential beneficiaries there is no assured training or credit.

More recently stories of increased progress at the end of 1994, due to a better working relationship among the central players have been matched by rumors of behind the scenes efforts to sabotage the

effort. Some 30 Land Bank personnel who had been working on the process were transferred or let go. Other personnel moved into their place, obviously with less experience. In one version, this was simply a bureaucratic shuffle that happens from time to time. In another the shift was due to corruption. In a third, one which the FMLN believed, the shift was due to shifts in the composition of ARENA's executive committee which admitted into its ranks several people associated with the right end of the ARENA spectrum in particular Raúl García Prieto, former head of the agrarian bank FINATA. (See the final section for details on ARENA shifts) This view sees the bank shifts as political and also notes organization among a group of affected landowners in the north that will attempt to stop the process.

Military Veterans Protest

Chief among the concerns since the accords were signed has been the latent threat of militant and even violent political organized actions stemming from allegations that the accords were not being met. Would the failure of the government to comply with the recommendations of the Ad Hoc Commission to dismiss or transfer over 100 top officers cause the FMLN to delay demobilization of its troops? Would the discovery of an FMLN arms cache in Nicaragua lead to reprisals by the military? Would the failure to deliver lands to FMLN ex-combatants and supporters lead to land takeovers or violent demonstrations? Would the irregularities in the voter registration and voting process cause the FMLN, and other opposition parties, not to recognize the election results? These crises were always resolved or at least delayed short of a break down in the peace process.

Ironically, the most militant, violent and destabilizing public actions against the ARENA government have come not from the FMLN camp but from former members of the military and security forces - people who had fought on the government side. As we note in our section reviewing post election politics, this opposition runs parallel to the other main challenge to the Calderón Sol government, the charges of corruption emanating primarily from rightist sectors historically inside the ARENA tent.

There have been complaints aplenty from the FMLN leadership and grassroots that many aspects of the accords have not been met. In February FMLN head Salvador Sánchez Ceren asserted that 18 provisions of the accords were unmet with but two months to go. In December there was a march in San Salvador

emanating from FMLN territories in Chalatenango to protest the interminable delays in the land transfer program. But those aggrieved have not mounted challenges to the government of anywhere near the magnitude or severity of those mounted by ex government soldiers, civil defense members and security officers in the last six months.

Since December, 1993, the Asociación de Desmovilizados de la Fuerza Armada de El Salvador (ADEFAES) has launched five distinct protest actions against the government for what it alleges is failure to fulfill commitments to indemnify thousands of ex-soldiers for their years of service. The soldiers have taken El Salvador's Legislative Assembly, which they have now seized three times, as the focal point from which to exercise pressure for redress of their grievances. The last two Assembly occupations have included taking various groups of deputies hostage and holding the building for three days.³⁹

The most disturbing of the protests occurred in January 1995 when former soldiers estimated to number between 3,000 and 7,000 occupied not only the Legislative Assembly but the Finance Ministry, the Armed Forces Social Security Institute and other governmental targets and blocked roads in scattered parts of the country. This time, the contingents of occupiers included numerous members of the old paramilitary Civil Defense forces demanding to be let in the indemnification scheme. In addition, on three other occasions this year, other ex-military demonstrations not sponsored by ADEFAES have made similar demands. Opening 1995 were the following:

January 3-former members of the National Police, Treasury Police and National Guard demonstrate for \$5000 in severance pay.

January 10-ADEFAES threatens to take over buildings and interrupt transport.

January 16-as the government and ONUSAL notables were marking the anniversary of the accords, ADEFAES members take over an unoccupied building in the Department of La Paz.

January 22-(as described above), members of the Anti-Narcotic Police Unit go on strike, occupy their headquarters, and threaten to burn the files.

January 24-ADEFAES takes over the Assembly, Treasury Ministry and the Army Social Security building, holding hostage 15 deputies and several hundred employees, interrupt highway traffic in three areas of the country. At the Treasury Ministry PNC forces open fire, killing one demonstrator and wounding two. ADEFAES holds Assembly for three days.

January 27-another ex military demonstration at the Assembly by a non ADEFAES group.

February 14-this same group stages a wild demonstration in front of the Presidential Palace on the occasion of the state visit of Felipe Gonzalez, chief of state of Spain causing Gonzalez to sneak out by a rear exit.

In general, the government won praise for its handling of the immediate situation of protest; it refused to respond to provocation and refrained from the use of force, but that did not resolve the central demands raised by the protestors, demands rooted in the accords.

The accords provided that troops mustered out as a result of the accords would get one year's severance pay. In addition the accords suggest that transfer of state owned lands and training programs shall give preferential treatment to former combatants. The government determined that troops mustered out (with good records) after the signing date of the accords and before the end of 1993 were eligible for benefits. These would include former members of the three security forces who were not transferred to other units. The government also set a figure for the Land Transfer Program of 15,000 former combatants, exactly double the number of ex-FMLN combatants. The military, however, apparently mustered out many troops before the signing of the accords.

ADEFAES makes two kinds of claims. Some of its members allege to have not received the benefits due them under the accords, claiming, for example, to have been discharged with an unjust record of bad conduct. Others were not included in the accords but should have been, they claim. Several hundred thousand troops served in the military in the 12 years before the accords and some saw heavy combat. While there were some benefits available to them, the vast majority were not included in the accords' framework and, to them, there is no logical or just reason to have been excluded. Finally, no provisions were made in the accords for benefits for the civilian defense force, the eyes and ears of the military in every small corner of the country and a group repeatedly charged with human rights abuses. They were simply disbanded.

It is not clear how many of ADEFAES members fall into which category. It claims to be negotiating for 45,000 people, probably an exaggeration of the size of their organization. The non-ADEFAES protestors are fewer in number, and less well organized.

The obstacles to solutions are many. A case by case review of claims of unfair discharge takes a lot of time. The government has shown little ability to increase the rate of payments and land transfers to those it admits are eligible. And, as the government negotiates its way out of protests with more promises, it must fear that recognizing the claims of those outside the framework of the accords will open it to being liable for a very large quantity of money. There are thousands sitting on the sidelines who may want to get into the game if the government starts paying out.

Political analysts and partisans have been quick to find a conspiracy behind these actions. The scale and coordination shown in the ex-soldiers' actions sparked anxious denunciations that a shadowy conspiracy by right wing elements was operating behind the ADEFAES mantle. Leading the burst of accusations in this regard was President Calderón Sol, who insisted that behind ADEFAES lay "a hidden hand, an organization," made up of anti-democratic elements "managed by intellectuals" who "want to conspire to make a coup d'etat."⁴⁰ Acting Catholic Church head Mons. Gregorio Rosa Chávez made similar statements, as did the FMLN, which in turn was accused by others ranging from ARENA representatives to former ally Villalobos, of being behind ADEFAES. The FMLN has responded to these "calumnies" by noting that these troops include many right wing elements and that the President of ARENA has admitted that the majority of ADEFAES members are probably ARENA voters.⁴¹ Others speculated that the aims of active duty and/or retired military men and other extremists believed to be conducting the conspiracy were to embarrass the government, discredit the PNC, and pave the way for the armed forces to resume a political role in the guise of bolstering public security.

In the face of what looked like a concerted attack on the peace process, all of El Salvador's political parties rallied around President Calderón Sol in a message to the nation January 25. With the mediation of ONUSAL, the protest was defused with another government promise to attend to the soldiers' claims. But not before Defense Minister Humberto Corado, though dismissing rumors that someone was planning to stage a coup, warned that the protests were becoming intolerable and insinuated the possibility that the armed forces might soon have to take drastic measures.⁴²

On the other hand, ADEFAES may not be more than meets the eye. In this view, its "troops" learned organizational skills in the military and how to deal with intimidating situations. They have a sense of having been wronged either by the bureaucracy, their former officers, or the arbitrary lines drawn about benefits in the wake of the signing of the accords. And they have the political sense to know that this government is more vulnerable to its demands than to those of other grassroots groups - that they served as the shock troops for ARENA's political interests during the war. They know that when ONUSAL leaves and the accords close down, their window of opportunity will be closing. Seen in this light, Calderón Sol's claims look like the "hidden outside agitator" theories government leaders frequently wheel out to delegitimize protests.

Nonetheless, their actions are indeed destabilizing and offer a worried and war weary Salvadoran public the prospect of more dangerous times ahead. Combined with other surprising rightist attacks on this rightist government (see below) the conspiracy theories can hardly be dismissed.

Reconstruction and Development

The accords say nothing specific to contradict the notion that the government, as a recipient of reconstruction aid from international bodies, was in charge of the disbursement of those monies. The government is merely required to consult with the FMLN and with the citizenry over the plan to use these monies, a provision which offered it the opportunity to use joint planning as one tool in post war reconciliation. By and large, it has avoided that opportunity, keeping consultation to a minimum and cutting organizations it associated with the FMLN out of most of the action.

In the early stages of the accords implementation the government was under international pressure to come up with a plan that would meet the approval of the FMLN - otherwise donors might be pouring their money into a situation that could explode at worst or create a lot of controversy. The FMLN for its part was under pressure, and enjoined by the accords along with the government, to cooperate in seeking international aid.

The FMLN wanted to gain as many benefits as possible for its combatants and its followers, who had sacrificed much during the war. The FMLN wanted

them to get some sense that the war had brought them some benefit other than peace and, perhaps, a voting card.

Sectors of the government and its backers had little or no interest in providing the FMLN with any political victories. The Cristiani administration was criticized from its right flank throughout the negotiations for cutting any kind of a deal at all with the "terrorists".

The FMLN was initially co-opted (in March 1992) by the government into appearing at international donors meetings to jointly seek funds. Its appearance implied acceptance of the government's plan. Had it failed to appear, it would have delayed or jeopardized international funds.⁴³ The international donors seeing a joint delegation pledged money.

Since then, the FMLN, and opposition NGO's, many with past, present or tenuous ties to the FMLN, have consistently complained of being cut out of the national reconstruction plan. Their primary complaint has been directed toward the National Reconstruction Secretariat (SRN). In HI's examination of this issue in May 1994, we concluded that there was very little evidence of inclusion of these NGO's in the planning or dispersion of such funds and that which we found was almost exclusively the result of larger contracting agencies, such as Catholic Relief Services, taking on these NGO's as subcontractors. (See [Rescuing Reconstruction](#)).

Since that examination there is some evidence of monies going directly from the SRN to opposition NGO's, but the pattern seems to remain the same. Until March 1994, this pattern of exclusion might have been explained by age old politics - the incumbent government will deny resources to groups which might have ties to electoral opponents. Such intentional exclusion would clearly violate the spirit of the accords and offend donors, so the government had denied it. In the aftermath of ARENA's broad electoral victories in March and April of 1994, there is still less justification.

Opposition mayors have complained that their municipalities have not been getting reconstruction funds from the SRN. The city council of Suchitoto, won by the FMLN, for example, complained to HI in January that none of its projects had been approved and that the only SRN money which had come into the town, 98,000 colones since the election, was for the completion of a project submitted by the previous ARENA mayor.⁴⁴ When questioned, the head of the

SRN, Sra. Norma de Dowe assured us this was not the case and offered documents to demonstrate that opposition controlled towns had indeed received funds. Upon inspection the documents contain sums of money and projects, but do not indicate whether the money went in before or after the elections.⁴⁵

In addition to contested views, reconstruction efforts have had to weed their way through an extremely complex organizational thicket much of it recently set up, of government agencies, national and international NGO's, bilateral and international donor agencies and their contractors.

USAID has been the largest donor and was the first in the field supporting a wide variety of land, reinsertion and infrastructure projects. Some projects originated during the war and were channeled through the SRN's predecessor agency CONARA, a winning "hearts and minds" counterinsurgency agency which was not popular in FMLN influenced areas of the country. The SRN is still associated with CONARA in these areas and the aforementioned printouts from the SRN had the CONARA label. USAID money has been mostly funneled through the SRN, which made it the biggest player in reconstruction among Salvadoran government agencies.

Other international donors have not in the main chosen the SRN as their local counterpart. The European Economic Community in particular has designed its own project directed toward ex-combatants and operated it in one area of the country. While USAID is the largest international donor, if all moneys arrive that were pledged, its money will not constitute a majority of the funds.

Controversy over the role of grassroots participation in planning the use of reconstruction money continues. This controversy has taken several forms: a) USAID before and after the accords designed a Municipalities in Action (MIA) program, which featured local participation in deciding which projects would be proposed to the government. Open town meetings were the participatory mechanism. There have been charges that mayors basically have controlled these meetings, or that local NGO's have not had effective participation. Defenders of the program note examples of successful participation and that the program is an improvement. b) Critics, primarily from the FMLN, have complained that the large EEC project has been controlled by the EEC administrator. He has suggested that the political parties have tried to control funds for their own ends.

c) National NGO's have not always encouraged grassroots participation on program design or often coordinated with each other or with local elected officials.

Will the programs make a difference? They should. Compared with the government budget and external sources of dollars, very considerable sums of money will have been involved. A year ago HI calculated that if the pledged money arrived and was spread evenly over a 5 year period it would amount to \$160 million a year, less than what USAID used to contribute but a substantial sum compared with other government budget categories.

Reconstruction and Government Expenditures

Expense Category	1993 Salvadoran Budget
Education Spending	127.86
Health	84.39
Housing, Urb. Development	3.54
National Defense	100.17

Average Reconstruction Budget 160.00

SOURCE: 1993 GOES budget

Reconstruction and Other Sources of Dollar Income, Averages, 1989-93

Income Category	
Dollars Sent Home	753.00
Export Income	511.00
U.S. Economic Aid	230.00

Average Reconstruction Budget 160.00

SOURCES: Banco Central de Reserva, AID⁴⁶

Most of the money is going into infrastructure projects, the impact of which will be difficult to measure in terms of increased investment or the betterment of lives of ordinary citizens. Will those getting land, with or without agricultural credits, be able to pay back the loans and make a go of it? Will the credits and training to start small business be sufficient to do so? HI was told of a non public study done by an international agency which concluded that these loans would not be adequate and the income generated would not be adequate to pay them back.⁴⁷ Our own basic projections on the agrarian side indicate the same pessimistic conclusion. There should be a systematic study of a sample of those receiving direct reconstruction funds.

The National Reconstruction Plan is being implemented into a post war economy under neo liberal direction. Measured in macro economic statistics the economy has shown steady growth. The last two years real GDP growth has been 5% and 5.5%, inflation 12.1% and 10% (low by third world standards) and the exchange rate has held steady at 8.7. There has been a trade deficit of some 1.2 billion in each year (exports have been 732 million and 797 million), but foreign reserves have increased 137 million to 804 million. Unemployment in urban areas was estimated at 8.1% in 1993, but underemployment, difficult to measure, swells that number considerably as does the employment situation in rural areas.⁴⁸

Even the most positive of the neoliberal economists who applaud these figures will admit that El Salvador remains a poor country. It has a similar profile to that it had before the war. An estimated 60% of the population lives below a poverty line of a basic market basket of goods. There remains extensive lack of access to land in rural areas.⁴⁹

What seems to be saving the economy from a considerably worse fate are massive remittances. The war transformed the Salvadoran social and economic fabric. Over a million Salvadorans left the country, some due to political persecution, others out of fear, and still others to escape the declining war time economy for the economic opportunities discovered by family and friends who had secured a niche, generally an illegal low paying niche, in the U.S. The out migration is estimated at 20% of the population; basically it, and 75,000 war deaths cancelled out population growth. All Salvadorans have family or friends in the U.S.

According to government statistics during each of the last two years, Salvadorans abroad sent home just under \$1 billion dollars, three times the amount earned in coffee exports. That amounts to somewhat under \$200 dollars per Salvadoran. Many economically active Salvadorans do not make \$200 in a month. Estimates for annual remittances to Mexico, a country of with 17 times the population, are roughly estimated at \$2 billion.

International statistical sources from the World Bank and the IMF have a somewhat lower amount of remittances arriving (the government's are probably more accurate) but place El Salvador in a comparative economic context. It receives more remittances per person, according to the World Bank, than all but

4 other countries. Its remittances are 49 times higher than foreign investment, placing it third behind Bangladesh and Mali. Its remittances are almost 7 times the amount of interest payments in El Salvador's foreign debt, and constituted in 1993 over 10% of GNP, again placing it in fifth place behind 4 middle eastern countries who send temporary workers to the oil sheikdoms.⁵⁰

Unlike other forms by which El Salvador earns dollars, remittances do not trickle down - they move horizontally and then perhaps flow up. For many Salvadoran families they provide the means to meet basic consumption needs, for others a chance to buy a refrigerator, and for the refrigerator retail shop owner a chance to buy a house. They grease the banking system.

Candidate Calderón Sol and the ARENA party took much credit for the economic successes of the country since the war and saluted their neo liberal economic policies. But people are El Salvador's most important export product, and it is an export product that was created, in major part, by the war. It is remittances which permit the above noted large

difference between exports and imports, which wind up in the banks as a source of lending capital and which, at least indirectly provide, far more than foreigners, investment capital. Remittances at a minimum have provided a significant economic cushion to the economy and had they suddenly been cut off in 1992, the economy would have been in trouble, and so would Calderón Sol's candidacy.

The Salvadoran government, itself hardly a proponent of social welfare spending, keeps a keen eye on immigration policy in the U.S. and on political movements which seek to cut off access of Salvadorans to U.S. government benefits. But most assume that the remittance flow will not continue at these levels, even if the U.S. maintains benefits, but will decline as ties between families loosen over the years.

Without remittances the neo liberal policies could run into the same sort of difficulties Mexico has been experiencing. The national reconstruction plan's impact is not clear. The plans of the new government to fulfill its campaign promise of equitable development and to implement the social programs of the accords either do not exist or are not yet clear.

Government and Opposition

Armando Calderón Sol took office as president of El Salvador June 1, 1995 enjoying immense advantages that augured for a successful administration. He had just come off a crushing, 68-32% second-round election victory over the left coalition led by Rubén Zamora. Despite the misgivings of international observers about election procedures, foreign governments accorded the new ARENA administration wide acceptance. Outgoing president Alfredo Cristiani bequeathed to his successor steady growth, healthy foreign exchange reserves, and excellent relations with the international financial community. Finally, a near majority of Salvadorans thought that both the country's economic condition and the situation of human rights would improve under the incoming president.⁵¹

Nine months later, Calderón's performance has led many to question his capacity to manage the reins of government, and sort through the snares of Salvadoran politics. The handling of political protests, the resignation of key ministers accused of corruption, the apparent lack of a strategy, and then the bungling of a new economic plan have not enhanced the president's image in the eyes of key elites, and not in those of the ordinary citizen. Calderón Sol has encountered his strongest opposition from unexpected quarters—in business circles, former military officials, right wing intellectuals, and government war veterans.

However, the opposition offered by the left, which came out of the elections trumpeting its status as the "second force," and that of the third-place Christian Democrats in the center, has been weak. Mired in internal conflicts which led eventually to the formal rupture of party organizations, opposition politicians in El Salvador have spent as much time wrangling with one another as they have fighting the ARENA government. Though the party waters have calmed somewhat, neither the opposition as a whole nor any

of the parties singly has displayed an ability to capitalize on the strife in the government camp.

While the infighting on the right has posed the question of whether the mighty ARENA juggernaut is losing steam, the debility of the opposition highlights two other questions about how Salvadoran politics will play out down to the 1997 legislative elections. Will the ARENA government's opponents bring sufficient force to bear to push forward the implementation of the peace accords and a political reform process? And will any of the parties develop a political agenda and practice that will diminish the considerable level of cynicism in the broad public about the government and political parties?

A Government Forms

The left opposition feared Calderón Sol's administration would bring a regression in compliance with the peace accords and an alliance with the far right of ARENA. Calderón Sol's inaugural speech belied such expectations. Reassuring Salvadorans of his commitment to the peace process, he pledged his government explicitly to a profound judicial reform and to making the PNC "an instrument of broad and effective protection of the population..." He emphasized the need for development with equity, a broad attack on the problem of poverty through investment in human capital, and the need to root out corruption.⁵²

The chief executive's cabinet choices reflected continuity with holdovers from the Cristiani administration. Representatives of the traditional ARENA right were unexpectedly few. From his own circle of intimates, Calderón chose as ministers Carlos Mejía Alferez (agriculture), Ramón González Giner (planning), and Ricardo Montenegro (finance), and named Juan José Domenech to head the state telecommunications company ANTEL.

Calderón's first seven months were characterized by a lack of strong policy departures and an incapacity to deal with problems inherited from the previous period. The president had no new measures that would materialize his promise of development with equity. The crime wave grew worse. Over the course of Calderón's first 100 days, the proportion of Salvadorans regarding "delinquency" as the country's number one problem rose from 35% to the extraordinary figure of 54%. By late August, 52% of poll respondents noted "negative changes" since Calderón's accession, as opposed to 31% who noted "positive changes."⁵³

While the pessimistic prognostications regarding the peace accords have not proven true, Calderón has not always shown strong leadership. The aforementioned videotape of a PN official in a bank robbery pushed him toward speedier demobilization of the PN. He does not seem to have pushed the Legislative Assembly to act on the various accords related issues noted above, or the Land Bank on the much delayed land transfers. The president has stated his commitment to the accords but has been diverted by attacks from former ARENA loyalists.

Fire from the Right

Calderón was unprepared for the blistering attack launched against the government in September from a far right sector of the ARENA coalition and serious ARENA infighting in its selection of a central committee in October.⁵⁴

Kirio Waldo Salgado, longtime political columnist for the conservative daily *Diario de Hoy* and director of the right wing Instituto de Libertad y Democracia (ILYD), accused finance minister Montenegro and agriculture minister Mejía Alferez of customs tax evasion and the discriminatory application of import duties to favor certain companies. Public allegations of corruption in an ARENA government by people linked to ARENA were unprecedented.

Salgado soon intensified his broadside accusing Cristiani administration officials, military figures, ARENA members and Legislative Assembly members from a wide range of parties, and even former President Cristiani. At the height of his campaign, Salgado's charges became indiscriminate and reckless; so far he has not provided much in the way of documentation. He has intimated that one of his goals was to put Cristiani in jail within a year for allegedly rigging the 1991 bank privatization to his

own benefit (Cristiani's family is now reputed to control one of El Salvador's two largest banks).

Salgado's motives have been the subject of intense speculation among the political class. In an interview with the local press, he said that in the wake of his ferocious struggle against Communism, "I turn around and I see an apocalypse of rot and corruption. We must now fight against a more dangerous enemy—the oligarchy."⁵⁵ An anti-communist fanatic left adrift by the peace process, Salgado could simply be casting about for new enemies. He has cast a broad net. In February his house was machine gunned.

Few believed that he could be acting without the support of powerful allies. A person with longstanding ties to the military (he is married to the sister of a powerful army colonel axed by the Truth Commission), Salgado is widely believed to have had access to army intelligence sources during his long years as a political commentator. His announced intention to form a new "Liberal Democratic Party" signaled the depths of the disaffection behind his actions and raised ARENA fears that a sector of the party might break away.

Another interpretation of Salgado's charges saw Calderón miscalculating badly in divvying up the political plums in his government. While he seemingly placated the traditional ARENA right with the appointments of outgoing Assembly leader Roberto Angulo as Interior Minister and Gloria Salguera Gross as the new Assembly president, other party stalwarts had been left out of the spoils. The most important of these, Raúl García Prieto, is a key party leader in the eastern departments, a former head of FINATA (an agrarian bank that finances small farmers) and a hardliner on the peace accords. That Salgado worked informally as García's advisor only stoked speculation that a right wing maneuver was underway whose aim would be the re-entry of the "outs" into the political game. Another motive was that the "outs" included figures who had historically been opposed to the peace negotiations or any concessions to the FMLN.

In the midst of this uncertainty, the election of members of the National Executive Commission (COENA) of ARENA in early October increased speculation about serious rifts in the camp of the right. Though the event was surrounded by the secrecy typical of ARENA conclaves, the blurry outlines of a political battle raging in the party have emerged. According

to the most likely scenario, ex-president Cristiani made a bid to take over leadership of ARENA, probably to prepare a presidential bid in 1999. In response, Calderón Sol first attempted to continue as party president, and when that failed, to impose agriculture minister Mejía as his successor. Rumors of a candidacy by Assembly president Salguera hinted at a three-way tug-of-war among distinct sectors of the party.

When the dust had settled, the choice as ARENA president had fallen to ANTEL director Juan José Domenech; and García Prieto had been elevated to a spot on COENA, and a decision had been taken that ministers of state would henceforth not serve on COENA. In one interpretation, this outcome favored Calderón Sol, who was supposed to have cut a deal with far right elements loyal to party founder Roberto D'Aubuisson in a successful attempt to counter both Cristiani on one side and Kirio Waldo Salgado on the other. Calderón Sol intimate Domenech is in, Cristiani allies have largely disappeared from COENA, while in the wake of the convention support for Salgado's splinter party collapsed. Another view suggests the outcome worked against both Cristiani and Calderón to the benefit of more right wing elements in the party, whose new executive commission is, in the words of an ARENA deputy, "very D'Aubuissonian."⁵⁶

To those able to read the signals, the struggles within ARENA confirmed that it can manage its internal struggles without open party splits. The ARENA party is not a colossal monolith; it is crisscrossed by power conflicts which may lead to attrition and more naked forms struggle. The first open casualties were the two ministers who resigned November, 1994.

The Party Opposition

While the unity of ARENA displayed weakness at the edges, El Salvador's other main political parties underwent splits during 1994 that portend the emergence of new political forces. This internecine strife has impeded the parties from acting as a bloc in the Assembly, pressing for full implementation of the peace accords, shaping an alternative agenda, or effectively representing their constituents. More disturbing is the tendency for party infighting to reinforce the low opinion among ordinary Salvadorans of political parties in general, a trend that bodes ill for El Salvador's overall democratic development. A recent poll of public opinion reflects the extremely low status of political parties.

Confidence in national institutions (%)

Institution	None	Little	Some	Much	No An.
Catholic Church	20.9	14.4	19.5	43.0	2.2
Government	38.4	32.1	17.1	9.0	3.4
Political parties	53.5	28.0	10.2	3.4	4.9
Judicial system	39.7	30.8	17.9	4.9	6.8
Media	10.3	25.7	34.6	25.0	4.3

Source: IUDOP (University Institute of Public Opinion, UCA), San Salvador, Jan.28-Feb.5, 1995.

In the wake of the election's second round, expectations focused on the Legislative Assembly as the site where a constructive opposition could be exercised and on the ex-guerrilla leaders of the FMLN, 21 of whom had recently been elected as deputies, as the protagonists of a new politics. These expectations were immediately confounded. On May 1, 1994, long festering rivalries and differences with the FMLN surfaced and did so with as much public flare as the flamboyant Salgado's attacks on ARENA were later to have. Two FMLN parties, the ERP and RN, muted their opposition to rule changes forced by ARENA in the Assembly, and accepted positions on the Assembly's Executive Committee in the face of a boycott by the FMLN.⁵⁷ Their decision not only split the FMLN bench into two groups but was the opening step in what would become an unbridgeable gulf between the various factions of former guerrilla allies.

The opposition's capacity to project and push forward a reform agenda or prevail in ordinary legislation has been weak.⁵⁸ The opposition did not, as might have been expected, craft a joint proposal for changes in Assembly statutes allowing for a more democratic interplay between government and opposition forces. Moreover, in the discussion of the country's 1995 budget, it secured mainly a verbal promise from ARENA that the Assembly would finally bring the entire budget, including that for externally-financed social investment, under its purview in the next legislative period. Similarly, although the armed forces were required to submit data on salaries for the first time, scrutiny of the army's appropriation did not extend to armaments or to the budget for army intelligence.⁵⁹

The left opposition has made some advances. It engineered a provision in a bill to privatize six state-run sugar mills for mill workers to buy up to 15% of the stock, with another 50% offered to small farmers and cooperatives. The FMLN complained that its numerous legislative initiatives were being bottled up

by Assembly president Salguero Gross. These include a bill to "reprivatize" the banking system which is designed to expose the alleged corruption involved in the privatization of the banks by the Cristiani administration, but there has been little in the way of grassroots or media campaigns directed by the opposition toward the Assembly.

The Left Split and Reorganization

Divergent perspectives in the FMLN have been evident virtually since the start of the peace process.⁶⁰ Since the elections, differences in strategy for the left's adaptation to civilian politics in the neoliberal era have combined with underlying ideological differences, distinct readings of the peace process and leadership rivalries to make the bedfellows of the FMLN increasingly uncomfortable with one another. The marked imbalances in size and weight of the forces within the FMLN became unmanageable.⁶¹

The FPL or Popular Forces of Liberation, by far the largest grouping in the FMLN, states an ideal of forging a powerful party of the left committed to a democratic reform of El Salvador's unequal social and economic structures in order to empower the disenfranchised majority of the population. Though it does not reject alliances with sectors of the economic elite, the FPL tends to draw its natural boundaries around the contours of the "popular classes." In the party's view, ARENA's neoliberal policies will inexorably produce social crisis, driving ordinary Salvadorans toward the left. FPL leaders also stress protecting and building on the achievements of the peace process and the symbolic and political capital accumulated by the FMLN in its 12-year struggle.⁶²

By contrast, the People's Renovating Expression (ERP, formerly People's Revolutionary Army) and the National Resistance (RN) have decided on a rapid shift in political strategy to stake out a "social-democratic" position in the center of the political spectrum. They aspire to forge quick alliances between sectors of the popular classes and sectors of capital in order to split the camp of the right and establish bases for a new political equilibrium. The social democrats believe that the political goals of the peace process ("the democratic revolution") have in general been achieved, are irreversible and are supported in the "modernization" sectors of private enterprise, ARENA and the armed forces. In contrast to the FMLN, they see traditional left rhetoric as counterproductive in appealing to broad, uncommitted segments of the electorate crucial to the outcome of future electoral contests.⁶³

At the same time there are broad areas of agreement, or at least lack of public disagreement, among the present and former parties of the FMLN, however much the tendency to criticize each other might obscure it. They now support a market economy and private property (or at least they do not call for its replacement), though they do not think the market economy in El Salvador is meeting the needs of the majority. They are not proposing nationalization of industry, finance or commerce. They argue for more social services for the poor, participation in economic development decisions, and fuller implementation of the peace accords. They support the electoral process, cross-class alliances and negotiations.⁶⁴

After the divisive May election of Assembly officers, the rest of the FMLN voted sanctions against ERP and RN leaders. The Popular Liberation Forces (FPL) then pushed for an organic fusion of its five constituent groups. Making a sharp critique of the FMLN's federative structure, which gave each of the five parties one vote in endless negotiating sessions, the FPL insisted upon reorganization without "quotas of power" for minority fractions. It argued cogently that the federated structure was inefficient, undemocratic and presented an image of internal contradiction to party bases and the public.

The FPL injunction to unify (and a threat that the FPL would otherwise go it alone, leaving the lesser parties stranded) raised anxieties that the FPL would swallow up the smaller FMLN parties. Disparaging FPL allusions to the small size of other left forces reinforced these fears.⁶⁵

The ERP proposal for a looser structure in which all of the party's tendencies could continue to coexist was doomed from the outset. An August convention to hash out the FMLN's differences came to naught. When the ERP and RN declined to attend the December FMLN Convention, the die was cast. Upon taking the ERP out of the FMLN on December 6, Villalobos demanded the formal dissolution of the whole party. Legally, the ploy did not prosper. Nor did Villalobos succeed in keeping all his forces together, as the so-called "Democratic Tendency" in the ERP, along with RN leaders Eugenio Chicas and "Chano Guevara", chose to remain with the FMLN.

Six months of fighting highly public and often vituperative battles cost the FMLN dearly in terms of public image. Polling experts informally noted a trend among former FMLN voters to regard the ex-guerrillas with the cynicism applied to Salvadoran political leaders in general.⁶⁶ By the admission of the FMLN's own Vice-Coordinator, activity levels in local

party bodies had dropped to 40% of those prevailing during the 1994 election campaign.⁶⁷ And well before that date, according to insiders, all of the factions had suffered a drop off in cadre activity due to an inability to deliver material goods from the peace process and fashion part-time participatory roles for former combatants reunited with families and trying to find jobs.

The FMLN's convention, held December 17-18, 1994, gave evidence of a capacity to make organizational adjustments to provide cadre a voice. The key idea—election of a new 15-person Political Commission whose members could no longer serve as officers of their respective parties --was coupled with a decision that all parties would gradually "dissolve" their structures into the FMLN fold. Moderate FPL leader Salvador Sánchez Ceren ("Leonel González"), considered by the other parties a guarantor of the unity accord, was elected to the post of general coordinator in place of Shafick Handal (PCS).⁶⁸

As in past conventions, delegates to the conclave were elected in municipal and departmental conventions following quota formulas, the outcome giving the FPL a 60% majority. But an agreement was negotiated whereby the FPL settled for less than majority weight on the National Council and Political Commission of the reorganized FMLN. In addition, the delegates voted to limit the terms of Commission members to two years (with only one re-election permitted), turn over 30% of the membership on the Political Commission and National Council at every election, and adopt quotas for the participation of women and youth.

FMLN leaders uniformly regard the December convention as a turning point, reversing the previous months' erosion. Several note a dynamic occurring in National Council discussions in which issues are being hashed out without reference to previous constituent party positions. Nonetheless, it is clear from other sources that many in the constituent parties retain serious doubts about the unification drive.

The other factions of the former guerrilla alliance have announced their intention to form a "Social-Democratic Party" ("PSD") into which they will likewise dissolve existing party bodies. Parties to the social-democratic pact will include, at a minimum, the ERP, the RN and the remnants of the MNR of former left leader Guillermo Ungo. At the same time, they are engaged in an effort to form a non-party "Citizens' Movement" as a vehicle for attracting non-participating political sectors into eventual involve-

ment with the new party. The transition to social-democracy in the ERP does not yet appear to have been accompanied by substantial efforts to strengthen inner-party democracy, a criticism which earlier led a faction of the ERP (the Democratic Tendency) to remain with the FMLN. These critics direct their fire toward Joaquín Villalobos and his attitude toward dissidents.⁶⁹ Similarly, RN dissidents insist that a majority of RN members will eventually drift back into the FMLN.

ERP leader Joaquín Villalobos is a daring strategist with a knack for keeping himself in the political limelight, as his widely publicized charges against Orlando de Sola for death squad involvement (and his willingness to go to jail when accused of slander) demonstrate, and he has had a public presence few other FMLN leaders can match. He also has made a lot of enemies.

The other party of the moderate left, the Democratic Convergence (CD), completed a successful, untraumatic fusion of its constituent forces.⁷⁰ In October, 1994, these elected a new slate of officers led by former deputy Juan José Martel. Among the forces of the left, the CD is probably the party with the highest degree of internal democracy, having turned over its national leadership twice in recent years without any whiff of manipulation from above. However, with left coalition presidential candidate Rubén Zamora on the sidelines and with its Assembly bench reduced from eight deputies to one, the CD's weight and visibility have greatly diminished. Villalobos voted against the FMLN endorsing Zamora in the election; the chances the CD will unify with his social democrats are slim. More likely would be tactical alliances with the FMLN, as in their current support for the same candidate for Ombudsman.⁷¹

Christian Democracy in Crisis

The final splintering of the Christian Democratic Party (PDC) has resulted from the maneuver of a sector of the party to ensure itself minimal political space through a tacit alliance with the governing party ARENA. In the view of the rest of the PDC, this amounts to a sellout of party principles that has made the continued unity of the PDC impossible. The party's own steep fall is in part the result of rounds of infighting extending back over six years.⁷²

In the wake of the PDC's disastrous election showing - after having governed in the mid-1980s the party was reduced to 16% of the vote - a hastily called convention met May 22 to accept the resignation of party secretary-general and presidential candidate

Fidel Chávez Mena and elect a transitory political council balanced between the two wings, those loyal to Chávez ("fidelistas") and those who had supported Abraham Rodríguez ("abrahamcistas") for the party nomination in 1993.

Things came apart when Chávez Mena and his allies deserted the opposition camp in June, making a pact with ARENA to secure posts on the Supreme Court and Supreme Electoral Tribunal. In the opinion of the other faction, this betrayal thwarted the election of Abraham Rodríguez as court president and confirmed that a sector of the PDC had converted itself into "taxi for ARENA, who charge by the ride."⁷³

The election of Ronald Umana as the PDC's new secretary general at an August convention signalled that the most conservative wing of the party had gained the upper hand. The "abrahamcistas" refused to recognize the results. Critics charged that "fidelista" Eduardo Colindres (and PDC member of El Salvador's Supreme Electoral Tribunal or TSE) had packed the convention with several score PDC patronage employees of the TSE. The victors were weakened internationally when Fidel Chávez rejected mediation by regional Christian Democrats, and later when the Konrad Adenauer Foundation withdrew financial support from the party-linked research institute CENITEC.

The conservatives were left with 8 of the 17 Assembly deputies. Views about which of the two factions has come away from the split with greater support among the dwindling bases of the PDC diverge wildly. An immediate goal of reaffiliating 15,000 party militants is a recognition of the reduced state in which the PDC finds itself.

The other nine PDC deputies set about forming a "Social Christian Unity Movement (MRSC). The MRSC purports to be the progressive wing, dedicated to the party's original social and ethical ideals and plans a March convention to launch a "Party of Social Christian Renovation" (PRSC). Like its rival, it will begin life without an active politician of national stature, although PDC founder Abraham Rodríguez is considered a figure in reserve for future electoral contingencies.

A Deflated Economic Plan

Thrown off balance by the corruption charges emanating from the right, Calderón Sol had no sooner acted to isolate the unstoppable Salgado when two more attacks arose from what one would have

expected to be friendly quarters. The first were the militant and violent protests by what used to be the government's main protectors - the aggrieved ex-military we have described in the previous section - accompanied by theories that rightist or ex military commanders may be behind the movement.

Second, Calderón floated an economic plan that he hoped would enable him to put a stamp on his administration. It didn't float for very long, though it may rise again. In early January, ending months of indecisiveness, the Calderón Sol government announced the outlines of a new national economic plan which it claimed would secure advantages for El Salvador in the global economy and guarantee the country's economic future. Though a written version of the plan never circulated - ministers presented it to selected publics only verbally and in closed meetings - it marked a significant deepening of the neoliberal policies of the previous Cristiani administration.⁷⁴

The plan called for fixing the Salvadoran colón at 8.75 to the US dollar (and perhaps eventually using dollars as currency), reducing external tariffs to zero within a period of three years, raising the value-added tax (IVA) from 10 to 12%, and continuing to "modernize" the state, the neoliberal term for reducing the state and privatizing parastatal corporations and perhaps social security.

Government representatives talked about converting the nation into no less than a Central American Hong Kong. While a stable currency attracted inflows of foreign capital establishing San Salvador as a major financial center, its already burgeoning maquila industries would make the country a vibrant export platform and unemployed peasants would stream in from the countryside to take jobs in factories. That Hong Kong has a population slightly larger than El Salvador's 5.2 million with a per capita GDP 7-8 times as large, and moreover exports 40 times what El Salvador does indicates the ambitiousness of the plan and/or a failure to fully appreciate the historical differences between the two economies. The plan did not address the possible comparative advantages El Salvador would enjoy over current financial centers in Panama and the Caribbean.

The new plan nonetheless offered obvious opportunities to El Salvador's financial and commercial oligarchy, who would be the ones to benefit from the radical trade opening and influx of speculative capital (including, some argued, drug dollars). The delegation that accompanied Calderón Sol to San José to explain the project to El Salvador's Central American

neighbors on January 19 provided a glimpse into the identity of the plan's proponents. The entourage included ex-president Cristiani, widely believed to hold a controlling interest in the Banco Cuscatlán; Archie Baldocchi, president of the Banco Agrícola Comercial (these two are El Salvador's largest private banks, holding fully 50% of the assets of the sector); commercial magnate Ricardo Poma, owner of the Camino Real Hotel and of shopping centers in several Central American countries; Ricardo Hill and Francisco de Sola, head of the neoliberal think tank FUSADES and president of the national committee of INCAE-El Salvador, respectively; and the owners of La Constancia brewery, TACA Airlines and Sigma, a Salvadoran multinational packaging producer. Leading the charge for the government was new Finance Minister Manuel Enrique Hinds, a longtime World Bank consultant and the plan's mastermind, accompanied by Central Bank head Roberto Orellana.⁷⁵

The plan met an outwardly polite but vigorous challenge by sectors of the Salvadoran elite whose interests would be damaged by the plan's implementation. Over a period of weeks, the powerful National Association of Private Enterprise (ANEP), El Salvador's peak business group, waged a stern campaign of opposition, both in private meetings with the president and in the newspapers and public forums.

Though it purported to share the government's overall drive for an improved insertion in the global economy, business demanded gradualism in the area of tariff reductions, and questioned the fiscal need to raise the IVA. In response to chiding from Finance Minister Hinds that Salvadoran industrialists had squandered their chance to reconvert and export under Cristiani, ANEP retorted that as an international technocrat who had not lived in El Salvador during the war-torn 1980s, when Salvadoran businessmen had fought off the Communist menace, Hinds did not know what he was talking about.⁷⁶

With varying degrees of intensity, business and industrial associations in other Central American countries voiced fear over the prospect that the Salvadoran scheme for rapid tariff reduction would cause the entire edifice of regional economic integration to come unstuck, in particular by permitting the triangulated sale of cheap extraregional merchandise channeled through El Salvador into the other nations' markets. Unions also opposed the plan, particularly the increase in the IVA, which is unpopular with a large majority of Salvadorans.⁷⁷

When Calderón went on TV February 2 to outline the definitive version of his economic ideas, talk of turning El Salvador into a new Hong Kong had been abandoned, the idea of raising taxes had vanished, and an acceptably gradual program of tariff reduction had taken the place of the three year timetable to do or die. Having achieved its objective, El Salvador's business elite dutifully praised its president's economic program and brought the cycle of public confrontation to an end.

As in case of the corruption charges six months earlier, this was the first open clash between an ARENA government and the economically powerful elite that Salvadorans could remember. Though not unexpected, the outcome of the contest highlighted a number of facts about the country's power structure. One was that as powerful as is the reformed oligarchy of bankers and import merchants that has emerged from the 1991 bank privatization, it is not powerful enough to dictate terms to the rest of El Salvador's capitalists. Another is that no group in the Salvadoran elite was willing to see the policy tussle jeopardize the elite's overall political dominance. The unenthusiastic attitude of ARENA leaders toward their government's program reflected the fear in political circles that sacrificing the interests of industrial and agricultural groups, both of which are important ARENA bases, could cause a schism in the party.

If the launching of the plan by Calderón was an effort to put a distinctive stamp on his presidency after seven months of drift, by the end of February his original problem persisted, while comments abounded to the effect that the president had lost the confidence of much of the elite in his capacity to govern.

Calderón may not be able to avoid significant desertions among the mass of voters to whom he owes his election victory. While loans from the IDB will keep the government apparatus of social compensation oiled with money, and massive levels of remittances will fend off social discontent, signs of attrition are already evident. When Salvadorans were asked in a February 1995 poll to rate its performance on a scale of one to ten, the government received a meager mark of 4.5—down from 6.0 in a similar survey the previous September.⁷⁸

Conclusion: Government, Opposition and ONUSAL's Departure

Weeks before the ONUSAL observation mission is to pull out all but a tiny observation team, the signatories to the accords sent a joint delegation to international agencies seeking over \$130 million to complete the accords. As the events of January have illuminated, completion of the accords remains a goal not a reality, and the line between formal compliance with the accords' provisions and fulfillment of the goals implicit in the accords is blurry. If it is not blurry to legal minds, it seems to have become so to those who have been demonstrating in the streets to obtain what the accords gave to others, or Salvadorans who associate the increased crime wave with a failure of the accords.

This report has detailed the accords' significant successes and placed them in international perspective. If it has dwelled on the critical shortcomings it is because they have the ability to unravel the successes. Three years after the signing of the accords' specific goal of removing the military from internal security functions, there are now as many or more military patrolling as there are civilian police. Less than half of those who were supposed to be able to purchase contested lands with a government subsidized mortgage have been able to do so. A rate of land transfer that amounts to less than five per week. The veterans who have protested have received admissions that at least some of them have not received their due, but, as in the case of land, the government has been slow to comply.

The Legislative Assembly has not moved to solidify the legal basis of the accords' goals of reforms in the justice system and electoral process with the alacrity that earlier Assemblies displayed when they were under the gun of the peace negotiations and the ongoing war. Nor is it apparent that Calderón Sol has exercised much muscle in pushing the legislature

and, in his own branch, goading agencies to push the reforms forward. His numerous forceful public statements endorsing the accords have quelled doubts about his motives, but more have arisen about his political leadership.

It is difficult to assess what the departure of ONUSAL will mean. ONUSAL has come under more than its share of criticism since it opened shop before the signing of the accords with a human rights observation mission in August 1991 in war zones still hot with military conflict. Those opposed to the accords and those with ultra nationalist views (Salgado is one) have never ceased verbal attacks on ONUSAL for its "usurpation" of Salvadoran power. Sectors on the left, including the intellectual left, have often claimed that ONUSAL has failed, citing, for example, ongoing human rights problems. ONUSAL came under withering criticism for putting a too-positive spin on the election after it was marred with many irregularities. Government officials have charged off the record that ONUSAL bureaucrats found fault because they wanted to extend their high salary jobs.

ONUSAL's tenure was marked by considerable internal criticism and tension as well. At any point in the peace process one did not have to search hard for staffers or high level officials critical of other ONUSAL divisions for not doing their job or for pursuing too hard or too soft a line. There was tension between those in the field offices and those in the VIP Tower of the Hotel El Salvador, ONUSAL's headquarters, the former thinking headquarters was more connected to New York than the grubby realities in rural areas, and the latter thinking those in the field did not get the big picture. And there were other international workers with considerably smaller salaries who did not think the ONUSAL field staff had a tough life. Much of the criticism was inevitable.

There may well be merit to criticisms that the UN was having such difficulties elsewhere in the world that it was desperate for a success story in El Salvador, and that this colored its work. Nevertheless, it is, on balance, hard to imagine the peace process would have worked as well as it has without ONUSAL. Though local human rights groups who had endured years of danger and repression criticized ONUSAL's human rights work almost from the outset, there is no doubt that the arrival of ONUSAL was an immense increase in the resources available in El Salvador for human rights observation. The electoral division may have cast the elections in too rosy a glow, but it was clear for months that the slowed voter registration process would have been really bogged down without ONUSAL's goading and logistical support. In many ways ONUSAL was pushing the government harder on police reform than was the over-burdened FMLN. Government critics were quick to call in ONUSAL to mediate a conflict. On balance, the massive, and expensive deployment of ONUSAL in El Salvador did not work miracles, but it added an element to the correlation of forces in the country which significantly pushed the peace and electoral processes forward. It remains to be seen if its departure will slow things down, or whether the threat of escalating crises will speed them up.

We have argued that much of the delay in the accords and in democratization has been due to the intense level of internal struggle in each of El Salvador's political groupings. One could argue against us that this is what democracy is all about. But the costs have been high. The president has not shown any ability to solve the on going land crisis nor that of the war veterans. Two ministers went down in a corruption scandal provoked by the right less than half a year after they received the keys to their offices.

Infighting on the right is serious and may well go on. If the most cogent interpretation of the January economic plan is correct, a sector of the economic elite made a bold attempt to reformulate the bases of elite domination in El Salvador at the risk of provoking an upheaval in the ruling party. Other bruising elite contests await. In the opinion of many Salvadoran analysts, a silent struggle is underway, in which the interests of the current and former ARENA president and their respective allies are said to be centrally involved, to control the upcoming

privatization of public utilities such as ANTEL and the state electric company CEL.

Despite uncertainty about its unity process, the FMLN is better placed than other parts of the Salvadoran opposition to stake out a coherent identity and consolidate a medium-run position as the government's chief opponent. But it has yet to stake out a clear agenda and has, along with the rest of the parties, projected a public image of a party more absorbed in internal struggle than the public interest. A lack of resources, insufficient media presence and the lack of a strong national figure will also hamper expansion of the party's social boundaries. But evidence of an ability to recast organizational structures and rethink relations with support groups in civil society may also bode well for left maintenance of its traditional bases.⁷⁹

As for the coveted center ground, there are currently too many contenders - five to be exact - trying to occupy the same space. Forming a coalition is possible of course, but remains a distant goal and one that would require, again, months of internal dealing.

The Salvadoran electorate contains legions of uncommitted potential voters. However, the capacity of any or all of these parties to appeal to them is uncertain. Salvadorans generally hold political parties and politicians in low repute. As the 1994 elections demonstrated, the vicissitudes of neoliberal economic and social change conspire toward apathy and against political involvement. The truncation of the real political spectrum in the post-communist era, producing a radical reduction between party platforms, made it more difficult for parties to distinguish themselves.

Only political forces who establish a grassroots presence and the imagination and ability to deal with the economic, crime and peace accords related problems afflicting Salvadoran society will be able to change the uncommitted to the committed. Though a further delayed departure of ONUSAL might help the new Ombudsman or speed up land transfers, in the end, the departure of ONUSAL now, or six months from now, will not make a difference to this more fundamental question of the relation of Salvadoran political forces to Salvadorans and the problems they confront in their daily lives.

Endnotes

¹ Proceso 651: 1 March 1995

² The polls were done in December 1993 and February 1994 by the Institute of Public Opinion at the Central America University in San Salvador.

³ Proceso 651, March 1, 1995

⁴ For details on recommendations in numbers 5, 6, and 7, see Jack Spence, David Dye and George Vickers, El Salvador: Elections of the Century - Results, Recommendations, Analysis, Hemisphere Initiatives, July 1994.

⁵ For details on recommendations in number 9 see Margaret Popkin, Justice Delayed: The Slow Pace of Judicial Reform in El Salvador, Hemisphere Initiatives, December 1994.

⁶ See "Acuerdos de Mexico," in Acuerdos de El Salvador: En El Camino de la Paz (1992), 13-19.

⁷ COPAZ is made up of two representatives each from the government and the FMLN, and one each from the six political parties then represented in the Legislative Assembly. This makeup has usually created a deadlock. The COPAZ sub-commission on the National Civilian Police has one representative from each political party and one each from the government and the FMLN.

⁸ United Nations, "Report of the Secretary-General on the United Nations Observer Mission in El Salvador," UN document S/25812, 26 May 1993, New York, p. 10. Also see William Stanley, Risking Failure: The Problems and Promise of the New Civilian Police in El Salvador, Boston, Hemisphere Initiatives and Washington Office on Latin America, p. 17.

⁹ Interview with Col. Angel Eliseo Ramos Escalante, Commander of the Special Brigade for Military Security, San Salvador, July 15, 1993.

¹⁰ For details on the start up problems of the Academy see William Stanley, *op. cit.*, pp. 6-11.

¹¹ Interviews with well-informed sources close to the Academy who did not wish to go on record, January 1994.

¹² General Accounting Office, "Efforts to Satisfy the National Civilian Police Equipment Needs," GAO/NSIAD-93-100BR, December 1992. See William Stanley, *op. cit.*, pp. 12-13.

¹³ Interview with Salvador Samayoa of the FMLN, February 1994.

¹⁴ Then PNC chief Jose Maria Monterrey claimed that the UEA was only increased by 20 persons. He also acknowledged that some 10 UEA personnel had been disqualified by his review. Interview, December 1, 1993. Letter from Augusto Ramirez-Ocampo to COPAZ Subcommission on the PNC, November 5, 1993.

¹⁵ See, "Recent Setbacks in the Police Transition", El Salvador Peace Plan Update #3, February 4, 1994, Washington Office on Latin America.

¹⁶ See paragraphs 28 and 29 of the Ninth Report of the Director of the Division of Human Rights of ONUSAL (August 1-October 31, 1993). Leaders in the FMLN believe the SIU's role was considerably more sinister than simply being dilatory and that it had a hand in the assassin's death, perhaps to protect someone else. Interview with FMLN leader, November 19, 1993.

¹⁷ During Roberto Mendoza Jerez's tenure as Attorney General, two young prosecutors handling the Jesuit murder case proceedings denounced the Attorney General's refusal to allow them to fully investigate. They resigned, endured a campaign to discredit them, and began working as private prosecutors contracted by the Jesuits. See Martha Doggett, Death Foretold, Lawyers Committee for Human Rights and Georgetown University Press, Washington, D.C., 1993, pp. 177-180.

¹⁸ Forty-seven of the cases involved arbitrary executions; 14 were attempted arbitrary executions; 14 were death threats.

¹⁹ Report of the Director of the Human Rights Division of ONUSAL covering the period from 1 March to 30 June 1994, UN document A/49/281, July 28,

1994, at para 66. (ONUSAL 11th Human Rights Report).

²⁰ Tracy Wilkinson, "An Uphill Battle for Law and Order in El Salvador," Los Angeles Times, Dec. 13, 1994.

²¹ See ONUSAL's 11th Human Rights Report at para. 112-126.

²² See ONUSAL's Human Rights Report covering the period from 1 July 1994 to 30 September 1994. UN document A/49/585, S/1994/1220., October 31, 1994, at para. 43.

²³ Proceso 651, March 1, 1995.

²⁴ The Joint Group was composed of two lawyers named by the Salvadoran Government, the Ombudsman for Human Rights and the Director of ONUSAL's Human Rights Division. For background on its formation, see Jack Spence and George Vickers, A Negotiated Revolution?, Hemisphere Initiatives, March 1994, pp. 4-5.

²⁵ El Salvador is hardly alone in containing forces that want to cover over past ill deeds, or even have them seen in a patriotic light. Much more time has gone by elsewhere. The admissibility of evidence of Japan's conquering role before and during World War II remains a matter of controversy there. The government of Taiwan has just apologized for the 1947 slaughter of thousands. A museum exhibit in Washington D.C. marking the 50th anniversary of the dropping of the atomic bombs over Japan was withdrawn under pressure from veterans groups for suggesting that the atomic attack could have been avoided. The Catholic Church has only recently issued a self critical statement for its role in supporting fascist forces in World War II.

²⁶ For a full analysis of judicial reform efforts see, Margaret Popkin, Justice Delayed: The Slow Pace of Judicial Reform in El Salvador, Hemisphere Initiatives and Washington Office on Latin America, December 1994.

²⁷ Constitution, Article 186.

²⁸ Article 187. See El Salvador Proceso 515 "Anteproyecto de Ley para el Consejo Nacional de la Judicatura," May 20, 1992. The decision to assign to the Assembly responsibility for electing Council members did not come from the negotiations, but was introduced by the Assembly itself. The constitutional reform also assigned responsibility for the Judicial Training School to the Council to try to ensure that judges would be selected on more objective and competitive criteria.

²⁹ As part of the effort to professionalize the judiciary and provide job stability, judges at all levels are now considered to have entered a career of service as judges, with guaranteed training, seniority provisions

and opportunities for advancement. In exceptional cases, Council may propose non lawyers, whose terms will be reduced from two years to one.

³⁰ See Popkin, Justice Delayed, op. cit., pp. 3-5.

³¹ Interviews with leaders of ARENA, the Christian Democrats, the FMLN and social democrats, January 1995.

³² "Report from El Salvador," Vol. 6, #6, February 13, 1995, Fundación Flor de Izote.

³³ The analysis in this section is based on numerous interviews with bank, ONUSAL, USAID and FMLN officials in San Salvador, Usulután, San Vicente and Chalatenango from September 1993 to May 1994, in January 1995, and telephone interviews since then.

³⁴ See for example, Comisión de Tierras, COPAZ, "Aspectos Fundamentales que están Retardando la Tranferencia de Tierras y Propuestas de Solución", April 1993, or FMLN, "Plan para Acelerar el Programa de Transferencia de Tierras", September 1993.

³⁵ In other cases the FMLN did not force large export growers from the land, but required them, in many cases ARENA supporters, to pay war taxes and pressured them to raise the wages of the workers.

³⁶ See George Vickers and Jack Spence, Endgame, Hemisphere Initiatives, December 6, 1993, for an account of the multiple treaty issues in which the land question was embedded at that time.

³⁷ Interview, February 16, 1994.

³⁸ An FMLN print out for February 2, 1994 says ex-combatants were 38% of its beneficiaries, but its total is 2000 different than that of February 18 date on the chart. There are discrepancies of several hundred beneficiaries between FMLN end of 94 data and those data above. Note also how Land Bank data finds fewer ex-combatants in February 1995, than the totals for the end of 1994.

³⁹ Material on the ADEFAES affair has been culled from the daily press, Flor de Izote and Proceso reports, interviews with ONUSAL sources, diverse political analysts, and FMLN deputy Miguel Saenz, one of the lawmakers taken hostage.

⁴⁰ El Diario de Hoy, January 27, 1995. His reference to "intellectuals" was apparently to Kirio Waldo Salgado, among others. See next section on the Salgado affair.

⁴¹ FMLN deputy Miguel Sáenz, among others, admitted the involvement of some FMLN militants in support of ADEFAES but denied it responded to any directive from party officials.

⁴² Corado's statements in La Prensa Gráfica, January 26, 1995. Perhaps reflecting nervousness felt by armed forces leaders were reports that the day of the ADEFAES takeovers, the army high command ringed

the headquarters of the General Staff with tanks.

⁴³ In a move reminiscent of March 1992, the head of the newly reconstituted FMLN and the Vice President of El Salvador traveled to New York in January seeking \$135 million through the good offices of the UN Secretary General.

⁴⁴ Interview, January 14, 1995.

⁴⁵ Interview, January 17, 1995. See SRN, "Plan de Reconstrucción Nacional: Evaluación e Informe de Avance", Agosto de 1994, and CONARA/SRN, "Financiamiento en los Municipios PRN al 31 de Diciembre de 1994".

⁴⁶ See A Negotiated Revolution? op. cit. pp 27-29. Charts and calculations by Kevin Murray.

⁴⁷ ONUSAL interview, March 1, 1994.

⁴⁸ See U.S. Embassy - San Salvador, "Country Commercial Guide - FY 1995", Appendix A.

⁴⁹ A report for USAID tends to minimize the problem by defining it in terms of those who have access to less than 1 manzana, but admits that there is extensive rural poverty. Mitchell Seligson, et. al., "El Salvador Agricultural Policy Analysis Land Tenure Study", September 1993.

⁵⁰ See World Bank, World Development Report 1993, World Bank, World Debt Tables 1994 and IMF, International Financial Statistics, 1993.

⁵¹ According to a poll taken May 21-29, 1994 Public Opinion Institute of the UCA. Cf. Boletín de Prensa, Año 9, No.3, "Las expectativas de la población hacia el nuevo gobierno de ARENA."

⁵² The text of Calderon's speech is reprinted in ANEP, Unidad Empresarial, Año 5, Vol. 27, mayo-junio, 1994, pp 60-66.

⁵³ Institute of Public Opinion poll, taken Sept.3-4, 1994. Cf. Boletín de prensa, Año 9, No.4, "La opinión de los salvadoreños sobre los primeros cien días de Calderón Sol."

⁵⁴ The material in this section derives from interviews in January-February 1995 with Salvadoran political analysts and politicians. Contributing information and perspectives were Hector Dada (FLACSO), Luis Cardenal (CEDEM), Herman Schlageter (ISEPES), former PDC deputy Gerardo Le Chevalier, Abraham Rodríguez of the PDC, Primera Plana editor Horacio Castellanos, ARENA deputy René Figueroa, Tendencias editor Roberto Turcios, Rodolfo Cardenal of the UCA, Felix Ulloa of IEJES, Antonio Alvarez of the FMLN, and various diplomatic observers.

⁵⁵ Interview in Primera Plana, Dec.9, 1994.

⁵⁶ See Primera Plana, October 14, 1994. An injunction uttered by party founder D'Aubuisson to the effect that the party and the government should be separated was apparently a device used to sort out ARENA's internal squabbles.

⁵⁷ For more details, see HI's report, El Salvador: Elections of the Century, op. cit., pp 30-32.

⁵⁸ This section derives from interviews with deputies Jorge Villacorta (CD), "Gerson Martínez" (FMLN), Ana Guadalupe Martínez (ERP), and analysts Carlos Ramos (FLACSO) and Ricardo Córdova (FUNDAUNGO). Jan-Feb.1995.

⁵⁹ In nominal terms, the military budget stayed at C866m or about \$100m, in 1995, as proposed by the executive. Cf. "Habrà un mayor control de los gastos militares," in Primera Plana, September 16, 1995.

⁶⁰ For details, Elections of the Century, op. cit., pp 24-25.

⁶¹ This discussion of developments in the FMLN is based on interviews in Jan-Feb. 1995 with a wide cross-section of FMLN leaders, including Mauricio Chávez, Facundo Guardado, and "Gerson Martínez" (FPL); Miguel Angel Sáenz, Humberto Centeno and "Damian Alegría" (PCS);, "Nidia Diaz" (PRTC); Eugenio Chicas (RN-FMLN), and Joaquín Villalobos and Juan Ramón Medrano (ERP); as well as with diverse political analysts.

⁶² See FPL document, "Un partido de la izquierda democrática: propuesta de las FPL-FMLN," June 16, 1994.

⁶³ Joaquín Villalobos, "Partidos en transición: de la politiquería a la política," La Prensa Gráfica, Dec. 16, 1994.

⁶⁴ This summary of areas of agreement is taken from Lee Winkelman and Karen Ferroggiaro, "FMLN: Two Projects and Two Proposals for a New Party Structure", The Reporter on Latin America and the Caribbean, August-October, 1995, Cambridge, p 10.

⁶⁵ For an example, see Salvador Samayoa, "Ejes de transformación en los partidos durante la postguerra," Tendencias, No.34, October, 1994.

⁶⁶ Interview with Institute of Public Opinion director José Miguel Cruz, January 26, 1995.

⁶⁷ Interview, Eugenio Chicas January 23, 1995.

⁶⁸ According to several interviewees, the convention witnessed an apparently genuine debate about the pace of party unification in which the proposal of FPL leader Facundo Guardado for "unification now" was defeated in favor of a gradualist approach recommended, among others, by FMLN Coordinator Salvador Sánchez Ceren and outgoing coordinator Shafick Handal.

⁶⁹ For an inside view, see the interview with ERP-Tendencia Democrática leader Roger Blandino Nerio in Diario Latino, May 13-14 and 16, 1994.

⁷⁰ This section is based on interviews with CD leaders Juan José Martel, Oscar Segovia and Rubén Zamora.

⁷¹ Proceso 651, March 1, 1995.

⁷² Interviews on the split in the PDC were held with PDC Political Commission member Ramón Wilfredo Jovel, former PDC deputies Gerardo Le Chevalier and Jorge Arriaza, MRSC Coordinator Miguel Espinal and party founder Abraham Rodríguez.

⁷³ The phrase is from Espinal, interview cited above.

⁷⁴ In addition to the voluminous local press coverage, the discussion in this section has been enriched by interviews with business leaders Juan Héctor Vidal, executive director of ANEP; Luís Cardenal, vice-president of the Cámara de Industria y Comercio; Jorge Arriaza, manager of the Asociación Salvadoreña de Industriales; and with former Salvadoran trade negotiator Dr. William Pleitez, as well as by comments from analysts Héctor Dada (FLACSO) and Herman Schlageter (ISEPES).

⁷⁵ The list is a who's who of the most internationalized segment of the Salvadoran elite. El Diario de Hoy, January 20, 1995.

⁷⁶ For a synthesis of the government's argument, see "El fin de los subsidios" in La Prensa Gráfica, January 22, 1995. For ANEP's positions, see Juan Héctor Vidal, "Empresarios eficientes, sin duda. Y el gobierno que?" and "La posición de ANEP," both in La Prensa Gráfica, January 24, 1995.

⁷⁷ Cf. Institute of Public Opinion, Boletín de Prensa, Año 10, No. 1, "La opinión de los salvadoreños sobre el plan económico del gobierno." Of the 58% of respondents surveyed between January 28 and February 5 who said they were aware of the new government plan, only 19.5% professed to be in favor, while 61.1% disapproved. 78% of the entire sample expressed opposition to raising the IVA to pay for social programs.

⁷⁸ Institute of Public Opinion, Boletín de Prensa, Año 10, No.2.

⁷⁹ Interview with Napoleon Campos, head of the Asociación Salvadoreña de Científicos Sociales (ASACS). FMLN leaders profess sensitivity to the need to allow wide autonomy to party cadres working in mass organizations such as union and peasant groups, as well as to affiliated NGO's. Doubts persist about their ability to manage these relationships. For its part, the National Union of Salvadoran Workers (UNTS) took steps in June to insulate itself from FMLN infighting and recently turned over its entire national executive committee in order to strengthen links to the membership. Interview with UNTS leader Humberto Centeno, January 31, 1995.



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