

# War and Peace in Central America

Comparing Transitions Toward  
Democracy and Social Equity In  
Guatemala, El Salvador, and Nicaragua

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## Comparing Transitions Toward Democracy and Social Equity in Guatemala, El Salvador, and Nicaragua

### SUMMARY

**T**his study compares the peace processes in Central America and focuses on four areas of reform: military institutions, police and judicial, elections and political participation, and land and social equity. Problems in each of these areas gave cause to the wars, and each was negotiated and contested during the peace processes; each is a part of attempted democratic transitions. The conditions faced by national and international actors were constrained by the varied impacts and sequences of the wars, which in turn affected the shaping of peace agreements and the opportunities for democratic transition.

The report is organized as follows: This Summary provides a compressed background of the wars and peace processes and itemizes and compares the changes brought by peace implementation. The following section provides an analysis of the current political moment in each country—the conflicts and agendas each face. The following two sections contain a more detailed analysis of the wars and peace processes. Readers familiar with these events may wish to skip those sections. Then there are sections on the aforementioned four areas of reform. The section on politics, parties and electoral authorities also gives details about electoral and party events leading up to the present. Although all of these sections make abundant references to the roles played by various international actors, an addi-

tional section focuses on the international community.

**General Background.** Between 1978 and 1980 three civil wars erupted in Central America. Leftist guerrillas threatened to overthrow the traditional conservative, dictatorial order made up of an alliance between rich landowners, exporters of coffee, sugar, cotton and beef, and the military institutions. In Nicaragua, this order took the form of the Somoza family dynasty variously supported or acquiesced to by other rich exporting groups. The rapidly deepening crises surprised the traditional powers, as well as the U.S. government, and, very probably, the insurgents themselves. The rebels fought to destroy long-standing dictatorships and to redress the highly unequal distribution of wealth and extensive and growing poverty.

The first war ended after 18 months in July 1979 with the defeat of the Somoza dictatorship and the victory of the rebels of the leftist Sandinista National Liberation Front (FSLN) and other opposition groups. This victory spurred the enthusiasm of rebel groups in El Salvador and Guatemala and, in even greater measure, alarmed the landowners and militaries, to say nothing of the U.S. By 1980 war had roiled those two countries, and the U.S. began to heavily back the Salvadoran government. In Nicaragua a conservative, armed opposition to the Sandinistas began and, with the full support of the Reagan adminis-

tration, the conflict was soon to escalate into a full-scale war. Each of the three wars was highly destructive — in terms of lives lost, many times as destructive as the Vietnam War was to the U.S.

All wars eventually end. Whether they end in triumph and defeat or, in the words of the rebel spokesperson at the signing of the Peace Accords for El Salvador, with “neither victor nor vanquished” establishes the fundamental condition of the peace. In the four wars suffered in Central America one ended in the defeat of Somoza. The other three ended in compromises: Nicaragua in 1990, after an electoral defeat of the Sandinista government; El Salvador in 1992 with a treaty between the U.S.-supported government and the Farabundo Martí National Liberation Front (FMLN) coalition of guerrilla groups; and Guatemala in 1996 with a treaty between the government and the Guatemalan National Revolutionary Unity (URNG) coalition of guerrilla groups.

The peace compromises accomplished a durable peace (although scattered, destructive fighting by “demobilized” *contras* went on for another six years in Nicaragua). As renewed war has been common elsewhere in the last 25 years, that accomplishment should not be taken for granted. These peace agreements had other lofty goals: to establish fully participatory democracy with a main focus on free and fair, inclusive elections; to reform the national military institutions; to establish effective, apolitical, non-repressive police forces; to establish the rule of law through reform of corrupt or ineffective, politicized judicial institutions; to address questions of social justice, poverty, and the highly unequal distribution of resources—in particular land; and to address many issues of indigenous peoples, mainly Mayan groups in Guatemala. In Guatemala and El Salvador comprehensive treaties spelled out these goals; in Nicaragua a series of ad hoc negotiations addressed some of them.

The wars profoundly affected everything. Practically everyone knew someone who had been killed. The wars impoverished many and were ruinous to the economies. The wars and the peace processes altered traditional political and economic power arrangements. War-time elections with civilian candidates were a marked departure from long-standing military regimes prior to 1979, yet did not end the wars. The wars brought massive human rights abuses, particularly by traditional militaries, and showed judicial institutions, governments, and

foreigners to be incapable of dealing with them. Impunity reigned. The wars and agrarian reforms deeply affected distribution of property in Nicaragua and El Salvador, and this issue pervaded the peace processes.

Despite the striking similarity of the three countries, one can see significant differences in each of the three countries for every statement made in the above paragraph. Eight to fourteen years removed from the ends of their wars, the ongoing issues of the peace accords, the effects of the wars, and the configuration of political forces varies considerably from country to country. One cause of the variance, among others, is the relative military and economic impacts of the wars. Another is the nature of the groups contesting the wars: the national militaries, the traditional wealthy classes, the guerrillas, and the U.S. government—opposing the government in Nicaragua, supporting that of El Salvador, and held back from supporting the Guatemalan government.

In El Salvador, the two groups that negotiated the treaty—the FMLN rebels and a government headed by a President from the rightist ARENA party—currently are the two dominant political protagonists, but the political force of the treaty’s specified goals is spent, after significant achievements. However the heritage of the war, and the U.S. role in it, had a strikingly high profile in the presidential election last March, in which the U.S. supported ARENA.

In Guatemala, by contrast, the treaty still has some force in terms of setting agendas, focusing foreign aid, and shaping debates. President Oscar Berger, elected late last year, initially pledged to implement it. Berger, however, is not the first president to make this pledge, and subsequent developments have left doubts. In contrast to El Salvador, the main negotiators of key aspects of the accords—the URNG rebels and a government from the PAN political party—have faded to extremely weak positions in the Guatemalan political scene. The war played little role in the election, save for attention paid to the bloody record during the war of one of the presidential candidates—(ret.) General Efraín Ríos Montt.

In Nicaragua, of the principal parties that negotiated war-ending compromises—the Sandinistas, the Chamorro government that defeated the Sandinistas in the election, and the various forces that made up the anti Sandinista rebels—only the Sandinistas remain as a major political organiza-

tion. But that organization has been transformed in structure (from collective leadership to one-man rule), in composition (the majority of historic leaders have left the party), and in philosophy. However Sandinismo and anti-Sandinismo still dominate electoral politics, though it is not clear what those terms mean beyond hold-over symbols of the war. While elections prevail and governments turn over, larger peace process goals of rule of law, democracy, and social justice have been replaced with deal-making, ironically enough, between two main *caudillo* (or political boss) party leaders—Daniel Ortega of the Sandinistas and Arnoldo Alemán of the anti-Sandinistas in his Liberal Constitutional Party (PLC). They battle, then divide up quotas of power and governmental offices to protect each group from maximum damage by the other group, then battle again, with the U.S. openly opposed to both and trying to find a third force in the person of President Enrique Bolaños, elected in 2001. Substantive politics about issues of democracy and social justice have been replaced by a long-running political poker game.

#### Achievements and Gaps

- Peace did take hold. Post-war political violence, including assassination, marred each country. It was the most extreme and long-lasting in Nicaragua. In Guatemala, with a peace treaty signed in 1996, there have been 12 murders of human rights activists in the past four years. But in each country the post-war years saw a dramatic drop in human rights abuses. In many other civil wars of the last thirty years, peace has not lasted.
- Social peace, however, did not arrive. A dramatic increase in violent crime broke out and, though recently at lower levels, save in Guatemala, has persisted. The crime, at least in initial years, was related to the wars: to unemployed demobilized soldiers, to many assault rifles, to post-traumatic stress disorder, to the lack of effective police, to the “normality” of violence spawned in the wars. At its peak in El Salvador, the level of post-war homicide met the annual levels of war-time deaths in the late 1980s. Unexpectedly, given the post-war political violence, the least mountainous crime wave was in Nicaragua.
- The military no longer controls, wins, or participates in elections. This trend began before the ends of the wars.
- The military’s institutional political power has significantly declined in each country, even in Guatemala where it remains the strongest political institution. (In Guatemala the military has had significant political control or influence over civilian governments, much more so than in the other two countries.) Military budgets have declined as a proportion of GNP, but again, less so and unevenly in Guatemala. The militaries maintain significant autonomy from civilian oversight, and have independent means of income (less so in El Salvador, more so in Guatemala). In Guatemala the military mostly retains impunity from prosecution or accountability, but it is on the defensive.
- The police forces are now independent of the military, though this independence is formal and far from complete in Guatemala. In El Salvador and Guatemala the police are new institutions created in the peace accords and replace institutions that were controlled by the military dictatorships and renowned for corruption and human rights abuses. Problems in ineffectiveness and corruption and lack of geographic coverage were and are more extreme in Guatemala than El Salvador, though El Salvador’s force is four years older. In Guatemala there is competition among institutional actors with powers to investigate that see crime as a resource to be used. There is evidence that the police force in Nicaragua, though strapped for resources, is more effective and less corrupt than in the other two; however, there is evidence of corruption in the Atlantic coast drug transshipment area.
- Reform of the judicial system and establishment of the rule of law has been most difficult. Given the historic control the militaries had over the populations, it is striking that military reform has progressed much more rapidly than judicial reform. The central progress made in reforming judicial systems has been in the Supreme Court in El Salvador, a direct result of the peace negotiations. At lower levels judges, particularly in Guatemala, are more prone to corruption and/or intimidation. In Nicaragua the courts have a high degree of politicization with judgeships handed out as a result of recent pacts between the two leaders of the two major political parties. In the face of threats and bribes, some judges and prosecutors, particularly in Guatemala, have demonstrated great profession-

alism and even greater courage. And there are many, though modest, reform projects in Guatemala.

- Electoral democracy has taken hold with general procedural fairness. Votes, for the most part, have been counted correctly and competition has been open. Serious flaws and biases against the poor persist, despite some improvements in voter registration (with Nicaragua doing better since the 1980s on this front), with large inequities in resources competitors bring to campaigns, and with either a lack of professionalism or over-politicization of electoral authorities. On this front, Nicaragua has declined sharply from a highly professional operation to one controlled by the two political parties, and the other two countries have shown gradual improvement on the registration and other procedural fronts.
- There are large inequities in the resources parties bring to the fray, with the advantage going to those who are supported by the rich. There is little or no regulation of finance or limits on campaign viciousness. Assessed in relative international terms: there has been turnover in the legislatures and so meaningful electoral competition with few “safe seats;” presidents are elected by a direct vote with runoff provisions; there are uniform national electoral procedures; and none of the recent elections has been plagued by the host of procedural and discriminatory problems manifested in Florida in 2000.
- However the governments that have come to power after elections have not, in the main, directed much attention or resources to the substantive issues raised in the peace processes such as social equity, property distribution, police and judicial reform, unless forced to do so by social upheavals or foreign pressures. Money is short; there is resistance to raising taxes; the economies are weak; the rich can protect themselves from crime; institutional reform is a long-term proposition that is hard for a politician to turn into an electoral resource; there is resistance to change; quotas of impunity are jealously guarded; and reformers from the “international community,” despite considerable monetary resources, are divided, have short horizons due to their own politics, and have taken on tasks for which they have little experience.
- Among the rebel groups of the 1970s two of the three—the Sandinistas and the FMLN in El Salvador—remain major players in elections, have had large benches in the national legislatures, and have won many local municipal council elections, particularly in larger urban areas. The third, the URNG in Guatemala, is hanging on for survival. The conservative Nicaraguan rebels of the 1980s have little organized presence, but some have had positions in the last two governments and legislative benches. Both the Sandinistas and the FMLN have undergone substantial structural and personnel changes, with various groups leaving (or being asked to leave). Each has a key figure that has been on the winning side of all internal battles: Daniel Ortega of the Sandinistas and Shafik Handal of the FMLN, though Ortega has lost three presidential elections and Handal lost last March by substantial margins.
- Two other parties have been dominated by one man—Arnoldo Alemán of the PLC in Nicaragua and Efraín Ríos Montt of the FRG in Guatemala. Alemán dominates despite having been in jail, under house arrest, or under arrest in the hospital on charges of massive corruption for most of the last two years.
- Conservative forces have won every Presidential election. They have won more seats than the left in legislative elections. (The FMLN won more seats than ARENA in the last three legislative elections, but ARENA has been able to count on votes of other conservative parties.)
- Nicaragua is dominated by the two parties due to post-1996 restrictive election laws passed by the two parties. In El Salvador three smaller parties have had a significant role — the PCN on the right, the Christian Democrats on the Center Right, and the Democratic Convergence on the left — though the two larger parties are dominant. No parties have dominated (for long) in Guatemala.
- The dominance of the two large parties in El Salvador and Nicaragua, and their own centralized structures, has tended to minimize the policy impact of organized groups in civil society, with the occasional exception of some unions, peasant protests, and coalitions of women’s groups. There are no broad-based, non-business lobby groups. In Guatemala the weak and temporary nature of the political parties has been accompanied by a fairly high level of political participation by groups in civil society, organized

mainly around the implementation of the peace accords. These groups have suffered crises in funding and a lack of organized political bases.

- The elected governments have all been neoliberal. They have pursued privatization and reductions in government and have not increased social spending much, if one discounts international donations. Despite having very low tax rates compared to other countries in Latin America, El Salvador and Guatemala have done little to increase them, and in Guatemala's case this was a specific requirement in the peace accords. Nicaragua has a higher tax coefficient, but a weaker economy to tax.
- Significant amounts of property were transferred in post-war Nicaragua and El Salvador, and quite small amounts in Guatemala. In El Salvador and Guatemala the transfers of property resulted from negotiated settlements in the peace processes; in Nicaragua they resulted more from direct and indirect threats and political violence, from lack of clear legal title among agrarian reform beneficiaries, and from economic stress due significantly to the disappearance of agrarian loans.
- The peace processes also accorded some veterans of the war with very modest readjustment resources in the form of training, grants, or small loans. Despite many difficulties, this was best negotiated and best organized in El Salvador. There has been little effort to assess the results of these efforts.
- The international actors played key roles in establishing a framework for a Central American peace accord, in mediating two of the accords, in verifying elections, and for two of the accords in verifying compliance. These diplomatic actors made use of political openings and creative diplomacy.
- Most internationally financed post-war reconstruction spending has either been on infrastructure or on macroeconomic stability programs (particularly in Nicaragua), though there have been significant donations to health and education and institutional reform, with mixed results.
- Verification missions and international financial aid have been used with mixed success to push for accord implementation. This required coordination among the diplomats and donors, achieved through donor meetings with the national players. Such efforts were hampered by: different donor agendas and political con-

straints, personnel turnover, national pride and resistance to international "tutoring," local political divisions, and protection of turf. Many donors have an internal institutional need to process loans and fulfill annual donation goals.

- International actors have played key roles in police and judicial reform efforts, in property redistribution in El Salvador, in technical assistance to elections, in support of human rights and anti-corruption groups and government bodies, and in participation by civil society in Guatemala. The United States has been the largest bilateral donor in absolute terms (measured in relation to the size of its economy, its donations are rather small, particularly when compared to the Scandinavian countries). Though providing critical support for clean and efficient electoral processes, the U.S. has also taken an openly partisan stance in many elections, something the Bush administration accused Kofi Annan of doing when he recently stated that the U.S. invasion of Iraq violated international norms. The U.S. openly opposed Daniel Ortega in every election, opposed Shafik Handal of the FMLN in El Salvador this year, and to a lesser extent expressed warnings against conservative candidate Ríos Montt in Guatemala in 2003. In each post-war case the candidate opposed by the U.S. has lost.

**Key Factors.** What accounts for the differences in peace implementation in these three countries? To some extent the different strategies, resources, and actions of the players explain the differences. But the actors confronted constraints imposed by other actors and, more generally, by larger historical patterns and structures, in particular the different sequences and effects of the wars. To understand the peace processes one needs to understand the wars. The following factors were key in each national development.

- U.S. support of the Salvadoran government and its attacks on the Nicaraguan government were decisive in shaping the outcomes of the wars, and so was its relatively passive role in Guatemala. This is not to say the U.S. could just get what it wanted. It is striking that conflicts in three tiny "banana republics" tied U.S. foreign policy in knots for over a decade.
- The military in Guatemala was stronger and more self-reliant, and probably more brutal than its

counterpart in El Salvador. That led to decisively different outcomes in the war and in the peace processes. In El Salvador, civilian elections arrived because the U.S. needed them to get Congressional support to defeat the guerrilla insurgency; in Guatemala they came because the military thought it would improve its international image, and that it could control the winners.

- Where a multiplicity of international actors—nations and multilateral agencies—coordinated human and material resources in the peace processes (negotiations, implementations) significant progress was generally made. When such efforts were absent or weak, generally little progress was made. However, multilateral international resources have not been a guarantee of progress and have been frustrated by reluctant forces in each country, inertia, lack of experience on all sides, and the unprecedented nature of some of the tasks.
- A “hurting stalemate” led to an elaborate peace agreement in El Salvador with striking institutional changes. A much less acute and more unbalanced stalemate led to an even more comprehensive peace document in Guatemala, but with fewer “teeth.” A “hurting stalemate” in Nicaragua did not lead to a comprehensive peace agreement, but rather to a negotiated election followed by a series of narrow accords. The lack of a comprehensive accord and international verification partly explains the additional six years of political violence in Nicaragua. The stronger aspects of the accords in El Salvador regarding the military, the police, the Supreme Court, and land transfers resulted in more institutional and property change than in Guatemala. Nicaragua has had considerable institutional change, but much of it, the military excepted, has gone in the direction of politicizing institutions and leaving them prey to perpetual bargaining rather than according to a peace treaty with international verification.
- The initiation of electoral democracy in each country during the war years was initially due to the revolts of the left rebels that began in the 1970s, though the 1980s rebels opposed the government-staged elections. The mix of insurgent pressures and international pressures on elections varied. And in Guatemala in the end they were imposed by the military, which was under international pressure.
- The shape and pace of the peace processes and democratic transitions have varied with the institutional and political strength of the militaries of each country and the extent to which rebel groups could erode that strength. In Guatemala the military initiated electoral processes and closely controlled peace processes because it had largely defeated its adversaries. In El Salvador the military proved to be much weaker in the endgame because its adversaries had been much stronger.
- The outcomes of the wars, implementation of peace, and the political map and policies of each country have been significantly affected by the cohesion of the dominant economic groups in the country and the extent to which they were challenged and damaged by the wars. The groups were divided and damaged in Nicaragua and had been under the thumb of Somoza. They were united and dominant in the other two countries before the wars. During the wars the oligarchy was threatened with defeat in El Salvador and damaged in the war, but was relatively unscathed in Guatemala. For example, the threat of revolution and the role of the U.S. forced the dominant economic groups in El Salvador to forge an electoral (and paramilitary) organization. The same groups in Guatemala were not so challenged, and no cohesive party structure has emerged there.
- The varied extent of war-time damage shaped the peace accords and peace implementation. Damage was the worst in Nicaragua. Though about as bad in highland areas of Guatemala, the Guatemalan economy did not collapse under the weight of the war as did Nicaragua’s, nor was it as heavily damaged as was the Salvadoran economy.
- The varied ability of rebel groups to transform themselves from war organizations to political parties has affected peace implementation and the political map and policies of each country.
- The social dislocation and economic damage of the war sparked and fueled large-scale migrations, mainly to the U.S. This has transformed each country. In post war years migration became the main source of dollars, a source that arrives in highly decentralized fashion; it has been a much larger factor in El Salvador than in Guatemala or Nicaragua.
- Much reconstruction aid has gone to infrastructure or international debt relief programs and not to those most damaged by the wars.

- New assembly plants have provided jobs and shifted investment directions, while ongoing landlessness and low agricultural export processes have left rural areas with the highest levels of poverty, as before the wars. As was the case before the wars, the new industrial jobs have not been sufficient to make up for rural decline. The post-war assembly plant (*maquila*) industrial jobs mainly go to women.

**Evaluation and Contingencies.** Assessments of democratic transitions and peace processes inevitably raise questions about how better results might have been achieved but for the ill intentions or missteps taken by one or another of the actors. Inevitable as they may be, such judgments are not the central goal of our analysis. We take a broader approach than “lessons learned” for several reasons.

First, peace might have been the easiest of the goals. Aspirations were high. Shafik Handal of the FMLN said at the signing of the Salvadoran peace accords, “We are embarked on the course...to shape a politically, economically, and socially pluralist country, as the foundation of a participatory and representative democracy.” Said his counterpart, The President of El Salvador, Alfredo Cristiani, “We are pledged to the integral promotion of human rights, not only political but also social and economic ones; we are...proposing...a new scheme of coexistence in El Salvador, a scheme that...reaches out profoundly and humanly toward flesh-and-blood people who work, who dream, and who suffer.” Such goals, even with the best of good will on both sides, even with the most capable and efficient teams of actors, are not so easy to achieve. In each case, the national parties charged with implementing the peace compromises had just finished a decade of shooting at each other. The best of good will usually did not exist. Implementation of agreements was mainly competition by non-violent means.

Second, powerful as the actors may have been, including the most powerful nation in the world, each faced difficult constraints — constraints created by lack of resources, by lack of experience, by unanticipated consequences and conditions impossible to foresee, and by the other actors including allies and adversaries. Perhaps the central illustration of the inability of any one actor or group of actors to shape a solution is that the United States was bedeviled by the Central American crisis in its foreign policy for a decade and, despite being a

central protagonist in two of the wars, could not extract what it wanted in two of the weaker nations of the world.

Furthermore there were more than two sides to each war. The multiplicity of players created opportunities but also constraints, making it difficult for any one group to foresee the future or to choose an option that would not be negated or altered by another. Each “side” consisted of a group of forces in each country both more and less unified at many points in the war and in the peace process about how to confront the other side and about what an acceptable resolution would be. And there were other organized national players not at the bargaining table—political parties, private sector groups, civil society organizations, Catholic Church leaders. The basic establishment of peace—a major success—created numerous organizational crises among the players.

“Outside” forces, the most important of which was the United States, deeply affected the war and the peace processes at all points. Although most of them represented nations or institutions that were very powerful relative to each of these three small, impoverished nation states, they too were often frustrated at their inability to shape change or to move the parties forward, despite many successes of international actors in the peace processes. Outside of Central America unanticipated developments affected the region: the end of the Cold War and the rapid global spread of neoliberal economic practices.

War is the great lever of history. It set in motion deep social, political, and economic changes that irretrievably altered the national and international terrain in ways neither “side” imagined at the outset or in the middle of the conflict. There were huge population shifts and massive economic and human destruction. Groups representing a “side” in each conflict changed in large part because of war-induced changes in political conditions.

It is striking that almost all of the key actors who fashioned these histories, nationals and foreigners alike, were adlibbing their ways through heated controversies and attempted reforms about which they had little knowledge or experience, and no scripts: making war, making revolutions, holding elections, running governments, making peace treaties, attempting land distributions, verifying and monitoring peace agreements, building new police forces, reforming courts, addressing and dealing with the issues of racial discrimination,

building political parties, providing foreign assistance that would build democratic institutions, reconciliation, and healing massive wounds.

History and structures shaped the processes in ways individual and group agents could not change. The actors in each arrived at the point where peace negotiations might be possible in very different conditions from one country to the next. The three wars had different military ebbs and flows, different sequences of political developments, different levels of human and economic destruction. A reason the peace processes were so different is that actors, rational and not so rational, fashioned different strategies. Another is that the peace processes were sequential, and that the actors in one learned from the mistakes of the earlier one. Agents and institutions did matter, but must be seen amidst the constraints imposed by the historical contexts.

**Paths Toward War.** The three countries had in 1975-1980 relatively small populations: 3, 5, and 7 million people. The principal source of dollar wealth among national elites had been for over a century coffee exporting. Bananas in Nicaragua and Guatemala were historically controlled by U.S. capital. More than half the populations were rural and made scant livings as workers on export crop plantations and/or as small peasant growers of corn and beans. The countries shared colonial histories, as poor Spanish outposts without precious metals or large indigenous labor forces, except in Guatemala where there is still a very large indigenous population that speaks 23 Mayan languages.

In the 1960s and 70s industrial production grew rapidly, but it was small relative to job needs and by comparison with other Latin American countries. Exports of cotton, sugar and beef grew, but each took land from corn and bean farmers and did not provide sufficient jobs—particularly cattle raising. Growing landlessness was most acute in El Salvador where there was no frontier.

The causes of the wars were grounded in intersecting political and economic crises—worsening dictatorial regimes and increased loss of lands by peasants with no urban or migration outlets. Civilian opposition to the dictatorships had been ineffectual, repressed, or co-opted. Increased landlessness was worse in El Salvador and Guatemala, and indigenous groups in Guatemala suffered double discrimination. In Nicaragua the assassination of a key opposition figure, Pedro Joachim Chamorro,

triggered revolt and in El Salvador two fraudulent elections in the 1970s moved some to armed struggle.

In each country leftist armed groups aspired to topple long standing conservative military-landed elite dictatorships. These were wars over ideology and class, not ethnic or religious conflicts. (On the ethnic issue Guatemala is a partial exception.)

Their opponents saw the armed groups and militants as part of an international communist conspiracy. Their immediate reaction was to kill the insurgents and people they perceived to be their allies. This led to major bloodbaths with unarmed civilian “suspects” the main victims: in Nicaragua from 1978 to 1979 and in El Salvador and Guatemala from late 1979 to 1983. Somoza even bombed his own cities.

It could be that these bloodbaths had different, and opposite effects. In Somoza’s case a population increasingly enraged by the new and very public heights of his brutality, joined the fight against him. He lost. In Guatemala by contrast, the military’s devastating scorched earth campaign in many areas of the indigenous highlands torched 400 villages and hamlets, wiped out the guerrillas’ chief base of support, and drove reduced numbers of guerrillas into remote areas—a strategic defeat. In El Salvador, the bloodbath eliminated for years the organized left in urban areas and many radical organizers in rural areas, but also, in a “blowback effect,” it drove survivors and vengeance-seeking relatives into the ranks of the guerrillas. With expanded ranks the FMLN fought the government, heavily backed by the U.S., to a standstill.

Conservative sectors in the U.S. also believed the revolts were part of the international communist conspiracy and were quick to blame President Carter for the “loss” of Nicaragua. Carter and some Democratic Party members had a more conflicted view. Carter had criticized the lack of democracy and human rights abuses in a number of countries—mainly those in the Soviet block, but also in these three Central American dictatorships. But these same Democrats did not want leftist forces to replace the traditional militaries or leave themselves prone to Republican attacks.

As events moved toward full-scale war in El Salvador and Guatemala, Carter lost the 1990 election to Ronald Reagan by a large margin, and the most conservative wing of the Republican party became dominant. Almost immediately Reagan

ordered the CIA to organize a military force that could fight against the Sandinistas and called for more aid to El Salvador and a resumption of aid to Guatemala. However, Democrats in Congress hampered President Reagan in his pursuit of aggressive military policies against the Sandinistas and the leftist rebels in El Salvador and Guatemala. They raised concerns about human rights abuses, lack of democracy and another Vietnam. Reagan increasingly got what he wanted from Congress, though not on Guatemala, but the pressure also led to U.S.-sponsored civilian elections in El Salvador and lip service paid to reducing human rights abuses.

**Toward Peace Accords.** By the end of the 1980s none of the combatants had been able to win, even in Guatemala, where the military had reduced the URNG to a minimal force. But the three countries were approaching a point of serious negotiations with different balances of forces. This led to different peace compromises at different times.

A group of four and then eight Latin American nations, called the Contadora group, attempted for years to find a negotiated solution. This finally resulted in the five-nation 1987 Central American treaty. This did not bring peace, but it set a negotiating framework that, somewhat unfairly, became fundamental only in Nicaragua but influential in the other two countries. The UN later played an unprecedented role in mediating negotiations in El Salvador and Guatemala and in verifying various or all aspects of the implementation of the peace accords. Other agencies of the UN, the multilateral financial institutions, and bilateral donors have attempted, in varying ways, to assist in the implementation of the accords and to pressure for certain policies and for acceleration of implementation.

*Nicaragua* went through a complex series of multi-track negotiations that led to the end of the war, but not to a comprehensive peace accord.

The national election scheduled for 1990 was preceded by a three-track series of negotiations between the Sandinistas and: Central American presidents within the framework of the 1987 accord, the opposition political parties, and the contra rebels. For two years the Sandinistas shuttled between meetings of the Central American presidents, the contras, and the civilian opposition. Previously, the Sandinistas had refused to talk to the contras, seeing them as an instrument of the U.S. and in open violation of the Central American

peace accord because they attacked from bases in Honduras and, to a lesser extent, Costa Rica.

The Sandinistas made concessions at every step of the way, crossing into territory they had earlier sworn not to enter. The key constraints they faced were that the Nicaraguan economy was falling apart due to the war and their own mismanagement, and that they were opposed by the U.S., which was attempting to avoid provisions of the Central American peace agreement that outlawed using the territory of one country (Honduras) to attack another. Neither the Salvadoran and Guatemalan governments faced such extreme constraints.

The negotiations with the contras failed. The negotiations over the election succeeded but the pre-election demobilization of the contras did not happen. And the Sandinistas, to the surprise of most, lost the election.

Before the inauguration of the newly elected President Violeta Chamorro, the widow of the elite, anti Somoza newspaper editor, Pedro Joaquín Chamorro, whose assassination triggered the war that led to Somoza's overthrow, two key accords were negotiated: one with the Sandinistas that maintained the Nicaraguan army as they had organized it, though with a pledge to reduce its size and to sever formal ties to the FSLN; and one with the contras. The contras or National Resistance were now negotiating with political allies—the diverse coalition of parties (called UNO) that had outpolled the FSLN—and agreed to demobilize in exchange for pledges of land owned by the government and other resources, as well as a small number of second and third level government offices.

It was the civilian opposition to the Sandinistas, augmented by several elite, Miami-based, non-combatant members of the contras who scooped up the victory over the Sandinistas. The contras and their field commanders lacked a coherent program and political organization and toward the end of the war were badly divided. The contras, though politically on the winning side of the election, had not formally participated in it and emerged from the conflict with little to show.

When the former contras saw the Chamorro administration (the more moderate elements of the UNO coalition) making legislative compromises with the Sandinistas and when the land grants did not prove sufficiently beneficial, thousands of former contras rearmed in a diffuse series of bands that made a range of local and national economic and

political demands. With a vastly reduced military and a besieged Chamorro administration unable to cope with them, this armed activity went on for more than half the decade, and was marked by a series of ad hoc negotiations to put out local fires between the government and various local warlords.

*El Salvador* experienced a strikingly different peace process but with some odd parallels. It resulted, in January 1992, in the sort of comprehensive peace agreement the contras and the civilian opposition in Nicaragua were unable to obtain. The accords followed a 20-month-long series of negotiations directly between the government and the FMLN that began just as the president-elect Chamorro was striking an accord with Humberto Ortega, head of the formerly named Sandinista Popular Army, and then with the contras to demobilize.

Unlike President Daniel Ortega of Nicaragua, President Cristiani did not have to go to the other Central American presidents to demonstrate that he had shown sufficient flexibility with his adversaries. His economy was badly damaged but not falling apart. He was backed by the U.S., but his U.S. partner was facing new constraints from the Congress about continuing to provide as much aid because of his military's slaughter of the Jesuits and the political and military damage inflicted by the FMLN in its 1989 "Tet" offensive. But the FMLN had been badly hurt too and was affected by the defeat of the Sandinistas.

Both parties invited the United Nations to serve as mediators during and between negotiating sessions. Nor did the government enter into a second track of negotiations with the left civilian opposition, a sector that until the end of the 1980s refused to enter the new civilian based elections because of the high levels of repression. Unable to win on the battlefield, the FMLN was able to win, at various stages of the process, significant changes in governmental structure, some of which required changing articles in the Constitution *before* the end of the negotiations. It was able to gain these concessions because it retained considerable military force and because the government was willing to change the military in light of growing U.S. doubts. These concessions in the negotiations included eventual destruction of the three police forces and replacement with a new one under conditions detailed in the accords, an independent review of the military's record on human rights

with possible discharge for abusers, changes in military doctrine and training, changes in the structure of the national electoral authority and in the manner of selecting supreme court judges. In exchange, the FMLN accepted the constitutional and general electoral framework that had been fashioned in the middle of the war and agreed to a cease fire and to demobilization.

Again in contrast to Nicaragua and Guatemala, to help insure implementation, the FMLN's demobilization was to occur in phases while various provisions of the accords were to be implemented. And both parties agreed to an extensive United Nations verification mission of all aspects of the accords and to international participation in examination of human rights abuses. (In Nicaragua, though there was extensive UN and Organization of American States (OAS) monitoring of the 1989-1990 election period, there was, following the election, only a tiny OAS mission to act as liaison with the former contras.)

However, the FMLN was not able to win any (or many) of the economic demands it had had at the outset of the war for redistribution of land and wealth and better health and education. It did win an accord to transfer lands in war zones it and its supporters (and others) had occupied during the war and, by contrast with the contras in Nicaragua, significant (though inadequate) job and business training programs for its troops. The FMLN's negotiating strategy seemed to be based on a conclusion that it could not win both its political and economic demands, so should focus on the political, particularly military reform. The business-backed government agreed to this framework; it protected its economic interests.

The chief loser in the accords was the Salvadoran military—it lost control of the police, saw its doctrine narrowed and training methods criticized and changed, and saw many of its top officers eventually forced into retirement and publicly charged for human rights abuses. A decade earlier this institution had controlled the government.

Its losses form a parallel to Nicaragua. It was the armed groups on the conservative side of the negotiating table in both countries—the contras and the Salvadoran military—that emerged as losers, despite the fact that conservative civilians in both countries had won elections and controlled the government. However the losses were not the same. The contras demobilized and saw their enemies remain in con-

trol of the nation's military, though it was a vastly reduced organization. The Salvadoran military saw its enemies demobilize, but at considerable cost to itself, including a purge of one hundred of the top officers and highly damaging publicity.

*Guatemala's* military, by contrast, exercised extensive control over the government, even after it allowed civilian elections in 1985, and had an ample presence in the negotiations with the URNG rebels. In macroeconomic terms the Guatemalan economy was not doing well. Its business and agricultural elites had not been nearly as hard hit by the war as those in El Salvador and Nicaragua. The Guatemalan military had long since stopped even asking for aid from the U.S. The URNG was militarily weak, so not in a strong negotiating position.

Though there are many parallels in content with the comprehensive Salvadoran peace accords, including calls for change in military doctrine, formal loss of control over the police, reduction in size, and an accounting of human rights abuses, in every instance the accords presented a weaker challenge to the government and the military than the Salvadoran accords.

The Guatemalan accords, for example, called for restriction of the military's function to defending the sovereignty of the state. But this and other provisions necessitated Constitutional change that was not to be attempted until *after* the accords had been signed, in contrast to El Salvador. The Guatemalan Congress spent two years debating the reforms and then submitted to the electorate a confusing, complex package of 54 amendments. These were defeated in a May 1999 referendum marked by a well-financed campaign against the amendments and by extremely low voter turnout. The URNG was so small it could not really demobilize in five phases.

On the other hand, the Guatemalan accords delved deeply into topics barely touched upon in the Salvadoran accords and not raised at all in the Nicaraguan process, such as political participation in all phases of policy-making. The accord on indigenous rights was without parallel in the other two countries, and the socioeconomic accord contained specific provisions requiring the government to increase taxes and spending on education, health, and housing by fixed percentages within specified times.

The Guatemala accords were also different in that an umbrella group of organizations of civil society became formally involved—not directly negotiating

but drafting proposals for all of the accords. They also were formally involved in a variety of commissions that were to oversee the implementation of the accords. However, indigenous groups and the private sector (often by its choice) initially were not fully represented. Also, it is evident that international multilateral organizations such as the Interamerican Development Bank and the World Bank were consulted during negotiations by both sides and very likely had a hand in the provisions about increasing taxes and social spending.

However, much of the accords' language is more general than in the Salvadoran accords and thus difficult or impossible to enforce. In many instances the accords set forth broad goals. Then the government or the two parties were to establish a commission to develop proposals for the legislature. Thus, if the government nominated people to a commission and convened a first meeting, its formal obligations would be fulfilled. Neither side was under any obligation to accept proposals emanating from the commissions.

Or the language might require a large institutional change—reduction in the size of the military, formation of a new police force, or ending the Presidential Guard (EMP), a secretive military unit that had controlled civilian presidents, conducted espionage and committed human rights abuses. But the government was slow to take on these issues, and the URNG could do little. In cases of specific language, such as the tax increases pegged to a certain percent of GDP, the government was subjected to some international pressure but to date, four years after the deadline, it has not come close to meeting the agreed upon goal.

However, the peace treaty involved civil society after decades of repression; it added another step toward shifting from military to civilian power. The indigenous accord at least rhetorically makes more advances in recognizing the rights and the legitimacy of the indigenous—either a majority or near majority of Guatemala's population—than any document since the Conquest. The government at least recognized that its taxation rates and social spending rates were woefully low, compared to virtually every other country in Latin America.

The accords were more difficult to enforce, but their greater breadth has had success in setting agendas for discussion and goals for the future more so than the counterpart compromises in El Salvador and certainly Nicaragua.

**Paths Toward Current Governments.** Civilian-based elections preceded the peace negotiations. They were a response to the rebels' claims that they were trying to topple dictatorships. The rebels condemned the elections. They said the military and/or the U.S. were still in charge (El Salvador and Guatemala) or that the Sandinistas were a militarized political party. But once negotiations started, the rebels' bargaining positions were constrained to accept the elected government as their "negotiating partner." This was an implicit, though partial acceptance of the election results and the general constitutional framework of the government.

*In El Salvador* the center right Christian Democrats won (with U.S. support) the first rounds of elections (1984, 1985), and thereby insured continued U.S. military and economic aid. They sank badly to second place in the next rounds of elections (1988, 1989, 1991) when they were defeated by ARENA, a rightist party (and originally a paramilitary group) that had formed in the early years of the war. In the last two of these elections leftist parties in exile, allied to but distinctly not part of the FMLN, returned to participate.

Following the peace accords, the 1994 "elections of the century" maintained ARENA's dominance, though it never won a majority in the legislative branch, and moved the FMLN into second place, with the Christian Democrats continuing to sink. In the late 1990s, however, ARENA vote totals dropped, owing to economic stagnation, and the FMLN won as many or more legislative seats in three elections (1997, 2000, and 2003). But even with fewer seats ARENA has been able to get other votes in the Assembly and it has easily won the presidential elections (1999, 2004). Since 1994 these two big parties have dominated elections. But three smaller parties—the left CDU, center right PDC, and conservative PCN—have won 25-30% of the seats within a system of proportional representation and party eligibility that is favorable to a few smaller parties.

*In Nicaragua*, the 1990 electoral process was the most important step leading to peace. The opposition ran within the framework of the 1987 Constitution. Had the Sandinistas won the election in an internationally certified fair process, the U.S. might have been pressured to cease aid to the contras, which would have ended the war.

However, the lack of consensus among the victorious UNO coalition about virtually every fun-

damental issue facing a polity and the rejection on the part of many of them of the entire Constitution, combined with the profound economic crisis and imposition of neoliberal policies, led to five years of raw confrontations over every issue, particularly property rights. Nonetheless, the 1996 elections happened on schedule.

Alemán beat Sandinista Daniel Ortega in 1996, in an election marred by probable fraud and mismanagement in two areas of the country. The exact final results will never be known, but it is not possible that proper vote tabulation would have resulted in an Ortega win. The election was not close, and it is highly unlikely that a flawless election would have shifted seats in the National Assembly. The U.S. and the Church weighed in on Alemán's side. The election had severe consequences for the electoral authority, which to that point had been a model of probity and election-year efficiency in two prior elections.

Each party has been led since the mid 1990s by a political boss or *caudillo* figure—Ortega and Alemán. Alemán used his position as mayor of Managua to build an urban patronage base, and he campaigned for six years in rural areas, particularly those in which the contras had been strong. He hated the Sandinistas, and they saw him as a new Somoza. Despite this mutual loathing, during Alemán's term the two *caudillos* negotiated a pact which, though complex, had two central goals. One was to squeeze independents and people from other parties out of positions in government institutions: the electoral authority, the comptroller general's office, the Supreme Court, and the legislatures. And the other was to guarantee some measure of impunity for each of them by long term positions in the legislature after Alemán's term in office or a failed presidential bid by Ortega. (The details are below.) Ortega had also tried to use the pact to give himself a chance to win a presidential contest in the first round. But this failed in 2001. Alemán could not succeed himself, so he picked Enrique Bolaños, his vice president, who shared his deep hatred of the Sandinistas. But Bolaños, with the backing of the U.S., turned on Alemán and prosecuted him for renowned corruption. And the Assembly, with FSLN votes and a small number who backed Bolaños, stripped Alemán of his immunity, and eventually he was tried by a judge of Sandinista sympathies (though part of the Pact with Alemán) and sent to house arrest or jail. As

detailed below, Bolaños' term in office has featured secret negotiations between the Ortega and Bolaños against Alemán, between Alemán and Ortega against Bolaños, and between Alemán and Bolaños against Ortega. The U.S. has opposed both Ortega and Alemán, and Bolaños has been quite loyal to the U.S. agenda while trying to survive politically with little support in the Assembly. Principle has not been the centerpiece of any of these deals, and "transitions toward democracy" have been, within this electoral framework, a touchingly naïve concept.

*In Guatemala* the military dictatorship ushered in civilian elections after the war was largely won but years before it was actually over. There were elections for a constitutional convention in 1984, and then general elections in 1985. There have been elections every five years since then and two constitutional referenda. Though the military sponsored this shift, it also largely controlled it, at first, and was also divided among itself. So, unlike the other two countries, there were two coup attempts during the first government emanating from the military and certain agricultural sectors (who were opposed to a tax increase). These were thwarted by other military elements. A third attempt was a conspiracy between military elements and the recently elected (1990) president Jorge Serrano. This too was thwarted with much pressure from civil society and the international community.

Continuity has not been the electoral pattern in Guatemala. The central disadvantage of winning an election is that winning seems to presage that party's loss of the next election and irrelevance by the election after that. The parties that did best in 1985 dropped badly in 1990 and are now virtually off the map. The two parties that did best in 1990 have disappeared. The winner in 1995 was much reduced in 1999 and still more in 2003. The winning party in 1999 saw its presidential candidate in 2003 finish a distant third and its legislative bench shrink badly, though it is still a force. Compared to previous winners, the winner in 2003 is not one party, but rather a hastily put together coalition of three parties, all of which are quite new. In contrast with the situation in El Salvador and Nicaragua, the URNG, the coalition of Guatemalan leftist guerrilla groups that were protagonists in the late 1970s, is barely on the electoral political map.

Civil society groups have been more active players in Guatemala than in the other two countries,

perhaps because the party structures have been in flux. (This is not to say that there are not important civil society groups in El Salvador and Nicaragua, but rather that their profile and role has been less prominent, perhaps due to the dominance of two parties in each country. And the centralization of the parties in El Salvador and Nicaragua makes it more difficult for a civil society group to lobby effectively a particular legislator.) They are sometimes divided, sometimes united, episodically funded almost entirely by foreign sources, and involved. The executive branch and Congress have sometimes fended them off by claiming that they are not representative, and most of them do not have an organized political base.

Finally, in Guatemala all of the institutions and public players seem weak or weaker than they were before. This has played into the hands of the hidden forces or parallel powers (*fuerzas ocultas* or *poderes paralelos*) to run criminal activities, including a substantial drug trade, protected by hidden corners of the state and immune from prosecution. Though analyses are imprecise, there is a general consensus that former and perhaps current military officials are part of this hidden structure and evidence that portions of the previous administration, perhaps including the President, had links to it. Alemán's corruption in Nicaragua, though large in scale (somewhat like the former president himself), is of the more classic party boss type of widespread corrupt activities. The hidden powers in Guatemala are something different — more deeply embedded, criminal, violent, and so far acting with impunity.

**International Mediation, Verification, and Assistance.** The Contadora Group and the Central American presidents played a critical role in establishing the Central American peace treaty. The OAS and the UN played unprecedented roles in monitoring the Nicaraguan election, and the UN played a vital role in active mediation of the peace negotiations for El Salvador and Guatemala and verified all aspects of the accords, including close assistance and verification of the crucial 1994 elections in El Salvador. In Nicaragua, that role was much reduced. The peace accords were not comprehensive, and the United Nations' presence was far smaller. Agencies of the UN did play important roles in establishing discussions over, for example, the professionalization of the military or in providing coordinated assistance to remote, war-torn communities.

As influential, decisive, and in some ways path-breaking the interjections of various international players were in shaping the course of the wars and in the peace processes, there is a counterpoint theme of futility. Virtually every non Central American nation state that became involved in Central America, through bilateral or multilateral means, was bigger, stronger, and far richer than any one of the three countries. And yet they could not, over long periods, achieve their goals. For example, the U.S., try as it might, could not defeat the FMLN or FSLN—leftist political groups in tiny “banana republics”—through three Republican administrations. The U.S. had a very difficult time getting the Salvadoran military, an ally that faced near certain destruction if the U.S. withdrew its support, to do what it wanted. After the war, the UN and bilateral donors were often frustrated at efforts to implement the peace accords. Powerful international donors, including the World Bank and the Interamerican Development Bank, spoke of conditioning post-war assistance in Guatemala on

the government’s compliance with the 1996 peace accords’ requirement to increase its miniscule tax base so as to fund deficient education and health programs. Eight years later little progress has been made.

Attempted verifications of and technical assistance to other aspects of the accords that require institution-building (new police forces, reformed judicial systems) or major political compromises by national actors (increasing taxes) on the part of the UN and other international donors and agencies met stiff resistance or simply inertia. Still, progress has been made. There are important differences from country to country and theme to theme. For example, international assistance to further the building of the Salvadoran police force seems to have been much more effective than in Guatemala, for reasons to be detailed in the report. Military reform seems to have progressed further than judicial reform. The main body of the report seeks to clarify why there have been differences. We begin by looking at the current moment and then go back in time for explanations.

## CURRENT POLITICAL MOMENT

As this report comes off the presses the United Nations peace accords verification mission in Guatemala, MINUGUA, will be closing its doors.

In Nicaragua and El Salvador the peace processes have little political weight as policy issues. That is less true in Guatemala where the newly elected administration of Oscar Berger initially pledged to pursue the accords’ goals and various civil society groups actively promote different policies manifested in the accords. The accords continue to have an agenda setting function.

But the wars’ damage is far from repaired and the social issues that gave rise to the wars are being addressed gradually. The dispersion of populations will never be recomposed. The war continued to play a central, perhaps demagogic role, in the recent elections of the three countries. Though relations are more civil, memories, at the national and local level, about who on the other side did, or might have done, what will endure as will the more ennobling memories of heroic struggle and sacrifice.

### GUATEMALA

President Oscar Berger won easily in the late 2003 runoff against Álvaro Colom of the National Union of Hope party (UNE).

Berger has his work cut out for him to govern effectively. In January 2002 Hemisphere Initiatives published an analysis of Guatemala called *Who Governs? Guatemala Five Years After the Peace Accords*. The central argument was that all institutions were weaker than they had been five years earlier and that the resulting vacuum of power was working to the advantage of hidden forces (*fuerzas ocultas*): corrupt and criminal forces, some with ties to retired military figures, some with ties to the burgeoning drug trade. The political party structure was volatile with no enduring strong parties; the legislature was divided. The ruling party, the Guatemalan Republican Front (FRG) headed by founder (ret.) General Efraín Ríos Montt, had two poles of power and one of them was reputed to have ties to the occult forces. The police were inexperienced, ill trained and co-opted by the military;

judges and public prosecutors were under immense pressure by way of threats or bribes or both. The economy was in bad shape with extensive poverty, particularly among the Mayans. There was little law enforcement in rural areas leading to lynching and the emergence of former armed groups who had worked for the military. This is largely the picture that Berger inherits.

Berger comes to office on the uncertain wings of a coalition of three new parties taped together for the election when Berger decided to quit the party (PAN) that had supported him for the presidency in the last round of elections. The coalition (GANA) is made up of the Patriotic Party headed by Otto Perez, a retired, reformist high military official who has presidential ambitions, the Reform Movement (*Movimiento Reformador* or MR) and the National Solidarity Party.

**Black Thursday.** Berger's other main opponent was Ríos Montt. He had fingered President Alfonso Portillo to be the candidate who easily defeated Berger for the presidency in the 1999 elections. The General had twice before been prevented from running for President by Constitutional Court rulings that he was ineligible, according to the 1984 Constitution, because he had come to power by way of a military coup in 1982. In 1999 he was elected to the Congress and then President of the Congress as the head of the largest bench in Congress.

While in office the FRG spouted a conservative populism and hard rhetoric against the traditional economic elite. In practice it may have been the first government, not counting the 1944-1954 democratic period, where this elite was excluded from the corridors of power. But in practice the FRG had ties to newer rich sectors and its populism was not manifested in pro poor policies. In practice, many elements of the FRG were deeply involved in corruption and some had ties to the "occult powers," and that latter group may have included Portillo. Portillo fled the country to escape prosecution not long after Berger's election.

But its populism was sufficient for the FRG to organize secretly a large (5000) demonstration of peasants, bused into the capital on July 24th and stationed in formation around various symbolic and strategic points: the Supreme Electoral Tribunal (TSE), The Supreme Court, the Constitutional Court, a rich business center, and near two wealthy

neighborhoods. The peasants were armed with machetes and rocks and their leaders wore masks. Some groups of them began to attack journalists, one of whom collapsed and died after running from them. They held people hostage in the business center.

Journalists viewed the attack as a pressure tactic against the court system to get it to rule in favor of the General's candidacy, and also a demonstration of a capacity for organized violence. Ríos Montt's rule in Guatemala covered part of the scorched earth campaign against the guerrillas and their social bases among Mayan groups in the highlands. There are law cases against him for his role in the bloodbath.

A week before the Constitutional Court had ruled in favor of Ríos Montt's candidacy. It argued, somewhat implausibly, that the 1984 constitutional provision should not be applied retroactively. But this was not an example of a criminal statute applied *ex post facto*. And the drafters of the constitution could not only have been anticipating future coups because a successful future coup would eliminate the 1984 constitution. In any event, three days later the Supreme Court, which is a separate body, accepted an appeal against the ruling. Ríos Montt warned of violence, and also appealed against the appeal to the Constitutional Court. This time he lost. Then came the violent demonstration. And a week after that the Constitutional Court met again and ruled in Ríos Montt's favor.

A portion of the explanation for the shifting opinions of the Constitutional Court is that different justices sat on different rulings in the case, and that two alternates were known to be sympathizers of Ríos Montt. And part of the explanation has to do with the effect of violence. But the press outcry, including from media outlets who had given Portillo and Ríos Montt favorable press during their administration, damaged his campaign, and he finished a distant third.

**The Balance in Congress.** The parties associated with GANA won only 53 of 158 seats in the Congress. Thirty three candidates won on the GANA slate and the remaining 20 on slates of each of the 3 parties in the coalition (MR won 4, Solidarity won 7, Patriotic Party won 9.) A "block" of 53 is not much. And it is hardly written in stone that GANA will always vote as a block or even hold together.

The FRG won 39 seats, a steep decline from the 63 (out of 113) it won in 1999, but nonetheless the second largest group in the Congress. The FRG could emerge as the most solid, sizeable block of votes in the Congress. Ríos Montt has been charged in the Black Thursday case and has been under a very lenient form of house arrest. He is 77. But he seems vigorous in occasional public appearances, though he looked more than his age in several campaign appearances. His daughter Zury is a politician. The FRG has the most experienced group in Congress. Because the parties have come and gone the last few Congresses have begun their terms with a small number of members experienced in legislation. That is true this time. Half of those with any experience are on the FRG bench. However, as a *caudillo* party, should Ríos Montt's health falter, the cohesion of the party would be very much in doubt.

One possibility for Berger would be to ally with Colom's UNE, which won 28 seats. However, apart from the fact that Berger just defeated Colom, the fact that the government immediately found suspicious financing in Colom's campaign, does not auger well for an alliance. Nonetheless legislative leaders in UNE and GANA, early on spoke of forming a working alliance along with PAN (the winning party in 1995). PAN slipped to 11% of the vote and won 11 seats. The three together would make a numerical majority.

Before the Congress was a month old ten of its members declared themselves independent of the parties on whose slates they had just been elected. The remaining parties have some 16 seats divided among 6 parties. Among them are two leftist parties—the ANN, which entered elections before the peace accords, won 4 seats and one of them is held by a former URNG commander, Pablo Monsanto, and the URNG itself, which won but two seats. The Congress is a fragmented organization that may fragment still more.

**The Peace Accords' Relevance.** Signed seven years earlier, the peace accords were not the centerpiece of anyone's campaign. Berger seemed particularly ill informed on Mayan issues, a major theme in the peace accords. As the registration system remains highly inadequate for incorporating indigenous peoples, this did not seem to hurt him in the election. Berger did pledge to implement the accords, but this message might have been aimed at international donors and diplomats, and perhaps

some groups in civil society. The electorate seems indifferent to the peace agreements that so far have had little concrete impact on their lives.

Previous to the July 2003 Consultative Group donors' meeting, MINUGUA had submitted a report to that did not mince words about its disappointment with the lack of progress and backsliding (particularly on human rights) on the accords by the Portillo government during the previous 18 months. (The Consultative Group is comprised of the largest bilateral and multilateral donors to Guatemala and meets periodically to review progress.) This report followed by 18 months a MINUGUA report that complained about more than a year of desultory progress. According to MINUGUA the human rights abuses increased in the last years of the Portillo term and impunity increased. Rather than the military being pushed into a smaller institutional role, its troops were used along with the police.

Eight months into Berger's term the prospects for emphasis on the goals of the accords seemed dimmer than his initial promises, just at a point where MINUGUA is about to leave. None of the parties in Congress, with the exception of the small ANN and URNG benches, focus on the accords.

The international community has been a main "lobby" group for implementation. But with "watchdog" MINUGUA departing, the force of Consultative Group meetings would seem destined to diminish. The government is in the midst of an economic crisis, owing in part to a reduction in tax revenues. Oddly the administration does not seem too concerned about getting more international money, perhaps because it has in the pipeline a very large amount of donations and soft loans that have not yet been either delivered or expended. The considerable post war economic aid received by Guatemala from multilateral, bilateral and NGO organizations is certain to go down from the heights it reached after the accords were signed. This will further reduce international lobbying power. Finally, a particularly activist collection of Ambassadors, who had coordinated their activities are, one by one, rotating out. In another sign, the government seemed lukewarm on the idea of a UN representative for human rights setting up offices in Guatemala.

A promising idea for reducing the power of burgeoning organized crime and the "hidden forces" seemed to be in the process of being shelved. Defeating these groups and ending impunity is

absolutely the most important task of further the peace accords' overarching goal of establishing democracy and the rule of law. Institutions and the state are weak. In that context what happens after the elections is more important to a democratic transition than the elections themselves.

Following an analysis that argued that the new civilian police force has, at best, a investigative capacity thoroughly inadequate for the sophistication of the organized criminal groups and clandestine powers and, at worst, some commanders who had been co-opted by these same hidden groups, a proposal for an independent, expert, internationally financed and trained investigative group had emerged from several international quarters and the traditionally very active and courageous Guatemalan human rights groups. The initiative was called CICIACS or (*Investigación de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad*). In early August the Constitutional Court declared the initiative a parallel structure inconsistent with the constitution. It is not clear what Berger will do, if anything, to salvage the essence of the proposal.

**Other Challenges.** Given the extent of Guatemala's high levels of rural poverty—before, during and since the war—a general economic crisis is a new wound inflicted upon an already badly injured body. There are chronic aspects to the crisis—continued low coffee prices. The Constitutional Court, early in the year, torpedoed a “temporary” tax that constituted a significant revenue stream for Guatemala's already pathetic tax base. Raising tax revenues was one of the most specific and enforceable elements of the lengthy peace accords, but the goals established in the accords were never met despite considerable international pressure from multilateral and bilateral sources. The immediate issue was not so much whether Berger could meet the tax goals of the accords but whether the government could pay its bills or, avoid having to do so by cutting social spending. Berger was able to cobble together a majority in Congress (that included an understanding with the FRG) for a tax measure that would temporarily deal with the problem.

For the past several years the former local paramilitary forces known as the Civil Action Patrols have been vociferously demanding payment for the services to the military during the war. During and after the scorched earth campaign the military organized “voluntary” patrols in rural cities and

hamlets across the country to guard against incursions of the (largely retreated) URNG forces. Lightly armed, the patrols came to number nearly a million men. In many regions they had a growing reputation as being a local repressive force, and a local power group backed by and at the service of local military commanders. They were tied to many human rights abuses. However, their history is complex, as in many cases they were forced against their will into the service and in some cases tried to protect the community from the military. They were not paid. Several thousand of them became organized in the last few years to obtain back pay. Some claimed that Ríos Montt was behind the organizing. In any event, following several demonstrations, the Portillo administration agreed in principle to a payment sum. This year, with thousands of angry demonstrators making threats outside Congress, it agreed as a body, to appropriate the money for the payment.

Other sorts of demands, however, have not been legitimized. During the past few years peasant groups with legal claims against large landowners based upon alleged land usurpations by the landowners or their failure to pay legally obligated wages have led to over one hundred land invasions by the peasants. (The labor branch of the judicial system is somewhat dysfunctional.) The peasants have received assistance from or been organized by different peasant confederations, mainly CONIC. In many cases nothing further has happened. During the Portillo administration there were a few evictions of the invaders, sometimes involving many police. In the Berger administration the rate of evictions went up to a dozen in a few months. One of them, as detailed in the section on land, recently resulted in the killing of ten people including three police officers among the 900 sent to do the eviction on the Nueva Linda plantation. This case illustrates the larger issues of the peace accords of extensive rural poverty, about the worst in Latin America, particularly among indigenous groups. Landlessness and lack of employment are at the heart of the crisis, just as they were smoldering issues in the late 1970s before the wars began.

Related to this, and as detailed in the section on police and courts, is the role of police and military amidst a rate of violent crime that seems to be growing during the first year of Berger's term even above the already high rates it had achieved. Berger called for a large increase in joint police-military

patrols last July. (The homicide rate appeared to increase in August.) On Army Day Berger called for a reduction in the military down to about sixteen thousand troops, from some thirty thousand at the end of the war, and a reduction in military spending which had gone up sharply during two of the later years of Portillo's administration. Also, some sectors in the government and in the press have moved aggressively to end the secrecy that surrounds military spending and to open the books. In mid September, four present and former military officials sought a court injunction against doing this claiming that to do so would violate norms of national security. The court denied the motion.

### EL SALVADOR

The most recently elected government of the three countries is the administration of Tony Saca, the ARENA party's candidate for president in El Salvador. Elected in March, he took office in June after a landslide electoral victory in the first round over the veteran leader of the FMLN, Shafik Handal. Saca must deal with a legislature, elected in 2003, in which the FMLN has four more deputies (31 of 84) than ARENA. However ARENA has for years successfully persuaded members of conservative smaller parties to join with it and can usually win. Also a few weeks after the March presidential elections it persuaded a deputy of the Conservative PCN party to bolt and join the ARENA bench. This means President Saca's vetoes will not be overturned.

However, on some important measures, such as the budget if it involves deficit financing (and it always does) the government needs a super majority, and so it needs to deal with the FMLN. In protest of the election campaign fear mongering against Handal, with implied threats that the U.S. would cut the flow of money sent home (remittances) from hundreds of thousands of Salvadorans in the U.S. or might send the Salvadorans themselves home, Handal persuaded the FMLN to boycott Saca's inauguration. A few weeks later, however, Saca invited FMLN and ARENA legislators to join him for talks about the budget.

It has been the policy of ARENA, for some years, to view the peace accords as past history. The FMLN occasionally points to features of the accords that were never implemented, indeed hardly even addressed, such as a comprehensive and negotiated review of agrarian policy. But the public has ceased

to find current relevance in the accords, so FMLN calls for renewed attention do not echo.

Part of ARENA's electoral victory was due to an aggressive series of anti crime laws it passed a year before the election, some of which seem to be unconstitutional, but all of which seemed to be vote getters. In polls crime has competed with economic issues such as lack of jobs as the top problems of the country for a decade—and the extremely dangerous criminal environment of El Salvador has provided the foundation for the polled opinions. ARENA has responded to the polls by passing tough legislation in 1998 and then again last year—that is in pre election years. Despite the unconstitutional aspects of the laws, polls indicate the public, plagued by crime, likes the tough approach. And polls and crime statistics from the police both indicate a general decrease in crime over the past few years though some categories of crime had not decreased much (homicides) and some have increased (rape). ARENA's claim is that the decrease is due to its tough laws. This seemed to have some resonance in the March elections.

Six months later the new government was modifying its strategy. It considered a new round of laws, and the president promised a super hard hand in enforcing laws against delinquents. But the UN had also commented on the extremity of an anti gang law that made criminal the mere association in a gang. The government was meeting in roundtable discussions with political parties, religious groups and a variety of NGOs to discuss ways that youth might be weaned away from gangs. Administration sources were talking about meeting young members of gangs who wanted to get out, but could not extricate themselves. So a rehabilitation model was under discussion.

Another big item on his agenda will be the Central American Free Trade agreement, an agreement that the FMLN, and Handal in particular, has opposed. Even more important is the temporary visa status of many Salvadorans in the U.S. It is now understood by all that remittances are the most important dollar earner in the Salvadoran economy; over 20% of Salvadoran families receive them regularly. When Saca had an audience with Bush he announced that his lead topic of conversation would be the visa status, but in his post meeting press conference he did not bring up the topic. When pressed by reporters it was evident that Bush had brushed the topic aside.

On the other hand Saca has some negotiating leverage with Bush, surprising for such a tiny country, but it also carries with it considerable political risk for Saca. The issue is Iraq. El Salvador is the only Latin American country with troops in Iraq (just under 400). This is the more salient in the wake of the pullout of the Philippine contingent following the capture of a Philippine national and the withdrawal of Spanish troops in the wake of the March 11th train bombings. El Salvador has received threats. Opinion remains divided in El Salvador over this issue.

Saca, once nominated, also became head of ARENA's central committee—COENA. ARENA has been famous for its highly centralized structure and decision making. COENA sets policy, even including how the ARENA bench will vote in the Assembly, and it has had ultimate control over selection of candidates even for local municipal office. It disciplines dissidents. Following election reversals in 2000 former President Cristiani called for some form of primaries. In September Saca seemed to be moving in this direction with a proposal for less centralized form of candidate selection for municipal offices. Not really a direct election of candidates by local level party members, the proposal rather suggested that the party committees in El Salvador's 14 Departments would select candidates for mayor.

The severity of Handal's defeat, and the turmoil within the FMLN prior to the election, set off public calls for the political commission of the party to resign, and for the party election of officers to be advanced from November to June, or if not June, September. Handal's candidacy was controversial because polls have shown him with negative images and because he tends to be a polemical figure. Leading this charge was the Mayor of Nueva San Salvador, FMLN militant Oscar Ortiz who had competed with Handal for the nomination but was thwarted in internal voting, which some FMLN members have called irregular. Ortiz and those behind him were not able to convince enough mid level members of the party to back them. This issue will come up again in November. Meanwhile Handal was selected to head the FMLN bench in the Assembly. Elsewhere in the report, we note prior FMLN infighting and the damage it has done. In the months following this election, in two of seven local party assemblies fights broke out between the factions. The next year will be telling

for the FMLN as it attempts to recompose itself in time for the 2006 legislative and local elections.

## NICARAGUA

During Arnaldo Alemán's presidency he was hemmed in by 1995 amendments to the constitution that prevented two consecutive terms and that had reduced the power of the presidency vis-à-vis the Assembly. However, in his Pact making with Daniel Ortega they had agreed, among other things, that former presidents would be members of the National Assembly and, apart from the perks of office, he would enjoy immunity from prosecution in the event there were any investigations of corruption during his term.

Alemán sidelined various figures in his party who attempted to build political bases in the party or among an electoral constituency so they might succeed him as President. In the end he selected his Vice President, Enrique Bolaños, to be the candidate, in part for his impeccable anti Sandinista credentials. Alemán's calculation was that Bolaños would win and that Alemán would still control the party and the Assembly and therefore the budget, and, due to the Pact with Ortega many other government bodies. (The details of how they sliced up the pie are below.)

Not long after the election of Bolaños, it became apparent to Alemán that his political calculation had been a mistake. Bolaños might have been a dutiful Vice-President, but he had demonstrated throughout the 1980s and early 1990s that he is a flinty, even irascible character. It was quite predictable that the U.S. would support the election of Bolaños, or anyone else who opposed Daniel Ortega, but Alemán did not foresee, until too late, that the U.S. would attempt to use Bolaños as part of a campaign against corruption and money laundering.

Bolaños took office in January 2002. The following August a trial against Alemán began concerning \$100 million in embezzling charges, with money stashed in Panama. This was not the only case against him and in addition charges were brought against several other figures from his government and his extended family. One of them was Byron Jerez, a long time Alemán loyalist whom President Alemán had entrusted with the tax collection. Most everyone else accused fled the country. Toward the end of the long trial Alemán's attorney had Judge Juana Méndez, one of the Sandinistas who had bene-

fited from the Alemán-Ortega pact, to subpoena forty five top officials in Alemán's government to ask them if Alemán had ever given them an improper order. She did so. All said no, save for Byron Jerez who turned state's evidence. Jerez was in jail at the time on one of eight corruption charges.

The U.S. quickly stripped Alemán of his visa privileges and the National Assembly voted to strip him of his immunity privileges with the Sandinista bench voting with a few dissidents from the PLC who had decided to back Bolaños. Alemán was placed under house arrest in his huge house sitting on his huge hacienda outside Managua, to which his government had constructed a huge road to ease his commute.

Since then Alemán's whereabouts have been a kind of barometer about the state of horse trading between his camp, Ortega's and Bolaños'. If he is in comfortable house arrest, bargaining between him and Ortega against Bolaños and the U.S. is possible. If he is in jail, Ortega has tilted toward Bolaños. If he is moved from jail to a hospital, Ortega is moving away from Bolaños.

Ortega's main goal is to win the presidency in 2006, and he probably can't do that if Alemán is out of jail with freedom to be a candidate. And he might not be able to do it if the PLC remains united behind another candidate. Ortega also wants to protect the Sandinistas' more or less dominant position throughout much of the judiciary, to say nothing of the positions of power they got in various state agencies through the Pact.

Alemán wants to get out of jail. He would like a viable political career and to maintain his hold over the PLC.

Bolaños and the U.S. want to reduce to a minimum the power of the Sandinistas. To do that they need the backing of a party structure. One plan has been to weaken Alemán, decrease his hold over the party by making him appear to be not viable, and then capture the Liberals while they back a candidate, perhaps Eduardo Montealegre, who is in Bolaños' cabinet. Alemán loyalists regard Bolaños as a traitor, which is not to say that they won't vote on his side of an issue if it is in the interest of Alemán.

**AA and DO against EB.** From December to August 2003 Alemán remained under "house arrest" giving him totally free access to the loyalists in his party. His hacienda became almost another branch of the government. In June the terms of five

of the sixteen Supreme Court (CJS) justices were to expire with another four in September. The CJS was one of the institutions included in the Pact. Proving that the Pact was still alive (and, indeed with plans to grow into other governmental institutions) despite the arrest of Alemán and Ortega's "betrayal" the two parties divided up the nine positions. This time Ortega had the upper hand; the FSLN got five of the nine positions.

At the same time Bolaños announced that the government was getting high level technical help from U.S. experts in tracking the Alemán corruption money, and his attorney general announced that, despite the fact that the statute of limitations had run out, he would like to use the assistance to also trace the money and property transfers during the Chamorro and Ortega administrations—a clear reference to the properties high level Sandinistas grabbed just after their electoral defeat.

**DO and EB against AA.** In August 2003 the judge ordered Alemán transferred to a comfortable jail, stripping him of his computer and cell phone. This placed limits on daily visitations. This move could be seen as an effort by Ortega to weaken Alemán's leadership over the PLC. A divided PLC served his interests and, oddly that of Bolaños, who wants to win as many PLC votes in Congress as possible, and the U.S.

Demonstrating his control, Alemán, through family visitations, staged a demonstration of the party faithful (wearing "Arnoldo 2006" shirts!), fired several members of the party's central committee (including Montealegre), ordered a convention, and had his candidates elected.

In early November Colin Powell visited Nicaragua and, in addition to pressuring for destruction of Nicaragua's supply of shoulder held anti aircraft missiles, pointedly did not meet with anyone from the FSLN or any backers of AA, and pushed for unification of liberals against Alemán and isolation of Ortega.

**Other Shifts.** Following Powell's visit Bolaños announced support for a judicial careers bill which had as its announced goal professionalization or depoliticization of the judiciary. The proposal contained elements that would deny judgeships to anyone who had belonged to a repressive organization or who held property for which the state had had to pay compensation to a former owner. These were interpreted to be anti Sandinista clauses, an attack

on Ortega's main institutional power base, one that he was using to keep Alemán in jail. Ortega publicly referred to Bolaños as a gringo bootlicker.

On November 26th the judge suddenly permitted Alemán to go back to his hacienda where he was greeted with a huge party. She cited a host of health problems (obesity, high blood pressure, etc.) A case against Bolaños for a role in PLC violations of electoral finance rules was announced. Press leaks from FSLN and PLC sources hinted that a larger pact was in the making that would involve the Supreme Court, changes in the electoral law, new leadership in the Assembly and some kind of freedom for Alemán in exchange for a PLC pledge against the Bolaños (and U.S.) judicial careers bill.

The U.S. announced that the judiciary was corrupt and international sources suggested that if there were any attack on Bolaños (through the electoral law one presumed) the membership in the club of the world's most indebted nations that Nicaragua was on the threshold of entering after years of negotiations would be threatened. Membership in the "club" makes a nation eligible, under conditions, to have 80% of its international debt pardoned. And Bolaños, *flanked by the head of the army and police*, announced that he would introduce bills about the judiciary and electoral branches and, if ignored, would organize a popular referendum on the measures.

This counter offensive and the apparent inability of the FSLN and PLC camps to work out a larger Pact caused Ortega to reconsider. On December 7th Judge Méndez announced a guilty verdict on one of the corruption charges (\$100 million) and sentenced Alemán to twenty years in jail and a twenty three year suspension of civil rights including the right to run for office. On the same day Jerez was found innocent on one charge, though still had more trials to come. Alemán, however, was permitted to go back to his hacienda under house arrest owing to the medical problems.

In March, in another power play, he was transferred back to jail. Not long after Alemán was moved from a remodeled office to a cell, after he alleged that there was a plot to kill him. Then he complained of near paralysis in three fingers of his

right hand and was transferred to the Military Hospital for minor surgery and a two week rehabilitation process. He remained there three months later, with Sandinista judges explaining that there were more medical procedures. While there, he has had much more access to his backers.

In April there were rumors of another negotiation between the PLC and the FSLN that would use the case against Bolaños in the misuse of election funds as a driving wedge to shorten his term of office. In the end Ortega refused to go along with the Alemán scheme, and soon thereafter had another rapprochement with Bolaños.

Though he remains in control of his party, Alemán failed in an attempt to get a local branch of the party in Managua to deny Montealegre credentials to be a delegate to the PLC convention. There were signs that the PLC would seek an alliance for some municipal elections on November 7 with the forces of Bolaños so as to not allow FSLN victories over divided conservative forces. Meanwhile Sandinistas judges were offering signs of negotiations with the PLC: the extended hospital residence of Alemán and staying several corruption cases against PLC figures.

The FSLN celebrated the 25th anniversary of the defeat of Somoza July 19th. The party persuaded long time opponent Cardinal Obando y Bravo to celebrate a Mass on the 19th. He did so. Church leaders had been excoriating the government of Bolaños over a number of charges.

Since the formation of the Pact and then the Bolaños drive against corruption, which might more properly be seen as a drive to reduce or eliminate Alemán's control of the PLC, Nicaraguans have been treated to one secret deal after another and the thorough politicization of the judicial system. This is not to say that there was not sufficient evidence to convict Alemán and a good many others. There was. But the conviction is but a high stakes bargaining chip in a broader political game in which all moves have little to do with justice and nothing to do either with forming democratic institutions or improving the lives of millions of impoverished Nicaraguans.

## VARIED IMPACTS OF THE WARS

The conditions the players faced in the peace processes were deeply affected by the origins and sequences of the wars.

Viewed from a world perspective, the five Central American republics could hardly be more similar: proximate countries, small in size and population with a severe lack of natural resources other than somewhat limited agricultural endowments, they shared similar colonial and post colonial histories and (save for the large indigenous population in Guatemala) languages. They were dominated for a century by the tiny groups that controlled agricultural export production first in coffee, then sugar, cotton, and beef, and by U.S. firms that controlled bananas (save in El Salvador). With the exception of Costa Rica, the military dominated government, in alliance with the economic elite since the early years of the great depression in the 1930s. However in three of them war broke out between 1978-1980, and in two it did not.

There were conditions particular to these three countries. Still each country had significant differences from the other two. These differences affected the onset, sequence, and impact of each of the three wars, which in turn affected the onset and implementation of peace and the new institutional arrangements that came with it.

The wars in each country severely challenged and significantly altered traditional power arrangements, reduced in uneven fashion the political power of the military institutions, changed the traditional means toward wealth and inserted the economies into the global economy in new and varied ways. New political players and organizations are evident in the post war orders. It was not just the wars that brought about these changes. External shocks, including a Latin American recession and a debt crisis contributed as did the growing international hegemony of neoliberal economic doctrines. The end of the Cold War affected the peace processes.

A key difference among the three was the relatively high political power, wealth and military prowess of the Guatemalan military and the relative insulation of Guatemala's coffee oligarchy from the effects of war and from other sources of modernization and globalization. Another was the opposite cold war roles the U.S. played in El

Salvador and Nicaragua, and the relative independence of Guatemala from the U.S.

### ORIGINS

The nearly simultaneous break out of the three wars was no coincidence, but was a surprise to virtually all social actors and analysts. Realists among the varied of leftist armed groups in the three countries must also have wondered in the mid 1970s if their own efforts could ever be successful. Apart from their own dire circumstances, they could look around Latin America to see that a variety of guerrilla groups that had cropped up in many Latin American countries in the wake of the Castro revolution in Cuba had long since died out.

Formed in 1965, the Sandinistas in Nicaragua had never numbered more than two or three hundred cadres and could count on few sympathizers outside of universities and scattered rural areas. Many Sandinistas were in jail. By the mid 1970s they had divided into three wings, barely on speaking terms, over differences in the strategic approach to overthrow the Somoza family dynasty, over four decades old.

The Somoza dynasty had survived the assassination in 1954 of the elder Somoza. It easily parried weak and divided civilian opposition through a clever mix of soft and hard forms of repression and co-optation. It had an enthusiastic loyalty to the U.S. and many allies in Congress. The Nicaraguan army, the National Guard, was personally selected and controlled by the Somozas. Though many among Nicaragua's economic elite did not like Somoza and objected to his increasing and unfairly acquired economic power most kept their objections quiet. The richest classes, in contrast to those in El Salvador and Guatemala, had a long history of highly fractious relations among themselves, so a unified approach against Somoza was not a likely prospect. In 1977 Somoza's prospects looked good.

In Guatemala, the military had ruled since the early 1930s, save for a two elected civilian governments (1944-54), the second of which was overthrown by a CIA organized military coup. It had, with covert U.S. assistance, annihilated three quite small guerrilla groups (along with many civilians) during a brutal counterinsurgency campaign in the

late 1960s. In the early 1970s remnants of those groups attempted to organize clandestinely before trying any military efforts and to emphasize, as they had not in the 1960s, the Mayan groups in the rural highlands. These were Guatemala's most oppressed and repressed groups, still dominated by a variety of near-feudal forms of forced and semi forced labor (debt peonage—an organized indebtedness that could only be paid with labor, vagrancy laws, etc.). These guerrillas were divided into three or four rival groups led, for the most part, by non Mayan leftists. They had quietly made progress by the second half of the decade. Union and urban groups were organizing and so were military efforts to repress them. Despite the survival of the various left groups, and the centuries old resilience of the Mayan groups, the possibility of regime change in Guatemala in the mid 1970s, much less revolution, did not seem great. (Black)

Three guerrilla groups formed in El Salvador in the early to mid 1970s, largely in reaction to the gross electoral fraud in 1972 that prevented a civilian coalition ticket from winning. The fraud was completely ignored in the U.S. In the eyes of many opposition groups, the fraud foreclosed the possibility of regime change by electoral means. But they, and increasingly militant civilian groups, faced a military government that had been in place, again, since the early Depression. Then the Salvadoran military and large landowners had joined in a wholesale slaughter of peasants who with university based communist backers had attempted a revolt in western coffee growing regions of El Salvador. In the 1970s to an even greater extent than in Guatemala and Nicaragua, the guerrilla groups were divided by intense, and sometimes bloody, rivalries over strategy and turf. By the end of 1977 these groups remained quite small, though urban and rural organizing was growing. And so was repression by the military.

In the space of a year or so, 1978-79 in each of the three countries these limited and divided efforts to overthrow the governments had burgeoned into revolts that threatened to succeed, and by July 19, 1979 did succeed in the overthrow of Somoza, and contributed mightily to a major foreign policy crisis in the U.S. Two years later, the FMLN in El Salvador and the URNG in Guatemala, each a coalition of the previous guerrilla groups, had not succeeded in overthrowing their opponents. What led to the rapid expansion

of the revolts and why did one defeat its enemy while the other two could not?

After World War II, the agricultural economies diversified, with the growth of cotton and sugar exports and in the 1960s the export of cheap, grass-fed beef, mainly to the new national hamburger chains in the U.S. There was rapid growth of GDP per capita in Central America from 1950-1975, but the profits did not trickle down, in some cases not even to many in the middle income sectors. Moreover, the increasing amounts of land devoted to new and old export products, while providing some jobs particularly during the harvest seasons, squeezed small peasant landholders on to smaller and smaller plots or off the land all together, and increasingly into temporary farm labor jobs. This in turn created downward pressure on wages for temporary workers. Increased cattle raising for beef exports used extensive grazing methods and was particularly damaging in that it took a lot of land, and in contrast to the other crops, provided very few jobs. (Williams)

Compared to larger Latin American countries there was only small growth in urban economies (though rapid in percentage terms), not nearly sufficient to absorb the increasingly landless and growing rural labor force.

Distribution of GDP (percent)

	Agriculture		Industrial		Services	
	1960	1978	1960	1978	1960	1978
El Salvador	32	29	19	21	49	50
Nicaragua	24	23	21	26	55	51
Mexico	16	11	29	37	55	52
Brazil	10	11	35	37	49	52

World Bank, *World Development Report*, 1980, Table 12

These relatively rapid changes left peasants with some ties to traditional ways and communities of life but with new, unsettling insecure rural and urban means of attempting to make a living. Such shifts toward more precarious and qualitatively different economic and social conditions can spark revolt or revolutionary moments, particularly among newly "proletarianized" or "semiproletarianized" rural (or rural to urban) groups. Analysts of revolution in Central America have found that some centers of revolt were found precisely in regions of the three countries where these effects had been the greatest: Huehuetenango and Quiché

in Guatemala, Chalatenango and Usulután in El Salvador, and north central Nicaragua. (Vilas)

But the general trends sketched above obtained in Honduras and Costa Rica, where revolution was not sparked. And within any of the countries many people from similar areas ended up on the other side of the battle, though perhaps not always voluntarily so: The Military's Civil Action Patrols in Guatemala were hardly voluntary, but became centers of local power and repression; many of the anti Sandinista contra fighters came from north central Nicaragua (and some, according to one source, had also fought against Somoza), and in El Salvador before the war and during it, the military drew upon some peasants to form spy networks, (the most famous called ORDEN) from rural areas. There are both micro and macro level explanations to explain the revolts, the lack of revolts and the counter revolts. (Brown, Vilas)

There were temporary safety valves—remote unsettled lands in several areas of Nicaragua, and in the northern Petén region of Guatemala, and rural migration from El Salvador, the country with by far the greatest population density, to Honduras. However this migration was abruptly reversed with the short, but dramatic “soccer war” between the two countries in 1969. (Durham)

In general, Honduras, and to a much greater extent, Costa Rica had safety valves and channels. Peasant groups in Honduras, and a relatively less repressive military, had allowed for a small measure of agrarian reform, and then the departure of thousands of Salvadorans after the 1969 war, relieved land pressure. Costa Rica did not have a repressive government, rather one in which civilians were regularly elected. There is debate about just how much more (if at all) wealth, income and land were distributed more equally in Costa Rica, but there is no doubt that political channels were relatively open and that the government had, by the standards of most Latin American countries, provided resources for health and education and did not have a military establishment as a money sinkhole.

In El Salvador, Guatemala, and Nicaragua the governing regimes had, by contrast, repressed opposition and had set the precedent with one history making repressive moment which had established the regimes: the slaughter of peasant rebels in El Salvador in 1932, the assassination of Sandino and repression of his movement in Nicaragua, and the overthrow of the democratically elected Arbenz government in Guatemala in 1954. In the late 1970s,

the growing economic and social crises intersected with more authoritarian practices and anti reform measures by the three authoritarian governments. They became more repressive in response to unrest, scattered guerrilla kidnappings and assassinations, and crises such as earthquakes in Nicaragua and Guatemala. Of course, to the ruling elites and military governments kidnappings and assassinations did not seem “scattered” but a harsh rupture with the past when their control had most often gone unchallenged. The intersection of these two crises—political and the land and economic crises—led to social explosions, stepped up repression, and finally war. This does not mean that all those who fought were directly motivated by these structural forces. Repression against Mayans, a desire for vengeance, family and ethnic ties and other elements of social history played a role. (Dunkerley)

#### THE WARS BEGIN

If fundamental causes were similar, the mix of actors and chain of events that led to war were quite different, and these initial differences affected the peace processes and the implementation of peace accords ten and more years later.

**Nicaragua.** Revolt was triggered in Nicaragua by the 1978 assassination of Pedro Joachim Chamorro, editor and owner of the most important newspaper in the country, long time vocal opponent of Somoza, and a member of one of the traditional, pre-Somoza, ruling Nicaraguan families, on the Conservative side of the Nicaraguan divide. This assassination violated one of the unspoken rules of the Somoza era—unruly peasants or Sandinista guerrillas might be shot on sight (though many Sandinista were arrested), but bourgeois anti Somocistas might pay through a variety of forms of economic sanctions or be arrested for a time, or in the case of Chamorro, have the paper closed down, but they were not assassinated. The assassination came after the Somoza clan and the National Guard had achieved highly visible levels of scandalous corruption in the self serving channeling of international emergency aid money in the aftermath of a devastating 1972 earthquake in Managua. Somoza's appetite, in a tiny, poor country, appeared to have no limit. The assassination triggered unprecedented massive demonstrations, and then violent battles.

The Sandinistas among Somoza's opponents were in the best position to provide military lead-

ership, and among the Sandinistas, the wing of the party which had pushed for broad class alliances (compared to the “proletariat” and the prolonged popular peasant war wings) were in the best position to take advantage of new conditions. The resulting war united the Sandinistas and brought a good deal of international support, including a flow of arms from other Latin American countries, not including Cuba. The crass and corrupt image of Somoza, and increasing repression which featured, among other grotesque acts, the aerial bombing of his own cities, and the assassination, recorded on camera, of an ABC newsman only added to this support and made it impossible for conservative allies of Somoza in the U.S. to rush to Somoza’s aid. Moreover the new human rights emphasis in President Carter’s foreign policy (see below) had led to sanctions against Somoza and made it difficult to support him or elements of his regime, however much Carter wished to avoid an outcome with the leftist Sandinistas in control.

With Somoza’s defeat the Somoza economic empire was destroyed along with most of its military apparatus. This did not mean that the richest class had been destroyed because some of it (and some of its sons and daughters) had backed the Sandinistas or at least the revolt. This class was divided, and even if it came to share an animosity against the Sandinistas, it never overcame historic, regional and economic sector divisions to agree upon a common strategy for opposing the new order, just as it had not been able to against the ruling kleptocrat.

**El Salvador and Guatemala.** By contrast, in El Salvador, the bourgeois coffee growers and exporters had always been united on the large issues and they had not been beholden to, weakened or divided by any such kleptocratic figures as the Somoza family. The military in El Salvador had not been one man’s personal army, subject to defeat when that one man appeared to be getting ready to bail out. Since the 1940s military rule in El Salvador was governed by rules of succession (by graduating class from the military academy) in, if not always tension free, symbiosis with the economic oligarchy, members of which recruited and co-opted some military figures. The military’s cut of the government pie was guaranteed, though it was considerably smaller than the oligarchy’s slice of the economic pie. (Williams & Walter, Stanley)

This was similar to Guatemala with three important differences: the military in Guatemala, as an institution and groups of individuals, also attempted to develop an economic base through development of businesses and financial institutions and land grabs; the Guatemalan military had rougher rules of succession that sometimes resulted in coups or near coups; and the Guatemalan military had confronted a guerrilla uprising in the 1960s and developed, with considerable U.S. help, a vicious counterinsurgency capability. In both countries, the military did not challenge the economic hegemony of the coffee (and cotton and cattle) oligarchy, but the Guatemalan military was a more aggressive player vis-à-vis the oligarchy than its Salvadoran counterpart. (Schirmer)

In neither country was there the equivalent of a Pedro Joachim Chamorro, a loud and vocal critic coming from a traditional elite family. Though there were a few notable exceptions, rebel leadership in these two countries, unlike Nicaragua, was not salted with rebellious sons and daughters of bourgeois families, though the bulk of the rebel leaders also did not come from really poor backgrounds. Bourgeois families were not joining in protests against these military governments, nor providing safe houses. Finally, the rebel groups in El Salvador and Guatemala, because neighboring Nicaragua’s revolt exploded first, did not enjoy the element of surprise to the same extent.

There was, however, a significant element of surprise. Evidence that came to light years after the beginning of the wars indicated that both the oligarchies and the respective militaries were unprepared for the challenge of mounting political unrest or the increasing and varied activities of the multiple guerrilla factions. (Schirmer, Manwaring & Prisk)

In Guatemala, less than a decade after thoroughly defeating guerrillas the military was confronted with multiple signs of trouble brewing, and an increasing awareness that they did not know just how big this threat was, nor how to penetrate the secrets of the highlands to find out.

In El Salvador mounting demonstrations had been met with repression as had attempts by some of the guerrilla groups, successful in some cases, to raise funds by political kidnapping. As in Guatemala, leaders of protesting groups, said by the military to be front groups, began to disappear, or were openly assassinated. This led to increasing demonstrations with demands to account for the

disappeared. In both countries the violence escalated but, with the threat of a fallen Somoza and his army before them, the military soon escalated the repression against the left.

In October 1979 a group of dissident Salvadoran officers overthrew the military government and installed a cabinet of progressive civilians—save for the Ministry of Defense —, and announced a program that the officers proclaimed would include agrarian reform, nationalization of banks and exports, each of which amounted to a cardinal sin to the oligarchy. The guerrillas on the Salvadoran left saw the coup as a U.S. plot and challenged the new government to bring to justice those responsible for the increasing disappearances of their leaders, a challenge that if met would violate the long standing immunity of the military and a military code of “honor” against the prosecution of fellow officers. Human rights abuses, rather than diminishing, escalated, as factions in the military backed by some landowners moved to wipe out the radical opposition. By January the cabinet resigned due to the increase in human rights violations, and then the political killing rocketed to astronomical heights.

By the end of February a second cabinet resigned in the wake of the assassination of a well known member of the Christian Democratic Party after he was called a communist during a television broadcast by Roberto D’Aubuisson, a military figure and rising star of the far right. The next cabinet brought into the government Napoleon Duarte, the Christian Democrat who had been defrauded in the 1972 presidential elections and had been in exile. His entry into the government split the Christian Democratic Party.

The U.S. quickly backed this new Duarte version of the civilian-military junta with military and economic aid, despite the protests of the intrepid Archbishop Oscar Romero, the most popular figure in El Salvador. The government swiftly declared an agrarian reform, nationalization of banks and exports, designed in large part by the U.S. And the far right with the aid of some military units, just as swiftly further escalated human rights abuses. On March 21 a death squad assassinated Archbishop Romero while he was giving a mass. D’Aubuisson was later charged by human rights groups and after the war by the Truth Commission with being the intellectual author of the crime. The country moved to war. (Stanley)

In Guatemala, there was no attempt to reform the military and Duarte-like figures were also

repressed as the military moved to stamp out all opposition without any agrarian reform or nationalization of banks, measures hated by the oligarchies of both countries. (Jonas)

#### **CARTER AND REAGAN: THE COLD WAR AND HUMAN RIGHTS**

President Carter’s foreign policy emphasis on human rights also altered the traditional correlation of forces in the three countries. Primarily a weapon to be used against the USSR and its allies, the Carter administration also employed it critically, though quite unevenly, against some regimes that were traditional allies but run by authoritarian governments that abused human rights. Each of the three countries had been criticized and sanctioned by Carter and, apart from the embarrassment of public diplomacy, one sanction was more limited access to arms purchases.

Once the war broke out in Nicaragua, Carter’s diplomats attempted to find a solution that would limit Somoza’s power, and when events overtook that option, that would ease him out, while also keeping the Sandinistas out, a rather different policy than the prolonged U.S. Marine interventions in Nicaragua in the early 20th century. After Somoza’s fall Carter and the Sandinistas delicately danced to attempt to have normal relations, and Carter promised aid to the war ravaged country, a promise that withered under fire from the Republicans and the growing U.S. policy crisis in Central America and with the USSR. Meanwhile other countries were pouring in aid. The Cubans immediately showed up with a plane load of doctors.

By March 2000, Carter made a fundamental shift. As mentioned, he sent military and economic aid to El Salvador despite a vast increase in human rights abuses. Candidate Ronald Reagan was lobbying round after round of fire into the Carter camp. Carter had, he said, allowed “another Cuba” in the hemisphere in Nicaragua, had lost the Panama canal to a “tin horn dictator” and was about to lose El Salvador and Guatemala. The Republicans saw the Soviet hand behind all of this, and did so as well in other rebellions in Mozambique, Angola, Zimbabwe, Cambodia and Afghanistan. Carter was under attack because of the hostage crisis in Iran. Domestically Carter faced double digit inflation and high levels of unemployment.

By contrast, the U.S. under Carter did not rush military aid to Guatemala, and Reagan, once president, was unable to do so. The long standing and much deeper pattern of human rights abuses in Guatemala might be one reason. Another might have been that Guatemala's military had not had an internal coup, or reformist elements. There was no "center right" option in Guatemala. Though conditions and prospects were far from certain in 1979-1980 to all players, including the U.S., the Guatemalan government did not appear as precarious to the threat of a left overthrow as was El Salvador's government—by March, 1980 the fourth government in six months.

The Reagan new team saw Central America as Soviet and Cuban aggression and rejected claims that poverty and lack of democracy were the seedbeds of the insurgency. It moved quickly to allege Sandinista aggression and arms flows toward rebels in El Salvador, to increase U.S. military support for El Salvador, to begin again traditional military support for Guatemalan military governments, and to begin, in covert fashion, to cobble together of a military force to oppose the Sandinistas. Initially this was to be made up of those officers and troops of Somoza's National Guard that had fled to Honduras and El Salvador.

Despite its landslide victory the Reagan administration was slowed by several forces. Carter's human rights policy retained allies in Congress. This provided an audience for human rights groups. Reagan supporters worried about the Vietnam Syndrome, a fear of committing troops to foreign battles. A majority of Democrats in Congress, who found, indeed, that such worries had strong resonance in public opinion polls. Then Reagan's covert sabotage operations in Nicaragua became public a few months after CIA mines laid in Nicaraguan harbors that had damaged international ships. Reagan had not properly notified the intelligence committees in Congress and the outraged reactions, from right to left, splashed on to the front page.

But the Reagan team bulldozed most of the money it needed over the next several years, but with restrictions. Military advisors in El Salvador were limited to 50. In Nicaragua aid to the contras at first was restricted for use only to intercept arms going to El Salvador, a fig leaf restriction. By 1984 the battles with Congress over El Salvador came to an end with the election of Duarte. By 1986 Reagan convinced the Congress to approve a four fold increase in aid to the contras that included

lethal military aid. Months later, however, the Iran-contra scandal revealed that the Reagan team had repeatedly violated Congressional restrictions. (Aranson, 1993) (See below.)

### THE WARS' SEQUENCES AND IMPACTS

By the 1981 change of administration in the U.S. Guatemala and El Salvador were marked by military struggles far larger than either country had experienced, and massive levels of human rights violations. The contra war with U.S. support was about to begin. It soon escalated with the aforementioned CIA efforts, (The precise beginning point of U.S. support for anti Sandinista rebels is murky, but some raids had been going on since early 1980, perhaps without U.S. help.) By 1982 the Salvadoran military had gone from some 12,000 troops to 60,000

### *Military Aspects*

**El Salvador and Guatemala.** The wars were highly destructive to human life, particularly to civilians in El Salvador and Guatemala and, among them, particularly to leftist civilians in El Salvador and to indigenous Mayan civilians in Guatemala. At least from late 1979 through 1983 massive waves of terror were a central part of military practice. Guerrilla groups in both countries committed human rights abuses including assassination, but on a far smaller scale. In El Salvador, it could be argued that the FMLN's capacity to target key civilians was one of several factors that brought about a reduction in military human rights killings; that is a kind of stalemate was established in this grisly aspect of the war.

By the end of 1983 the guerrillas in Guatemala had suffered a strategic setback from which they would never recover. The URNG could not successfully counter the terror, much less defend the villages that were being burned to the ground (over 400 villages were razed), and so was cut off from most of its political and recruiting base. Some 50,000 villagers fled to Mexico, and many times more than that to scattered locations in Guatemala. Thousands of unarmed Mayans were killed, many of them in massacres when the army entered a village. For the next ten years the URNG could only launch very limited military actions.

In El Salvador the terror had devastating effects. It eliminated almost entirely, until the mid 1980s,

left political organizers in urban areas and also wiped out leaders in the countryside. Whole civilian villages, suspected of sympathies with the FMLN, were vacated, with villagers fleeing pursuing troops for days. Some made it to refugee camps in Honduras, some to the capital city, and many were killed. The military committed some large scale massacres, the most notorious in an eastern village called El Mozote.

But in El Salvador the terror did *not* result in a strategic defeat for the FMLN. It appears to have had some “blowback” effects. Urban political organizers could go into exile, join the guerrillas, or await their fate. Many joined the guerrillas. Many peasants in rural areas joined the FMLN because their family members had been killed by the military. There does not seem to be much evidence of this “blowback” effect in Guatemala.

A second difference between the two countries is that by the early to mid 1980s the war in El Salvador was much more “public” in the U.S. The scorched earth campaign in Guatemala received virtually no press coverage in the U.S. El Salvador was a contentious issue in Washington because the U.S. was giving aid, but Reagan’s failure to pry aid from Congress for Guatemala meant Guatemala was largely out of the press. Until later in the decade the Guatemalan military was not under much international pressure and, ironically, unlike its counterpart in El Salvador, had gained a significant measure of independence from Washington.

Third, the Guatemalan military, perhaps through even higher levels of brutality, largely defeated the URNG in 4 years with very little U.S. aid. The Salvadoran military received hundreds of millions in U.S. aid. At the end of a decade it was shocked by the scale of an offensive the FMLN was still able to launch (see below). There were many stories in the early 1980s and beyond of frustrated U.S. military advisors who could not get Salvadoran officers to go on night patrols, or who complained that with El Salvador’s small size, officers could come back to the capital city on the weekends for drinks in popular clubs. They called it a nine to five, Monday through Friday army.

The Guatemalan military had had experience against a quite small guerrilla force in the 1960s; the Salvadoran military experience was limited to the 3 week war in 1969 against the Honduran military—a totally different type of military expe-

rience. The Guatemalan military was able to force creation of a constabulary spy and patrol force in each village by the latter half of the 1980s, the Civil Action Patrols (PACS. El Salvador had had such a force in the 1970s, but had difficulty maintaining in the more wide spread war zones. The FMLN posed more of a threat to participants.

Owing to El Salvador’s small size and relative lack of wooded territory, the FMLN had no real “rear guard” areas. It had to rely on a hidden base of support, and to learn to take advantage of El Salvador’s small size. For example, for most of the war the guerrillas had a presence on a volcano that borders on the capital city and, could from outposts there, gaze down on a luxury neighborhood below them. Despite continuous U.S. charges about large scale arms flows from Nicaragua (with very little evidence) the FMLN seems to have been a highly self reliant military force. A U.S. military attaché in the early 1990s that told the author the FMLN only needed to replace about 800 assault rifles a year.

The war in El Salvador then had several military stages. The FMLN launched the poorly named “final offensive” in early 1981, its first nationwide coordinated attack. The increase of helicopters and air power forced the FMLN for the next several years into small unit operations that would seek to sap enemy morale. Large plantations were abandoned under FMLN pressure, and export crops were burned after they had been harvested (and the peasants paid). The FMLN forced many transportation stoppages, blew up a key bridge, and staged hundreds of attacks on the power system. They taxed large landowners and siphoned funds from local NGOs that were in turn receiving donations from international NGOs.

However the FMLN also came to see that this war of attrition strategy was being waged against an army that had an infinite supply line. In early 1989, the FMLN changed its political strategy, and offered to accept the constitution with modifications and to recognize the 1989 elections, if fairly conducted, in exchange for a complete restructuring of the military (and bringing to justice of human rights abusers). But negotiations failed and in October a pro FMLN union was bombed at lunch hour. The FMLN launched an offensive in late November that struck many points in the capital city as well as several other urban and rural areas in the country. The military responded by bombing

areas of the capital (reminiscent of Somoza in 1979), and then, in a sickening display, by the brutal assassination of six Jesuit intellectual leaders.

The offensive changed everything: the military had been hard hit and its aid from the U.S. was threatened by a U.S. congressional investigation of the Jesuit case. The two sides moved, by April, 1990 to serious negotiations. (Montgomery, Jonas 1991)

**Nicaragua.** Terror was prevalent in the contra war, but not as dominant as in the early 1980s in El Salvador and Guatemala. Civilian vehicles and agricultural cooperatives were targeted by the contras. Then armed guards were placed on vehicles and cooperatives received AK-47s for defense, so the contras declared them military targets. This terror was intentional, as revealed by a CIA supplied training manual, but also apparently mindless in many of the recorded cases. Even after much criticism the contras failed to establish disciplinary measures. Sandinista troops also committed human rights abuses. During the war the Sandinistas offered evidence of disciplinary actions against offenders, evidence one could not find in the militaries of El Salvador and Guatemala. Since the war there has been no systematic investigation of either side.

However, a key difference between Nicaragua and El Salvador is that in the former many political figures opposed to the Sandinistas remained, despite harassment, in the country and politically active. In El Salvador the left opposition faced not harassment but assassination and were forced into exile until the late 1980s when political space opened.

The war in Nicaragua was fought almost entirely in rural areas. (This was in contrast to the largely urban centered war against Somoza.) It was a war of ambushes and small scale offensives and counter offensives. It gradually escalated as the contras ranks grew and then the government ranks grew.

In many rural areas in the north there was intense, effective pressure on peasants to join or support one side or the other. Peasants also faced the Sandinistas' military draft. Some joined the contras due to animosity toward the Sandinistas based either on the failure of some Sandinistas programs or anti communist, pro church propaganda efforts of the contras. Many peasants objected to the Sandinista program of forcing the sale of a portion of food crops to the government. For fence sitting peasants calculating their risks, the support of the U.S. for the contras helped contra recruitment.

The contras came to be better equipped than the Sandinista Popular Army.

When lethal military aid from the U.S. stopped in 1988 the bulk of the contras went back to their camps in Honduras. At the end of the war the contras claimed 22,000 troops but estimates by the U.S. up to that point were more on the order of 15,000. Still 15,000 would be twice the size of the FMLN. Despite this influx of rural Nicaraguans, the military leadership of the contras remained, until very late in the war, in the hands of National Guard officers, particularly Enrique Bermudez, a top Somoza operative.

Nicaragua introduced Soviet helicopters; the U.S. countered in 1986 with shoulder-aimed Redeye missiles. The contras were, by comparison with the other rebels in Guatemala and El Salvador, extremely well equipped with a small air force dropping in supplies, with computers for field commanders and with quite comfortable rear guard areas in Honduras well stocked with food.

The contras were the dominant presence in areas of the highlands, but when they could not take even small cities, the strategy changed to a war of attrition, rather like the rebels in El Salvador prior to the 1989 offensive. However, unlike the Salvadoran rebels, the contras had an ample supply line. The Iran-contra scandal, triggered by the shooting down of a U.S. contra supply plane over Nicaragua and capture of an American on board, did eventually make the Congress diminish aid to the contras, but by this time the Nicaraguan economy was in a tail spin. (Brown, Dillion, Nuñez, Robinson & Norsworthy)

### *Social and Economic Impacts*

These wars were extremely costly in human lives. By comparison with the United States' losses in 13 years in Vietnam, El Salvador's losses, in proportion to its population size, were over 40 times as large. Nicaragua, with a smaller population, had losses that were proportionally higher if one also counts those killed in the war against Somoza. Guatemala's losses, if one considers its war to go back to the 1960s amount to 140,000. The Truth Commission there concluded that 85% of the losses measured from 1980 were suffered by indigenous peoples.

In the highland areas of Guatemala, and in all of Nicaragua and El Salvador literally everybody had a friend or family member who was killed. A very

large minority of the people in each country, particularly peasants and the indigenous, had to flee to other parts of the country or were ushered into security zones. And a large minority migrated to the U.S. More than a million people are estimated to have been displaced in each of the three countries. Urban areas were swollen.

This was a measure of social dislocation that simply can't be compared to the impact of the Vietnam War on the U.S., but is more comparable to the casualty levels in the U.S. Civil War and its economic impact on the South, though some of the refugees in that war were escaping slavery.

Soon some of those in flight attempted to make it to the U.S. Salvadorans led the way in terms of numbers and continue to do so. It was somewhat more difficult for language and cultural reasons for Mayans to do so, but they did begin migrating, and Nicaraguans had more countries to cross to get there. But soon after the end of the war the leading export "product" of each of these countries became their own citizens illegally entering the U.S. who, once employed, would send money home to their families.

They were also fleeing economic conditions. Early work on migration by one of the Jesuit scholars later martyred in 1989, Segundo Montes, found that a majority of migrants by 1987 were not from displaced families or from rural areas. The very economic conditions in terms of poverty and landlessness that were a central cause of each war) contributed to emigration.

**Guatemala.** The war did less damage to export production of the oligarchy and to infrastructure than in the other two countries. The rebels were weaker and confined to remote zones, and at its most intense the war was in the highlands, not in the export crop zones, with some exceptions. But GDP per capita from 1980-1991 was actually worse, at minus 1.3% per year than that of El Salvador which was, of course, helped by large amounts of U.S. aid. The threat of war led to capital flight. In Guatemala, there was no hint of an agrarian reform, as a counterinsurgency tactic as was the case in El Salvador, nor of bank nationalization.

The table gives an idea of the relatively mild effect on exports in

Guatemala compared to El Salvador and Nicaragua. In Nicaragua that harvest would have been affected by the 1978-79 war against Somoza even though it concluded in July 1979. The table also reflects a decline in prices.

The economic and social damage of the war to indigenous peoples was just as great if not greater than that suffered by Nicaragua or El Salvador, though there are regions of those two countries where the war's impact was almost as horrifying. For all of the brutality of the other two wars, no military organization embarked on a full scale scorched earth campaign of "total war" that, as in Guatemala, resulted in the burning of 400 towns. This decimated highland food production for a few years. In 1983 the food harvest was 60% lower than normal. (Jonas, 1991)

**El Salvador.** President Duarte charged that elites had taken \$1 billion out of ES in the early war years. Another estimate (Funkhouser, 1992) had capital flight at 6.9% of GDP in 1979 and 11.4% in 1980. For most of the war the FMLN had sufficient presence to disrupt production and even create the conditions for land takeovers in coastal (sugar, cotton, cattle) and upland (coffee) areas of the Departments Usulután, San Vicente, and San Miguel. Its presence in western coffee growing areas was much less strong. Its continuous attacks on power poles, bridges, and its transportation stoppages also took a toll. (Wood, 2000)

The threat of the leftist guerrillas (and the Sandinista victory) led directly to the March 1980 agrarian reform and nationalization of banks and

exporting. The agrarian reform decree provided for taking medium sized coffee farms as well, but this did not happen. It also had a program modeled after the "land to the tiller" program in Vietnam, and its strategy was to force owners to sell small parcels of land to

	Guatemala	El Salvador	Nicaragua
1979	620.6	437.2	319.2
1980	672.7	321.5	202.4
1981	598.6	231.5	248.3
1982	599.0	205.7	211.0
1983	625.4	289.3	246.3
1984	618.5	286.4	200.9

*Bulmer-Thomas 1987*

peasant renters. The first agrarian reform took about 14% of arable land (and about 19% of lands devoted to export crops) and had some 30,000 beneficiary members for a family total, according to USAID estimates in 1987, of 188,000 people or 8.5% of the rural population.

These reforms were anathema to the private sectors. The Reagan administration to stave off the guerrillas supported policies in El Salvador completely at odds with conservative Republican ideology. But it also created the institutions and initial conditions for a change to a neoliberal economy, by holding down government spending and social programs, and by investing heavily in a huge, neoliberal think tank called FUSADES.

The generally negative economic conditions, and the failure to end the war, created the key conditions in 1988 for a major shift in Salvador electoral politics, away from the incumbent Christian Democratic Party and toward the ascendant, rightist ARENA party. This shift proved to be permanent. With ARENA came a sharp change in economic models moving toward a structural adjustment program, and toward building upon the neoliberal foundation.

At one point U.S. aid amounted to 50% of the government's budget. This infusion of money was not sufficient to prevent negative growth in some years and stagnation in others. By 1989 GDP per capita was less than it had been at the beginning of the decade. (Even after two years of relative growth in 1990-91, the World Bank pegged 1980-1991 per capita growth at negative -0.3% ) But the U.S. aid was sufficient to prevent economic chaos and collapse, just as it was sufficient to prevent military collapse and to achieve a grinding military stalemate.

**Nicaragua.** By contrast, the Nicaraguan economy did collapse. In 1987 inflation was 1350%; in 1988 it was 36,000%! Prices changed hourly. In early 1988 the Sandinistas adopted very sharp monetary austerity measures, with another round of them in June and in early 1989. They devalued the currency from a 70 to 1 official exchange rate to something closer to the black market rate of 60,000 to 1, and slashed government spending, except for military and agricultural subsidies. By early 1989 thousands of government workers had been laid off. The Sandinistas claimed that this IMF style policy had more of a social welfare cushion in it than the typical programs imposed by the

IMF. But unlike an IMF program this was not backed by IMF loans. It was, said economist, Javier Gorostiaga, surgery without anesthesia. (Ricciardi)

After the fall of Somoza the Nicaraguan economy went through a much more fundamental change than that in El Salvador. The Sandinistas embarked on what they called a mixed economy—utilizing part socialist and part private sector principles. The mix, at least from the perspective of the private sector, was decidedly state centered. Would the government have the managerial capacity to direct this economy, including hundreds of new state enterprises and state farms? The Sandinistas had tremendous enthusiasm, but a distinct shortage of highly trained people. Would the mixed economy with heavy reliance on large private agro exporters turn out to be (the large landowners asked) the first step to full blown socialism? Both questions became more acute when the economy became dominated by the costs of war.

The Sandinistas instantly expropriated all of the Somoza family holdings, and those of his collaborators—agrarian, banking, industrial and services. Somoza had controlled about 25% of the economy. The agrarian properties were turned into state farms. Remaining banks were also nationalized. In two years, the Sandinistas began to expropriate agrarian lands and urban productive enterprises which were being decapitalized by their owners who thought the Sandinistas were heading toward socialism. About 21% of the arable land went into state farms by 1983 and another 14% was in cooperatives. By 1987 a portion of state farms were converted to cooperatives basically reversing those two statistics. By 1988 some 47,000 families were on these cooperatives. Some 500 urban production properties went into the hands of the state.

By 1987 privately owned farms of over 500 mazanas had been reduced from the 1978 (Somoza era) level of 37% of arable land to 9%, and holdings between 200 and 500 manzanas had been reduced much less from 16% of arable land to 12%. Farms between 50 and 200 mazanas remained at 30% of arable land. (Enriquez, 1991, 88-93). So there was a very substantial proportion of agrarian production that remained with medium and large landholders, and much more in the hands of peasant small holders. However, private sector owners were increasingly “surrounded” by the state. It owned the banks and so controlled credit, con-

trolled imports, marketed exports and so set prices to pay farmers producing export crops. The Sandinistas fostered the growth of rural trade unions, which forced owners to pay higher wages.

As the war and inflation worsened, the bargaining position of private owners vis-à-vis the Sandinistas improved as the government was desperate to increase the supplies of everything. By 1987 the government was lending money to large holders at negative real interest rates. The Sandinistas had large scale loan programs to peasants and peasant cooperatives and simply never collected the money. While attempting to pay peasants reasonable prices for their products, the peasants nonetheless were angry at being forced to sell a portion of their crop to the government, and the result was to subsidize as well consumer prices on some products. All of this combined with a vast increase in military expenditures and low tax collections led to hyperinflation. The Sandinistas could not cover domestic and international debt. Real wages had been declining since the early 1980s with partial compensation from expanded social programs. By 1987 and then 1988 hyperinflation created chaos and a tremendous decline in real wages. (Enriquez, Ricciardi)

**El Salvador and Nicaragua.** In El Salvador GNP per capita declined an annual average of minus 0.3% from 1980 through 1991 with its war still going on. During the same period the Nicaraguan economy declined minus 4.4% annually. (Its war ended in 1990.) Why the sharp difference between the Salvadoran economy, damaged badly but not sinking, and the sunken Nicaraguan economy?

The Nicaraguan economy was already reeling due to the 18 month war against Somoza. While all of the Central American countries were plunged into recession at the end of the 1970s, only Nicaragua shows a decline in GDP for the whole decade, and this is almost entirely attributable to the disastrous decline in GDP during 1978 and 1979. A UN team measuring the damage at the end of the war against Somoza estimated that Nicaragua would not get back to its former level of GNP per capita, under the best of circumstances, for another ten years. Nicaragua was not to enjoy the "best of circumstances."

The U.S. backing of the Salvadoran government and attack on the Nicaraguan government meant that the one had access to World Bank and IMF funds and other did not, which in turn dried up

other sources of commercial credit. The Sandinistas received much international aid, perhaps on a par with that received by El Salvador. But most of this aid was not cash but in goods and services and had debt attached to it, though at concessionary interest rates. It emerged from the war with a huge international debt.

While the Soviets were supplying arms, it was a relatively limited supply line compared to what the Salvadorans were getting, and its war had to be fought over a much wider geographic area. Then aid from all sources declined sharply in 1986 and again in 1987, just when the aid to the contras ramped up.

El Salvador's aid came almost entirely from the U.S. under a relatively coherent strategy and was backed by hard currency. This meant the credit was available. It meant that bonds used for compensation for the agrarian reform in El Salvador had some credibility and were tradable at a discount. It meant that the damage to the economy would not spiral out of control into hyper inflation.

By contrast, Nicaraguan aid came from many different sources in many different sized packages. Many of the larger ones were long term projects that would take years to bear fruit. The Bulgarians started a canning factory. The Cubans supplied a large sugar mill, and teachers, and doctors. Dozens of international NGOs set up shop in Managua each with a basket of small projects. The projects fit the agenda of the donor country. There was very little coordination among donors and a relative lack of coordination among the ministries with various Sandinistas establishing their own fiefdoms. The hundreds of projects and the context in which they were given did not add up to a strategy for maintaining macroeconomic stability in the face of severe war pressures.

Toward the end of each war both governments began a wrenching shift away from the more state centered models each had adopted at the beginning of the decade. The collapse forced the Sandinistas into extreme austerity measures. El Salvador did not collapse, but the new ARENA administration of President Cristiani in 1989 began to privatize banks and export product marketing.

### *Wartime Political Developments*

In the midst of these three wars each country launched elections in which none of the candidates were from the military. In each country, the

forces in rebellion dismissed the elections as illegitimate and unrepresentative. The force of the rebels' arguments varied by country. The levels of human rights abuses were much higher in El Salvador and Guatemala. The governments wanted to delegitimize the rebels and impress international audiences with progress toward democracy. The conduct of these elections was crucial to U.S. foreign policy.

Despite these motivations, these elections represented a new step away from military dominated governments (Somoza's with his personal army) and deeply fraudulent elections. When peace negotiations started, the fact of the elections and new constitutions made it more difficult for the rebel forces to claim that the government was undemocratic and illegitimate.

#### **El Salvador. 1982 (Constituent Assembly), 1984 (Presidential), 1985 (Legislative and Municipal).**

Reagan's solution to silence Congressional critics was to force an electoral process and a Constitution. Like the agrarian reform of 1980, the elections became part of the war strategy, but agrarian reform was an alien concept in Washington. Elections were Washington fodder.

In 1982 the FMLN called for a boycott. However the turnout appeared to be large, but it is impossible to tell how large because both major parties later admitted to inflating vote totals, and the process in terms of registration was completely ad hoc. U.S. reporters, in massive, glowing coverage, saw long lines of voters and the danger of guerrilla attacks. But the guerrillas seemed to want to demonstrate that they were not going to honor the elections by calling a day-long ceasefire. The military had declared not voting to be treason, and voters had their ID cards stamped to show they had voted.

The Christian Democrats won the largest number of seats in the Constituent Assembly, but were outnumbered by four rightist parties, mainly ARENA and the PCN. U.S. pressure prevented the Assembly election of D'Aubuisson as the nation's interim president, a man who had been labeled by former U.S. ambassador Robert White as "a pathological killer."

The charismatic D'Aubuisson's presidential ambitions were headed off again in 1984 when the U.S. heavily backed Duarte. Then his party won a majority in the 1985 Assembly elections. Duarte's

popularity with the U.S. Congress solved Reagan's problems on that front.

#### **Nicaragua 1984 (Constituent Assembly, National Assembly, Presidential and Municipal)**

Reagan used the 1982 Salvadoran election to renew his demand that the Sandinistas hold elections, and then, with elections scheduled, proclaimed that they would be a "totalitarian sham." This made the central issue which non Sandinista groups would participate. Six small political parties registered. A group of four other small parties refused, though negotiations over the issue went on for weeks. The dissident groups demanded that the Sandinistas negotiate with the contras. Later the dissidents told the U.S. press that they debated only whether they would never register or register and then drop out, and that some had received CIA funds. The parties that did participate campaigned vigorously with ample use of free TV time and cheap radio time, though the main opposition newspaper, *La Prensa*, refused to run their ads because it supported the boycott.

Turnout was high with 75% of the 1.5 million registered voters; about 93% of the voting age population had registered. The Sandinista won 67% of the vote.

The U.S. rejected the election. It is particularly noteworthy that the groups that would not run had remained in Nicaragua and were outspoken in their criticism. By contrast the equivalent non guerrilla groups in El Salvador, but to the left of the political spectrum, had been driven into exile due to the very real threat of assassination.

#### **Guatemala 1984 (Constituent Assembly) 1985 (all offices) and 1990 (all offices).**

In the midst of the scorched earth offensive, the military staged another electoral exercise in 1982 that was quickly followed by a coup led by Efraín Ríos Montt, who in turn overthrown sixteen months later by General Oscar Mejía Víctores. He wanted to improve Guatemala's international image so he staged elections with all civilian candidates for a Constituent Assembly in 1984 and then presidential and legislative elections in 1985. The Christian Democratic Party topped several other parties to its right in 1985 when Vinicio Cerezo won the Presidency, with 68% in the runoff, and the party won half the congressional seats. Cerezo's government was thoroughly controlled by the military down to the details of his daily calendar.

Nonetheless, military elements to the right of Mejía Victores attempted a coup, egged on by the oligarchy, when Cerezo proposed raising taxes.

In 1990 the Christian Democrat's legislative vote slumped to 17%, and its presidential candidate did not make it to the second round. But no other party filled the void. The UCN won 35% of the legislative seats (with but 22% of the vote). The presidential winner, Jorge Serrano, had his own party, called MAS. He won 24% of the vote in the first round and 68% in the second round, but his party won only 15% of the Deputy seats.

In 1993 Serrano attempted a coup against the Congress, but he failed to get sufficient support from the military or business. When a broad array of groups in civil society, business sectors and the international community (including the U.S.) protested the coup. Serrano went into exile. The failure of the coup was hailed as further evidence of a triumph of democracy. But in 8 years there had been two elections with low turnout, three (failed) coup attempts and civilian governments surrounded by the military. In 1993 Serrano's opponent, newspaperman Jorge Carpio Nicolle, was assassinated. And the war went on.

**Christian Democrats and the Military in El Salvador and Guatemala.** The numbers gained by the Christian Democrats in Guatemala in 1984 and 1985 are roughly parallel to what had happened with the Christian Democrats in El Salvador in 1982 and 1984. Both parties competed against an array of parties to their right; both had been repressed earlier by the military, though neither party had borne the brunt of the repression. But the contrasts between the two parties and the two countries are telling and affected the conditions of peace.

In both countries the party was moving toward an accommodation with their adversaries in the military. In the case of Duarte in 1980 the move came amidst a sharp, incredibly dramatic crisis and the most severe repression against elements on the left of his party. Duarte was sponsored by the U.S. to head off a guerrilla victory. The oligarchy was trying to mobilize its favored elements in the military against the Duarte-U.S.-military project. By 1982 the country was in full scale war with the outcome in doubt. By then, however, the rightist elements in the country had been forced to take up electoral politics, and the U.S. had told the military that elected civilians were going to replace the

military in most government functions (though the military remained the strongest institution and not subject, practically speaking, to orders from elected civilians). But the need for U.S. aid made the military concede some governing power and civilian elections. The right was vociferous in its opposition to the 1980 economic reforms but it was hardly in a position to tell the U.S. to dump the reforms much less reject U.S. military aid. By 1984 and 1985 the new ARENA party had outdistanced the other right wing parties.

In Guatemala when Cerezo was elected the country was no longer in full scale war and the military itself brought about the elections on its own terms. Cerezo's sphere of action was extremely limited. Agrarian reform and bank nationalization were completely off the agenda and his proposal to raise taxes threatened a coup. The landed oligarchy did not like Cerezo, but its interests remained relatively untouched by the war. Rightist political parties were scattered and did not last. By contrast ARENA was backed by nearly everyone in the oligarchy. Even though it lost in 1984 and 1985 it had built party machinery that was more powerful, by far, than any found in Guatemala.

In Guatemala there was an extremely strong, independent, and nearly victorious military with a huge paramilitary apparatus compared to its Salvadoran counterpart. In El Salvador an extremely strong rightist party developed in sharp contrast to weak structures in Guatemala. This pattern continued for the next two decades. And in both countries, the Christian Democrats declined drastically.

**El Salvador 1988 (legislative and municipal) and 1989 (presidential).** These elections fundamentally shifted Salvadoran politics, and returned the country to oligarchic ruled government. In 1985 ARENA won 29% of the vote; in 1988 it won 48%. The PDC dropped from 53% to 36%. In 1989 Alfredo Cristiani won 54% in the first round compared to the 30% won by D'Aubuisson in 1984.

The Christian Democrats in 1984 had conveyed an optimism that the war could be brought to an end. By 1989 the economy was worse than in 1984. Unemployment was up, real wages were down. And, the Christian Democrats had been snared in several corruption scandals, and an intense battle over selection of a presidential candidate. ARENA united behind Cristiani who had

been tapped by party demigod D'Aubuisson for his patrician good looks, U.S. education and fluent English, all selling points in Washington.

Also, before the 1989 election the FMLN offered significant concessions and left of center party members cautiously returned from exile and entered the campaign under very dangerous conditions. Candidate Guillermo Ungo was able to win over 35,000 votes or 3.6%.

### ***Economic Transformation. Steps Toward Neoliberalism***

The later war years began a transformation toward neoliberal economics and the beginnings of new ways of accumulating wealth in the global market. Economic crisis forced the Sandinistas to make concessions to the private sector and then their defeat reversed the Sandinistas emphasis on the state's role in the economy. ARENA reversed Duarte's nationalizations banks and exporting, and later sold of other state enterprises in utilities. The changes were slower in Guatemala, but the state had not played a directive role there.

The U.S. bankrolled a huge neoliberal think tank called FUSADES. The war, international commodity prices, and even the agrarian reform forced change. Coffee owners in war zones had to find new ways of making money. Those who lost land in the agrarian reform were paid in bonds and needed new sources of investment. Capital fled El Salvador, (and Nicaragua and Guatemala) in the 1980s, but Cristiani attracted capital back with the privatization of the banks and exporting, the phasing out of price controls, and the establishment of free trade zones for textile assembly plants or "maquilas." Cristiani's family obtained eventual control of the largest bank and other members of the oligarchy gained control of other banks. The leading export product, however, was not based on ARENA's economic plans but soon became integral to them. That was the export of Salvadorans. The money they sent home rose astronomically in Cristiani's term and has continued to do so.

Following the Sandinistas' loss, the new government moved to privatize state farms and businesses; to further reduce the state sector with the layoffs of thousands, in a continuing battle with inflation. It was inclined toward these measures philosophically, and also, with an enormous international debt (far in excess of those of El Salvador and

Guatemala), forced to do so by the IMF. These moves and continual instability over property laws and ownership led to a relatively rapid decline in inflation. But there was little new investment, astronomical levels of under and unemployment.

These moves in Nicaragua and El Salvador were forced by the pressures of war, and then by ideological shifts in the governments, themselves a product of the wars. They were also part of a global trend which had been, since the debt crisis of the early 1980s, inducing third world governments that were negotiating debt relief to reduce government controls and maximize the free market and free trade.

### ***The 1989 Turning Points***

By the beginning of 1989 each of the three countries had been transformed from what they had been a decade earlier. Wars fought mainly over ideological and class differences (as opposed to ethnic and religious conflicts elsewhere) and the cold war were transforming agents. By this time each war was stalemated. In each country the wars had indirectly led to civilian dominated elections with selective and partial participation of various factions, with the rebels condemning the exercise. In two of the countries the economic model had been transformed in 1980, much more radically in Nicaragua than El Salvador. In all three, direct and indirect war damage (along with other global changes that negatively affected Latin America) had been great, though far greater in El Salvador than Guatemala, and greater in Nicaragua than in El Salvador. In those two countries the traditional elites' economic base had been severely damaged or taken over by agrarian reforms, again to a greater extent in Nicaragua than in El Salvador.

By the beginning of 1989 all sides to the conflict were hurting, but all sides could also perceive that their rivals were also hurting.

In Guatemala the military had not been able to close out a war in which it had dealt a crippling blow to its enemy six years earlier. The government remained, despite civilian elections in 1985 under severe international criticism for its human rights violations. The economy was not in good shape. But more than any other player in Central America, the Guatemalan military could afford to bide its time, and the business sectors in Guatemala were not faced with a crisis caused by the war.

The URNG, for its part, had severely diminished ranks and absolutely no chance at a military victory. It had proven that it could survive, but its ability to inflict damage was minimal. It could afford to bide its time as well, because it had little left to lose.

The Sandinistas economy was a shambles, its aid from the Soviet block was being cut severely, and the war had taken a heavy toll in human lives. The draft was very unpopular. Progress toward a diplomatic solution based upon the July 1987 Esquipulas peace accords had been grudging at best.

The US Congress had in 1988 cut military aid to the contras, causing large numbers of them to retreat to Honduras, though there was still considerable non military or non lethal aid flowing in. However the contras had to see that U.S. backing was now weakened badly and this was made clearer to them in the early months of the new Bush administration.

The Constitution called for an election in 1990. The terms and participation in that election became the main bargaining point between the FSLN and those sectors of the opposition not in the contras (at least formally), and those terms and conditions in turn were to be used, unsuccessfully, as a lever to stop U.S. support of the contras before the election.

In El Salvador, the Duarte government slumped to an end. The new ARENA government inherited the same set of problems. The FMLN was still capable of creating major economic damage and steady military damage. The government still had to impose a draft and the economy was in bad shape. If there was no prospect of the FMLN winning the war, there was little evident prospect of the government doing so. While sectors in the right called for "total war" meaning, in code, doing what the Guatemalan military had done earlier without the any restrictions on human rights violations, more prescient sectors of the ARENA party could already see that the Bush administration, with the end of the Cold War had a lower priority for El Salvador than had Reagan. These ARENA sectors were cautiously in favor an approach to peace.

It was hard to gauge the attitude of the FMLN. One of its commanders, Joachim Villalobos, published an article in the U.S. that concluded that the objective conditions in El Salvador made possible a mass insurrection against the government. On the other hand, as noted, the FMLN had offered major concessions in exchange for a cleansing of the military and a six month delay in the elections. Was this a feint? Or was Villalobos' article a feint?

The U.S. at the outset of 1989 had lived for a decade with a crisis over three tiny countries. The U.S. had fended off disaster in El Salvador and isolated and damaged the FSLN in Nicaragua. But there was no end in sight. The Reagan administration had suffered badly damaged relations with Congress over the Iran-contra scandal, and newly elected President Bush was a prime focus of the investigations.

In the next 14 months all of these positions would change and, with the exception of the non contra opposition in Nicaragua, change for the worse. In Guatemala these changes were in part caused by the changes in the other two countries and were not sufficient to impel its players to a more rapid military or negotiating pace. In El Salvador and Nicaragua the changes were fundamental, and led to the end of their wars and the beginnings under difficult and different conditions of their peace processes.

By the end of 1989, the FMLN had launched its major offensive, both it and the military had suffered large losses, and the Jesuits had been assassinated. The FSLN had not been successful in getting the U.S. to demobilize the contras and a cease fire had broken down. The U.S. had invaded Panama and threatened the Nicaraguan Embassy there. Violetta Chamorro had brandished a chunk of the Berlin Wall in her campaign stops. The Sandinistas were about to go down to electoral defeat.

That victory for the U.S. narrowed its options vis-à-vis the contras; they now had to demobilize, leaving the military in control of the Sandinistas, and the U.S. options were also narrowed by the killing of the Jesuits.

## THE PEACE AGREEMENTS

**Contadora.** Between 1983 and 1987 several Latin American countries attempted to fashion an accord among the Central American countries that would contain the conflicts, impede a U.S. invasion, and facilitate political solutions to the wars. Mexico, Venezuela, Panama and Colombia initiated the process on Contadora Island, and were joined in mid 1985 by Brazil, Argentina, Peru and Uruguay. The Contadora group began with governments—that is one side of the three conflicts—by raising war-related regional problems affecting all five Central American republics: attenuated trade, refugee flows, and the use of territory in one country by rebels to attack their home country. The Contadora group soon edged into sensitive internal issues: outside powers' use of military bases and provision of military advisors; electoral conditions; and, ultimately the extremely delicate topic of discussions between a government and the rebels.

The U.S. claimed to support Contadora, but it was used to being the dominant diplomatic force. It did not want Contadora to legitimate Sandinista rule. Also, any international verification would easily spot the large U.S. supported contra bases in Honduras, but the U.S. would have a more difficult time providing classified electronic evidence of Sandinista or Cuban aid to the FMLN. The U.S. and its allies had intercepted almost no arms going from Nicaragua to El Salvador. The contras were highly reliant on the U.S. the FMLN was a more self reliant organization (and more poorly equipped). The Sandinistas supported Contadora as a counterweight to the U.S., but sometimes bridled at suggestions of interference in internal matters, such as elections.

Two moments illustrate the problems. A draft treaty in late 1984 had provisions that called upon each country to establish open democratic processes (implying international verification), to eliminate foreign military advisors (Cubans in Nicaragua, U.S. forces in El Salvador and Honduras) and to not allow countries outside the region to use the territory of any C.A. country for military bases or exercises (The U.S. in Honduras and perhaps El Salvador, the potential for the USSR in Nicaragua.). Despite the provisions which the Sandinistas saw aimed at them about elections, Nicaragua caught the U.S. and its allies by surprise when it announced it would sign the treaty as writ-

ten. Soon the allies of the U.S. (Honduras, El Salvador, and Costa Rica with Guatemala playing a more or less neutral role) found fault with the language. The next year treaty language was more or less the same regarding advisors, but would have permitted the U.S. to continue its extensive exercises and air strips in Honduras, and did not contain international verification of contra bases. Nicaragua refused to sign this version because it perceived that it was making all the concessions.

The most frustrating moment for the Contadora group came in early 1986 when the Reagan administration launched the aforementioned offensive to get the Congress to approve lethal military aid to the contras. The Contadora group could not make its voice heard in Washington.

**Iran-contra Scandal.** In late 1986 the Iran contra scandal provided an opening that led to the 1987 Central American Peace Treaty.

The Reagan administration was caught cheating on Congressional restrictions fashioned before 1986 to restrict aid to the contras. In the early 1980s Congress agreed to non-lethal aid only if the contras were limited to blocking arms flows from Nicaragua to the FMLN in El Salvador. It became clear finally that the contras were not intercepting arms but rather had launched attacks in Nicaragua, so the House moved to cut off all aid in mid 1983. However a compromise permitted aid (\$24 million) that would run out in six months. This threat caused the Reagan administration to launch secret, illegal efforts to raise funds for military supplies to the contras from friendly countries (the Saudis began providing \$1 million per month, for example) or from rich U.S. donors. In the National Security Council Colonel Oliver North conducted the campaign.

Then the Reagan administration secretly arranged to sell missiles to Iran, its public enemy, to shore up its war efforts against Iraq, which the U.S. had secretly backed earlier. Oliver North thought it would be a "neat idea" to use the funds from the secret missile sales to provide under the table aid to the contras.

All this came to light in an U.S. investigation that followed the Sandinistas' capture of a CIA contract whose plane had been dropping supplies

to the contras. The Reagan administration was suddenly on the defensive. (Child, Arnson, 1993)

**The Costa Rica Factor.** The U.S. had pressured Costa Rica to drift away from its traditional posture of neutrality. Contra groups began using Costa Rican soil. Oscar Arias discovered during his presidential campaign that Costa Rican voters wanted a return to neutrality despite general antipathy to the Sandinistas. Once elected he discovered allies in the U.S. Congress who wanted, in the wake of the Iran contra scandal, a political solution in Central America. These allies enabled him to negotiate on the basis of Contadora principles and avoid reprisals from the U.S.

In February 1987 Arias invited all the Central American presidents save Daniel Ortega to a conference to discuss a draft peace plan that contained clauses about internal democracy and negotiating cease fires, both elements that would be difficult for Nicaragua to accept as it had refused to meet with the contras and was sensitive about interference in its internal affairs. Ortega was furious at being left out. However, the Arias plan also contained clauses prohibiting aid to insurgent forces or giving them sanctuary or bases. In its essentials the formula was rather similar to the 1984 proposal by Contadora. The clear implication was that the Reagan administration could no longer count on Costa Rica to vote with El Salvador and Honduras against any plan that contained prohibitions against aid to the contras. The balance of Central America votes had shifted from 3 against Nicaragua (with Guatemala neutral) to Costa Rica and Guatemala in favor of a plan acceptable to Nicaragua. That would leave El Salvador and Honduras in a vulnerable minority. Nicaragua entertained the plan.

Following several skirmishes, including a last ditch alternative plan floated by the U.S. the five Central American leaders signed the plan in Esquipulas, Guatemala in August 1987. The plan called for each country to set up reconciliation commissions, with vague mandates, and it called for a UN and OAS commission to verify progress.

Implementation of the plan proved to be difficult. El Salvador and Guatemala could allow a reconciliation commission but were not prepared to talk to the rebels in their countries, and the FMLN and URNG were not yet disposed to recognize the governments. Honduras refused to let the international verification commission inspect for the con-

tra bases. For the next two years Nicaragua was compelled under the pressure of the plan and of the U.S. to make concessions in exchange for pledges by the other Central American presidents to get the U.S. to stop supporting the contras.

But the Contadora process and then Arias eventually did achieve a framework that supported a process of negotiations between the Sandinistas and various Nicaraguan factions that led to a consensus electoral process that led to the end of the war, though not to a global peace accord. It did initiate a process in Guatemala that, years later, bore fruit. It established the idea of international mediation verification. The UN and OAS verification of the Nicaraguan election was unprecedented in its scope and served as a precedent for much more ample UN mediation and verification in El Salvador and Guatemala.

#### ENDING THE WAR IN NICARAGUA

The peace process first consisted of two track negotiations—failed talks with the contras, and successful negotiations for an election with all opposition political parties. Then there were negotiations between the newly elected Chamorro administration with the Sandinistas and with the contras.

Before the electoral calendar was set, the Sandinistas engaged in mediated negotiations with the contras, a step it had refused to take throughout the decade. Negotiations were complicated because of considerable factionalism within the contras. The government asked Archbishop Obando y Bravo to head a reconciliation commission. Obando y Bravo was head of the Catholic Church and along with Ortega the most widely recognized figure in Nicaragua. He was a long standing and not so subtle critic of the Sandinistas, but also widely respected. Obando y Bravo convened indirect talks about a cease fire between the government and contra commanders. The talks deadlocked.

In a January 1988 summit of Central American presidents Ortega agreed to a series of concessions that would liberalize political space in Nicaragua. However the meeting did not establish an international verification commission to examine the issue of the contras staging attacks from Honduras. But the Presidents also reiterated a call for halting aid to the contras.

Weeks later, with Congress debating more aid to the contras, Ortega agreed to direct talks with the contras. The House defeated military aid to the

contras by a very narrow margin. In March, when Reagan insisted on military aid and liberals insisted on no aid, the whole bill went down to defeat.

Then Ortega himself met with the contras in Nicaragua, announcing himself as the President of Nicaragua. (By contrast the Presidents of El Salvador and Guatemala did not meet the rebels face to face until the formal signing of peace treaties.) The talks resulted in a 60 day suspension of the war. In June the cease fire fell apart when the contras presented, as a precondition for disarming, the resignation of the entire Supreme Court, the return of all properties taken in the Agrarian Reform and the discharge of all draftees from the army. The economy was reeling, and the contras were faced with the possibility of the new administration stopping aid.

**Negotiating an Election.** The Central American presidents asked Ortega to forego some of the advantages of incumbency, to consider losing a Sandinista majority on the Supreme Electoral Council (CSE), and to permit international verification of the 1990 election. Ortega agreed to consider these points and also to advance the date of the elections by nine months to February 1990. (Note that weeks later in El Salvador, the FMLN asked the government to delay elections by six months. This was refused.) In exchange the Presidents would present in 90 days a plan to disarm and relocate the contras. And the five countries would request the UN Secretary General Perez de Cuellar to form a commission to patrol borders against the flow of arms.

This commenced a series of negotiations in early 1989 between the Sandinistas and opposition political parties and subsequent reforms. On August 3-4 a marathon, nationally televised plenary meeting between all of the political parties and the government reached a political agreement that: suspended the military draft until the election; loosened media restrictions; and put the FSLN in a minority on the CSE.

The new CSE contained two Sandinistas, two opposition party members and an independent. Mariano Fiallos, a Sandinista, headed the CSE. The National Assembly voted for these members and only three of fifteen opposition deputies voted against Fiallos. He was a widely respected figure. Earlier Ortega had invited the UN and OAS to form large election observation teams to be put in place months before the election.

In exchange for these August concessions, the opposition political parties agreed to call upon the Central American Presidents, who were to meet the next day, to issue the much delayed plan to demobilize the contras.

**The U.S. Plays its Hand.** The resulting plan called for the demobilization of the contras by the end of December 1989. However, this did not happen.

The U.S. on the one hand encouraged contras leaders (non combatants) to participate in the electoral process. A few civilians, who had been on the contra directorate, did so. The U.S. worked to unify the many opposition political parties around one candidate. On the other hand the Bush administration maintained that the contras were the guarantee of a free and fair election—not the huge teams of international observers. The contras' claimed that any election resulting in a Sandinista victory could not be, by definition, a free and fair election. The not so subtle message was that the war would go on if the Sandinistas won. The Congress basically supported the Bush administration's ongoing though reduced aid to the contras.

The U.S. met the challenge of unifying, more or less, thirteen of the notoriously small and fractious opposition political parties in Nicaragua by threatening to withhold aid unless they agreed upon one candidate — the single most electable candidate within the opposition, Violetta Chamorro the widow of the newspaper editor whose assassination in 1978 sparked the revolution against Somoza. (One of the concessions made by the Sandinistas was to permit several million dollars in U.S. electoral aid to flow to opposition groups in exchange for a U.S. pledge, brokered by former President Carter, not to use any covert funds to support the opposition.)

**International Observation.** This election was by far the most carefully scrutinized electoral process by an international audience ever. Most international election observation had consisted of governments and private groups sending in small teams of observers for a few days around the election. International observers, mainly from the UN and OAS, observed the process for seven months with field stations throughout the country. Virtually every significant rally by either side had observers from the OAS and the UN, and the two groups blanketed the registration process on four Sunday's in October. In addition the Carter Center had a full time staff person in Nicaragua and President Carter

headed frequent delegations. (Hemisphere Initiatives had observer status that began in July.) The election observers gave the electoral process, and in particular the CSE, high grades at each step of the way. On election day the UN and OAS teams totaled 700, along with another 1800 international observers, and perhaps an equal number of reporters.

**The Election.** Apolitical and, at best, a tentative speech reader, Chamorro benefited from a motherly image of someone who had maintained her own family even though it had activist and Sandinistas and anti Sandinistas. Her son-in-law Antonio Lacayo fashioned an anti Sandinista campaign for the UNO coalition around this healing image, while suffering through bungled speeches and conflict within the coalition (including a backstage fist fight with the vice presidential candidate Virgilio Godoy).

By contrast the Sandinistas cast Daniel Ortega in the image of a feisty bantam rooster and dressed him in western style outfit. Throughout the campaign, UNO staged some large rallies and had increasing amounts of resources. But the Sandinistas at every turn seemed to have a bigger, better organized campaign capable of turning out large crowds. Most, but not all polls indicated that the FSLN had a comfortable lead, but some polls, including a private FSLN poll, said the lead was not so comfortable. The UNO campaign picked up steam as ample U.S. money finally was deployed.

Weeks before the election, the Bush administration invaded Panama and, during the invasion U.S. troops took threatening actions against the Nicaraguan and Cuban embassies in Panama. Ortega responded by placing a tank in front of the U.S. Embassy in Nicaragua. Polls indicated that the U.S. Panama invasion was unpopular, but this and ongoing contra attacks signaled to Nicaraguans that if Ortega won the war would go on. Many voters voted against the FSLN because of the economic devastation, or because they did not like the decade-long omnipresence of the Sandinistas.

Chamorro won easily. Many in UNO seemed as stunned as the FSLN. In the legislative race UNO outpaced the FSLN 51 seats to 39 (and 2 to independents).

**The Transition and the two army question.** Both camps faced daunting challenges.

Many within UNO did not accept the "Sandinista" constitution and claimed that the

Popular Sandinista Army, given its name and its leadership, was not the Nicaraguan army, but a political party army. The contras believed that Chamorro owed her victory to them, and therefore that the contras should become Nicaragua's national army.

Two days before the election the government had decreed a Military Reorganization Law that removed the Sandinista name from the Army.

A month after the election President-elect Chamorro negotiated with the Sandinistas and signed a transition protocol accord in which she promised to respect the institutional integrity and "professionalism" of the armed forces and the police including ranks and commands. The military promised to respect the government, and agreed in general terms to downsize the army, which had been effectively reduced by then when many draftees simply walked home in the days following the election.

Two days earlier, Chamorro had signed an accord with the contras to establish conditions for demobilization of the contras. Details of ceasefire and demobilization were established with the help of ONUCA, the UN verification group and a verification commission of the OAS called, by its acronym, CIAV.

UNO and contra hopes that Chamorro would fire Humberto Ortega (brother of Daniel), and thus perhaps merge some contra units into the nation's military, were dashed when she announced, just after her April 25th nomination, that Humberto Ortega would remain head of the military. Had she attempted to fire Ortega or merge contra units into the army, the war would have been rekindled, not an outcome that anyone, including the U.S., wanted. However, her retention of H. Ortega was the opening wedge that soon ended the UNO coalition, and severely strained relations with the Bush administration, and Senator Jesse Helms, Chair of the Senate Foreign Relations Committee. H. Ortega did not control the budget. Chamorro proposed a 55% reduction in the military budget, though she vetoed an Assembly bill to slash still more.

The formal demobilization of 22,000 contras and was accomplished by the end of June. They had been promised discharge packages of some money and equipment and large swaths of land ("development poles") in remote portions of the country.

Thus the war came to an end but without accords among the opposing forces about many issues that had divided them. Disagreements

involved the most fundamental questions a polity encounters. Who should control the means to make war? Is the Constitution legitimate and acceptable? What is the proper scope of governmental action in the economy, and what, in particular, should be done about the prostrate economic condition? How shall those most damaged by the war be helped? How shall power be shared between the branches of government, including a 4th branch of government in charge of elections? What are the rules of property and how shall thousands of ownership claims, created by the agrarian reforms or the appropriation by Sandinista members of many properties during the lame duck period of their government, be resolved? What role in decisions should foreign financial institutions play, particularly in a country with one of the highest foreign debts?

In a sense, what had been negotiated was limited to election procedural rules and the institutional area of the military, and nothing more.

Soon the contras complained that the government had not provided sufficient resources to satisfy their post-war needs. Soon discharged members of the army were making similar complaints. There were tens of thousands of assault rifles in Nicaragua, and twice as many hands who knew how to use them.

Though the war came to an end, for the next half dozen years, Nicaragua was plagued by widespread political violence on the part of armed groups, mostly of former contras who were making political and economic demands (and, increasingly, engaging in banditry.) Before the end of the Chamorro administration the country had been wracked by deep disputes over virtually every question listed above.

When those disputes were resolved, usually temporarily, it was through a series of negotiations between multiple groups, which quieted the immediate crisis. There never was a global accord. Nor was there much of an international mediating presence after the massive electoral observation and the OAS and UN presence during the formal demobilization. The OAS maintained for several years the very small CIAV team that was to serve as liaison to the demobilized contras.

This pattern—no global accord and low level international verification process—stands in sharp contrast to the peace processes in El Salvador and Guatemala. There are many things that went wrong with those peace processes, but neither country suffered nearly the same degree of “post-war” armed political violence or of disputes over the basic rules

of governance and property claims. It can be argued that the players in El Salvador learned from the Nicaraguan experience, and that those in Guatemala learned from both of the other countries. But this is not a sufficient explanation for the contrast.

#### THE SALVADORAN PEACE ACCORDS

The 1989 FMLN offensive bore similarities to the 1968 Tet Offensive. The U.S. and the Salvadoran military claimed that it was a huge FMLN mistake that played into the firepower advantage of the military and that cost the FMLN significant casualties. But politically and militarily it was a disaster for the Salvadoran government. The FMLN was in the heart of the capital; the military bombed its own (poor) neighborhoods in full view of much of the city's population; the FMLN stayed in the city much longer than the military predicted; and the military slaughtered the Jesuits. This was evident; the long congressional investigation led by Congressman Joe Moakley of Massachusetts revealed the details. All this jeopardized U.S. aid. The damage of the offensive and the possibility each side faced of future negative consequences led to serious negotiations.

Neither side was united. The FMLN was in reality a confederation of five political parties each with a command structure, each with a strong sense of its own turf. In military terms each needed the others, though to varying degrees. Cristiani had to worry that some of his supporters were appalled that the government would even meet with the FMLN. The military and the richest classes had traditionally had an alliance, albeit one with tensions, but the tenor of the alliance had changed with civilian elections and then with the victory in 1989 of the party the oligarchy favored. The military was aware that a central demand of the FMLN was for military reform. It was already aware that some rich landowners been willing to pay the FMLN “war taxes” to avoid having their properties torched. President Cristiani, however, was careful to place one military figure on the government's negotiating team.

**Initial Negotiations.** In April 1990 the UN mediated talks that resulted in an agenda: military reform, strengthening the judicial system and reforming the electoral system, economic and social problems, and UN verification of an eventual agreement. Implicit in the agenda was that the FMLN would accept the legality and basic consti-

tutional framework of the government, though the FMLN certainly wanted to amend the constitution.

This was an enormous step forward. To gain perspective, consider the opening rounds of direct talks between the Sandinistas and the contras. There was no UN mediation and no mutual agenda. The contras demanded the resignation of the Supreme Court (as opposed to strengthening the judiciary) and the return of properties confiscated by the Sandinistas—an issue of importance to non-combatant former landowners in Miami, but not to the contra foot soldiers. Had the FMLN demanded that the Supreme Court resign and that the government double the size of the agrarian reform the talks would have been over.

In the next six months the parties kept approaching the issue of the armed forces (which included three police force units), and kept reaching impasse, though they did move forward to reach an accord on human rights, but without UN verification until a cease fire accord had been reached.

In the following six months the US Congress withheld 50% of an appropriation of \$85 million to see if the military would permit reform of its structures and if the FMLN would make concessions. Also, the FMLN introduced shoulder held surface to air missiles in November that, for a time, thwarted Salvadoran air power. However, the FMLN was put on the political defensive in January 1991 when the U.S. was able to persuade the Soviet Union to identify a missile that had shot down a Salvadoran Air Force plane as one that the USSR had supplied to Nicaragua. Already on the defensive Humberto Ortega claimed that rogue officers had sold missiles for profit and demanded that 18 missing missiles be returned. Also in January FMLN troops downed a U.S. helicopter and executed two of the survivors. Though it announced it would try two officers responsible with international observers, the government denied it had the legal authority to try anyone.

By January 1991 with both parties on the defensive, they agreed to abolish, in the final peace accord, the two worst police forces (the National Guard and the Treasury Police) and to reorganize a police force outside the command of the Defense Ministry. They agreed to the idea of investigation and fact finding about notorious human rights cases, but could not agree on a process. The FMLN produced a list of 30 military officers guilty, it said, of serious human rights abuses. Over the next several months many of those were retired or taken out of command positions.

**Pre Peace Accord Constitutional Changes, April 1991.** Legislative elections were scheduled for March, and if the FMLN were to gain Constitutional changes the amendments would have to be approved by the outgoing legislature and then again by the incoming one. If not, the next moment for Constitutional change would be three years later.

Both sides in April intensified military operations and the U.S. made bellicose statements. The extreme right launched a campaign opposed to any Constitutional changes. However, the negotiators reached agreement to change the manner in which the Supreme Court and other judges were selected, to change the structure and name of the electoral authority (to the Supreme Electoral Tribunal or TSE), and to change military doctrine. The old and then the new legislatures agreed to the change and the Constitution was reformed.

This is a key point of difference between El Salvador and the other two countries. In negotiations the rebels had to admit the reality of the government and attempt to get as many of the most onerous things about it changed. The governments wanted to make as few changes as possible while still getting the guerrillas to lay down their arms. For the rebels, getting an agreement also raised the issue of how the agreement would be enforced after they have given up their trump card (laying down their arms).

In Guatemala proposed constitutional changes would not be attempted until after the accords were signed and the URNG had laid down its arms, and then the proposed changes were defeated. In Nicaragua there was no global accord. The agreement to make Constitutional changes before a final peace agreement had been reached was thus a triumph for the FMLN and it cost President Cristiani political capital with the extreme right. But, for several reasons, it did not cost him much.

ARENA had been a highly centralized top down party. Party founder and icon Roberto D'Aubuisson backed Cristiani. Moreover, ARENA had developed into a powerful vote getting organization and its three proven vote getters—D'Aubuisson, Cristiani and San Salvador Mayor Armando Calderón Sol—were all backing the positions taken in the April 1991 negotiations. Cristiani had reversed some of the policies of the Christian Democratic governments. The government was in the process of recapitalizing and privatizing the banks. There would be winners and also-losers in these processes; so oppos-

ing Cristiani in the negotiations could have high costs for an ambitious economic player. In short, anti peace treaty dissidents in ARENA were not in a strong position and could be punished. Moreover the concessions made to the FMLN were not all the FMLN wanted and many in ARENA thought that the judiciary needed reform anyway.

**Finalizing the Accords.** The parties met again in September and resolved in broad outline many of the remaining issues. At the invitation of UN Secretary General Perez de Cuellar, President Cristiani and the FMLN commanders attended the negotiations for ten days in New York, though only his negotiating team met face to face with the FMLN team.

The FMLN dropped its demand that units of the FMLN would be incorporated into the national military. These demands were translated by the parties into legitimate FMLN concerns for their security after they had demobilized. The parties agreed that the new police force would include equal portions of qualified combatants of the FMLN and former members of the National Police, and a majority from neither group. Also, though the FMLN troops would assemble in areas supervised by the UN with its arms placed in locked storage areas, final demobilization of its troops would come in phases while other aspects of the accords were being implemented.

The parties agreed to formulas for the establishment and fact-finding authority of a Truth Commission with international members to examine a specified list of notorious human rights abuses, and an Ad Hoc Commission, comprised of Salvadorans, that would examine the human rights records of the military with an eye toward excising proven human rights abusers. The UN would verify all aspects of the accords.

The parties did not turn their attention to economic and social issues until the end of the negotiations, in December 1991, and left the issues to a study commission and a government plan for reconstruction. The parties did agree to a process to deal with the specific issue of lands that had been occupied by squatters (many of them family members of FMLN combatants) in conflict zones, and lands and job training for combatants. An agreement established a mechanism of government purchase and sale of such lands and prevented evictions until processes and funding could be established.

## THE GUATEMALAN PEACE ACCORDS

Five long years elapsed between the Salvadoran accords and the conclusion of Guatemalan peace accords on December 29, 1996. Given that the most intense phase of the war had been over in Guatemala since 1983, what took so long?

Three factors differentiate Guatemala. Most important, the URNG guerrillas had very little military force and thus could not create a "hurting stalemate" to force the government to the table, or, once there, force a rapid timetable. Second, though Guatemala had a comparatively weak state, the government and the military that ran it were not reliant on U.S. aid, as was the Salvadoran government, so it was not subject to the kinds of pressures the U.S. could bring to bear if it backed a political solution. Third, the Guatemalan government suffered its own crisis in transition to civilian rule when President Serrano, elected in 1990, attempted a 1993 military coup against the Congress. This failed, but it interrupted the peace negotiations.

These negotiations happened in three long phases. From March 1990 (just after the defeat of the Sandinistas and with Salvadoran talks about to open) the URNG met several times with political parties, civil society groups and eventually the government, with UN mediation, as well as that of the National Commission for Reconciliation, formed in the wake of the 1987 Central American accords and headed by Archbishop Quezada Toruño. This ended with a list of themes and procedures.

Thirty months elapsed. In January 1994, the two parties commenced meeting with UN mediation. By mid year accords had been negotiated on Human Rights (with verification by the UN and immediate implementation), on resettlement of those who had been uprooted by war, and on the establishment of a Historical Clarification Commission, to examine human rights abuses committed during the war. After a nine month delay a path-breaking accord on Indigenous Rights emerged. In the last seven months of 1996, under a new government in Guatemala, the difficult accords over socio economic and land issues, civil power and military power, and constitutional and electoral reform were agreed upon.

The UN mediator, Jean Arnault recognized that the huge imbalance in power between the principal parties (given the military weakness of the URNG) and the absence of key sectors of society from the negotiating table could endanger popular support

for whatever agreements were reached, so he proposed processes through which a multiplicity of political actors would discuss, debate, propose language for the treaty and eventual legislation on the wide range of subjects covered by the negotiations. The Assembly of Civil Society (ASC), created during treaty negotiations, made persuasive proposals during the negotiations many of which were incorporated into the accords. However, it was not clear how representative of their various "sectors" these groups were. Private sector organizations remained outside until negotiations over economic issues in 1995-1996. The accords established commissions to work out detailed plans for implementing the goals embodied in the accords.

**Civil Military Power.** The accord confirmed the subordination of military to civilian authority. In the long run, the reduction and restructuring of the elaborate structure of internal security forces embedded for decades in the Guatemalan state, and the eventual elimination of the overwhelming impunity enjoyed by those forces, would be the key to building a more just, democratic society. The accord removed internal security from the Army's mission, leaving it to defend the nation's sovereignty, and it established a police force under civilian direction. It required the army to reduce in numbers, to demobilize and disarm the civil defense patrols (PACs), and to reduce its budget by 33% (as a proportion of GDP) from 1995 levels. The accord permitted the Minister of National Defense to be either a military official or a civilian.

It called for a constitutional reform to provide for trials in civilian courts of military personnel accused of crimes against civilians. Before 1997, no high-ranking Guatemalan military officer had ever been convicted of a crime in a civilian court. The accord raised the prospect of convictions occurring for egregious violations of human rights committed during the war. There had been a growing list of high-profile investigations by civilian courts and the Public Ministry of military officers implicated in political assassinations.

The accord authorized the president to replace the *Estado Mayor Presidencial* (EMP), a secretive military unit which had controlled the actions of Presidents, with new civilian entities, but did not establish a process. The accord did little to strengthen weak legislative budgetary oversight or to contest the army's considerable economic investments including a bank and a complex of military indus-

tries. The agreement called for a new Civil National Police (PNC) but did not address clearly the steps to be taken. (By contrast, the Salvadoran counterpart set forth detailed instructions and requirements.)

**Human Rights and Historical Clarification Commission.** In principle, this agreement appeared to pose no threat to individual officers, as it prohibited assigning criminal responsibility for specific acts, and the use of its information in court proceedings, nor was it to name names, unlike the Salvadoran counterpart. It had no power to subpoena. The sheer mass of human rights violations could not be fully investigated in the limited time allotted to the Commission.

**Indigenous Rights.** If the spirit of the accord were to be fully realized, Guatemalan nationality would be refounded on a plurilingual and multicultural basis that would reshape relationships between indigenous communities and the state and reduce the ingrained racism that has poisoned relations since the Spanish conquest.

The accord enjoined the government to take actions designed to create a "new consciousness of belonging and co-existence" on the part of all Guatemalans. Other planks called for a national law banning all discrimination, and in particular discrimination against indigenous women with specific mention of their use of Mayan *traje* (dress). Along with other accords, the Indigenous Accord called for the state to broaden participation, to decentralize power (through a reform in the Municipal Code to be negotiated), to respect customary indigenous law, and to promote equitable distribution of public finances to the municipalities and among the indigenous communities. It recognized by name all 21 of Guatemala's Mayan languages as transmitters of the Mayan culture. The government committed itself to furthering their use in education and other local-level social services, in the media, and in the court system. These goals, however presupposed a constitutional reform listing the Mayan languages and making them official languages in geographic ambits that were not delineated in the accord.

The accord called on the government to: fulfill its constitutional obligation to provide education to all Guatemalans; decentralize education in ways adapted to indigenous linguistic and cultural needs; protect the communal landholdings of indigenous communities; guarantee access to land, forest and water resources; provide restitution or compensation

for lands usurped from the indigenous; and to promote legislation for these goals to allow indigenous communities to manage their internal affairs.

Fulfillment of these goals faced mammoth obstacles rooted in a system of power in which the indigenous have been subject to brute exploitation and violence. The indigenous suffer from the highest levels of poverty and the lowest levels of access to education, health services and economic opportunity. They bore the brunt of the worst and most extensive cruelties of the war. The accord reflected a consensus at the bargaining table, but was not specific, and it is highly unlikely that that consensus was shared by the bulk of non-indigenous society. And implementation for various aspects required either or both constitutional reform and legislation.

**Taxes and Social Spending and Land.** The thrust of the Socio-Economic and Agrarian Accord is progressive. Socioeconomic development requires social justice along with sustainable growth; citizen participation in decision-making is crucial; the state has an obligation to help overcome social inequity. The government made a large number of commitments to legislate and sanction, to tax and spend, to decentralize and reform administrative structures, and to treat all groups in non-discriminatory fashion, with specific mention of a guarantee to women, particu-

larly rural workers and domestics. However, few of the commitments involve quantitative targets, price tags, deadlines, or specific sharing of power.

The most significant pressures for change targeted the accord's most specific commitments—to increase government spending on health and education by 50% and to increase government tax revenues by 50% by 2000. The pressures for concrete figures came principally from international donors who said they would condition what came to be a pledge of \$1.9 billion in post war reconstruction aid on government compliance with these particular treaty commitments.

Given the balance of forces at the end of Guatemala's civil conflict, it is not surprising that the bargaining kept the door to radical economic reform tightly closed, and produced only a few specific agreements involving concrete, verifiable goals with timetables attached. But Guatemalan administrations, and the more pragmatic members of the business sector were willing to make some concessions in the treaty because they realized that peace was necessary in order to reduce Guatemala's pariah image and to take advantage of the willingness of the international community to assist with postwar reconstruction. Implementation, however, proved to be more difficult.

## MILITARY REFORM

The most profound change in Central America's transition from war to peace and toward democracy is the decline in governing power and influence of the militaries in each of the three countries. That decline has been the least in Guatemala. In each of the countries the militaries have considerable institutional autonomy from other branches of government and relative freedom from review by civilian authorities, which has led to corruption, particularly in Guatemala. But the militaries do not govern or make policy, even in Guatemala. They can block certain kinds of changes that affect their core interests, and have done so at a decreasing rate in Guatemala, but even in Guatemala the days when the Presidential Guard virtually controlled the daily schedule of President Cerezo (1985-1990), the first elected civilian president in over 3 decades, are over.

In El Salvador and Guatemala the military ruled from the 1930s. At first this rule was headed by *caudillo* figures (Martínez in El Salvador, Ubico in Guatemala). In El Salvador an institutional military dictatorship prevailed after 1944. In Guatemala, Ubico was thrown out and elected governments took place from 1944-54, and the military institution (with some internal fights) ruled after that until 1985 or some time in the 1990s, depending on one's analysis. In El Salvador elected civilians "took over" in 1982, but one could argue, as did the FMLN at the time, that the military was prosecuting the war and it, and the U.S. embassy, was the real centers of power in the country at least until 1989.

In Nicaragua, the military did not rule as an institution. But the first Somoza came out of the military and the last had military training (including at West Point), and they ruled the military as a personal army

that enforced their will. When the Sandinistas came to power, there were civilian institutions and following 1984 an elected president and legislature. But the collective leadership of the Sandinistas in the National Directorate was called the “nine commandantes” who most often were garbed in military fatigues. The army, headed by one of them, Humberto Ortega, and the police, which had combat units headed by another, Tomás Borge, each had “Sandinista” in the titles of their organizations.

None of the military institutions emerged from the 1980s civil wars as victors. There were no victory parades. In each case, however, the peace negotiations eliminated their enemies (the FMLN, the URNG, and the contras) as military forces, though this conclusion clearly must be modified somewhat in the case of Nicaragua where significant bands of contras making political and economic demands persisted for years.

However in each case the military institution was placed on the defensive, though again this was less in Guatemala, as it was the military that had decided on its own to allow civilian governments and, in effect, to permit peace negotiations. In the cases of El Salvador and Guatemala the military lost formal institutional control over the nations’ police forces, though in Guatemala it is not clear that this loss of control is actual, and in both countries the military has been called in, despite provisions of the peace treaties, to perform policing, or internal security functions. In each case the militaries formally lost control over internal intelligence gathering, though, again, it is not clear if actual control was lost.

The varied processes by which these transformations came about and the differences in results were products of the different institutions, the advantages gained in the wars and the resultant force of the peace agreements. Obviously Somoza’s National Guard was defeated, but segments of its officer corps commanded the contras until the very end of the war. The Guatemalan military basically defeated the URNG, though could not bring the war to an end. Institutionally, vis-à-vis other power holders in Guatemala it was relatively stronger than its Salvadoran counterpart. The latter, dating from just after World War II had, from time to time, reformist elements that eventually would succumb to anti reform elements. In Guatemala, the reformist elements, allied with some middle class civilians, pushed the military from power in 1944. When it returned, initially weak, it strengthened

its political hand and its economic weight and was, until recently, absent of any reformist elements.

#### DEMILITARIZATION IN EL SALVADOR

The Salvadoran military after World War II seemed to alternate between periods of reform—opening political spaces for various civilian groups—followed by changes in military command or in leadership of the government that would lead to political repression. Civilian groups would quickly fill in spaces—trade unions for example would become more active. This would create a reaction from the economic powers that would pressure for a more hard-line policy. Hardliners among the economic elite seemed to have the loudest voices and decisive sway at moments of crisis.

At times external events fed both tendencies. The Cuban revolution led the U.S. to train the Salvadoran military in counterinsurgency tactics but also to pressure it to provide more open spaces—not for militant groups but for political parties. Political parties, particularly the Christian Democrats enjoyed success in local and Assembly elections, winning the mayorship in San Salvador and gaining deputies in the relatively toothless legislature. This in turn led to calls for agrarian reform. Counter reform set in 1972 when the military, fearing loss of power, defrauded the civilians when they attempted to win the presidency. Fearing a social explosion, however, the newly elected military president proposed a small scale agrarian reform. There was an extreme reaction from large landowners that largely defeated his plan. In the next election in 1977, also marked with fraud, a hard-line military candidate was the winner. Following the Sandinista victory, reform elements in the military effected a coup in October 1979, that led to reforms in March 1980 and extreme reactions from civilian and military hardliners, vast increases in political assassination, including Archbishop Romero, and war.

By most accounts military hardliners in the early 1980s were goaded, financed and or joined by civilians. ARENA was founded in 1981 by former military officers, including Robert D’Aubuisson, landowners and professionals, as both a paramilitary operation and a political party that could contest in the coming elections. The landed oligarchy, caught unprepared in 1979, had never had a political party, but had left politics to be controlled by the military, over which it could have some control

through recruitment of cadets for the military academy and financial means.

Several developments during the war contributed to putting the military on the defensive when it came to peace negotiations and to make it possible for the government negotiators to agree to a series of concessions that greatly compromised the interests of the military and, in particular, the hardliners within it.

It took the U.S. government a long time to take human rights abuses in El Salvador seriously, and that statement charitably assumes that the U.S. did not approve of the wholesale wiping out the left, mainly in urban areas, in 1980-1982. U.S. policy was always compromised by its desire to avoid FMLN advances. Its indifference, impotence, or incompetence even prevailed following the 1981 assassination of two U.S. citizens and the head of the Salvadoran agrarian reform agency. The two were aiding implementation of the agrarian reform. One of the two was almost certainly a CIA agent. This followed the brutal assassination of four U.S. nuns in late 1980. It quickly became evident that elements in the military officialdom had given the orders to the triggermen. In the agrarian reform case they selected the dining room of a luxury hotel for the hit—the better to make a spectacular, grisly statement.

This case illustrates the power of the Salvadoran military. The two triggermen in the case finally confessed and named two officers who, just outside the hotel, had commanded them to kill and provided the weapons complete with silencers. After considerable pressure from the U.S. Ambassador, and then the U.S. head of the southern command for all of Latin America, and even President Reagan, the case was dismissed and one of the officers got a command position. And the Salvadoran military got a recommendation from Reagan for an increase in military aid. They knew the U.S. needed them, and they were not about to compromise their impunity from the law.

A few months before the March 1984 Salvadoran elections Vice President Bush visited El Salvador to give a stern lecture on human rights to the high command, and he called for human rights abusers to be exiled or discharged. This rebuke followed similar criticisms by the Ambassador Thomas Pickering and the delivery to the government a list of names the U.S. believed to be death squad operatives. The public line of the U.S. during this whole period had been that there were

maverick elements in the military out of control of the central command structures. But Bush's visit signaled a new posture as it was well known that the former Ambassador, Deane Hinton, had been admonished making overly harsh criticisms to the military about human rights abuses.

The human rights abuses did decline to a lower level following Bush's visit but continued on. Some officers on Bush's list were quietly transferred out of command positions. But the basic military posture was to stonewall. It believed that it was fighting the anti communist fight, at a cheap price, for the U.S. so that the U.S. would not have to send its own troops, and that its behavior was no worse than that of the U.S. in Vietnam. Though the details are too complicated to relate, throughout the 1980s the Salvadoran military resisted to the utmost all efforts to pursue and solve human rights cases. They could not stop all proceedings in the cases of the nuns and the agrarian reform aids due to U.S. pressure, but the system of impunity prevented the commanders of the crimes from being convicted.

One development that drove an opening wedge between the military and the economic elite was the development in the mid 1980s of kidnapping rings, formed by military and civilian death squad elements that captured members of the economic elite for ransom. Though an attempt was made to blame this on the FMLN, it quickly became evident that it was not involved in some 11 kidnappings. Pressure was brought to bear that eventually ended the practice. But it was evident that some of those involved had ties to high level military officials some of whom were regarded by the U.S. as allies and reformist elements within the military. Key members of the kidnapping ring, who had many stories to tell, were apprehended. One was riddled with bullets "while trying to escape" and another, it was claimed, hung himself.

Another development was that D'Aubuisson changed his strategy. Following his failed attempt to become interim president in 1982 and his loss in the election of 1984 when the U.S. supported, covertly, his opponent Duarte, he concluded that ARENA needed to shed its image as a death squad outfit and present a more moderate face. That led to the selection of Cristiani as presidential candidate who expressed, at the outset of his presidency, a serious intent to end the war through negotiations, backed by hard edged comments against the FMLN. At the same time in early 1989, the FMLN

had made it clear that the key element in its negotiating position was cleansing and reform of the military. Though these mid 1989 negotiations came to nothing, these developments could not have been good news to the military high command. (Stanley, Williams & Walter)

**The Peace Accords.** The accords stipulated that an Ad Hoc Commission comprised of three prominent Salvadorans would evaluate all armed forces officers with regard to respect for human rights including failure to correct and sanction troops under the officer's command. A serious deficiency would be grounds for recommending to the President the officer's transfer from a command position or discharge. Any such recommendations were to be private, though the names would also be known to the UN Secretary General. The government would be given 60 days to take the necessary administrative actions to implement the Commission's decisions.

The accords also called for the establishment of a Truth Commission that would investigate and report on a list of notorious human rights abuses that had allegedly been carried out by the military or by the FMLN. The Commission would release its findings, including naming names, but its findings were not to be used as evidence in any judicial proceedings. The Truth Commission was to be headed by three international figures with legal expertise to be appointed by the President of El Salvador with the approval of the UN Secretary General.

Given the years of repression in El Salvador analysts thought the most consequential action would be by the Truth Commission, because its international membership and tie to the UN Secretary General would protect it from reprisals, where as, it was thought, the Salvadorans on the Ad Hoc commission would be subject to all sort of pressures and threats.

The accords also called for the dissolution of two of the three police units and the phase out of the third—the Treasury Police, the National Guard and the National Police—with the latter to be replaced by a new civilian police force.

Also stipulated was demobilization of the FMLN combatants in phases of 20% that ran parallel to the demobilization of several government rapid response battalions and the reduction of the military to about half its size (which was a matter of some debate).

The negotiators agreed to formation of a new academic council at the military academy, one that would revamp the curriculum so that observation of human rights played a key role in the cadets' education. And they agreed to the possibility of appointing a civilian to be minister of Defense. In addition the military internal intelligence function shifted to a civilian entity under the supervision of the President. Not much is known about this transition however.

Each of these provisions violated the military's sense that civilians should not interfere in the military.

**Implementation Drama.** The implementation calendar for the accords did not expressly link completion of groups of accord provisions to each stage of the five phase demobilization of FMLN troops culminating with destruction of their arms. All this was to have been done by October 31, 1992. It was not contemplated that the new National Civil Police (PNC) would be fully trained, though initial deployment of the first trainees was to have been done. The report of the Truth Commission was not scheduled until the following March.

In the first months many items on the calendar fell behind, and so the FMLN would delay demobilization of, say, the first 20% (due by May 31) for two months until at least a few items that were supposed to have been finished by the scheduled date of that particular demobilization were completed or showed signs that they would be completed.

The Ad-Hoc Commission began its work on schedule in mid May. It had only 90 days to review the records of 2300 military officers and was dependent upon the recalcitrant military for basic documents. The Commission received records of thousands of human rights abuses gathered from Salvadoran human rights organizations that had courageously documented cases throughout the war, even after some of their members had been assassinated. This documentation contained information about time and place but rarely about officers directly in charge. Given the risks the Commission had many available excuses to produce a bland report and leave the naming of names to the more protected international Truth Commission. Its members, Eduardo Molina, Abraham Rodriguez (both with ties to the PDC) and Reynaldo Galindo Pohl, took a courageous route. They determined to review the top 10% of the officer corps, and evaluate this group on the basis of patterns of human

rights abuses that had happened under their command, even if the abuses had been committed under officers several links down the chain of command.

On September 23, five weeks behind schedule, the Commission sent a secret report to President Cristiani and UN Secretary General Boutros Boutros Gahli that, according to later leaks, recommended that something over 100 officers, including those at the top of the command, be removed from command positions, retired, or discharged. The FMLN announced that it would not demobilize its last contingents of troops until after implementation of the Commission's recommendations. There was an outcry in El Salvador's conservative papers against this "left wing" effort "to damage the armed forces' prestige," and in response Cristiani asked the UN Secretary General to permit some officers on the list to remain for a year and others until the end of 1993. The proposal was rejected.

The UN proposed a new calendar under which Cristiani would have to present the plan for implementation (as opposed to the implementation itself) of the Commission's recommendation by November 30, the FMLN would have to complete an earlier deficient inventory of its arms with destruction to begin December 1, and then demobilize the last 20% of its troops by December 15. The full execution of the Commission's recommendations was to be on December 31. The parties agreed to these terms. And the FMLN complied.

But in early January the Secretary General found Cristiani in violation of the treaty with respect to 15 of the officers on the list including the Minister and Vice Minister of Defense, Generals René Ponce and Orlando Zepeda.

However these two figures announced their resignation in March, several days before release of the Truth Commission's report that was to describe, among other brutal cases, the roles of Ponce and Zepeda in the murders of the six Jesuits.

Cristiani joined a chorus of conservative forces that denounced the Truth Commission. The Commission did hold the FMLN accountable for several human rights cases, but its ability to probe them, and its limited mandate to explore a limited number of notorious cases left the military and its defenders feeling that was seen as the major guilty party in human rights abuses. According to all evidence, even that compiled by the U.S., the military was indeed responsible for the great bulk of human rights abuses; the only difference among

sources is how great a majority. Cristiani, despite his denouncement of the Truth Commission, announced that the remaining officers would be removed from command by July, though the high command did not actually retire until the end of the year. In subsequent years there have been civil suits against military figures in U.S. courts.

The Ad Hoc Commission was the first officially sanctioned, full scale evaluation by civilians of the human rights records of the officer corps of a Latin American military.

**Demilitarization.** In 1988 military expenditures were \$279 million and had declined by \$90 million by 1992. However in 1992 it was still 2.2% of GDP, the equivalent of government expenditures on health and education. In the next year it declined to 1.7% of GDP (and health and education declined somewhat too, though totaled more than military expenditures). Though U.S. military aid was declining rapidly there was no pressure in 1991-1993 from the U.S., or the multilateral lending (IMF, World Bank, IDB) institutions to reduce military spending more rapidly and divert the money into health. They either thought it was beyond their purview, or that they should not interfere in domestic politics, or that Cristiani had gone about as far as he could go with the military. This was at a time when post war health and education needs were dire. The U.S. had not been so modest in Nicaragua in pressuring for reductions in military spending. (Boyce)

In Guatemala, this reluctance of the multilaterals was to change.

From 1992 to 1998 the military budget decreased as a proportion of the government budget from 14% to 5.5%. By 1998 had decreased to .7% of GDP, according to one source and .06% according to another. In proportional terms there were modest declines after that. In the last five years of the decade troop levels were around 16,000 in a country of around six million. (Vela Castañeda, PNUD 2001)

In the ensuing years Cristiani employed the military in police functions (as noted below.). There came to be gradual acceptance by the military of the new civilian presence in the military academy and a growing professionalism of military units.

Five years after the signing of the accords the military was no longer a political factor in Salvadoran politics. However, actual civilian supervision is limited. The military budget the Assembly sees is stated

in very general terms with most details classified. Ten years ago, there was an attitude in the military that civilians should not have oversight. In a conference on civil military relations in 1994 an officer asserted that the idea of having a civilian Minister of Defense was equivalent to having an illiterate as Minister of Education. Since then, progress has been made. A new institute of strategic studies, Colegio de Altos Estudios Estratégicos, has had many more civilians graduate from it than military personnel, so the civilian input and expertise has been augmented. However, President Saca, following his predecessors, appointed a General as Minister of Defense.

The military has been very much in the news since El Salvador's contribution of nearly 400 troops to the U.S. "coalition of the willing" in Iraq. It is, however, the only Latin American country that still has troops there.

#### THE MILITARY IN GUATEMALA

The 1996 peace accords in Guatemala contained no provision for an Ad Hoc Commission like El Salvador's. There was no similar change to the constitution to reduce the military's role, as had happened in El Salvador before the signing of the accords.

Guatemala's parallel to a Truth Commission, the Historical Clarification Commission, proved to be a powerful instrument, aided by human rights records collected by Guatemalan human rights groups, including the massive project conducted by the Church's human rights office, The Recovery of Historical Memory, that interviewed thousands of Guatemalans in areas where human rights abuses and massacres had been the worst. The Commission found that 90% of political assassinations and massacres had been committed by the military. However, unlike the Truth Commission, the Guatemalan accords did not permit the naming of names.

And Bishop Gerardi, who headed the Church's project, was brutally assassinated on April 26, 1998, two days after the release of the Church's report. Military figures were later convicted in the case (and then had initial success on appeal) in a judicial-investigative process marked by destruction of evidence, intimidation and assassination of witnesses, and violent threats against judges and prosecutors, driving some into exile—all this despite high level attention paid to the case by MINUGUA and numerous ambassadors.

In short, Guatemalan military reform has been vastly different than that in El Salvador.

Significant change has, nonetheless, taken place, but it is difficult to assess because the military remains a closed institution of shadowy forces including among its retired and semi retired officers, particularly those who previously held posts in intelligence units. One can nonetheless see that in various junctures the military has been put on the defensive and has lost ground.

The reformers of the late 1980s, Mejía Victores and then, during the Cerezo administration, Colonel Hector Gramajo, were hardly liberal democrats. They favored ending massive repression (kill all dissidents) to selective repression. Human rights conditions actually grew worse during the Cerezo and Serrano administrations, and the interim presidency of Ramiro DeLeón Carpio, who became interim President following the *Serranazo*. (He had been Ombudsman for Human Rights.)

However, Gramajo and others beat back two coup attempts against Cerezo from far right elements in the military, egged on by segments of the agro export elite who thought a proposed tax increase from 5% to 7% meant that Cerezo and his administration were communists. Gramajo backed prosecution of the plotters and ten year sentences (which shortly thereafter were reduced or commuted). Gramajo saw himself as a reformer attempting to save the prerogatives of a military out of touch with the modern world.

Elements of military intelligence, headed by Colonel Otto Perez (now in the Berger administration), were among those that thwarted the *Serranazo*. The Human Rights in the peace accord, negotiated during DeLeón Carpio's term, stipulated that press gang recruitment had to stop; the President ended the draft; and the Congress voted a partial exception to a doctrine that permitted the military to avoid trial in civilian courts.

A military slaughter, the Xamán massacre in October 1995, was prosecuted in civilian courts, and it forced the resignation of the Defense Minister. This was unprecedented. However the Xamán case against 25 soldiers took over four years and saw evidence destroyed by the military. It led to a lesser verdict of manslaughter, with 5 year sentences commuted to a fine of approximately \$1000.

Newly elected President Arzú ordered sweeping changes in the high command, appointing officers as defense minister and chief of general staff who

had not been associated with gross human rights violations and consigned to inactive status a half dozen hard line officers. The press took this as a signal and printed stories of malfeasance in the high command. The stories were rumored to be planted by the new high command itself to weed out military elements engaged in organized crime. An Arzú mounted operation led to the arrest on drug trafficking charges of Alfredo Moreno Molina, an operative with extensive military ties. This led to the removal, at least temporarily, of nine high ranking officers, many who had served in military intelligence, including General Ortega Menaldo, head of the powerful presidential guard, EMP, during the Serrano period and rumored to have been behind Serrano's coup attempt.

However, Molina and Menaldo were never brought to justice and both were later implicated in the corruption of the Portillo administration. And Arzú never set a timetable for the abolition of the EMP and indeed appeared to strengthen its intelligence gathering and anti kidnapping operations when he created another sweeping change of the high command a year after the first by replacing the chief of staff with the head of the EMP, Marco Tulio Espinoza, and appointing Espinoza's brother-in-law as head of the EMP.

Unlike the situation in Nicaragua and El Salvador the Peace Accords in Guatemala specifically called for reductions in the military budget, so that as a proportion of GDP it would be 33% lower by 1999 than it had been in 1995. The savings in military spending was required to be redirected to health, education and public security. The military more than met the goal the first two years, and exceeded it by only a tiny amount the third year. However in 2000 and 2001 its spending jumped back up to previous levels. From .68% of GDP it went to .83% in 2000 and .96% in 2001. The approved budget by the Assembly was in line with the goals, but President Portillo, given the ample powers the executive has to make adjustments in the budget during the course of the year, lavished extra money on the military. There was an outcry from civil society and from MINUGUA, which found the excesses in violation of the spirit and the letter of the accords. The following year the Minister of Defense pledged that he would take no funds from the President that would put the defense budget above .66% of GDP.

The peace accords did not deal with other money making economic assets controlled by the

army: a bank, the military retirement institute with a pension fund, military industries and agricultural holdings. The accords did require that a television channel pass from the military's hands.

Portillo also made sweeping changes in the high command and declared that he would abolish the EMP. Change continued through the first two years of his administration. Among them were the rise to the post of defense minister of Álvaro Méndez Estrada (who was said to be a protégé of Ortega Menaldo), and the ability of the son of Ríos Montt to vault over more senior officers first with a promotion that put him in charge of the army's finances. The EMP was not finally abolished until the end of Portillo's term.

As HI reported in January 2002, the case against Moreno floundered for five years with Moreno eventually being released on bail in December 2001. A deposition from that case involves allegations by a witness, Francisco Ortiz, that implicated high level officers in corruption rings going back 20 years, mostly through customs, and Ortiz also implicated Portillo, who publicly was a friend of Moreno.

Following the inauguration of Berger, Portillo left the country abruptly and the Berger administration says it is building evidence to attempt to extradite him. In addition a case was brought against Ríos Montt for his role in organizing the violent events of Black Thursday, during which one reporter died. He was placed under an ample form of "house arrest" in which he is restricted to the metropolitan area of the capital pending judicial processing of the case.

During the first five years after the accords the military was slow to change the geographic deployment of its troops to positions more in keeping with national defense and less appropriate to its traditional counterinsurgency strategy. Reports from MINUGUA demonstrate duplicitous resistance. Six years after the accords were signed MINUGUA complained again that the deployments continued to reflect a counter insurgency strategy, and particularly mentioned two military outposts in the Ixil region of Quiché, a former war zone. The military promised to shut them down. A year later it had not happened, and the military refused to give MINUGUA information about where any of its troops were stationed. The verification team then toured the entire country to find out for itself, and discovered the minimal changes had been made. Further promises were made

by the military to produce a plan and effectuate it by the end of 2002. (MINUGUA, 2002)

In 2004 Berger made further changes. He announced that he was going to cut troop levels from the 31,000 under the accords, by either 6500, or down to the level of 16,500. (Accounts differed, as do estimates of how many troops actually are in the military.). The military reacted quietly to the change.

In addition, a law was passed after the accords calling for more open information from the government. One member of congress began to press for opening the military budget books, and reiterated this goal in early September. If this does occur it will be interesting to see if the current military will allow the books to be opened on previous years. If so, this could be another wedge into accounting for what happened in the military during the darkest years. There is an amnesty law in Guatemala protecting military and guerrillas alike from prosecution for deeds done during the war, but it exempts certain human rights abuses (genocide for example) and is not nearly as sweeping as the amnesty law in El Salvador.

The military then no longer appears to control political decision making by civilian government as did from 1987-1993, and the multiple changes in command since then have created internal turmoil. The military may be on the defensive. It may be that there are officers among them who would like to "clean house" and establish a more professional corps, one better regarded internationally. (It should be noted that Guatemala recently sent a contingent of troops to Haiti under the command of the Brazilians, but did not send one to Iraq.) It could even be that there are officers among them who have an interest in accounting for the past. But currents within the military, as demonstrated by the Gerardi case and other notorious human rights cases, retain a great deal of institutional strength and a great willingness to maintain its impunity. Despite these losses of power and privileges it still retains formidable quotas of power. It is able to do this in part because civilian governments are not yet much stronger due to weak political parties and constant turnover and what seems to have been an almost ad hoc pattern of events and changes in command to further short term interests.

#### NICARAGUAN MILITARY REFORM

Violetta Chamorro announced in her inaugural speech that Humberto Ortega would remain as

Chief of the military, but that she would appoint herself as Minister of Defense. Chamorro agreed on the condition that Ortega would have to resign from the FSLN and accept drastic reductions in the size of the military and its budget. In addition, she retained the head of the police, though replaced the Sandinista head of the Ministry of Interior, a founder of the party, Tomás Borge.

Retention of Ortega immediately led two of her cabinet ministers to resign in disgust. The U.S., and other elements within the dissolving UNO coalition, pushed for the firing of Ortega, as well as the dismissal of the head of the police. This pressure began at once, continued for years, and became part of the demands by the armed ex-*contra* bands who were demanding land and benefits

The Popular Sandinista Army (EPS) had been more of an organ of the FSLN than the Sandinistas had admitted during the war and it had also obtained some trappings associated with more traditional Latin American militaries, as well as with soviet style militaries. The effective organizational structure of the military followed party lines with top units and subunits being given party names. The top decision making body of the military and the police, was, in essence a subcommittee of the National Directorate—the nine commandantes. Some 80% of military officers were active militants of the FSLN.

Moreover, Humberto Ortega himself admitted in a speech to military officials two months after the Sandinistas' electoral defeat that decisions regarding promotions had often been based on party criteria, not on proven military capacities. The military judicial code established in 1980 made it difficult to bring military officials before civilian courts, a provision in seeming conflict with the later 1987 Constitution. (Cajina)

**Demilitarization.** The military released from service some 41,000 troops by the end of July 1990, slightly less than half what had been in service in January, though it is unclear how many of this number remained a few days after the election when many draftees simply left. In November 5400 officers and sub officers were retired with severance pay, offers for business training for some 3700 of them, and, for one year continued health and primary education benefits for their families. Higher officials and those in longer service got more severance pay. A second round of dismissals of some 3000 officers and sub officers came the following August. These also had severance

packages and offers of agrarian or urban land. A third round of retirements, in July 1992 was protested by military officials on the grounds that the money pay out was to be in stages and that agrarian lands had gone, or would go, only to the top 6% of retiring officials. Just as the government had not complied with the deal to the contras it had been slow to pay the severance package (with no international assistance) and had not delivered actual land titles.

The Nicaraguan military passed from being the largest in Central America to the smallest in just two years. Its budget was reduced by the government from \$177 million in 1990 to \$51 million in 1991. It averaged just \$33 million from 1993-1995. Troop levels fell to 28,500 in 1991, 21,000 in 1992, and 15,250 in 1993 (with 3200 officers). This was then half the size of the military in El Salvador (which had been reduced from 60,000+ troops), a country with a larger population but a much smaller territory to defend. (Later in the decade the Salvadoran level went to about 16,000.) The Salvadoran military did not have a problem of having to deal with rearmed bands of guerrillas demanding land, much less rearmed former soldiers demanding land. Ortega was kept busy dealing with multiple armed actions that continued due to the lack of compliance of the government toward the demobilized contras. The small army and the police could not adequately meet this challenge. (Dye, et. al., 1995, Vela Casteñeda)

Under constant pressure to resign General Ortega did numerous things he hoped would win over those opposed to him. He criticized the prior politicization of the army. He praised the new administration and claimed he was "married" to the economic plan of Antonio Lacayo. He averred that the goal of achieving peace and obtaining international aid had been advanced by the election of Chamorro more than would have occurred had his brother been elected. Two years after the electoral defeat he confounded his critics and infuriated Sandinistas when he awarded the U.S. military attaché to Nicaragua the military's highest military medal, named after his brother, Camilo, who had fallen in the fight against Somoza. Some veterans handed in their medals in protest. Humberto Ortega was marching the military toward independence from the FSLN.

In July 1993, in one of the many examples of armed bands making political demands, discharged veterans of the EPS, the Sandinista army of the 1980s, marched into the northern city of

Estelí to demand land and other benefits. The army quickly and ferociously defeated them in battle killing many of the insurgents in the process. By contrast, many of the other armed demands made by ex contras had been negotiated by the government. Once again criticism from Sandinista sources rained down on Ortega.

One analysis of why the army took such a hard line in Estelí was that the new military law would be coming before the Assembly, and Ortega wanted to impress his U.S. and anti Sandinista critics that the military was independent of the party and loyal to the government. Ortega had reached an understanding that the military would draft a code that would set terms of office for commanders, regularize promotions and set forth the lines of authority between the President and the military. Chamorro agreed, but then in September 1993 shocked him by announcing in an Army Day speech that she would remove Ortega sometime in 1994. This seemed to violate the agreement that his departure would be determined by the terms of the as yet unfinished military code. Senator Helms had announced that he wanted to condition aid to Nicaragua on demonstration that the military was under the control of the government.

The code was finally passed after months of debate in September 1994. The margin of victory was very narrow, similar to margins Chamorro had received in other legislation. The vote was 49-37 with the FSLN bench voting in favor and a variety of hard line elements from the UNO coalition voting against. The latter were supported by Cardinal Obando y Bravo, La Prensa and the business organization COSEP, which was particularly incensed by the military's ongoing ability to have its own businesses, tax free.

The law gave the president the authority to elect or reject the head of the military from a candidate proposed by the Military Council, a group comprised of some three dozen high ranking officers. The term of office was for five years and the appointment of the new head would come in early 1995, that is, toward the end of Chamorro's term. Ortega resigned with pension and the new military head in February 1995 was Joaquín Cuadra. The structure of the nomination system suggested that the next two commanders would also be officers who had served for years in the EPS. The idea was that the President to be elected in 1996 would not have the opportunity to pick a military head

until almost four years into a five year term. (Among the Constitutional amendments noted above the presidential and Assembly terms had been reduced from 6 years to 5.) (Cajina)

Alemán, when it came his turn, did try to control the selection process, floating his own candidate's name. However the Military Council put up resistance that neutralized the candidate and made Alemán back off. General Carrion was selected instead.

President Bolaños has yet to deal with the issue. His relations with the military have had their cool and warm moments. Back in 1990 Bolaños joined President Arias of Costa Rica in calling for the demilitarization of Nicaragua. For Arias this was part of a broader campaign to demilitarize Latin America on the model of Costa Rica. For Bolaños the motivation may have been similar, but he had a well earned reputation at that point as being a biting, angry anti Sandinista. Most institutions do not want to disappear, and militaries in particular do not favor being done in by their enemies. The Salvadoran military was purged, not eliminated.

Bolaños was more favorably inclined to the military years later when he worked with it, as Vice President, in the aftermath of Hurricane Mitch. Again, last year Bolaños praised the military as he pressed for sending a contingent of Nicaraguan troops to Iraq, despite the unpopularity of the move among the public. The previous year the U.S. had renewed military aid to Nicaragua. (Nicaragua has since withdrawn its troops from Iraq.) And in mid September 2004 the President signed an accord, along with the Minister of Defense and General Carrion, with the UNDP office in Managua for a study of the democratic relations between the military and civilians.

However in 2003 there began a series of moves that seemed to echo Bolaños earlier call for demilitarization when his Foreign Minister proposed the

gradual demilitarization of Central America. This dovetailed with post 9/11 pressure from the United States to destroy Nicaragua's 1980 era inventory of Soviet made SAM anti aircraft missiles including the shoulder-held SAM 7s. The U.S. is concerned that terrorists might acquire them. The Nicaraguan military has permitted the U.S. to examine its security arrangements, but it has refused requests to destroy the inventory, even when Secretary of State Colin Powell visited Nicaragua late last year. Various sources in the U.S. place the inventory of missiles from 400 to 2000. (Cajina)

The Nicaraguan military is concerned that Honduras has, relative to its size, a large air force. It is likely that many of the planes and missiles are not operative, and the probability of conflict with Honduras seems extremely low, but then militaries all make contingency plans.

The Nicaraguan military remains around 16,000 troops, the approximate size of El Salvador's force. However its military budget would appear to be twenty five to thirty percent of El Salvador's at, in recent years \$35 to \$30 million per year. Nicaragua's population is two thirds that of El Salvador. That budget amount however is a higher proportion of Nicaragua's GDP (.8% to 1%) because Nicaragua has a much lower GDP. The territory to be defended is six times that of El Salvador.

The military has had certain businesses that are not audited, and the private sector has complained in the past about this. How and to what extent these businesses generate funds for the military or for a pension fund is not known. When Humberto Ortega retired to live in Costa Rica he was regarded as being quite wealthy. Cuadra, on the other hand, came from a wealthy family. The legislature, as in the case of the other countries, has not probed military expenses in detail, though in the early 1990s it was quite aggressive in cutting the military's budget.

## REFORMING JUSTICE SYSTEMS

### WINDOW ON THE ISSUES: VIOLENCE AT NUEVA LINDA

**O**n August 30th at least ten people died of gunshot wounds when the National Civilian Police (PNC) of Guatemala attempted to evict several hundred peasant families from a planta-

tion named *Nueva Linda*. The peasants had taken over the plantation sometime toward the end of last year, one of several score recent land invasions conducted by peasants who claim owners have not paid them wages or have, perhaps decades earlier, usurped lands. Three police and seven peasants were killed.

Soon quite different versions of events were in circulation. The Human Rights Commission of the Congress was charged with investigating the events and reporting within thirty days. There were persistent reports that one or some of the peasants were armed with AK-47 assault rifle(s), which the government took as evidence that either there were elements of organized crime or that they had some tie to the URNG. Newspapers reported that the police had manhandled several reporters, and that at least two of the reporters had witnessed the police shooting peasants at point blank range.

President Berger blamed paramilitary and/or organized crime elements among the peasants. The Human Rights ombudsman blamed the Spanish owners of the farm. The new Minister of Governance, who is in charge of the PNC, Carlos Vielman, emphasized the legality of the police operation and emphasized the AK-47 presence. The Minister of Defense said that a detachment of soldiers had arrived at the scene only after being requested by the police, and that the soldiers, apart from taking up positions, had not been involved in the events. The peasants and some human rights groups claimed that there had been no room to negotiate the issues. Two members of Congress wished to show a video they had taken the day after the killings, but were turned down by parties associated with the government.

Guatemala has suffered through so much political violence, so many massacres, for so long that no single event can be emblematic of all of the legacies of the war, difficulties of the peace process and the establishment of the rule of law with social justice. Nonetheless the confrontation at *Nueva Linda* in its bare outlines is illustrative of the problems faced by Guatemala:

- Since the PNC was formed as part of the peace accords there have been persistent of extrajudicial executions, excessive use of force and, going beyond that, of criminal activities on the part of the police, up to and including homicide.
- The peace accords' goal of forming a new police force emanated from criticisms that the old force was part of the military and had been corrupt and crime ridden. But the new force is in some senses, not really new. Almost all of its high and mid level command comes from the old security forces or from the military, and most of its initial recruits were from the old security forces.
- The fact that Minister Vielman is new is not new. Berger has been in office since January and this is his second Minister of Governance. His predecessor, President Portillo, had four Ministers of Governance in a five year term, and nine heads of the PNC.
- Berger appointed Vielman in response to a series of alarming headlines and events that gave the impression of a rapidly cresting crime wave on top of chronically high levels of crime that had existed since before the peace accords in 1996. In January, for example, bus drivers in some areas of the capital had refused to drive due to constant robberies. There had been citizen demonstrations against crime. The government had already announced an offensive against crime that consisted of, among other things, a Berger designed depistolization program, an offensive against gangs, joint PNC/military patrols in dangerous areas, a Front Against Violence. In each, embarrassing newspaper stories followed. The PNC hadn't heard about the depistolization program. The daily *Siglo XXI* toured two dozen neighborhoods and could not detect the new patrols.
- Berger in July announced a new series of PNC/military joint patrols that in the capital would involve 4000 police and 6000 military along with military intelligence in the metropolitan area. To give a sense of proportion, the PNC has in the nation just over 20,000 police and Berger had also just announced a reduction in the military that would drop it to 16,500 troops. According to police sources the eviction at *Nueva Linda* mobilized 900 police officers from several units including a special crowd control force and 80 military troops.
- However, with the joint patrols apparently in operation, the daily homicide figures printed in *Siglo XXI* indicated in early September that the level of homicides for just the month of August in the metropolitan area of 1.9 million was 153, a death toll 69 higher than it had been in July. By contrast Boston, a city of only 500,000, was alarmed because of killings among gangs that resulted the weekend after *Nueva Linda* in a triple homicide. Boston's homicide toll the first six months of the year was 28, a significant increase over the previous year.
- The peace accords were supposed to reduce the military and to remove it from police functions.

Its mission was to defend the national sovereignty. Ratification of this aspect of the accords had failed, along with other provisions, in a complex constitutional referendum marked by abysmally low turnout. The use of military troops at *Nueva Linda*, and the supposed use of 40% of the army in joint crime patrols in the capital were technically not violations of the accords, but were certainly not in the spirit of the accords.

- Guatemala entered the peace process in part because of a perception in the military that the nation was isolated because of its (much deserved) reputation for violent human rights abuses. It cannot have pleased Berger that the *Nueva Linda* death toll was sufficiently high to merit attention on CNN's (English) banner headlines, in company with the terrorist takeover of the Russian school, and the latest beheading in Iraq. With the agrarian export sector in chronic decline, Berger had announced plans to ramp up Guatemala's significant tourist business. There is no business more sensitive to headlines of violence, crime and political disturbances than tourism, a fact Guatemala had learned during the 1980s violence.
- *Nueva Linda* resonated with the key access to land theme in the peace accords. Landlessness had increased and rural poverty was by far at the highest levels in the countryside. Guatemala had long had extremely high levels of inequality in landholding. Unlike El Salvador and Nicaragua it had not had an agrarian reform in the 1980s and its post war program for land transfers, as detailed below, was on a distinctly minor scale compared to the other two countries .
- *Nueva Linda* was part of a spate of land invasions by peasants. With repression hardly negligible, but at vastly reduced levels from what it had been from 1954, when the first agrarian reform of the Arbenz regime was destroyed, to 1996, land invasions had been increasing in Guatemala from a handful, to a total of 60 by 2003 and, according to some estimates, to over 100 by 2004. These invasions were not simply an effort to get land or to reduce land inequality, goals of official agrarian reforms. Rather, in virtually every one of them the peasants made claims that the invasion was motivated by illegal actions on the part of landowners. Either the title of the landowner was false, or had been acquired by usurpation (often

decades earlier) or, in most of the cases, that the landowners had not been paying their workforce agreed upon wages. The legal system had failed to redress these problems, said the peasants, so the invasion was to force a solution.

- The Portillo administration made a handful of evictions, perhaps the most violent one in Quiché where the owner of the farm was a member of Portillo's party the FRG. Since Berger came to power the eviction rate increased to about a dozen in 8 months, though most of them had proceeded without violence. That increase was a catalyst for a meeting between Berger and peasant leaders after which he promised to suspend all evictions for 90 days. The legal basis for this promise has not been clarified. Evictions stem from judicial orders, and the judiciary is to be independent of the executive. On the other hand, among many other elements of the *Nueva Linda* confrontation that remain unclear is the explanation for the lapse of time between the judicial order for the eviction, said to be last December and the eviction itself over eight months later, and, also why there was an eviction before the 90 day period was up.

In short the *Nueva Linda* expulsion and violence raises a tangle of larger issues almost all of them involved with the peace accords: the conduct and command of the police; the crime wave; increased militarization of police functions; possible spread of organized crime and the parallel structures that support it; land inequality and rural poverty; absence of rule of law in the redress of peasant wage and land title grievances; the functioning of the court system; the relations between the judicial and executive branches; Congressional role in reform; and Guatemala's international image.

**Post War Changes.** In each of the three countries there have been significant efforts to reform the police and the courts. Those efforts have distinct parallels in El Salvador and Guatemala, where the peace accords called for the separation of police from military, the elimination of old police forces, and the formation of entirely new ones, and considerable international involvement in police and judicial reform. In Guatemala, in addition, the accords sought to improve access to and use of the courts by indigenous groups, not only providing translations, but by employing in some disputes customary law and alternative dispute resolution that could be based on customary indigenous

remedies. Very considerable international assistance—financial and technical—went into furthering this goal, with mixed results.

In Nicaragua, the police have their origins in the Sandinistas, not the old Somoza government. Under Somoza his National Guard performed both police and military functions. Under the Sandinistas the police were under a separate ministry, though during war the Ministry of Interior, headed by the one of the nine commandantes who had been present at the founding of the Sandinistas, Tomás Borge, had combat units. There was no systematic plan to reform the former Sandinista police or the judiciary, and the main international involvement was U.S. pressure to eliminate Sandinistas from command positions. Many of the efforts to change the police there after the war have amounted to battles for control of the leadership of the police.

In Guatemala the pre war police amounted to 12,500 agents—a force regarded as a junior partner to the military. In rural areas these police were supplemented by private guards of large landowners who served as the owner's police force. In El Salvador there were three fiefdoms of police—the Treasury Police (mostly in charge of customs), the National Police (PN), and National Guard. In some areas the National Guard was at the disposal of politically connected large landowners, including cases in which National Guard barracks were located on the plantation. During the war the Army became mostly conscripts while these three Salvadoran units had many career non commissioned officers. Each of the three had bad human rights records, though less so the National Police.

The military had controlled the judiciary in Guatemala, and it had no jurisdiction over the military. In El Salvador, the new 1983 Constitution authorized the Assembly to elect the Supreme Court to five year terms by majority vote. The Supreme Court in turn controlled the rest of the courts—selection of judges, budget, discipline and dismissal. This meant the largest party picked the court and, in practice did so on political criteria. At the end of the war, the head of the court, Mauricio Gutiérrez Castro, quite apart from his ARENA political ties, was a notoriously arbitrary flamboyant character who had a great deal of control over the entire court system as well as other elements in the legal system. Gutierrez Castro, for example, had selected a head of national forensics whose need for tabloid journalism publicity led to sensationalism at the expense of fair

procedures and even falsification of evidence. The court system, headed by the Supreme Court could discipline lawyers. In Nicaragua the Sandinistas controlled the courts, though not entirely, as some independent voices were heard.

**Post War Crime.** In all three countries the end of the war brought very large increases in crime. Most areas of Managua had been quite safe during the war even for women walking alone at night. The police did not take bribes. Soon after the war one avoided stopping at stop lights at night, and the police were quick to take bribes. There was a large increase in armed robbery and burglary. But the crime problem was far more extensive, organized and violent in El Salvador and Guatemala and, despite some recent declines in El Salvador, it has persisted. Though crime statistics are notoriously bad, the homicide rate in El Salvador topped that of Colombia for a couple of years in the late 1990s. and was 15 times that of New York City. It remains about 5 times that of NYC. It was estimated that there were 20,000 gang members in El Salvador, a significant minority of them imports from Salvadoran gangs in Los Angeles, young men whose families had fled El Salvador in the 1980s.

Kidnapping for profit became widespread in Guatemala and was not restricted to rich victims. In El Salvador, during the war the left did political kidnapping and used the victims in exchange for guerrillas and leftists held by the government. During the war there was also a kidnapping for profit tied to elements in the military. Since the war kidnapping has not been as widespread as in Guatemala, but it has been, until recently, a very serious problem.

In addition to gangs there have been rings of organized crime in all three countries with Guatemala apparently having the most extensive problem and the problem most difficult to solve because the rings there have sufficient influence—the parallel powers—to avoid prosecution, or, when prosecuted, to escape conviction. There have been organized car theft rings with links to the U.S. and cars coming from the U.S. In all three countries there is evidence of money laundering, some of it emanating from corruption and some from the drug trade. In Guatemala there is evidence of growing and extensive drug transshipments with multiple air strips in remote areas of the country, particularly on the eastern side and in the northern

salient of Petén. According to comments in September made to the author by a high official in the Ministry of Governance, (the Ministry is in charge of, among other things, the PNC) there are areas of the country devoted to the drug trade that are beyond the control of the government. In Nicaragua, since 1990 there have also been significant shipments of drugs traveling up the sparsely populated, road less Atlantic Coast, some carried on speedy launches emanating from the not far distant Colombian island of San Andres. However in Guatemala the problem goes beyond transshipments to cultivation of both coca and poppy and some processing of the crops. In Guatemala virtually every seasoned observer believes that the drug traffic has the involvement of current and former military figures, particularly some that were in charge of intelligence. In Nicaragua, it is alleged some that of the police on the Atlantic Coast have been involved in drug trafficking.

Most of the public has very little protection from this crime. In national polls in El Salvador, dating back over a decade, crime is consistently listed as the most serious, or 2nd most serious problem in the country. Extraordinarily high numbers of poll respondents state (twenty to thirty five percent) that someone in their family has been a victim of crime in the previous four months. Recent polls in Guatemala are similar. And in Guatemala, particularly, though not exclusively in rural areas, lynch mobs have taken justice into their own hands. Police coverage in rural areas of Guatemala is very thin.

The rich do have protection. In each of the three countries there has been rapid and extensive growth of urban private security forces almost entirely unregulated.

#### EL SALVADOR REFORMS

**The Courts.** The Salvadoran peace negotiations led to new Constitutional provisions for selection of the Supreme Court (CJS) eight months in advance of the final accords. The final accords also detailed measures to form an entirely new police force while abolishing the old ones.

Under the 1983 Constitution, a majority vote in the Legislative Assembly selected CJS magistrates to five year terms. The largest party could pick the court. That resulted in appointments based on party loyalties and a compromised court. The CJS in turn appointed lower court judges, disciplined them and

controlled their budgets, and it also had authority over the professional standing of attorneys.

The FMLN regarded the court system as supine before the power of the military and the rich. The Truth Commission report in 1993 reached a similar conclusion—that the governmental institutions in El Salvador had not been willing or capable of stopping the military's human rights abuses and that the court system bore "tremendous responsibility" for the impunity. ARENA certainly did not subscribe to this position, but "modernizing" elements in the party and President Cristiani in particular, understood that a thoroughly politicized court system was not good for attracting investment. This is not to say, however, that the reform did away with the predominant system of political and family based favors in the public and private sectors.

The new court provisions, not implemented until 1994, required a 2/3 majority of the Assembly to select judges, and the selection had to be from nomination lists received from the National Council on the Judiciary and the bar association. The terms of justices were extended from five to nine years, with 1/3 of the fifteen justices replaced every 3 years. This has meant that the largest party cannot select the judges, as in the past, but rather there must be bargaining among the parties. If this did not entirely depoliticize the process—you vote for my candidate and I'll vote for yours, as in the Pact in Nicaragua—the requirement that the justices selected had to be from lists submitted by the bar association and by a relatively independent National Council of the Judiciary (CNJ) added a further layer of distance from raw politics and expanded the possibilities of more nominees being selected for professional competence rather than political loyalties or ideological affinities. The CNJ had been completely under the thumb of the Supreme Court, but the new provision also required that its members would also be selected by a 2/3rds majority of the Assembly and would be given the power to review judges, to make recommendations and to nominate lower court judges to the CJS.

CJS President Gutiérrez Castro stalled all reforms, and the effective functioning of a judicial training school, until 1994 when the new method of selecting the CJS was first made. Then the process was difficult but showed a tendency of the two collegiate bodies, the bar association and the CNJ, to nominate many based on competence and professionalism and a subsequent legislative tendency to select such can-

didates. The nomination process did not solve the entire problem. The Assembly deadlocked for over a month, and ARENA (with 39 of 84 votes) absolutely refused some candidates on the list, including Abraham Rodriguez, a rich businessman who had been a key figure in the Christian Democratic Party and, more to the point, had been one of three members of the Ad Hoc Commission that had led to the purging of the military. But eventually a compromise was struck for all fifteen positions. Though some justices had political ties there was a diversity of view points and a high level of professionalism among the group. Included were the first two women ever named to the Supreme Court.

Access to the court system was expanded after 1994 by an increase in justices of the peace who now number nearly four hundred.

However the system remains centralized. The Truth Commission report and then ONUSAL had recommended that the CJS no longer control the entire court system, and that the National Council of the Judiciary take over this function. (The Council with eleven members had some lower court judges on it, until it was reduced to six members in the late 1990s). The CNJ would appoint and remove lower court judges, and license and discipline attorneys. Those powers remain with the CJS, which did establish an investigative unit to look into complaints about judges, including those of the CNJ. However the CNJ has recently complained that the CSJ has ignored its nominations for lower court judges.

Despite the reforms the reputation of the court system at its lower levels remains mixed with critics charging that some judges are poorly trained or open to corruption and political influence, though the presence of violent threats and intimidation does not seem nearly as extensive as in Guatemala. The penal courts have been also victimized by the crime wave. Cases are slow, so judicial detentions are long, and so the penitentiaries are clogged. Conviction rates are low. This has been in part a reflection of weak investigative processes on the part of the police and prosecutors. However the School for Judicial Training gradually had some positive effects. (Popkin, 1994, 2000)

**The Police.** The National Civil Police (PNC) experienced a difficult birth and adolescence. Though the government had signed the accord to dissolve the National Guard (GN) and Treasury Police, and to phase out the National Police (PN), it had to be

pushed at every step of the way for two years to implement the agreement. First it attempted to simply transfer the GN and Treasury Police to different headquarters with different names. Cristiani publicly worried, presciently, that dissolution of the forces would contribute to the crime wave, a realistic admission that at least showed that he shared some of the FMLN belief that the old forces lacked integrity, to put the point mildly. This ploy was blocked, but then two months later the government was allowed to transfer 3000 GN troops into the PN, increasing its force by 50%, making it difficult to detect if those moving from the PN to the PNC were really GN. Under the accords 20% of the PNC could come from the PN and 20% from the FMLN. Spot checks showed ex military sneaking in to the program. The FMLN had a difficult time filling its 20% quota because many of its former combatants did not have the requisite educational background. The initial PNC force was to be about 6000, with a plan to expand to 10,000 by 1999.

Initial PNC training and deployment ran behind schedule and was plagued by shortages of the most basic resources: vehicles, arms, radios, salaries and buildings. The military gave up virtually no resources to the new PNC, and in general did not cooperate.

The government's two year budget for the new Police Academy and the PNC was only 45% of the necessary \$194 million. As with other aspects of the accord, the government hoped the international community would fund the rest, but international donors were reluctant because of past controversies in international finance for police forces. The U.S., Norway and Spain pledged another 8% of the budget (with the U.S. being the largest donor). Construction of the Academy was delayed and, in what seemed like an idiotic move, new cadets were told that their initial salaries would be about 70% of what had been advertised. But mostly the shortfall was not covered.

Police training was largely done by experts from Spain, Norway, Chile, and the U.S. ONUSAL during early PNC deployments provided transportation and radio communications (going well beyond its mandate) because the PNC was bereft of resources. Despite this the Council of the new Academy for some months did not permit ONUSAL verifiers of the accords to attend their meetings. (Stanley, 1993)

In short, initially the government protected military interests, perhaps because the military was being hit hard by the Ad Hoc Commission and was, at

best, a reluctant PNC supporter. The FMLN was not a sufficient opposition watch dog. Organizational weakness, infighting, crises, and the need to become an electoral party made its efforts in the PNC (in contrast to its efforts on land issues) inadequate. During those initial years the efforts to keep the PNC aspects of the treaty on track were being pushed much more by ONUSAL than by the FMLN.

The PNC lacked investigative capacity and the government, with backing by the U.S., attempted to shift into the PNC two units from the old police structure—an anti drug unit, the UEA, and an investigative unit, the SIC (with a dubious record of investigating human rights cases), rather than have the PNC develop its own investigative unit. Eventually the FMLN agreed to the transfer, if the personnel were vetted and trained. This was during the December 1992 crisis over the purging of the military and final demobilization of the FMLN troops. Vetting was not done well and evidence surfaced that members of the SIC had covered up or been involved in cases of political assassination and other human rights violations.

Despite these inauspicious beginnings there were some positive developments including the first deployments. New units quickly broke up two rural gangs with the help of local citizens—just the sort of citizen involved police work the architects of the force had in mind. A public opinion poll gave the PNC rave reviews. The PNC maintained a generally positive profile (compared to other institutions) over the next several years though the reputation of the force became tarnished by publicized evidence of cases of corruption, of excessive use of force in dealing with demonstrations, and even of extrajudicial killings. It was also clear that the crime problem they were confronting left them literally outgunned by better equipped, sophisticated criminal adversaries. The PNC suffered considerable loss of life, many times that of any U.S. police force. Between March 1993 and November 1995 the PNC suffered 90 killed and 470 injured in a force that averaged some 7000 officers.

In a 1993 poll 34% of respondents said that they or an immediate family member had been robbed in the previous four months. The government responded to these perceptions by using military patrols to augment the police, a popular move though one inconsistent with the accords. The patrols protected the 50 kilometer highway between the capital and the airport and highways carrying export harvests.

Still more controversial was the appointment of Captain Oscar Peña Durán as top operational officer. He came from the military and had been head of the controversial UEA. The FMLN was appalled. He had directed the controversial investigative unit in the aftermath of the murder of the Jesuits. However the government did not have a long list of qualified candidates. And Peña Durán actually arrested military officers—a striking departure — and prominent members of ARENA.

However Peña Durán salted UEA and SIC members into command posts around the country using them to create his own personal command structure. The battles to get rid of Peña Durán and the UEA and SIC would last a year and three years respectively, and came to involve Rep. Joe Moakley who had investigated the Jesuit murders. When the move was eventually made to dismiss the remaining 71 members of the units they threatened to burn all records. Eventually they stood down after being offered very handsome severance packages. (Costa)

The head of Public Security at that time was Hugo Barrera and the head of the PNC was Rodrigo Ávila. Barrera, not a member of ARENA, was a forceful and ambitious figure who sought to make the PNC better. But in a fashion parallel to Peña Durán he was a personalistic leader more than the builder of an institution. Once the two units had finally been forced out—Barrera had delayed for months—Barrera proceeded to create his own investigative unit outside the chain of command carefully structured in the peace accords and implementation.

To counter Barrera's weight local NGOs pressured President Calderón Sol to create a National Council for Public Security, a high profile group that would plan a public security strategy. Two of the negotiators of the peace accords, Salvador Samaya (who was with the FMLN throughout the 1980s but then resigned after the accords) and respected intellectual and author David Escobar Galindo (who had negotiated on the government side of the table) were joined by prominent business leader Luís Cardenal.

The Council helped insure that the system of checks and balances designed under the peace accords would be operative. The Minister of Public Security (Barrera) has the PNC Director report to him, but the PNC Director and the Minister are appointed by the President, and the PNC Director can be dismissed by the National Assembly. The Academy is supposed to be independent of the

PNC with a civilian, politically pluralistic, Academic Council. The Minister appoints an Inspector General, but must do so with the advice and consent of both the Attorney General and the Ombudsman for Human Rights.

Then President Flores appointed as PNC Director Mauricio Sandoval. He cultivated a direct relationship with President Flores. Sandoval's appointment was opposed by the NGOs, who had developed a working relationship with Ávila, because Sandoval had directed the Office of State Intelligence, a mysterious agency created under the peace accords to put intelligence gathering under civilian control. Police work was supposed to be separate from intelligence gathering (as opposed to investigating crimes) under the accords and the NGOs feared that Sandoval would secretly merge some functions of the two groups. Sandoval denied the charges to HI in 2001. In addition Jesuits from the UCA noted that Sandoval had been head of the National Secretariat for Information which took over all radio stations during the 1989 FMLN offensive, and that some stations had broadcast phone calls that threatened the Jesuits with death. However there was no direct evidence that Sandoval was responsible for these statements.

Sandoval was a strong manager who maintained the internal chain of command in the PNC. He concentrated police in high crime areas, took suggestions about using new police methods that were more community based, was responsive to suggestions of the National Commission on Public Safety, and conducted a massive purge of the PNC (see below). He resigned before the end of Flores' term, hoping, it was said, to be a presidential candidate.

One would have thought that with crime at spectacular heights and with poll after poll over more than a decade listing crime as the most serious problem that the government, executive and legislative branches, would have given more resources and direction to creating a more effective PNC. More often ARENA and the FMLN have fought in the legislature over bills that would be hard line attacks on criminals versus ones that would protect rights of defendants. It is not a coincidence that hard line bills have been sponsored by the government shortly before presidential elections. Too often corrective moves of the government have come only after international pressure (as in the case of Moakley's lobbying or the UN pressure for the Commission on

Public Security) or when a spectacularly negative event forced the government's hand.

For example, when President Calderón Sol was inaugurated in June 1994 President Cristiani had still not, after repeated delays, demobilized the PN. That month a video camera fan caught a bank robbery in broad daylight. The footage seemed to reveal one of the robbers to be one Colonel Corea, then head of the investigative unit of the PN! The Director of the PN covered for Corea, claiming that he had been in headquarters at the time, and Corea went free. An immensely negative media and public reaction led newly appointed Barrera to dismiss the remaining agents in the PN investigative unit (though not their brethren who had already transferred to the PNC) and to make the final dissolution of the PN.

Six years later amid growing stories of corruption in the PNC, Sandoval admitted that he had found clear evidence that police officers were involved in two kidnappings. That same day four men, one a police officer, robbed a Holiday Inn near the U.S. Embassy, and criminals wearing police uniforms robbed a business. The Salvadoran media has a tabloid like attraction to crime, and the coverage of these events was mountainous. President Flores appointed a special commission to evaluate PNC agents and recommend dismissals. Quickly reviewing a backlog of 1200 disciplinary cases, the Commission recommended dismissal of 200 officers, some of them senior officials. Some of the officers sued, claiming lack of due process.

Sandoval and Flores then got special legislation passed to suspend civil service protections. The FMLN voted for the measure. By the end of the year Sandoval had dismissed 1500 (out of 17,000) police officers in a purge that obviously raised questions of procedural fairness. The PNC went from one extreme to the other, from a long backlog of disciplinary cases to a process in which commanders could simply finger people on the basis of suspicion and have them run out.

By most accounts, however, this *depuración* did go a long way toward weeding out the criminal and most corrupt elements of the force. However, according to some analyses, it was also a method of getting rid of "inconvenient types" and this included a disproportionate number of police officers whose origins had been in the FMLN, in the lower ranks, middle ranks and higher levels of command. The result has been that there are relatively few former FMLN members in the ranks. The great majority of higher

officials have their backgrounds in the old police structures, though they are now 12 years removed from that experience. Few who entered the police with neither FMLN nor old police structure backgrounds have been promoted to the higher ranks.

By the end of 2003 Samayoa reported to HI that there were no major crises in the PNC. Serious problems persist related to forming a professional force able to use computers and advanced investigative techniques. And so do PNC misdeeds. Police were involved in a dozen homicides and a dozen kidnappings in 2001-2002, and in seven aggravated robberies, and seven rapes. Two high level police officials were accused of sexual abuse. The PNC has had a bizarrely high rate of suicides, some sixty-six from 1994 through 2001, though the rate dropped to one in 2001.

President Flores announced a *mano duro* (hard hand) policy against street gangs and submitted legislation less than a year before the March 2004 election that permitted arrest of gang members merely for associating with gangs. This has created a clash between the executive and police on the one side and the courts. The courts receive cases of pre trial detention that lack evidence or seem based on unconstitutional provisions. When they release the prisoners the judges felt that they were being blamed for the crime wave. The police claimed it was better to get gang members off the streets even if they would be released a few weeks later.

Public reaction found a high percentage of those polled said they thought the law was unconstitutional, and a high percentage in favor of the law nonetheless. By the March election some residents of San Salvador talked as if the crime wave was greatly reduced.

There is considerable evidence that crime, or at least some kinds of crime, has been reduced though the reduction would appear to predate the *mano duro* law. This might be due to more aggressive (and perhaps abusive) policing, and an earlier round of criminal legislation in 1998. Increases and reductions in crime, anywhere, are complex phenomena. Political motivations often lead to simple explanations, such as a new law or a better police force. But crime rates can go up and down as a function of changes in the proportion of a society's population of young men.

The number of people arrested by the police tripled from 1999 to 2003 (to 66,000), and the prison population went from 7000 to 11,500 thousand, that is about 4500 more than the pris-

ons are designed to hold. (The Central Prison has a capacity of 800 but has 3100 prisoners.) A large minority of these are pre trial prisoners who have been languishing in jail for weeks and months.

From 1999 and 2003 homicide remained around 2200 per year (though the rate /100,000 fell from 36 to 32, still about five times higher than New York City. Robberies dropped by over 50%, burglaries by a third, and kidnapping dropped from 101 in 1999 to 8 in 2003. But rapes rose from 640 to 838. These figures are all from the PNC but there is a rough correspondence with the polling data of reported crimes. The highly respected Central American University (UCA) polling organization IUDOP shows a fall in its index of victimization from 23.4 in 1999 to 16 in 2003. The correspondence is rough, because the IUDOP rate went down sharply in 2000 (to 17.3) but the police crime reports went up in most categories and overall. (FESPAD)

#### GUATEMALA REFORMS

**The New Police.** Beset by problems as it has been the PNC of El Salvador represented a dramatic institutional break with the past. Though there were serious efforts to maintain, for as long as possible, the three old police forces, and efforts to infiltrate the new with elements of the old the PNC began as a new force with some 20% from the old PN and 20% from the FMLN, and 60% from neither.

The central institutional difference between the new PNC in El Salvador, and the new PNC called for in the Guatemalan peace accords can be captured in one statistic: In Guatemala five years after the peace accords 11,000 of the 19,000 police came from the old police force that had been under the military. Virtually all of the old police, irrespective of credentials made it into the "new" PNC. President Arzú declared a three month training course would be sufficient to qualify the old police — as opposed to a six month training course by new cadets (and by new and old recruits to the PNC in El Salvador).

A problem behind the calculations of the Arzú administration's calculations could have been the post war crime wave. Despite the opinions of all international experts that the old force was so deficient and corrupt that it would be better to take the slow course of building a new force, several hundred graduates of a new academy at a time, Arzú might have calculated that discharged members of the old force would become part of the criminal problem (as

they had in El Salvador), and that there would be an insufficient number of police for many years. This also came at a time when the Civil Action Patrols, a million strong local militia formed by the military during the war, had been disbanded. They had been an irregular police force in a great many local areas, though one associated, in numerous villages with human rights abuses including assassinations (sometimes ordered by the military) and with arbitrary actions in others.

The crime wave was real and continued to be so. A survey of crime in Latin America found that Guatemala had the highest rate (55%) of those polled who declared that a member of their family had been a victim of crime in the previous year, with El Salvador in second place at 46%. Its homicide rate was the second worst in the region, behind that of El Salvador, and Latin America had, by far, the highest homicide rate of six regions compared. (BID, 2000)

Added to such calculations were international estimates that even a force of 20,000 police was not enough. Those estimates noted that in countries with low crime rates a force for the country the size of Guatemala, which did not have a low crime rate, would have been 44,000. For example in the Department of Huehuetenango, with one of the highest rates of poverty and a population of nearly 1 million spread out over 31 municipalities there were only 696 poorly equipped police, with 34 women and 44 who speak indigenous languages. The Department has 9 languages and is 65% indigenous. Of the 44, only 17 were located in a zone in the Department in which their language was common. (MINUGUA, 2004)

However, the requirement that recycled police from the old force would require just half as much time in training as the new, rather than an equal amount or perhaps more to unlearn some things, seemed to legitimate, rather than critique, the old force. At least in the first few years little attention was paid to training in human rights (some two to eight hours). Nor was there an effort to vet the police coming in from the old force. When MINUGUA, which did not have broad access to old records, found 14 officials to be recycled into the PNC that had records of serious human rights abuses including accusations of homicide against three, the government response was to agree only to investigate the 14—not treat this spot check as evidence that serious vetting of everyone was required. Again, the stance of the government

seemed to be that there had been no problem in the past.

The example is also an indication that in this ambit, at least, MINUGUA was weaker than ONUSAL had been. It had weaker treaty provisions to verify. The URNG, without a 20% stake in the new police force, did not have the organizational strength of the FMLN, which itself was relatively weak on the police issue. In El Salvador the trainers at the new Academy were from a variety of countries. This may have increased coordination problems, but had the advantage of a cross fertilization. In Guatemala, the government awarded the entire task to the Spanish Civil Guard, which was regarded by international experts as a police force with a highly militarized style.

By 2000, with some sixteen thousand agents in the PNC, the government was moved to form a verification unit to vet recruits. The unit was funded by MINUGUA and by the U.S. police training agency Institute for Criminal Investigation Training and Assistance Program (ICITAP.) The funding suggests the international lobbying sources to establish the unit. The unit in 2001-2002 suspended two thousand applicants for falsification of documents and other problems. However, by 2004 the unit was apparently reduced to four investigators who do not have sufficient time to review all of the applications or even to check all of the 1500 cadets who to make it into the academy.

The harvest of these strategic and implementation problems was partially revealed when Human Rights reports found that a majority of human rights abuse complaints were directed against members of the PNC. In Huehuetenango MINUGUA reports that the initial good impression of the police in 1998 has sunk to a level of general distrust, and in three municipalities the police were asked to leave.

Criminal investigations constitute an inadequate and corrupted feature of the justice system. As in the case of the police there has been inadequate screening of recruits and inadequate numbers of investigators in the PNC's Criminal Investigation Unit (SIC, or Servicio de Investigación Criminal). By 2001 the number of investigators was half what international experts thought was needed. MINUGUA reports and that of the respected research organization ASIES indicate that crime scene investigations have been plagued by lack of coordination or even hostility between SIC investigators and the investigators of the Public Ministry, the prosecutor's

office. The Public Ministry investigators fail to arrive, show up late, and order the SIC investigators to leave. Evidence is lost or spoiled, and the forensic services have inadequate equipment. All this contributes to very low rates of prosecution and conviction. A devastating USAID 1999 study found that in Guatemala City the Public Ministry dropped over 2/3 of 90,000 cases after preliminary examination, and only went to court in 1100, almost all of which were dropped when witnesses and victims decided, perhaps under threat, not to testify.

However the more serious investigative problem is evidence marshaled by human rights groups such as the Myrna Mack Foundation and the Church's Human Rights Office (Oficina de Derechos Humanos del Arzobispado, ODHA) of a kind of competition among investigative units and alleged infiltration of some units, including military intelligence gathering units, by criminal figures or by politically powerful forces, the occult forces, or parallel powers referred to in the section on the military. This results in evidence being used as a commodity to extort from the accused, to bribe or threaten witnesses, investigators, police, prosecutors and judges. In the murder of Bishop Gerardi the crime scene was contaminated and crucial forensic evidence destroyed or "misaid," — mere technicalities when one considers that judges and public prosecutors resigned and in some cases fled into exile, that the night before the trial grenades were thrown at the home of the judge, and that nine potential witnesses were murdered. In efforts to prosecute high ranking officers in the assassination of anthropologist Myrna Mack, over two dozen judges resigned or were removed from the case, death threats and harassment against witnesses have been constant, evidence was destroyed or "misaid". In this case it took over 5 years to initiate the prosecution, and then four years of delays over procedural and conflict of laws issues. This rank corruption of the justice system was carried out despite immense international attention on both cases. (Sieder)

These parallel investigative forces came to light during the Arzú administration when families of kidnap victims discovered hidden coordinated operations between the Public Ministry and the EMP, which was supposed to have been dissolved. In the Portillo administration, the President appointed Byron Barrientos in July 2000 to head the Ministry of Governance. He had been cashiered from the army for participation in the first coup attempt

against Vinicio Cerezo in 1989 and was reputed to have ties to the aforementioned Ortega Menaldo (who was a former head of the military intelligence during the Cerezo administration). Barrientos appointed two fellow coup plotters to be deputy chief of the PNC and head of the office of migration, a center of corruption. Barrientos replaced the chief of the PNC as well, which made the third chief of police in 7 months! Barrientos was forced to resign in November 2001 over a financial scandal in the ministry. Portillo also appointed, early in his administration Jacobo Salán Sanchez, who had served under Menaldo, as head of the EMP.

**Judicial Reforms.** There have been some notable reforms. Access to the judicial system has gone up, particularly for the indigenous population (for which access had been extremely low and discriminatory particular given language barriers). Up to 2001 there had been just over 100 new courts established. Justices of the peace, who had only been in 2/3 of the national territory, were present in all 330 municipalities. By 2001 there were 35 courts with legal interpreters. The number of cases heard by justices of the peace tripled by 2002 from some 45,000 in 1997. There have been several programs to train court interpreters. All of these efforts were supported by international funds, from USAID, MINUGUA and UNDP. But these advances fall far short of the mark.

Though there was between 2002 and 2003 a very large increase in the number of court personnel that spoke in indigenous language, the number of interpreters rose only to 43 (in the country!) and the number of judges remained at 98, most of them justices of the peace. The expansion was by some 400 indigenous speaking staff persons including judicial auxiliaries. This is to be applauded, but 8 years after the peace accords, 43 interpreters is not impressive. In Huehuetenango six new judicial centers and the Public Defenders have no interpreters, the Public Minister has two, and one court in a municipality has two. (ASIES, 2003)

Similarly the idea in the accords that appropriate disputes could be settled using indigenous norms ran into legal and political conflicts in the Congress. One way of dealing with this has been to establish community courts and mediation centers that can use alternative methods of dispute resolution, if the parties agree to it. Twenty two mediation centers took up some 5000 cases in 2003 and reached accords in 40%, though it was not clear if

the accords had legal standing. The court system has also tried five mobile justice of the peace courts with mediators.

Like many Latin American countries Guatemala adopted new procedural codes which replaced investigative authority of judges with the Public Ministry and reduced the extremely high use of documents in cases with increases public oral testimony. Implementation of these efforts over the last decade has been uneven. There have also been efforts with international help to improve judicial training, and to enforce a judicial code of ethics, and to introduce a 1999 judicial career law that created an organization to monitor standards and performance. However positive these developments are, they must take into account that since the mid 1980s international assistance to the Guatemalan justice system has been frequent and ample. No doubt there have been improvements, and one could argue with hope that impunity will shrink and corruption will be on the defensive during the Berger administration. But forces of corruption and intimidation remain deeply embedded in the system as every recent report indicates. Moreover government budgetary support of the court system has been declining. A budget of about \$110 million dollars in 2001 declined by 11% in 2002 and that approved for 2004 was about 65% of the 2001 level. In 2001 and 2002 the military budget, after declining since the peace accords, rose substantially.

#### NICARAGUA REFORMS

**Changes in the Police.** In Nicaragua, consistent with what we have seen before, the issue was not quality of policing and adjudicating but rather whether the Sandinistas would control the police, military, and judicial systems, and the principle focus was on the military and police. Getting rid of Minister of Interior Tomás Borge was relatively easy for Chamorro because there was no doubt she could pick her own ministers, but the Sandinistas maintained that the command structure of two professional forces, the military and the police, should remain intact. Two years after Chamorro's victory, under U.S. pressure, René Vivas, the head of the police was forced out along with a dozen and a half other officers who were long time Sandinistas. But the rest of the command structure stayed largely intact.

It was easier to get rid of Vivas, than Humberto Ortega in the military because he had not been one

of the 9 commandantes, much less brother of the defeated presidential candidate. Moreover, according to rumors the form of U.S. pressure had been conditioning a large package of aid (some said \$100 million) on the removal of Vivas.

It is also said that the command structure stayed intact because Vivas and Antonio Lacayo agreed, prior to the public announcement of his dismissal, to draft a presidential decree that would establish rules and regulations for the internal management of the police including promotions and discipline. In short, the dismissal brought with it an effort to institutionalize practices in the police. That framework was elaborated as one of the changes to the Constitution effectuated in 1995. That spelled out police functions and was followed in 1996, before the elections, by a police law which defined the police career and command structure with subsequent regulations on discipline. (Cajina)

During those years and beyond, the police, irrespective of who commanded them, faced severe problems. In addition to the increase in crime, there were numerous large scale demonstrations mainly put on by unions and other groups associated with the Sandinistas. However, these events were not simply party driven efforts to disrupt the new government; rather they were responses by the thousands who had been laid off during the draconian imposition of neoliberal reforms aimed, initially at getting inflation under control (as the Sandinistas had attempted to do two years before the election). There was no parallel to this in the other two countries. And the FSLN played a dual role, some would say duplicitous role, both egging on the demonstrators and then negotiating compromises with the government within the framework of its policies. The Chamorro government called upon the police to control these events. When they attempted to do so, the Sandinista groups charged them with human rights abuses.

Secondly the police, along with the military, were called upon to quell the numerous armed groups in the countryside demanding land. Again, there was no parallel to this in the other countries. The lack of military (vastly reduced) and police in many rural areas led to the former military personnel forming self defense committees, that is, more armed groups. The toll at the end of four years was some 1500 dead among ex contras (some 600), peasants (350) many of whom were cooperative members, Sandinistas (175) and some 150 police and military. Not all of this was political; personal feuds and liquor played their part.

During this time rather than build up the police force its budgets were cut and salaries of police men and women sank in real terms. Bribing traffic police became common. The police would put new cadets through training; they would serve for a few months, and then they would be hired away by private security firms that would pay more money.

However despite this the police retained some of the effectiveness they had displayed against crime during the war years. By the late 1990s, after the election of Alemán, the U.S. ambassador was pushing a program of U.S. cooperation with the police in intercepting drugs and privately lauded them, in contrast to other Central American police forces, for their effectiveness and willingness to do a job if provided with modest resources. The police established innovative offices, led by women, to deal with gender issues ranging from family disputes, and family violence to rape.

However the police have been plagued with other problems. First, there was a struggle over the selection of the head of the police during the last years of Alemán's administration. Against the advice of the internal National Police Council, which supported someone who had come up from the ranks, Eduardo Cuadra, Alemán picked Edwin Cordero, who immediately retired Cuadra and several of his allies. Cuadra had investigated the "narcojet" case that had implicated Alemán.

This past year Cordero got into trouble when he suggested that there was police corruption on the Atlantic Coast and suggested that there had been a policy to allow the police to use captured drugs to pay off informers and police officers who had captured drug dealers. Two former heads of the police rose in anger and demanded an apology and that Bolaños fire Cordero, despite his apologies. However Bolaños pointed out that the police law gave the head of the police a 5 year term ending just before a presidential term, and that dismissal before that had to be for causes specified in the law. Cordero had violated none of these. Despite the press campaign against him and the considerable lampooning of the institution, Bolaños' employment of a police law for institutional stability stands in sharp contrast to the revolving door of police chiefs under the capricious orders of President Portillo in Guatemala.

However it is said that Bolaños did not take this step before checking with Daniel Ortega and the U.S. Ambassador.

The police have a severe lack of resources. Police pay in Nicaragua is comparatively low and the size of the police force relative to the size of the population and its geographic extension is small.

**Nicaragua—Court Packing.** After the 1990 elections considerable international efforts, mainly from the UNDP and Sweden, were made to upgrade the judicial system through more training and expand access to it in rural areas. The 1995 Constitutional reforms aimed for judicial independence by lengthening the terms of office of magistrates in the Supreme Judicial Court (CSJ), by making the President share responsibility with the Assembly for selection of judges, and by requiring that 4% of the national budget be allocated to the judiciary. New judges were required to have a law degree.

Following the constitutional reforms two Supreme Court Justices, one Liberal (Guillermo Vargas, President of the CSJ) and the other FSLN (Alba Luz Ramos) attempted to effect reforms in the whole system from 1996-1999. The two reorganized the CSJ so that cases were processed more rapidly. They removed over 200 judges and court secretaries for flagrant abuse of office mostly at the local level. A 1999 poll in small towns sponsored by Sweden indicated that residents did not perceive the local court as corrupt. But this had relatively little impact in Managua where elements of the court system have reputations for corruption (selling sentences for example), incompetence or politicization.

However the Liberal/FSLN pact of 1999 increased the politicization of the judicial system. First the reform team of Vargas and Ramos was replaced with another Liberal as Court President (Francisco Plata). Then in 2000, under the reforms emanating from the pact, the court expanded from 12 to 16 with the additional justices coming from the PLC and FSLN. (Dye, 2000)

Other efforts to reform the system to make it more professional and less politicized have been, at best, mixed. One of the motivations for the Pact was that an aggressive Comptroller General, Agustín Jarquín had brought numerous charges of corruption against the government. Not only was he replaced under the pact by a collegiate body divided between PLC and FSLN members, but in a subsequent case Jarquín was jailed. International donors visited him in jail and complained through diplomatic channels and an appellate court then reversed the decision of the district court. Both appeared to

be political decisions. The Scandinavian countries suspended their donations to the Comptroller's office pending a review of its new configuration, a decision that reportedly infuriated President Alemán. Similarly, it took foreign pressure, from the U.S. and the IMF, to pass legislation that would enable a citizen to sue the government for damages stemming from incorrect administrative rulings. The legislation passed despite considerable efforts by the Liberals to water down the bill, which did result in delaying implementation until after the end of Alemán's term. Legislation to establish rules for judicial careers was authorized in the 1995 Constitutional changes. The project has been backed by international sources, but languished for years. The issue has been scheduled for consideration this year, but, as detailed above, it is a political hot potato. Such a law could establish educational standards and training and could reduce political control and regulate CSJ control over the lower courts which some have charged amounts to fiefdoms controlled by some CSJ justices.

For all of the criticisms and problems of the Nicaragua system of justice, the problem of the police and courts do not approximate the severity of the problems in the Guatemalan system. The former Sandinista police did commit human rights violations but not nearly on the same scale as what was happening in the other two countries nor do they have the same reputation from their critics for corruption and incompetence now as does the new police force in Guatemala. There is corruption in the judicial system and independent watchdogs such as Jarquín can lose their jobs and be jailed for a brief time. That is, the Pact, rather than bringing positive reform has accelerated rot in the system. But this pales in comparison to violent acts and threats against judges, prosecutors and witnesses in Guatemala. However, in Guatemala the peace accords did spawn multiple areas of reforms that improved coverage and offer some promise of expanding quality. Reforms in Nicaragua save for the brief period in the late 1990s led by two justices, have really been political deals.

## POST WAR ELECTIONS, PARTICIPATION, AND PARTIES

**T**he transitions to civilian based elections came in the context of war and post-war. The wars shaped the elections and the elections shaped the peace processes. This is very different than the many transition from authoritarian governments to civilian elections in the past thirty years. The initiation of the transition was to an important but varying degree caused by the leftist rebellions, even though the left rebels rejected initial elections. Several of the key post war electoral parties were military or paramilitary organizations and protagonists during the war, and other military organizations have not done well in the electoral context.

Elections are not the same as democracy. These countries have been relatively successful in establishing inclusive, non violent and procedurally fair elections. There have been problems with electoral authorities and some registration and voting systems have been disadvantageous to the rural based poor. The elected governments have been consider-

ably less successful in mitigating the social and economic problems that led to the wars or in creating institutional reforms to firmly establish a rule of law, due process and public safety. The resulting cynicism along with difficulties in registration and voting has led to low participation, particularly in Guatemala and, until last March, in El Salvador.

The system of proportional representation used places heavy emphasis on political parties and, in general, provides incentives for smaller parties to enter the contest. In legislative elections voters select parties not candidates, and those elected in theory "represent" a district with several deputies, but the districts have no other governing function and the elected owe more to their party than to voters. To generalize, parties have either been too strong or too weak. The too strong parties win, but tend to be highly centralized, offering little incentive for citizen groups to enter or to lobby. And citizen groups lack resources (save for the wealthy). The too weak parties

are more open but have done less well in elections and tend to disappear (with notable exceptions in El Salvador) or are made to disappear by the manipulations of the large parties (Nicaragua).

The winners of all Presidential elections since the mid 1980s (a total of ten) have been conservatives espousing (in different fashions) neoliberal economic policies. Bolaños is the third presidential candidate of conservative bent to defeat Ortega. ARENA has easily won four presidential contests since 1989, the last three against the FMLN. Left presidential candidates have not made the run offs in Guatemala. The left has done better in legislative elections and municipal elections since the war particularly in urban areas, though in Guatemala its success has been limited.

**From War to “Founding Elections.”** Professor Terry Karl has advanced the concept of “founding elections” to describe elections in the aftermath of authoritarian governments in which there is open opportunity for all representative social forces to participate through organized groups. The war-time elections with all civilian candidates were rejected by rebel groups and some opposition parties, but were a marked contrast to four decades of military governments. The peace process broadened then expanded electoral participation.

Toward the end of the wars the rebels and abstaining civilian groups softened their opposition to the war-time elections. The 1987 Central America peace accords, signed by the five presidents of the republics, implicitly recognized the legality of the elections that had selected the Presidents. That both beckoned the rebels to negotiations and narrowed their negotiating space. By mid 1989 it was clear that none of the guerrilla groups could militarily win, but that in El Salvador and Nicaragua they could still inflict considerable damage. And it was not clear that they could be defeated. The new Bush administration began making noises in favor of negotiated solutions. Bush was less interested in Central America because the Cold War was winding down and the USSR had already begun reducing aid to Nicaragua (and Cuba).

In El Salvador civilian groups returned in small numbers from exile to participate in the 1989 elections. In the 1991 contest, with peace negotiations in progress, the FMLN encouraged citizens to vote. In Guatemala the URNG announced that it would not disrupt the 1990 elections. In Nicaragua

repression against the civilian opposition had been far more moderate under the Sandinistas than in El Salvador and Guatemala. These groups negotiated an election process in 1989.

The post war elections incorporated the former rebels. The FMLN in the 1994 ran slates of candidates in legislative and municipal elections and was in a presidential coalition with elements of the FDU, called the *Convergencia Democrática* (later called the CDU). This was the “founding election.”

Arguments in Nicaragua about the “founding election” split three ways. The Sandinistas point to 1984; the moderate anti Sandinistas point to the 1990 election of Chamorro, and the pro contra forces claim the 1996 election. The contras were still at war during the 1990 election. Much political violence followed the 1990 election, most of it perpetrated by a minority of former contra combatants. Prompted by national political figures and perhaps by rightist elements in the U.S. government, rearmed contras called for the firing of head of the Nicaraguan military—their enemy Humberto Ortega brother of Daniel Ortega — and the firing of Antonio Lacayo, the son-in-law of President Violetta Chamorro, and even the resignation of Chamorro, the candidate whom the contras had backed in the 1990 election. Lacayo and Chamorro had accepted the 1987 constitution and compromised with the Sandinistas over legislative bills. By 1996 they could vote for Arnoldo Alemán, a militant anti Sandinista.

Guatemala lagged behind. There had been a substantial hiatus in peace negotiations caused by the failed coup attempt of President Jorge Serrano. The peace accords were not signed until a year after the 1996 elections, so the URNG had to wait until the 1999 elections to participate.

### **Grassroots, Top-Down or International Genesis of Electoral Democracy?**

An excellent argument has been made by Elisabeth Wood that the transition to electoral democracy in El Salvador was due to the leftist insurrection, and the conditions it spawned. The FMLN revolution forced a crisis in U.S. foreign policy, in the military, and among the richest families of El Salvador who feared losing control of the government (and their properties) to the Marxists. The U.S. administration was then moved to support civilian elections in El Salvador to stave off congressional criticism. (Wood, 2000)

This revolution-from-below analysis stands in contrast to mainstream analyses of the transition

from authoritarian governments in Latin American and elsewhere that portray a process of negotiations among elites—some who have backed the authoritarian regime and some who have not—brought about by a political and economic crisis in the regime that increases the risks of continuing to back it. The extent of the crisis and the ability of the authoritarians to negotiate an exit on favorable terms determined the extent to which democratic practice extends subject or not subject to occasional vetoes by the military.

This top-down model has a closer fit to Guatemala. The military remained the strongest political institution in Guatemala during the transition and, unlike other Latin American countries; it did not negotiate the transition with elites as much as announce it to them following its own internal negotiations between hardliners and modernizers. The modernizers had participated in the scorched earth campaign but came to believe that Guatemala was in crisis precisely because the vast excesses committed during the scorched earth campaign had made Guatemala an international pariah. That this was a negotiation within the military is evidenced in part by the reluctance of hardliners in the military to accept the very limited transition during the Cerezo administration when they twice attempted a coup, each time backed and goaded by the hard right among the agro export elite, particularly among the sugar and cotton growers, when Cerezo proposed raising taxes.

In each of these elections the actors were playing to various international audiences to an unusual extent, compared to say Argentina or Brazil, so that one could argue that international pressure was also a causative factor in the existence and shape of the elections. That was clearly true in El Salvador in 1982 and 1984 with swarms of reporters and the U.S. Congress looking on, and in Nicaragua in 1984 and 1990 with the Sandinistas trying to gain legitimacy in the U.S. Congress and among European countries. The Guatemalan military was looking beyond Guatemala, but was also determined to maintain control in the mid term.

The U.S. could argue that it was pressure by the U.S. that forced the Salvadoran military and the landed oligarchy to acquiesce to elections in 1982 and 1984. Examination of this argument reinforces Wood's. The U.S. was completely indifferent in 1972 and 1977 when center and center-left civilian coalitions, mainly led by the Christian

Democrats, attempted to win presidential elections and failed to do so because the military defrauded them. It was only when the FMLN made a viable threat of insurrection and after the FSLN in Nicaragua had toppled Somoza that the U.S. expressed interest in electoral democracy for any of the three countries.

Whereas the FSLN toppled Somoza its 1984 elections would seem to fit the "revolution-from-below" model. But Sandinista statements about elections were mixed. Some spoke with contempt against bourgeois elections or losing the country in an electoral "lottery," and others looked with some favor on the one dominant party model that had been in power since the 1930s in Mexico. The Sandinistas had a very hierarchical, Leninist style party structure, though with a collective group of nine at the top. (Then too, this structure was not so dissimilar to ARENA's in El Salvador.) On the other hand, the Sandinistas thought that the U.S. would attempt to manipulate elections, hardly a naïve belief. They always talked about the "logic of the majority," and conducted in 1984 and 1990 procedurally free and fair elections with mechanisms for ample campaign space (free TV) and for broad voter participation. The latter were superior to the other countries.

These "bottom up" or "top down" processes of getting to elections have had some impact on the shape of post war elections. In El Salvador the political parties that dominate and that provide swing votes are in large measure organizations that were formed and shaped in the crucible of war. ARENA formed in 1981 by former military and business figures, as a paramilitary organization and a political party that would compete in civilian elections. The FMLN was the main protagonist in the war.

In Guatemala pressure from below was much weaker, and the military was so dominant that no strong political party has emerged yet. The URNG is a particularly weak political party.

In Nicaragua the picture is mixed. The party that forced out the Somoza family remains a strong, though very different, electoral party. The U.S. organized and supported rebels that attempted to overthrow the Sandinistas have not had an organized electoral presence as a party, perhaps because they were so dependent on the U.S. and perhaps because some of the peasant fighters had quite local visions. All other parties save one have remained small and ineffectual as they were during the Somoza era. Alemán's PLC does not fit a pattern. It is a post-war

phenomenon, feeding off anti Sandinista sentiment that Alemán was able to organize into one party and to be king of the party. If Alemán were to drop dead tomorrow (and his health is not good) it is not clear what would become of his party.

**War Parties to Electoral Parties.** The rebels in Guatemala, El Salvador, and the contras in Nicaragua entered the electoral system at a very considerable disadvantage. The leaders of the other political parties did not lose many in their leadership to violent death during the war, though the Sandinistas did. The FMLN, URNG, and the former contras (and the Sandinistas) also lost mid level leaders to assassination after the war.

The guerrillas had to operate in remote areas or clandestinely—the opposite *modus vivendi* of campaigning politicians. While one might assume that any organization that could survive under arduous conditions of war would find peace time elections much simpler, such an assumption would be ill made. The skills needed are quite different, and the rebels faced the problem of making a living in peace time (with rather odd curriculum vitae to take to the market).

And their opponents had had the opportunity to learn the electoral game, to build organizations in early rounds of elections. As a seasoned Christian Democrat remarked to the author after noting a host of mistakes made by the FMLN in the 1994 elections, “I wouldn’t presume to tell Commandante Joaquín Villalobos (of the FMLN) how to stage an assault on a military barracks, nor can he teach me anything about the proportional representation voting system.” Also, in El Salvador, public financing of the campaigns of political parties was mainly tied to how many votes the party had won in the prior election. New parties got a minimal amount of money.

The FMLN and the Sandinistas have done very well, in post-war elections compared to the URNG and the contras. The FSLN had years to build up an organization during its decade in power. The contras role in the 1989-90 election was to be a military force. Then they dissolved as an organization, though networks remained and Alemán’s party has won large majorities in former contra areas of strength. The contras also suffered debilitating internal divisions in the last year of the war.

A simple explanation for these outcomes of former guerrilla groups is that the Sandinistas had the advantage of ten years in power. The FMLN was self sufficient and strong throughout the war. The

URNG was self sufficient but weak during the last decade of the war. And the contras were militarily strong but not self sufficient during the war.

Among the conservative parties, ARENA emerged as a unique force in Central America and no party (left, center or right) has been able to sustain itself in Guatemala. The explanation is not simply that ARENA is backed by all of the wealthy. The wealthy in Guatemala and Nicaragua do not have such a party. The reasons of this contrast have something to do with an internal organizational strength and resilience of ARENA. The Nicaraguan oligarchy had found ways to fight among themselves for over a century. The central contrast with the Guatemalan parties is that ARENA formed when the survival of the oligarchy was in question. The oligarchy in Guatemala was never so threatened, though some hardliners in Guatemala perceived that even the shackled Cerezo posed a threat of international communism. If necessity is the mother of invention, the Guatemalan oligarchy did not need to invent a party because the URNG was weak and the military was strong and would not want political rivals.

**Party Systems.** Political parties and legislatures frequently receive low approval ratings in public opinion polls in Latin America. But there is general agreement that electoral democracy works better with a stable system of political parties. This notion can be criticized when stable parties are corrupt and when the system is so stable that it prevents the entry of new parties or players and thus reduces competition and meaningful voter choice. Both criticisms may be made of Nicaragua since 1999, and the second criticism could apply to elections for the House of Representatives in the U.S. where incumbents always win. But party continuity at least provides voters with a symbolic choice and meaning. A stable party system does not channel demands or represent the public as well as ideal visions of democracy would wish, but they seem to do so better than systems with a good deal of instability.

Parties are particularly important in the three Central American countries because under their system of proportional representation citizens vote for a party, not for a candidate, in legislative elections, and the parties pick the top candidates. This makes the issue of internal party democracy more important than more mixed systems of proportional representation where, say in Brazil, voters can favor particular candidates on a party’s slate so that the election in

essence combines the features of a primary election and a general election and creates a good deal of independence from the party for successful candidates.

Voting is an infrequent and episodic form of political participation, and to some extent, so is participation in electoral campaigns. In the three countries there is a lack of incentives and resources for other forms of political participation. This is due to generally centralized governmental systems, centralized control over most of the political parties, and lack of economic means (save for the rich) to form effective, citizen based lobbying groups. Lobbying is also difficult because individual deputies, in general, have primary loyalty to the party that nominated them for a "winnable" position on the party's slates of candidates and the districts a slate represents are historic entities that serve no other governmental or policy making function.

Guatemala has had a weak and ever changing party "system," with different winners in every election and an active group of politically oriented civil society organizations. In five rounds of elections since 1985, the operative rule would appear to be that a victory predicts substantial decline in the next election, and further substantial decline, perhaps to the point of irrelevance, in the election after that. It is common in countries that use proportional representation for small parties to win a few seats and then decline and disappear. In Guatemala *large* parties have just as quickly declined drastically.

Active civil society groups are less prominent in El Salvador, though there have been episodic, effective protest movements around specific issues some of which have involved interesting alliances—left and right rural groups against a government debt law, left and right civil society groups against government regulations for such groups, and an array of urban groups in San Salvador against a proposed highway with international financing. And in each country there have been transnational civil society meetings about the trade agreements and rural issues.

In El Salvador two ideologically opposed parties dominate, though they must pay heed in the Assembly to three smaller "swing vote" parties that win a total of 30% of the seats. Power in the rightist ARENA is hierarchical, but control of the heights of the party has changed hands several times. Power in the FMLN has been less centralized, but the same figures have won several internal fights that have led to the exodus of some of the losers. There have been "primaries" within the FMLN but also considerable

complaints of voting irregularities.

In Nicaragua two parties each led by party bosses dominate. Arnaldo Alemán and Daniel Ortega have dominated the two parties and, though arch enemies, found common cause in squeezing out smaller parties and dividing up public offices. Alemán built the PLC into a formidable party through classic forms of corruption and carrot and stick politics. Ortega has steadily sidelined rivals in the party while running three losing presidential campaigns. In the last Alemán's hand picked candidate, Enrique Bolaños, after his victory, attacked Alemán for corruption. The latter, as of this writing, is in jail on corruption and embezzlement charges placed there by a Sandinista judge that he had, under the terms of the pact with Ortega, formally appointed. Alemán and Ortega fight or ally with President Enrique Bolaños as a means of thwarting the other.

#### ELECTIONS AND PARTIES IN EL SALVADOR

Since 1994, when Armando Calderón Sol won the presidency, ARENA has easily won two more presidential elections with first round victories over the FMLN (51% to 29% in 1999, and 58% to 36% in 2004). But it has lost considerable ground in the Assembly and in municipal elections. The FMLN and the PCN have gained. However these trends have not served to address outstanding particular issues in the peace accords. What accounts for these trends?

**Legislative and Municipal Elections.** In 1994 the FMLN finished a distant and respectable second, but it had very substantial weaknesses. Its financial resources were miniscule; ARENA's were immense. ARENA retains the sympathies of the vast majority of rich Salvadorans; it is not shy about asking them for money. ARENA enjoyed the advantages of incumbency. The economy had shown four years of growth, with the war winding down and capital returning, and with an increase in remittances. Bending and breaking electoral rules, ARENA launched a barrage of pre campaign ads touting the achievements of government agencies. It continues to do this. In 1994 the FMLN was so visibly inexperienced in elections as to make voters wonder if it could govern. Because it had no obvious presidential candidate within its ranks, the FMLN backed Rubén Zamora from the small CDU coalition. The CDU, which had participated in 1989 and 1991, was disorganized and small.

ARENA was so dominant that one-party hegemony was a threat. It won the presidential runoff with 68% of the vote and 207 of 262 municipal elections, including all of the twenty largest municipalities in the country. It won 39 seats in the Assembly, four short of a majority, making control of it easy. It won far more votes in each of 14 Departments than the second place party.

These results cemented a trend. ARENA had ever more soundly thrashed the center right Christian Democrats in legislative and presidential elections in 1988, 1989, and 1991. Amidst bitter internal disputes, the Christian Democrat vote percentages declined from 53% in 1984 and 1985, to 36% in 1988 and 89, to 28% in 1991, to 18% in 1994. ARENA decimated the vote of the rightist PCN, the dominant party under the military of the 1960s and 1970s when PCN vote totals (fraudulent in some cases) ranged between 43% and 90% in eleven elections. Through 1997 the PCN could manage about 10% of the vote

Then in 1997 ARENA votes declined by 200,000—one third of ARENA's 1994 total, and the FMLN added 75,000 votes, 6 deputies and 35 municipalities including the largest, San Salvador. The FMLN increased again in 2000 and more or less held its position in 2003. A year before the 1997 election, economic growth slowed significantly. Poverty has been reduced only marginally. Remittances are the main source of increased income in a significant number of families. This cannot be credited to ARENA and the families know it. ARENA has twice raised the regressive value added tax. In 1997 ARENA was tarred with corruption charges. El Salvador remained a world leader in crime, as it has been since the beginning of the ARENA administrations (though in the year before the 2004 election many Salvadorans noted a decrease in crime). Finally, voting success in 1994 gave the FMLN a more ample campaign chest of public financing.

In 2000 ARENA was down 160,000 votes from 1994 and the FMLN was up 135,000, a 295,000-vote swing out of 1.2 to 1.4 million votes. ARENA had fallen ten percentage points and the FMLN had gained 14. In 2000 ARENA did not win *any* of the 15 largest municipalities (as measured by total votes cast). The PDC won the third largest city, San Miguel, the PCN the department capital

of Usulután, and the FMLN took the rest. The FMLN's Dr. Héctor Silva was reelected mayor San Salvador (in a coalition) over ARENA by a margin ten points higher (56% to 39%) than in 1997.

In 2003, ARENA gained back 3-4 medium sized cities of the 15 and San Miguel. The FMLN swept the largest municipalities in the San Salvador metropolitan area and also again took (in coalition with the CDU) the 2<sup>nd</sup> largest city Santa Ana. This suggests that the FMLN has done well governing larger urban areas (though local governments have by U.S. standards very little ability to raise revenue). The FMLN was a rural guerrilla army, and is now mainly an urban electoral party. ARENA won as many municipalities as the next two parties combined. But many of these are small towns. (In the Departments of San Miguel and Chalatenango, the average municipal population, not counting the largest municipality in the department, is 10,000 and 4,800 respectively.) It is also in rural areas that the PCN draws its votes.

In a sense, the FMLN's ability to transform itself from a guerrilla army into a party that could finish second in 1994 and then make major gains by 1997 and solidify them, avoided one-party rule in El Salvador.

The PCN has increased its vote somewhat (to 13% in 2003), but its substantial gains in the Assembly are mainly due to a combination of the decline of the PDC in rural areas, and the structure of El Salvador's system of proportional representation voting. The multimember electoral departments and a national slate of 20 deputy candidates provide the seats to the three smaller parties. Of the 14 Departments, the 8 smallest each have three seats (though on the basis of population 4 of them should have only 2 seats.). The PCN has consistently fin-

	Deputies				Municipalities			
	1994	1997	2000	2003	1994	1997	2000	2003
ARENA	39	28	29	27	207	162	127	113
FMLN	21	27	31	31	13	48	67	61
FMLN coalition	—	—	—		2	3	10	12
PCN	4	11	14	16	10	18	33	50
PDC	18	7	5	5	29	15	16	15
PDC coalition	—	3	—	0	—	4	—	11
CDU (& PD'00)	1	2	3	5	0	0	4	5+6
Other	1	6	2	0	3	11	5	0

ished a distant third in all 8, just enough to win the third seat. Stated differently in 2003 the PCN won 13% of the vote, about twice as much as both the PDC and the CDU, but it won more than three times as many seats as each of those two parties.

These reversals have complicated ARENA's role in the Assembly. ARENA in 1994 needed four votes for a majority, since 1997 it has needed 14-16 votes. By 2000 the PCN could extract from ARENA the presidency of the Assembly (as a way of warding off an FMLN presidency which the FMLN expected in 2000 as the party with the largest number of seats.) The PCN could occasionally compromise with the FMLN on issues (rural debt for example) either as a way of gaining support in rural areas or simply to show ARENA that its support was not automatic.

With 31 seats, the FMLN can on its own block measures that require a 56 vote qualified majority, a significant bargaining weapon. ARENA had to reach an accord with the FMLN over Supreme Court appointments. International treaties and loans need a 56-vote majority. Passage of the budget usually carries with it the need for debt financing. Despite ARENA losses the FMLN has not made major inroads in ARENA's ability to govern the country. The executive branch has much power, and ARENA presidents have been able to count on total loyalty from the ARENA Assembly bench

**Presidential Elections and Internal Party Politics.** ARENA's Calderón Sol in 1994 was a proven vote getter having been elected as mayor of San Salvador, but ARENA's next two presidential candidates, Francisco Flores and Tony Saca were relatively unknown and uncharismatic candidates (though Tony Saca, elected this year, had been a radio and TV "personality."). Internal divisions may have prevented FMLN victories in both of those elections. Following the 1994 election the FMLN had its first public battle, and two of the five former guerrilla groups left the coalition and took their 7 deputies with them. (These groups fell off the political map in 1997.)

In 1999 Flores smashed FMLN candidate Facundo Guardado 51% to 29%. Just before the election the FMLN suffered from a bruising, highly public factional fight. It took three conventions before the party slumped to the nomination of Guardado. In the first convention television viewers could witness a din of raucous catcalling basically shouting down the candidacy of Héctor Silva, asso-

ciated with the renovation faction, who was the party's one proven individual vote getter following his spectacular 1997 victory in San Salvador. Historic commanders Shafik Handal (of the former Salvadoran Communist Party), and Salvador Sánchez Cerén (from the FPL, the largest of the 5 guerrilla groups.) headed the revolutionary socialist or orthodox faction. The struggle had begun over a year earlier when the Guardado group had more or less captured the party apparatus. Following the fight the FMLN went down in the polls.

By 2004 most of the *renovadores* were out of the party, including Hector Silva following disputes over internal party procedures and over the several strikes by doctors in the public health care system, which the government was attempting to privatize by slices. In 2003 the FMLN won in San Salvador without Silva as candidate, proving the vote getting power of the party flag. The control of Handal and Sánchez in the party was consolidated. (Silva ran this year in a CDU/PDC coalition.)

Handal, who headed one of the smallest groups in the former FMLN coalition, has been able to take advantage of splits, first after 1994, and then splits among former FPL leaders (such as Guardado and Sánchez Cerén). Handal, somewhat like Daniel Ortega, has been the last one standing after all of the post 1994 political fights.

So Handal gained the party's nomination for the 2004 presidential run. There was a challenge from Oscar Ortiz, the young mayor of Nueva San Salvador, the second largest municipality in the greater San Salvador area. According to sources, there were questions about the accuracy of the vote count of delegates at the convention, but when the top committee of the Party backed Handal and asked Ortiz to support him, he acquiesced. The nomination of Handal came despite ten years of public opinion polls that showed Handal to have high negatives. An indefatigable debater and polemicist, Handal never passes up a chance for a public argument and a lengthy statement. Handal did have far more name recognition than Ortiz, but then Saca was not well known either. Though party campaign managers tried to emphasize Handal's more charming and grandfatherly sides, Saca trounced him.

Had the party united behind Silva in 1999 or 2004, a more mild mannered and avuncular candidate, he might have won over the bland Flores or Saca, but apart from ideological differences, that would have raised the issue of control of the party—

not something Handal was willing to forego. Following the 2004 defeat there were instant calls for a restructuring of the party, quickly shouldered aside by Handal's backers who called for unity and pointed out that Handal had gained a very large number of votes in the high turnout election. The issues will arise again in the FMLN's convention this year.

Handal remains chief of the FMLN bench in the Assembly. He is not about to retire. The prospects for 2006 are unclear. Handal has been in politics for forty years or more. The other main leader, Sánchez Cerén is more an insider than a public campaigner.

By contrast, ARENA's candidate selection and campaign ran like a well oiled machine. ARENA has traditionally had an extreme top down form of party organization. The party convention always ratifies by acclamation the decisions of COENA, the central committee, and the legislative bench follows COENA orders. This has been modified somewhat in recent years following complaints about COENA selection of local candidates. On the other hand, the composition of COENA has changed several times since 1994, sometimes following electoral set backs. ARENA has had its internal battles, but it keeps them relatively private. Outside observers are roughly in the position of Kremlin watchers during the Cold War, relying on hints and rumors and a very few leaks. It may not be a particularly democratic organization (though there is clearly give and take within COENA), but no one individual has been able to run the party for long since the death of D'Aubuisson.

A central difference between the FMLN and ARENA is that ARENA has been able to maintain high levels of unity come election time even when there have been internal battles, and some of its internal battles have followed election losses—a better pattern than the FMLN's tendency to duke it out before elections.

However, it would be a mistake to attribute ARENA's presidential victories only to the unity of its organization.

Handal's loss was also due to a fear campaign mounted by ARENA with heavy verbal contributions from the U.S. ARENA is used to pinning war violence on the FMLN. In this election ARENA showed an armed Handal in a 20-year old photo talking to a young teenaged guerrilla, with a caption saying something like this is not how we want to educate our kids. (There are very high levels of youth violent crime in El Salvador. The ARENA

government went on an offensive against gangs before the election.) This was normal politics, ARENA style. What was different in this campaign, compared to 1994 and 1999, was that the U.S. weighed in by saying that a Handal victory would raise serious questions for the U.S., questions that might even involve its policies toward Salvadoran immigrants and the flow of dollars from them back to their families. Handal is a friend of Fidel Castro, had not been sympathetic following 9/11, had not been cooperative on drug war matters, and had regularly lambasted the U.S. for its free trade policies—all in sharp contrast to ARENA.

The U.S. has limits on the amount of money Cubans can send back to Cuba. No Cubans would ever be sent back to Cuba, but hundreds of thousands of Salvadorans are in the U.S. illegally or are under temporary visas. A reduction in remittances and/or the deportation of significant numbers of Salvadorans would be absolute disaster for the Salvadoran economy, and all Salvadorans know it.

The question of whether ARENA would accept an FMLN victory in a presidential election, particularly if it had also lost practical control of the Assembly, remains an open, if not frequently asked, question. Theorists of democratic transitions note the bourgeois or big business interests, during a transition from authoritarian governments will accept a new electoral playing field if it is not detrimental to its fundamental interests. In the most recent Presidential election, statements by high level members of ARENA about the inability of the FMLN to govern and the highly public warnings by the U.S. did not diminish doubts about this question. But because the neoliberals have reduced the scope of state functions, a left victory might not be so threatening.

The FMLN has been a sea of unity compared to fifteen years of internecine battles in the Christian Democrats. Pre-election struggles for control of the party flag lead to declines in votes, which lead to recriminations and struggle for the reduced resources, which lead to the next cycle. Some PDC struggles have been highly public (such as front page pictures of a dissident group trying to tear down the metal doors of the party headquarters) and highly damaging.

The CDU has never had much support outside of San Salvador, with the exception of some pockets of strength in the Department of Sonsonate. The men in long term leadership are energetic, committed, and widely respected; they are keen analysts.

**ELECTIONS AND PARTIES IN GUATEMALA**

In Guatemala election success seems to predict decline and then irrelevance. The story of Guatemalan party instability runs like this:

The Christian Democratic Party (DCG) won big in 1985 in a multiparty election with 51 of 100 congressional seats, more than double its closest opponent, and 70% of the presidential runoff vote for Vinicio Cerezo. In 1990 it won less than 25% of congressional seats and did not make the presidential runoff. In 1995 it won 3 of 80 seats (and shared two others in coalition candidacies). In 1999 the party got 4% of the vote.

The DCG's chief competitor in 1985 was the UCN (Unión del Centro Nacional); it won a quarter of the seats, and one third in 1990 when its presidential candidate, Jorge Carpio Nicolle, made the runoff, but lost in the 2<sup>nd</sup> round with 32% of the vote. In 1995 it won 2 seats.

Carpio Nicolle lost to Jorge Serrano of the MAS party who won 68% in the 2<sup>nd</sup> round, but his MAS party won but 18 of 116 seats. Then the party disappeared.

In 1990 a relatively new political party, the pro business PAN (Partido de Avanzada Nacional) won 15% of the congressional vote and the mayorship of the capital city. Then in 1995 it won 43 of 80 congressional seats, and its candidate, wealthy businessman Alvaro Arzú, won the Presidency in the 2<sup>nd</sup> round with 51% of the vote. Analysts immediately saw in PAN a new Guatemalan version of ARENA, a prediction that proved to be completely unfounded.

PAN declined in 1999 winning a third of the congressional seats (and 27% of the vote); its presidential candidate Oscar Berger lost in the second round with 32% of the vote. This setback was quickly followed by schism in its congressional bench when 16 of its 37 members bolted. Berger later left the party to run for president in 2003 on another ticket. In 2003 PAN plunged to about 9% of the presidential and legislative votes.

The party of Ríos Montt, the FRG, like the PAN, entered the electoral fray in 1990 and did about as well as the PAN. Like the PAN it leapt ahead in 1995, filling the vacuum left by the decline of the UCN, MAS and DCG winning a quarter of the congressional seats. Its presidential candidate Alfonso Portillo, chosen by the General when his own candidacy was prohibited because he had taken control of the state in 1982 by way of military coup, lost to

Arzú in a 2<sup>nd</sup> round squeaker. The FRG's ascendancy peaked in 1999, along with PAN's first round of decline, when Portillo easily defeated Berger with 68% of the vote, after getting nearly 48% of the vote in the first round. The FRG controlled the Congress with 56% of the seats and won 151 municipalities.

In 2003, after some manipulations, Ríos Montt was permitted to run, but he consistently trailed in the polls. On election day he finished a distant third, and the FRG declined to a quarter of the congressional seats.

It should be mentioned here that the U.S. does not only enter the electoral process by making its negative feelings heard against leftist candidates who have a chance of winning, as in the cases of Handal and, over 4 elections in Nicaragua, Ortega. Though it spoke with a softer voice in Guatemala it did not favor Ríos Montt, likely due to concerns about links between the FRG and organized crime and the considerable drug trade that passes through Guatemala. (There is no solid evidence HI knows of about such links with Ríos Montt.) Following the elections President Portillo fled the country to escape corruption charges and Ríos Montt was placed under house arrest due to charges stemming from his role in the violent pre-election demonstration. Ríos Montt is the godfather of the FRG and in his late 70s. It is not clear how well it will hold together.

Berger was elected running for the GANA coalition of three small parties. It won, on 4 separate slates one third of the seats in Congress. His main opponent, Álvaro Colom, who was also a candidate in 1999 and who also quit the party that backed him in 1999 to form a new party, saw his party win one fifth of the seats.

Is there a "Guatemalan rule" where success predicts decline and then failure? Perhaps not. Rather there may be a series of unique explanations. The DCG decline was part of a pattern of newly elected Latin American political parties that followed authoritarian governments. The great majority lost in the next election because, analysts said, the expectations they created were dashed when economies did not leap forward. That would certainly have been the case in Guatemala with the DCG. The MAS disappeared when its founder, Serrano, made a failed attempt at a military coup. The UCN declined when its main leader Carpio Nicolle was assassinated. The PAN declined due to internal schism and the FRG due to rampant corruption while in office.

But it could be that there is a Guatemalan Rule. Of the parties mentioned above the MAS, UCN and FRG were dominated by one party boss or caudillo. If the caudillo runs into trouble, or when there is no plan for succession, such parties can dwindle. The lack of strong parties could also have created a dynamic that amounts to a vicious circle. In Guatemala, with a history of rapid party decline, a member of Congress might quit his or her party thinking it may not have much to offer in four years, and meanwhile the member of Congress can be an independent agent with his vote, a valuable commodity. After the 1999 election about half the PAN bench bolted to form the Unionist party, and then some of its members bolted. Colom left his party and two FRG members in Congress quit the party. There was similar, though less dramatic, shuffling in the opening weeks of the new Congress in 2004. And in the 2003 election it was not a party but a complex coalition of parties that won. Complex coalitions like caudillo parties where the caudillo has a heart condition are often organizations that do not have a long future.

There may not be a Guatemalan Rule of rapid party decline, but only the duration of sustainable parties would prove that there is not a rule. The fact that Berger headed a coalition ticket and faces a mountain of difficult tasks and that Ríos Montt and the FRG are in real trouble suggests that the leading contenders in the next round of elections may emerge from different organizations.

This would mean that five elections after the first civilian election in Guatemala in 1985 those who vote (and turnout has been low) still have little idea of what they are getting when they cast their votes. One could say that's true in most elections because candidates present one face for the election and another during their term in office and many voters know little. (In 1992 polls demonstrated that by far the best known fact about President Bush was that he hated broccoli!) But in Guatemala (and Central America) the legislative candidates are mostly unknown names on a party list. The extremely important advantage of proportional representation over the U.S. winner take all, single member districts, is that if a party gets 25% of the vote, it will get about 25% of the seats. So voting for the party means something if the party means something. But that proportionality is lost, as are the voters' votes, if two weeks after the election the party with 25% of the seats discovers that

several of its deputies have just left to form another party or for individual reasons. That is not what "representative" government is supposed to be.

#### **ELECTIONS AND PARTIES IN NICARAGUA**

In the three elections in Nicaragua following the Sandinistas' 1984 wartime election victory Daniel Ortega has lost three times by large margins.

Perhaps there is no "Ortega loses rule" but unique explanations. In 1990 he was defeated by perhaps the only possible candidate who could, the widow Chamorro who had kept her politically divided family more or less together during the war, and who could, it was hoped, heal the nation. But she headed a coalition of 13 parties far more fractious than her family. Within weeks of the election the UNO coalition had broken. The main group, still divided into ten or so parties, took a more hard line stance against the Sandinistas and wanted Chamorro to take a more aggressive stance. A shifting minority occasionally sided with Chamorro. To get legislation through Chamorro had to deal with the Sandinistas. This was apostasy to the hardliners.

In 1996 Ortega was defeated again by perhaps the only candidate who could, Arnaldo Alemán. Following six years of campaigning, Alemán knit together the hardliners into the Liberal Constitutional Party and became king of the party. He defeated Ortega in a contentious election with considerable voting irregularities in portions of two large districts—Managua and Matagalpa. Ortega claimed fraud and blamed the election authority. But the election was not close.

Accused by the Sandinistas of being another Somoza, Alemán faced four conditions Somoza never dreamed of. He did not control the military. He faced a large bench of Sandinistas in the legislature. He came to office following constitutional changes that had been fashioned in the previous Assembly by maverick Sandinistas along with other independents that limited presidential power in favor of the Assembly over such things as Supreme Court appointments. Finally, under the constitutional changes, he could not run in 2001.

His representatives fashioned a massive pact with the Sandinistas at the end of 1999. The pact benefited both leaders to the exclusion of other interests. Alemán had been plagued by an aggressive, investigative Comptroller General. The pact changed that office to a 5 person body, elected by the

Assembly, who then choose a Comptroller and vice comptroller from among the five. The pact expanded the Supreme Electoral Council from five to seven and the Supreme Court from 12 to 16. Those who filled the expanded posts, and other posts that emptied when terms ran out, were carefully balanced groups of PLC and FSLN stalwarts with the PLC holding a slim majority each institution. Independents or sympathizers of other political parties were forced out, though the configuration in the Supreme Court remained unclear for a few years. The pact also made it more difficult to strip a sitting president of immunity from prosecution and provided a place in the Assembly (and immunity) for the former President and for the 2<sup>nd</sup> place finisher (Ortega) in a presidential election. This point was key to Ortega, who had been charged with years of sexual child abuse by his stepdaughter Zoilamérica Narvaez, and to Alemán who could see charges of corruption coming down the road.

The pact also changed the electoral laws to restrict party eligibility. It was true that the laws were too open. Public financing, for example, provided an incentive to enter the election just to get the funds (by way of loans which tended not to be repaid), and the method of calculating votes and drawing districts made it possible for small parties to get a deputy in a large district with a tiny percentage of the vote. However the changes transformed Nicaragua as the Latin American country with the most open gates for small political parties, to the most restricted. Thirty-six parties participated in the 1996 elections and nine small parties won a total of 15 seats. Only three parties were able to register for the 2001 elections.

The pact also eased rules for presidential election, calling for a run off only when none of the candidates got as much as 35% of the vote. For Ortega, who gained 38% and 40% of the vote in his previous two losing contests, this represented a gamble that a third party (probably the Conservative Party) would divide the anti Sandinista vote with the PLC and allow him to win in the first round (whereas with a 50% requirement he would be defeated in a 2<sup>nd</sup> round when the anti Sandinista groups, backed by the U.S. would ally against him). For Alemán, the new runoff rule represented a gamble that no strong third party would qualify.

Alemán won that gamble, and in 2001 Ortega lost to perhaps the only candidate who could defeat him. (Chamorro decided not to run, and Alemán could not.) Alemán anointed his Vice President,

Enrique Bolaños, as candidate. He had long standing national recognition and impeccable anti Sandinista credentials. Early in his term Alemán was fond of saying that he picked Bolaños as VP because the Sandinistas would not dare to assassinate Alemán because they would end up with Bolaños.

So Ortega's three loses may be a series of unique events rather than an "Ortega loses" rule, but as in the case of the alleged "Guatemalan rule" it now must be proven that there is no such rule. As Ortega came close to announcing his candidacy for the next election days after his most recent defeat, the rule will be put to the test again.

Bolaños complicated Alemán's calculations, with covert backing from the U.S., and prosecuted Alemán for corruption. Alemán lost his immunity, was convicted and was reduced to pleading for house arrest in his spacious mansion owing to severe health problems (obesity, high blood pressure, etc.) When a Sandinista judge (appointed under the pact by Alemán) reversed the house arrest some months ago dozens of police had to be sent to execute the order as frantic PLC loyalists attempted to protect their leader from going to jail.

Alemán, however, remains in firm control of his party. He and loyalists believe some political deal will get him out of jail. And Bolaños is in a position rather similar to that of President Chamorro. He can count on only a few dissident PLC votes in the Assembly. He has twice attempted to form a new party. He must bargain with either the PLC or the Sandinistas to get legislation through. Lately Bolaños seems to be making an unusual number of political protocol trips abroad. He may have given up on governing and, of course, cannot succeed himself as president.

#### ELECTORAL SYSTEMS AND PARTICIPATION

**The Rules.** Each of the three countries has presidential run off elections when no candidate gets more than 50%, or in Nicaragua, 35%. Each uses proportional representation to choose deputies from multimember electoral districts based on population, and one national district to serve in unicameral national legislatures. The voter chooses among party selected and ranked slates of candidates for the legislature on two ballots—one for the district in which the voter resides, the other for the "national list." The seats for a department and the national list are

awarded according to the proportion of the vote won by the party. Thus, smaller parties can have a chance to win in large departments and from the "national list." (If a department gets 20 deputies, 5% of the vote will garner one seat for a party, but it won't in a small rural department that gets 3 seats.)

Each department is made up of municipalities. (Despite the urban flavor of this term in English, most municipalities in the three countries are rural areas with a small city as the administrative center of the municipalities. Rural municipalities are more like counties in the U.S.) Mayors and city councils are elected in each, with the size of the council depending on the size of the municipality.

The Departments would correspond to States in the U.S., but they are geographic areas formed well before the 20th century, which currently have little or no governance function. Municipalities do have a governing function but have a minuscule ability to raise their own funds through taxes and fees, and depend upon the national government for most of their budgets. Though there has been a move in recent years (encouraged by the U.S.) to increase local budgets, municipal budget remain quite low, as a portion of overall governmental budgets in the nation, by comparison with the U.S. and Brazil. Police, health and schools are all funded from the national budget.

In El Salvador, municipal and legislative elections are held every 3 years and presidential contests every 5 years (They coincided in 1994 and will again in 2009.) In Guatemala they are on the same year. The Nicaraguans had them in the same year and then changed municipal elections to off years.

**The Electoral Authority.** A national electoral authority, (the Supreme Electoral Tribunal, TSE, or Supreme Electoral Council, CSE, in Nicaragua) supervises national and local elections, and is ruled by a group of magistrates who are elected by the national legislatures to terms of office. Some or all magistrates must come from the parties that got the most votes in the previous election, and some (depending on the country) are to be independents. The authority sets the calendar, arranges voter registration and balloting and, in most cases, can adjudicate disputes within and between parties based upon party rules and legal norms.

The rules of establishing a party vary; so do the rules for forming national and departmental and local coalitions. It is possible for local committees

that do not have national stature to run candidates for local office.

The selection of magistrates and lower level officials for the electoral authorities has been a matter of contention. The composition of the authority was an issue in the peace negotiations in El Salvador and Nicaragua. The FMLN won changes in its structure prior to the signing of the peace accords, and the opposition parties in Nicaragua reduced the Sandinista presence among the five magistrates from a majority to a minority (with one independent) as one of the conditions for participation in 1990. There has been a contest this year in El Salvador. The composition of the CSE in Nicaragua was a central issue in the Alemán-Ortega pact in 1999, and it was changed before that in 1996. According to some observers, the FRG in Guatemala used pressure and sympathetic magistrates to attempt to make Ríos Montt eligible for the ballot in last year's election. One idea is that with party representatives all watching each other fairness will result and unfairness will be spotted. Another idea is to professionalize the whole operation so as to take politics out of it. The approaches in Central America have been mixed, and the formulas selected have not always been determinate of performance.

For example, the TSE in El Salvador has been criticized for being too political, for having too much patronage in the large staff which must conduct the elections, and for having rules which allow individual magistrates to have virtual veto power. The composition was supposed to be made less political by having two independent magistrates chosen by the Supreme Court. However, according to one magistrate on the TSE in 2004, it was the independents that were the problem, not the ideologically diverse magistrates. They worked together very smoothly and professionally, he said, but one of the independents simply didn't understand the technical issues or the important role of computers.

However, the TSE also came in for substantial criticism this year. Prior to the election a computer simulation revealed that the computers were easy to penetrate. Fortunately technical experts from the OAS were able to correct that problem. The TSE, said critics, was not sufficiently active in admonishing or sanctioning parties for violations of campaign rules or running less than civil campaigns. The campaign was so ugly that even former ARENA president Armando Calderón Sol, no shrinking violet, criticized both of the parties for

their behavior. The newsprint media is far better than its rabid right wing days during the war, but there is little standard of balance in an election. It and almost all of the TV were blatantly in favor of ARENA. There are no limits or even reporting of campaign finance, save for public financing of campaigns. Though the lack of rules makes the TSE relatively powerless, the magistrates did not use their high visibility to even admonish behavior. There are proposals for reform of the electoral laws.

The TSE can point to a vast increase in turnout in this year's election following several elections of desultory turnouts. As HI has pointed out in previous reports part of the turnout problem was due burdensome registration problems caused by separate voting cards and ID cards, lack of birth certificates and geographically centralized registration and voting centers. Polling data also indicated that lack of voting was also due to cynicism about politics.

However, in 2004 all observers were stunned at the turnout of 2.3 million voters, over a million more than the 1999 presidential elections. Part of this was due to the nature of the campaign and its antecedents. ARENA (and the U.S.) ran a very effective, demagogic fear campaign and high stakes campaign with implications that Salvadorans in the U.S. face limits on sending money home or lose their temporary visa status. ARENA's vote doubled. But the FMLN vote also went up dramatically. The FMLN increase was very likely due to more citizens being fed up with lack of economic progress during the last decade of ARENA governments, the same reasons ARENA has lost relative to the FMLN in legislative elections.

Turnout also seems due to progress the TSE has made in voter registration even given the difficult geographic circumstances, with another 300,000 voters registered over 1999, much closer to the estimates of the entire voting age population. Most important, following a decade of urging on the part of the U.S., the UN and many other governments El Salvador finally legislated and implemented a Unitary Identification Document (DUI) with photos. As the card is good for all sorts of transactions people don't lose it, and it makes registering again if one moves much easier. It also speeds voting, as the voter lists also have the matching photos, so the lines moved at a faster clip.

It was notable that a commission of Guatemalan legislators wanted to consult with the TSE in El

Salvador about the advantages of the DUI, after they saw the spectacular turnout results of the March election.

In Guatemala, interview evidence suggests that in general the method of selecting magistrates has not been all that important because the staff of the TSE is relatively free of patronage and has been around for well over a decade, longer than any of the magistrates. It might also be that parties have been so weak that, with the exception of the FRG, they have not been able to dominate the TSE. So it knows the ropes and can function, in the main, free of political pressures.

However analysts say political influence played a large role in 2003. Ríos Montt used the FRG control of the government to good advantage placing two loyalists among the magistrates in the Supreme Electoral Tribunal and two on the Constitutional Court. Months in advance of the election, on what his adversaries quickly labeled "Black Thursday" Ríos Montt covertly organized a massive and threatening demonstration in which one person was killed that was an attempt, in essence, to force his candidacy. The TSE and then the Constitutional Court later found a loophole in the constitution that permitted his candidacy.

And the law that the TSE administers makes registration and voting difficult, particularly for the poor in rural areas and among them Mayans, and among them, Mayan women. Turnout, as discussed below, has been poor.

Nicaragua had a model governmental institution in its electoral authority, the CSE, and damaged it severely by politicizing it twice in three years. Though the Sandinistas were reduced to a minority in 1990 the top magistrate of the CSE continued to be Mariano Fiallos, a Sandinista, so widely respected that both in 1990 and again in 1995 (with the FSLN in a minority in the Assembly) he was re-elected with little opposition. Fiallos and his top staff member, Rosa Marina Zelaya, were careful to select national and local level staff based on competence, not on political loyalties. This is not to say that the CSE was totally apolitical, but even the State Department in 1984 could not find fault with the technical conduct of the election, and in 1990 with the massive international presence, and with Elliot Richardson, a lifelong member of the Republican Party, representing the UN Secretary General, the CSE passed all tests, all of the stressful, with flying colors.

In late 1995 the Assembly changed the law to stipulate that political parties would name officials to the department and municipal electoral councils. Fiallos resigned in protest, fearful that this politicization would destroy what had been built. Zelaya replaced him. At the time the CSE had been waiting for several years for legislative authorization to issue permanent photographic ID cards. In the two previous elections during registration voters were given a temporary ID good for that election only. The Assembly finally authorized them and then provided the CSE with a totally inadequate budget to implement the changes, train the new local officials, and administer the election to a much larger population.

Key to the success in 1984 and 1990 of getting very high voter turnouts (75%) was the CSE's decision to decentralize voter registration and voting to the most local level. In a rural country where the vast majority does not have access to reliable or cheap public transportation, much less cars, this was vital. But it also greatly complicates administration of the elections. And in 1996 there was a very large increase in the number of voting tables, all of which had to be staffed by trained personnel. (There were some 4200 tables in 1990. When 400,000 more voters registered in 1996 than had been anticipated by census projections the number of tables expanded to well over 8000. Though there were manifest problems with the registration process, no one detected fraud in this large expansion of voters.)

In 1996 the election system provided multiple incentives for new parties to enter the contest. So the TSE had to check the credentials of over 32,000 candidates (in a nation of 4.5 million). In short, the CSE was under a new (though veteran) leader; it had vastly increased responsibilities; little money and a local level staff that was not only politicized but completely inexperienced. Many voters did not get the ID's in time so temporary cards and a delivery system had to be improvised. The CSE staggered into election day.

On election day and during and after the count the system broke down in several places. Following two exemplary elections, the newspapers carried devastating (and not representative) photos of ballot boxes thrown into ditches. Ortega, who appeared to have lost, charged that Liberals had committed fraud and that the CSE, Zelaya in particular, had covered it up. Zelaya had been one of those who left the FSLN during the 1994 split in the party and, along with her husband, Jorge Samper, had joined the Sandinista Renewal Movement (MRS). To

Ortega this had been treason that added fuel to the fire of his electoral fraud charges, particularly after Samper squeaked into the Assembly by a very narrow margin under complicated "tie breaking" rules, the only MRS candidate to make it.

After months of examination most observers (including Hemisphere Initiatives) concluded that there might have been fraud at some local levels, but that the mess had primarily been caused by an overburdened system with inexperienced staff. The ballot boxes in the ditch, for example, were more likely the result of polling place staff angered by having had to stay up most of the night for the count and then having to wait long hours, without food, to hand in the ballot boxes and collect their pay.

However, under withering fire, the CSE never issued a final report on the election. Its previous stellar ratings in national polls dropped.

When a few years later Alemán and Ortega made their pact, the CSE was transformed again. The pact increased the number of magistrates and divided them among the PLC and FSLN. They took pains to fire Zelaya, probably illegally, a few months before her term had ended. She sued over this and over the procedures used to amend the constitution, but lost. The new magistrates in place quickly threw out long standing and highly meritorious staff.

What had been a model example of high quality public administration in Central America had been, through thoughtless and manipulative politics turned into a downgraded haven for patronage and partisan politics. The theory offered by both Alemán and Ortega was that the integrity of the CSE under the new arrangement was guaranteed because the two antagonists could be relied upon as being each other's watchdogs. That in fact was a general rationale for the pact, and that street protests would be replaced by institutionalized forms of conflict resolution.

However after municipal elections and then the Assembly and presidential contests of 2001 there were major disputes over the count and the certification of winners and street demonstrations. In 2001 the Sandinista magistrates walked out to prevent a quorum, and then claimed that the certification of winners by the CSE had been illegal. They took the matter to an appeals court in which the three judge panel had two Sandinistas and got a stay. Eventually the situation was resolved. Counting 1996, when there were serious problems as noted, that made three consecutive elections,

following the two waves of politicization of the CSE, after which the Sandinistas protested, eventually accepted the legality of the results, but not the legitimacy of the election.

There is evidence that the administration of the CSE may have deteriorated as well. The process of getting permanent photo id cards to voters begun in 1996 may not yet have been completed by the CSE. An August 2004 headline by a private news agency that seems to have occupied the website of the CSE warned readers that the final deadline for citizens to get their IDs was imminent and that there were interminable lines at (more centralized) registration places.

**Turnout.** Since the first rounds of elections in the 1980s both Guatemala and, until 2004, El Salvador had been plagued with low voter turnout, among the lowest in Latin America.

Turnout in Nicaragua has been, by far, the best of the three countries, 73 to 78% of voting age population (VAP).

In Guatemala almost 50% of VAP turned out in 1985; this dropped by 10 points in 1990 and descended to 33% in 1995 ranking it last in Latin America. (In two crucial constitutional referenda turnout was far lower, well under 20 %.). However the recent vote levels suggest an upturn, perhaps because of voter registration drives. Registration in 1999 as a percent of VAP went up ten points to 81%, and total votes increased the VAP percent to 44%. In 2003 the increase in total votes of over twenty percent suggests that the trend may be up.

Turnout in El Salvador declined from nearly 50% of VAP in 1984 and 1985, to the low 40s; then bounced back up to fifty percent for the 1994 “elections of the century” and then declined to the high 30s. Then there was the huge turnout this year.

These calculations are approximate because of problems with the census in each country caused in part by growing out migration to the U.S., and for Nicaraguans, to Costa Rica. The migration factor is the largest in El Salvador, but in no one has an accurate count of migrants. None of the countries have mechanisms in place for absentee balloting. Establishing them would be a monumental task.

Each of the three countries tend to report turnout as a percent of registered voters, rather than a percent of the voting age population, and this can create additional distortions because each of the three countries has had problems with its voter registration lists,

though Nicaragua would seem to have fewer problems, in part because its lists are newer due to its use of ad hoc lists and voting cards in 1984 and 1990.

These lists contain names of the dead because election authorities rely on under funded municipalities to report the deceased. If a citizen moves the process of changing registration can also be complicated. Registered migrants cannot vote. Some who have registered have not yet picked up their voter cards, so cannot vote.

In El Salvador and Guatemala voters and those wanting to register must travel to the municipal center. For registration this can require several trips—to fill out the paperwork, perhaps to return again if there was some problem with a birth certificate, to return again at a time that can only be guessed to pick up the voting document, perhaps to return again if it was not ready, and then to return again to vote. In rural areas where the worse poverty is centered, this means taking a good deal of time and either walking miles or paying a bus fare. This system has a clear bias against the poor, and in Guatemala, a particular bias against Mayans who are mostly rural and also face language barriers.

In, an important book by Horacio Boneo and Edelberto Torres Rivas called *¿Por qué no votan los guatemaltecos?* (Why Don't Guatemalans Vote?) (2001), the authors cite two large, (though not nationally representative) polls by two independent organizations in which 77% to 81% of non-voters said they would vote if voting centers were brought to their community. In a 1999 national survey in Guatemala by Borge and Associates, 53% of respondents said it took over 20 minutes to go from home to the polling place and 5% said it took one to three hours. In the rural municipality of Santa Cruz del Quiché 2/3 of the population of 30,000 live in 62 tiny population centers, 38 of which range from five to twenty miles (8 to 33 kilometers) from the municipal center. This is not an extreme case.

In Nicaragua the decentralized system formed by the Sandinistas in 1984 has remained. Its principal is to move the registration and voting processes to where the voters live, so voting centers are spread to remote rural areas. This creates administrative logistical problems, but it minimizes the logistical problems of the citizenry. It's a better system.

In all of the countries, according to survey data, individual and cultural factors affect registration and turnout as do attitudes toward the process. In general

the young vote less. Those with little education vote and register less. In Guatemala women and Mayans have lower rates of registration, though Mayans, once registered, vote as much as non Mayans. In Guatemala, according to polls cited by Boneo and Torres Rivas, about 27% of uneducated indigenous women said they had registered and 62% of non Mayan men with at least primary education said they

had registered. Of registered voters the voting rate for women with no education was 35% and for men with at least some education it was 60%. These are huge gaps that reflect language and gender barriers, child care responsibilities, low income and discrimination. They reflect the failure of the peace processes to address the issues of social equity and that failure in turn has undermined the democratic process.

## LAND AND EQUITY

**L**ong standing undemocratic governments combined with extensive and, in rural areas, worsening poverty and increased landlessness were principle forces that led to the leftist rebellions and civil wars. The new Sandinista government implemented one land reform against Somoza and his allies by confiscation and then two years later another against owners who were, the Sandinistas said, decapitalizing. This one was by forced sale with compensation in bonds. They also launched a much heralded short run literacy campaign and sent teachers to rural areas. Vaccination and decentralized health services began to improve the dismal health conditions in rural areas. Much of this progress was arrested in the contra war.

In El Salvador, a new government backed by the U.S. started a land reform that was of roughly comparable scale to that in Nicaragua and was backed by bonds to those forced to sell of considerably more reliability than those in Nicaragua. Also several thousand peasants were allowed to buy small parcels of land they had been renting.

In Guatemala virtually nothing was done to redistribute land apart from some minor land purchase programs.

Prewar conditions in health and education were very bad, particularly in rural areas, and the war added to the damage.

### LAND

**The Peace Accords.** The highly limited peace accords in Nicaragua provided large tracks of land in remote areas to demobilized contra fighters. In most cases the land was far removed from the places of origins of the contras. They also offered contras, their families, and some refugees small resettlement packages: some cash, six months of food, seeds and tools, some clothes. The contras soon found that this

land was inadequate, and many drifted back to northern regions closer to their former homes (where 85% of them had been landless). Meanwhile tens of thousands of Sandinista troops, many draftees, were leaving the army. These included hundreds who had fought against Somoza and then spent the next decade in the war against the contras.

In El Salvador the peace negotiations established a mechanism to provide land to FMLN combatants and to some 15,000 former government soldiers. The plan also dealt with families in war zones, many of them relatives of rebel fighters, who had occupied for months and years lands that had been abandoned by the owners. Some of these had owned large coffee estates, some had owned sizeable, but less well endowed tracts of land, some had been small landholders. The government suspended evictions, and then erected with nearly 100% financing from the U.S. and European Union (EU), a land bank. The land bank would buy occupied lands if the owner was willing to sell, or other lands, and then sell them to the former combatants or land occupiers by offering a loan (for the amount of the price that had been paid to the former owner). The acronym for this land transfer program was the PTT. The Salvadoran accords basically did not address, in more than passing vague terms, other issues of poverty, education and health.

The Guatemalan accords (and earlier negotiations surrounding the return of refugees) did address the issue of land for returning refugees and former combatants and used government sale and resale of lands as their main mechanism. In some cases returning refugees reclaimed the lands they had left. Former government soldiers were not involved in the land program and the combatants from the URNG were a few hundred, compared to some 7000 FMLN combatants and 15,000 government soldiers or 22,000 estimated former contras. On the other hand, the

Guatemalan accords did explicitly address the issue of poverty in some of the most specific language of the accords. The government would increase spending on health and education by 50% in five years and would increase the tax collections, in real terms, by 50% (as measured by the percent of GDP).

**El Salvador's PTT.** The government negotiators did not like the idea of forced land sales to groups of FMLN combatants. It sounded like another agrarian reform and a reward to the FMLN. And the FMLN would get land in groups that sounded to the conservative government like socialist collective ownership. The FMLN needed a tangible benefit for its followers, not a peace process which simply gave their combatants a chance, after over a decade of fighting, to elect FMLN leaders to the National Assembly. The compromise was reached when the government realized the potential for violence if judges attempted to evict land occupiers from several thousand pieces of land. By this point in the negotiations it had already been agreed that the FMLN would not demobilize its combatants for some months after the accords.

Moreover the international community backed this part of the agreement with money and with arguments that the PTT, along with job training and credit programs to ex-combatants would insure the war's end and forestall a turn to banditry by unemployed veterans.

A compromise was reached on the collective ownership issue so that groups of families purchasing the land could later divide it into parcels if they so chose. Also, the government did not have the means to administer in a short time title registration to tens of thousands of people. So the PTT employed a hybrid land title. A farm was conveyed to a list of individuals—those who had occupied it and who had registered for the program. Each had an individual mortgage not to exceed a certain limit (around \$3000). The sum of the individual mortgages equaled the sum of the purchase price, which equaled the sum of the price the government was paying to the titleholder, which in turn was a negotiated price based on market prices for soil and land types of similar lands. The individual mortgage, however, did not specify which slice of the farm the individual “owned”, nor was it clear what would happen to the whole farm if one individual defaulted on the mortgage. The hybrid legal form (called *pro indiviso*) made it difficult for any one person to sell. FMLN supporters complained that after years of fighting the peace had

gained them the right to buy land (something they had before), a high mortgage and an unclear title.

Within five years, however, the owners of a parcel could elect to subdivide their land. As it took over 5 years to finish the PTT conveyances (over twice as long as the original calendar), there seemed little hope that this subdivision process could be accomplished. The ARENA government suspected that the FMLN wanted its followers to maintain group ownership for ideological reasons and also better to organize them for political purposes.

The government's insistence on market principles for determining the purchase price was applied to a market that was, in real world terms, quite different from the model of soil types they applied. The real market prices were obviously less than that of physically equivalent lands because of the fact of the occupiers. Also by agreeing to stop fighting the FMLN had increased the price of the land they eventually bought. However, the conveyance process was so delayed that representatives of the FMLN found themselves pushing the Land Bank to offer a higher price to the title holder to speed the conveyance even though this meant the former FMLN combatants would face a higher purchase price. One suspects the FMLN representatives knew that government efforts to collect on these debts would be difficult. (In fact much of the debt was later forgiven, following general rural protests over a proposed debt relief law, and some was covered by further aid from the U.S.)

Potential beneficiaries, under the terms of the accord, were estimated at 15,000 former government soldiers, 7500 FMLN combatants and 25,000 land occupiers, a total of 47,500. The final list of beneficiaries was closer to 36,000, with 8500 former government soldiers. The government did a much less effective job of helping its former soldiers to go through the complicated steps to be in the program than did the FMLN for its militants. The process of verifying who was a land occupier was complex, with PTT and UN workers visiting a property several times to see who was there and who wanted to claim it. Some names turned up on several properties.

Moreover, the 15,000 eligible veterans were but a fraction of all those who had been in the military. Two years after the accords some of those who were not benefited formed organizations to lobby for benefits, and by 1995 this took the form of militant protests including the takeover of the Assembly building. But in the end the groups did not gain much.

Thirty-six thousand was still a substantial number of beneficiaries and in the vast majority of cases each one represented a family, so the population affected by the PTT initially was closer to 200,000. The average amount of land per beneficiary was about 2.75 hectares (1 hectare = 2.47 acres) with a mortgage of just under \$3000. That amounted to 100,000 hectares of land from 3300 properties. (118 properties were state owned and represented 11% of the land).

In comparison the two phases of the Agrarian Reforms initiated in 1980 involved 270,000 hectares and 84,000 individual beneficiaries. However 5/8 of those beneficiaries were benefited over the decade with small parcels (average about 1.2 hectares) that they had previously rented. The big farms went to the remainder and they averaged about 6.5 hectares per beneficiary.

In 1997 the government, along with several other agencies including Fundesa, an NGO directed by Antonio Álvarez who had been the FMLN's leading person in the implementation of the PTT, began to process claims of PTT owners who wanted to change the *pro indiviso* titles into subdivided parcels of land. In the end virtually all of the beneficiaries of PTT chose to hold an individual title. This process was accomplished in a little less than 3 years, quite an accomplishment given the problems of the PTT.

However, at the outset of the program analysts wondered if the PTT parcels would be economically viable, particularly given the mortgage that went with them and the ongoing need for farmers to borrow at the outset of the growing season. There was a great range of variation amount the PTT lands—coffee plantations and farms with poor soil and lack of water. It was also noted that of the 1980 agrarian reform coops, many were heavily in debt and barely surviving, though some had proven to be quite viable. In fact most of the lands have been insufficient for making a living and families are required to find supplementary income. This could change with organization to grow commercial crops in addition to food staples.

**Nicaragua's Chaos.** El Salvador's difficult PTT process, which stretched over the better part of a decade, was a model of peaceful efficiency compared to what happened in Nicaragua. There substantial amounts of land changed hands after the end of the war, but many did so through armed

land invasions or the threat thereof often followed by negotiations with the government.

Many of those who supported Chamorro in the election had had their lands confiscated or expropriated during the two phases of the Sandinistas' agrarian reforms. These *confiscados* did not accept the legality of the agrarian reform. They wanted their lands back. Contras were abandoning the "development poles" given them by Chamorro. Both groups thought Chamorro's victory meant they had won the war and that the victors would get the spoils.

In El Salvador, the U.S. backed the integrity of the 1980 land reform in 1992 (in part because there were people in the USAID office in El Salvador who were committed to it) and the U.S. was the largest donor to the PTT. In Nicaragua, the U.S. did not back anything done under the Sandinistas. Moreover the office of Senator Jesse Helms, then head of the Foreign Relations Committee insisted that U.S. citizens whose lands had been confiscated by the Sandinista get recompense, or Nicaragua was not going to get any aid.

The Chamorro government said that the Agrarian Reform laws (and the Constitution) passed during the Sandinista governments were the law, but that, under a neoliberal economic philosophy, they planned to privatize state properties. This included a large number of state farms. It also agreed that some of the FMLN confiscations were illegal and most had given compensation that was sufficient. In essence, the Chamorro strategy was to shift the issue to case by case considerations strung out over a long period of time. This would diffuse the crisis and spread out government payments over a long period.

However land invasions began immediately. The invaders were *ex contra*, or gangs organized by confiscated former owners. Somewhat later landless peasants invaded agrarian reform cooperatives as did some ex government army troops who had been discharged into an economy with a rapidly shrinking number of jobs. In some cases agrarian reform properties were invaded several times by several groups. In the last half of 1990 some 300 farms were invaded, about half of which were state properties (which the government had said it would privatize) and about half were private, non agrarian reform lands. In 1991 invasions touched agrarian reform cooperatives as well. By the end of 1991 the total had reached around 750, with another 260 in 1992. In many cases the invasions were resisted. (Abu-Lughod)

Meanwhile the government established an office to process claims. Some 9000 claims were made on urban commercial and residential properties and equipment and over 7000 more were filed on land upon which an estimated 60,000 agrarian reform families lived (and involving 1.4 million Hectares). To avoid the political consequences of displacing 60,000 families the government began offering compensation in bonds to the former owners.

By 1995 the government had issued \$300 million in bonds, but it was not clear if the government was a good credit risk (being perhaps the most indebted government in the world). The government pledged to back the bonds with the sale of the state owned telephone company. However interest rates were lower than what could be earned elsewhere.

The process was complicated because U.S. citizens were getting to the front of the line for those to be compensated due to Sen. Helms' pressures. The Embassy had a full time staff person working on the problem. The majority of the U.S. citizens had not been U.S. citizens during the agrarian reform, but had emigrated to the U.S. and taken citizenship. More were becoming U.S. citizens all the time, so the "line" was not getting shorter even as claims were being processed. (Dye, et. al., 1995)

Finally, it became evident that privatizing state farms would be complicated, not just because of the invasions, but because the workers on those farms, organized into what had been a strong national rural workers union (ATC) said that they should be the beneficiaries of privatization. By 1995 500 state farms involving 253,000 hectares had been privatized. Former workers on the farms got 30% of this land area. Half the farms went to former owners. (The farms that had belonged to the Somozas did not go to former owners). Ex contra and former government soldiers each got about 10% of the state farm land area.

Land invasions by the ex contra worked. In the first five years almost a third of the lands that received title had been occupied by invasions and in the war zones where the contra had been strong, such as Matagalpa and Jinotega, 84% of the land that got titles under the Chamorro government had been invaded since 1990. (Abu-Lughod)

The invasions contributed to the sale or dismantling of many of the agrarian reform cooperatives. So did the fact that the Sandinistas had never properly registered the deeds of the cooperatives, so cooperative members had a shaky title in a politically hostile

environment. In some cooperatives internal conflicts contributed to some members wanting to divide off a parcel of land for their family. However within three years of the electoral defeat many cooperatives were dying out. In one study (Jonakin) in an area of the country that did not have many land invasions, sixty percent of the (53) cooperatives studied had ceased being cooperatives and had divided up their lands into individual household parcels. In none of these cases did the family actually have a title to the parcel.

In another area, also one in which land invasions were not large in numbers, 13% of the cooperative total land area had been sold and some one third of cooperatives had sold all of their land. The sales were at prices well below perceived land values; the average price received was less than a third the price of cultivatable and 3/4s the price of pasture lands. These forced sales were occurring because the cooperatives feared the old "owner" would return and throw them off the land. (Jonakin)

Note the contrast with El Salvador and the nature of the different land "markets." Beneficiaries of the PTT were buying lands at premium prices, compared to what they could have purchased them for a few years earlier with the war going on and land values near zero in war zones. In Nicaragua, after the war, peasants are selling lands acquired through the agrarian reform at prices well below "market" value because political conditions (and land invasions) had made their particular lands less valuable.

A decade later the land problem has not gone away. First the compensation bonds to be paid to former owners now total around \$1 billion. The structure of the bonds has interest payments of 3% for the first 2 years, 4.5% for the next 5 years, then 5% for 4 years and then the principal is paid off in the remaining four years. The bonds are indexed to the dollar, so the government is vulnerable to the change in currency valuations. The first payments on principle were to come due this year. Moreover, this is not all of the claims. It is estimated that remaining claims would amount to \$500 to \$600 million.

Second, estimates are that 30% of the agrarian land area has no clear title and that the same percentage of households have no document at all, or only an old agrarian reform document, or a document that has not been registered. Those most vulnerable, naturally, are those most poor. Two thirds of small coffee growers have a title, and all large coffee growers do, but three quarters of small corn and bean farmers do not. (Ruben & Masset)

It is this latter group which is most subject to distress sales at low prices, prices made lower because of whatever disaster caused the stress (failed crop, illness) and by the lack of clear title. Poor peasants will tenaciously hold on to their land, by cutting their own consumption, finding other of income, borrowing, selling livestock if they have any. Borrowing however is particularly difficult. Following very easy credit to cooperatives from the Sandinistas, with most loans never being paid back, production credits from banks virtually disappeared for peasants in the 1990s. Some may have been able to get loans from small NGO programs or from local money lenders who charge very high interest.

But nonetheless some are forced to sell. Some are former agrarian reform cooperative members. Most all of the coops have been parceled off now. The initial calculation of peasants that they might be more secure against attacks by former owners if they divided into individual parcels may have been correct. But a decade later the individual parcel holders more vulnerable to a forced sale. Remaining cooperatives have fared better.

**Guatemala.** Guatemala did not have a land reform in the early 1980s. A 1979 study showed that land inequality was about what it had been 30 years earlier—that a mere 2.5% of the farms controlled 65% of the agricultural land, while 88% of the farms accounted for only 16%. Four hundred thousand owners averaged only 1.63 hectares of land, and 164,000 families had no access to land. A USAID 1982 study found that 31% of farms had less than .7 hectare and a Gini index of land inequality that was the highest in Latin America, and Latin America is reknown for having high levels of land inequality.

There had been an agrarian reform in 1953 under the elected President Jacobo Arbenz, the last civilian elected until 1985. That took, in exchange for bonds based on the declared tax value of the land, 600,000 hectares that were not being cultivated or grazed, half of which was from foreign estates, mainly the U.S. based United Fruit Company. The government also let peasants use 280,000 hectares of large coffee estates it had expropriated from Germans expatriate owners in World War II. A CIA organized coup overthrew Arbenz in 1954. The agrarian reform was reversed and former German estates were privatized to large landowners. An estimated 100,000 families had briefly benefited, which was then 1/6th of the nation's population. (Handy)

Eduardo Baumeister summarized several smaller studies that have been done recently. These suggest that the proportion of rural families with no access to land as owners or renters has moved from 22% to 33%, and that the proportion of owners declined from 61% to 49% and that the size of holdings went down. (There were significant variations between regions.) A large increase in agricultural land (1.1 million hectares) had developed 80% of which was in the northern jungle region of Petén. This frontier represented the last large empty space and has been used only for extensive cattle grazing (due to poor soils) with vast ecological damage. Cattle ranching employs few people. Conditions of landlessness and inequality seem to have worsened from a bad state since 1979.

Given this background and the weakness of the URNG at the bargaining table it is not surprising that the peace accords did not broach the topic of agrarian reform, or even of land inequality. The treaty did take up the issue of land at different points, as did prior negotiations for returning refugees. There are many conflicting claims over land, leading to insecurity. The accords called for speedy resolution of claims. That has not happened. An agency called CONTIERRA did mediate some disputes but did not make much headway after several years, given the magnitude of the problem. A World Bank financed cadastral survey has been controversial because peasant group fear it will lock into place the holdings of large owners who acquired their lands through usurpations decades ago.

The accords call for use of state lands and idle lands for poor peasants. The state does not possess much adequate land.

A series of land purchase programs has made small dents in the problem. Before the peace accords a government land bank purchased a few large estates and resold them at market prices to those suffering from land poverty. But by 1992 only 18 farms with 16,000 hectares has been purchased. These went to families in micro parcels averaging .65 hectares. Some returning war refugees tried to get their former lands back. Another land fund purchased land and sold it to some of the returning families.

A post peace accord Land Fund (*Fontierras*) was established that had a bit more muscle. It was to take back lands illegally seized in the Petén and a potentially rich area called the Transverse strip, according to most accounts by high level military officers in the government in past years. The land fund was also a

purchase and sale fund, but it has moved slowly and the prices it pays and thus charges have been high. In its first two years it had acquired and sold 13,400 Hectares for 2500 families (about 5.41 hectares per family). But it had requests from 531 groups representing 35,500 families. At the average rate of 100 families per month, the queue would be 3 decades long (assuming no one else gets in line).

Budgetary constraints and lack of political will have prevented sufficiently ample funding of the program. And critics assert other problems. The program does not amount to an agrarian development strategy. It depends on voluntary sales, and some have involved mediocre or bad land. Promised technical assistance has been in short supply. Finally those who get the land tend to be organized and from middle agrarian sectors, not from the poorest and most in need. Indeed, a goal of the program is to sell the land to people who have some agricultural skills and an organization. The critics, however, found in visits to places that had been purchased a range of economic viability and ability to pay back the loans. (CONGCOOP, 2002)

The case of the hacienda *Nueva Linda* (described in the section on police) is but one of several score of post war peasant land invasions in Guatemala. The invaders have argued that their legal claims against the owners have not received a hearing in the judicial system. These claims are for back wages or against actions they claim the "owners" took in past decades to usurp the lands.

**Viability and Social Capital.** Obtaining land is a necessary but far from sufficient step in a process of addressing rural poverty. One reason agrarian cooperatives began to disappear in Nicaragua is that they could not get annual production loans. The same is true for small farmers such as PTT beneficiaries unless an NGO program with money can be found.

In El Salvador, the sizes of the PTT parcels meant that unless the land was of high quality, it would be difficult to make a living. In 1998, agrarian debt became a highly controversial issue when the government offered to relieve a portion of the debt to PTT, Agrarian Reform cooperatives and some large landowners, if the remainder of the debt would be paid off immediately. This resulted in a temporary alliance of these three groups who all lobbied the government to increase the portion of the debt it was willing to forgive. That effort and international assistance, in part from the U.S.,

enabled most of the PTT farms to shed their mortgage debt. Nonetheless, a study showed that average incomes on the PTT farms are not sufficient for more than survival, unless members of the family can get other sources of income. (Álvarez)

In Guatemala some of the recent land invasions have not led to evictions. However, in one such case of a successful invasion by an indigenous group they could not get credit and were basically barely surviving by growing basic grains and by receiving money from family members who had moved to the U.S. or who migrated seasonally to Oaxaca, Mexico to harvest coffee at wages below the Mexican level.

In each of the three countries there are examples in which communities of people that have been able to use their social capital as a community to some positive effect. Some predated the war (by many centuries in the case of Mayan communities). Some were formed through family connections during the war on agrarian reform cooperatives. Some emanated from war time experiences.

In one study of the decline, sale and parcelization of agrarian reform cooperatives in Nicaragua the authors find that cooperatives that stuck together, even amidst many rational incentives to divide up, have had advantages over small holders in gaining information, using collective forms to market their goods, and even in getting loans, which have been all but impossible to get. (Ruben, Lerman and Siles)

In a searching, detailed analysis of Ixil communities in Guatemala, Bettina Durocher finds repeated evidence of the ability of various groups within the community to protect themselves before, during, and after the war—despite confrontations with the military during the war, which regarded them as communists—and major conflicts with nearby large landowners whose land belongs traditionally to the Ixiles but was robbed from them during the liberal coffee boom in the late 19th century. And the conflicts are also between the Ixiles and the central government which has attempted to set aside more Ixil land for a nature preserve. The author points out that the ecological record and customs of the Ixiles over past and recent time, is considerably better than that of the government or the private sector groups that support it. In this case negotiations between the local communities and their Mayors, the government's land mediation committee (CON-TIERRA) and the government reached as high as the offices of the President.

In El Salvador, studies by PRISMA have demonstrated that some local communities of families who were beneficiaries of the PTT process have worked together, whether they parceled their land or not, to attempt to deal with various marketing, farming and ecological problems in a flood prone region. In this case the ties of the community and their sense of solidarity goes back to the war years when many of the current members were combatants for the FMLN (Hecht, Kandel and Gómez; Rosa, Cuéllar, y Gómez)

These are relatively successful cases of rural poverty where there is some social cohesion, planning, a collective use of resources and a modest amount of hope. Far worse cases can be found, particularly in Guatemala where the combination of racism, rural isolation and authoritarian structures are still common and in some cases seem like dark scenarios that have not improved since the 19th century.

In a current World Bank study of poverty in Guatemala data collection included qualitative data from ten rural communities. In a Kaqchiqel speaking hamlet of 200 people, located on a coffee plantation, the people own no land, live in terrible houses and have no social capital. All adults are illiterate and none of the children go to school past the third grade. The authoritarian owner discourages any attempt to organize community activities. Workers who have any ties to unions are suspended to avoid paying benefits and to discourage union affiliation, and women get no benefits even when they work the harvest. The families are permitted garden plots, but if a spouse dies the widow has no rights to use the plot or even to remain in the house. The ancestors of many of the families had worked on this same plantation but the community was isolated from other Kaqchiqel communities.

### SOCIAL SPENDING

Among the causes of the wars were extensive poverty and inequality, despite fairly rapid rates of GDP growth in the 25 years preceding the wars, and the political systems provided no means of correcting these problems. One reason for the poverty was that governments taxed little and spent less on social programs that might improve the well being of the population.

In the next 25 years their rates of growth were *not* rapid, owing in part to the “lost decade” of the 1980s that afflicted most of Latin America. That trough combined in the 1980s a steep recession in

the U.S. which reduced commodity imports from Latin America and a decreasing inability to pay high international debts that had built up in the late 1970s. In addition in the three countries under study the wars wounded the economies through physical damage, capital flight, structural and population changes. According to UNDP figures the GDP per capita growth rate from 1975-2001 was .1% in El Salvador and Guatemala and -4.0% in Nicaragua. Since the wars the economies have done better. From 1990–2001 the GDP per capital growth rates averaged 2.4% in El Salvador, 1.4% in Guatemala, and -.1% in Nicaragua. (In El Salvador the growth rates were much higher in the first half of the 1990s than afterwards.) But they have not done well enough to recover. In each country in that quarter of a century the year of highest GDP per capita value, in constant dollars, was before the war.

By contrast, Costa Rica was relatively unaffected by the wars and its per capita growth rates were 1.2% in the 26 year span and 2.8% in the 1990-2001 period.

Poverty is widespread, particularly in Nicaragua and in rural, indigenous areas of Guatemala. The per capita average GDP in Nicaragua was estimated by the World Bank to be below \$750 per year. The UNDP (Central American Survey) cited a reduction in poverty between 1993 and 2001 from 50.3% of the population to 45.8%

In the World Bank poverty study in Guatemala it estimated that in 2000 56% of Guatemalans lived in poverty, and 16% in extreme poverty, and that this might be higher than other Central American countries despite the fact that Guatemala has a higher GDP per capita than some of them. Though poverty fell from 62% in 1989, the World Bank study found evidence that it had actually increased in 2001 and 2002. The Bank said the drop in poverty was less than would be expected given growth rates — indicating that growth has not been “pro poor.” And the poverty is chronic; that is, only a small percent of those poor have recently become poor.

Poverty is much higher, the Bank reports among the rural indigenous. Eight of ten in poverty live in rural areas and 76% of the indigenous are poor, compared to 41% of the non indigenous.

In El Salvador poverty is lower and showed sharper declines in the 1990s, but still remained very high in rural areas. The overall decline in poverty was from 60% (1991-92) to 41.4% in 1999 according to UNDP data in a country study. But rural poverty

was higher and did not decline as much: from 66% to 55.4%, and half of the rural poor were in extreme poverty throughout the period. In El Salvador the decline would have been greater but for the two earthquakes that struck weeks apart in early 2001.

In El Salvador this decline would suggest that the absolute number of people in poverty has decreased by some four hundred thousand. However percentage poverty declines in the other two countries mask increases in the absolute number of poor people during the decade. The numbers of poor Guatemala and Nicaragua have increased by about 900,000 and 400,000 respectively.

The urban-rural disparities hold in virtually every measure of poverty, health and education. The one exception is that the decline in poverty in Nicaragua, which was modest, was somewhat greater in rural areas than in urban. Rates of urbanization are therefore important overall, but they have been, by far, the slowest in Guatemala and are projected to remain that way. Between 1975 and 2001 the percent in urban areas in El Salvador grew from 42% to 61%, on a par with Costa Rica. In Nicaragua it grew to 56.5%. But in Guatemala it grew from 36.7% to only 40% and is projected to remain below 50% (46.7%) by 2015.

Among the five Central American republics social spending as a percent of GDP is by far the highest in Costa Rica (1998-1999) according to the PNUD 2003 report on Central America, at 16.8% (counting social security, housing and water, health and education). Discounting social security (which varies widely from country to country) Costa Rica's social spending would be just over 11%; Nicaragua's is 12.7%, but then Nicaragua has a tiny GDP so its social spending per capita on just education and health is just 14% that of Costa Rica. (PNUD, 2003)

One reason for the low spending is that tax rates are low. In 1996 among 16 Latin American countries, El Salvador and Guatemala had the two lowest tax revenues as a percent of GDP. Nicaragua then was among the higher, but again its GDP is so low that it has little revenue. (World Bank, 1999).

**Education.** Before the wars, as in the current example above, many large landowners either saw no need for education or saw it as a threat. In Nicaragua virtually all rural schools had one teacher for four grades. In all three countries rural schools had no books and were lucky to have a blackboard; that left

the students to copy lessons into notebooks, a pedagogically passive method. Mainly the Guatemalan government paid no attention to education for Mayans, but when it did it wanted it only in Spanish.

When the Sandinistas came to power they launched a massive, fast paced literacy campaign that had dramatic results with some 80,000 volunteer teachers heading to the rural areas for several months. It was difficult to maintain these gains when the war picked up and contras selected as targets local government service outlets, including schools and their teachers, whom they saw as Sandinista ideologues. In all three countries rural areas were hit hard by the wars and education was no exception. With families fleeing the war to save their lives education was forgotten for many. However in El Salvador there was an effort during the war to repopulate towns that the army had attacked and to begin in them popular schools. The war also increased defense budgets at the expense of education and health budgets. (Marques; Hammond; Miller).

In each country the post war era has seen improvements and reforms. In both El Salvador and Guatemala decentralization of school administration has been a way to get parents involved but also has been seen by teachers unions as a way to get around union restrictions. Nonetheless these programs, EDUCO in El Salvador and PRONADE have expanded coverage, and there is more sensitivity to the multicultural issue in Guatemala due to the push for Mayan rights in many sections of the peace accords. Sensitivity however has not yet translated into many concrete gains in bilingual education apart from a number of positive pilot projects.

Following the defeat of the Sandinistas the first education reform efforts were to destroy all textbooks produced by the Sandinistas because they were seen as ideological. Foreign donations, mainly from the U.S., provided over 7 million new text books drawn from various Latin American countries. (Marques) In theory, decentralized administration permitted freedom of choice among text books at the local level—not including however any remaining books of the Sandinista era that had not been thrown into the fires.

In Nicaragua the percent of GDP spent on public education has increased from 3.4% in 1990 to 5.0%, an average of 1998-2000, but GDP is so low that it means that Nicaragua's teachers are the worst paid in the region (and have had several strikes, job actions and work slow downs in the last

year). Twenty-five years after the literacy campaign, Nicaragua, Guatemala and Haiti have the highest rates of illiteracy in Latin America.

In El Salvador the percent of GDP, according to the UNDP *Human Development Report for 2003*, has gone from 1.9% to 2.3%, but the UNDP country study of El Salvador for 2001 indicates that the percent was about 2.6% in 1998 and 1999 and 3% in 2000. This is still well below the 4.4% that Costa Rica spends, but educational coverage has spread in rural areas in El Salvador due to its decentralized EDUCO program, profiled in a 2001 HI report and also in the *World Bank Development Report 2004*. In El Salvador 71% of kids reach grade five, compared to 48% in Nicaragua and 100% in Costa Rica.

The net secondary enrollments for the three countries are 39% for El Salvador, 36% for Nicaragua and just 26% for Guatemala. Costa Rica is at 49%, while Chile and Argentina approach 80%.

Despite improvements urban-rural differences persist. According to the UNDP report (2001) on El Salvador, illiteracy rates (for those above ten years of age) dropped two points between 1997 and 1999 from 20% to 18%. They dropped 3 points in rural areas, but this still left rural areas with an illiteracy rate three times that of urban areas, and in both urban and rural areas the rate of female illiteracy rates was 5-7 points higher than males.

In Guatemala the illiteracy rates among men (over 15 years of age) in 1998 was 25.3% a fall of only 3 points since 1989. Female rates had improved by 8 points to 37%; but were still 12 points worse than men. The best rate of improvement was among indigenous women who improved 20 points during the decade. Nonetheless the majority (52%) of indigenous women were illiterate. By contrast non indigenous men had a 19% rate of illiteracy, a 33 point difference.

**Health.** Both Cuba and Costa Rica have been held up by the World Bank as having exemplary health care systems. Cuba has 590 physicians per 100,000 (on a par with or over European countries). It devotes 6.1% of GDP for public health, though it

only spends \$193 per capita on health (because it doesn't pay its doctors much in dollar terms). Costa Rica has 178 physicians per 100,000, devotes 4.7% of GDP to public health and another 2.1 to private health, and spends \$474 per capita per year.

El Salvador's spending on health is not too far behind at \$391 per capita, but its public health—private health spending ratio is about the reverse of Costa Rica's at 3.8% for public health and 5% for private health care. Guatemala spends only 2.3% of GDP on public health. It has only 90 doctors per 100,000 and the Pan American Health Organization estimated that 80% of physicians practice in the metropolitan area of Guatemala City. Nicaragua spends only \$108 per capita. And public health does not necessarily mean its services are free. For years in El Salvador, at least, public health centers have charged fees, for appointments and operations, called "voluntary quotas," that are in some instances waived.

In Costa Rica and Cuba virtually every birth is attended by skilled health personnel. The rates are much lower in El Salvador (51%), Guatemala (41%) and Nicaragua (65%). Not surprisingly rates of infant mortality (/1000) and maternal mortality (/100,000) are much higher in those three countries than in Costa Rica.

**Culture of Inequality.** These post war patterns show progress, but the three countries are enmeshed in cultures of inequality that precede the war and have not been corrected by the peace processes, despite spending improvements and decentralization of some services. There are two measures of this that might be illustrative.

The UNDP ranks countries along a Human Development Index made up of other indexes on educational, health and GDP. It then takes this measure and compares the HDI ranking with the country's ranking in GDP per capita and establishes a score by subtracting the HDI rank from GDP/capital rank. The idea is that a positive score means the country, given the size of its economy is doing well, or really well, on improving Human

	El Salvador	Nicaragua	Guatemala	Costa Rica	Honduras
Infant /1000	35	45	49	12	36
Maternal/100,000	120	102	111	15	108

*Pan American Health Organization Indicators 2000*

Development. That is, its human development efforts seem to be high relative to the size of its economy. A negative score is the opposite. For example in 2003 Norway ranked first in HDI and its GDP/capita ranking minus HDI ranking was +5. Iceland and Sweden ranked 2<sup>nd</sup> and 3<sup>rd</sup> but had different scores: a +2 for Iceland and a +15 for Sweden. So Sweden seemed to be doing better than Norway in relation to the size of its economy.

Scores on Latin American countries cover a range with Uruguay at a +19 and Cuba a +38, while Haiti is a -20 and the Dominican Republic a -26. Of the Central American countries the most recent scores are: Costa Rica = +9, Honduras = +1, Nicaragua = +2, El Salvador = -17 and Guatemala = -22, the third worse in the region. So despite gains, Guatemala and El Salvador are doing rather badly relative to the size of their economies.

Another measure is the percent of income and consumption of the poorest 10% versus the richest 10%. Latin American has greater inequality than other regions. In Latin America Brazil, Paraguay, Honduras and Nicaragua are the most unequal with the richest making 69 to 87 times more than the poorest. By contrast the ratios of Costa Rica (20:1), Bolivia (25:1) and Ecuador (15:1) and Peru (22:1) are much less unequal and Bolivia and Ecuador are quite

poor countries in terms of GDP per capita. Bolivia is somewhat poorer than Nicaragua, for example.

The ratings of El Salvador (33:1) and Guatemala (40:1) are quite unequal. By contrast poor India has ratio of 9.6:1, less extreme than the U.S. (16.9:1) and equal too the much richer South Korea and Sweden. Numerous European countries have ratios below 7:1.

All of these measures show a long way to go. Perhaps El Salvador has progressed faster than the other two, but its tax collection rates are low and if higher could support more social spending. The new government is talking about tax legislation, but the aim seems mainly to improve the efficiency of collection. Government policies have helped in El Salvador in the realm of education, but what has probably helped alleviate poverty more than any government policy has been the massive amounts of money sent home by Salvadorans in the U.S. now measured at over \$2 billion per year for a country of 6.4 million people. In Guatemala policy has been less effective and there is real resistance to change on social terms. Nicaraguan politics seem to be little more than a struggle for power between two men, with the U.S. trying to avoid both. The country is so impoverished and in debt that only a unified effort toward alleviating poverty would help. At least that is part of the discourse in Guatemala.

## INTERNATIONAL FACTORS

**F**oreign nations, multilateral organizations and dramatic international forces affected the wars and the peaces processes from the very beginning at every step of the way. Among them, the U.S. rule was dominant. It has been historically. At the end of the day, it could be argued that the U.S. was able to gain its basic objectives by the ends of the wars and the first founding elections—leftist groups that had began the 1980s with insurgencies no longer controlled or basically threatened any government.

More striking, however, is the extent to which the U.S. had to share the stage with other international actors and the difficulties it had achieving its goals. Those other actors played minor and major roles and continue to do so.

The Contadora peace process that eventually culminated in the Aria peace plan was fashioned

by Latin American diplomats from eight nations acting in coordinated fashion and often contrary to U.S. desires.

The massive and unprecedented monitoring of the 1989-1990 Nicaraguan elections by large teams from the UN and the OAS posed the threat of certifying a free and fair election if the Sandinistas won against the predisposition of the U.S. (and the contras) to see any Sandinista victory as tantamount to an unfair election.

The UN successfully mediated the two comprehensive peace accords, with some cooperation from the U.S. Its two mediators, Álvaro de Soto for El Salvador and Jean Arnault for Guatemala, were forceful creative mediators, not simply diplomats who created a civil atmosphere for the parties. Indeed in the Guatemalan case some anecdotes emerging from the peace negotiations suggest that more than finding a

concept or language acceptable to both sides the UN and experts it brought in crafted parts of the accords including much of the indigenous accords and the framework of the most specific parts of the socioeconomic accord regarding taxation and social spending.

The U.S. had a very large embassy staff in El Salvador during the war. Following the war the UN verification mission, ONUSAL, was much larger than the dwindling embassy staff and prominently spread throughout the country examining in considerable detail every aspect of the peace accords. It stayed on for years.

This UN verification role has been repeated in more widespread fashion in Guatemala by MINUGUA—more widespread because the subject matter of the accords is more widespread.

European nations provided considerable aid to these countries, some of it by NGOs, during the wars and more so after the wars. They played an initial diplomatic role in Guatemalan peace negotiations. The sum of post war aid to Guatemala coming from the European Union and its member states far exceeds the sum from the U.S. At points in post war Nicaragua, the sum of bilateral aid from Scandinavian countries has exceeded that of the U.S. This in turn has created openings for active diplomacy around accord implementation by diplomats from various European embassies and in Guatemala, by Japan as well.

In El Salvador the multilateral financial institutions provided post war reconstruction help but stood back from the peace processes. Influential articles critiqued this stance indicating that the lack of coordination often meant that international agencies engaged in implementing the accords were at cross purposes with the financial institutions. There was an effort to engage these institutions in the fashioning of the Guatemalan peace accords and the resulting financial aspects of their implementation. (Boyce)

**Verification.** These have not been purely diplomatic efforts confined to diplomatic spaces—the missions spread throughout the countries. The introduction of the first human rights missions multiplied the national resources for documenting human rights abuses.

In each country the government accused the UN verification mission of being biased in favor of the guerrillas and of exceeding its mandate. In each there were small and large moments (such as the release of the Truth Commission report in El

Salvador) where rightist anti ONUSAL-UN tempers exploded.

On the other hand, both verification missions frequently came under criticism from groups that claimed that the missions were under performing their mandate, were not being sufficiently aggressive, were not drawing upon local expertise built up over many years under dangerous repressive conditions, and were not sufficiently responsive, or not responsive at all, to criticisms and suggestions from such groups. ONUSAL and MINUGUA were faulted for a lack of transparency or, worse, for actively covering up evidence that should have been revealed.

Indeed on several occasions the criticisms from one side or the other reached a level of severity as to suggest that the process would be better off without the verification mission. On the final departure of a much reduced ONUSAL mission (by then called MINUSAL) the conservative *Diario del Hoy* published a sarcastic, biting critique against a biased mission that was more than welcome to leave.

Framing the issue so as to portray organizations—MINUGUA and ONUSAL—with noble missions caught between left and right critics is not meant convey a notion that the very fact of arrows flying at the beleaguered organizations from two and more sides with opposite criticisms is really evidence that the organizations must have been doing a good job. Many criticisms were quite justified and indeed those that have been published rely heavily on evidence gathered from interviews with staff members of the two organizations. Both organizations seemed marked by extremely sharp and continuous criticisms from inside the organization about all manner of things that emanated not just from disgruntled employees but from dedicated staffers who passionately wanted higher performance from each organization. (Or from both. As a general approximation I would say that staffers who had served in both ONUSAL and MINUGUA were more critical of MINUGUA and found it less able than ONUSAL.) It is useful to see the general constraints faced by each organization. It should be mentioned that the small OAS mission in Nicaragua—CIAV—was generally perceived by the Sandinista side of the divide as a pro contra organization.

These were novel experiments for the UN, though MINUGUA was obviously less novel than ONUSAL. While the UN had considerable experience in peace keeping—largely military missions that would attempt to keep both sides apart—

these missions were of a new order—multidisciplinary efforts aimed at verifying all aspects of broad ranging accords that take up many questions of institutional reform. New and similar efforts were happening in Somalia, Angola and Mozambique. One of the critical documents about ONUSAL captures this; it is entitled *Improvising History*. There were no precise recipes to follow.

The accords themselves, even though they were mutually agreed upon contracts, had a built in bias that would be likely to result in criticism of the verifiers. To simplify, the negotiators on the government side wanted one thing—the demobilization of the guerrillas. The FMLN and URNG arrived at the negotiating table knowing that their initial goals in the insurgency were not going to be realized, that is the replacement of the government by the guerrilla groups so that they could revamp and revise the government along revolutionary lines. So in the negotiations each of the two insurgent groups wanted to get as many changes in the government's way of doing things as they could. To get the guerrillas to quit fighting each government made a long list of concessions.

The role of the verifiers was then lopsided. It could verify that the guerrilla groups did one thing—demobilize. As we have seen this was complex and had its moments of crisis in El Salvador due to the phased demobilization and lack of rapid compliance on the government's side. It was quite easy in Guatemala because the URNG had few troops to demobilize. But the verifiers then had to be sure that the government was complying with a long list of tasks and sub tasks, all of which the government would have preferred not to do but for the agreements. The governments got testy because they constantly had UN verifying “mosquitoes” around their heads buzzing more loudly as things were not getting done. And the critics of the governments were bound to be displeased because the UN verifiers were not able to get complete compliance about a long list of things.

Third, each organization was ad hoc, with an uncertain future. The UN did not make up these verifying missions by shifting large numbers of permanent staff from headquarters. Rather it rapidly hired a large number of people to short term contracts. Of course it attempted to get people with expertise in relevant fields—human rights, police work, land, indigenous issues—but, by definition, virtually none of them had expertise in the

precise mission being undertaken. The missions' mandates were continually extended, but it was never clear at any one moment how much longer it would go on. This meant that there was considerable staff turbulence with people always coming and going. This happens a good deal in the diplomatic world, but diplomats and employees of bilateral aid agencies, move within a permanent organizational structure with some institutional memory. ONUSAL and MINUGUA were beginning new and large organizations—much larger in staff terms than any of the bilateral or multilateral donors—that would have short lives, but nonetheless were supposed to have well worked out procedures down to the most mundane, but vital things, organizations do. Not surprisingly they did not.

When new organizations have to rapidly hire groups of experts to take on novel tasks there is not an organized labor market with pools of people, particularly because experts often have permanent positions and what was being offered is short term work—though at quite handsome rates of pay. Both organizations were criticized for hiring not on the basis of competence, but on the basis of friendships and social/professional circles within national groups. There were joking references about the “Peruvian mafia” in ONUSAL and there were jokes among Central Americans about stereotypes of Argentines. It seems clear that “network” hiring happened. It is not clear that it could have been otherwise, nor does it prove a low level of competence. Indeed it was easy to run into highly intelligent and committed people in both missions. Some of them complained about free riders on the staff.

Hiring by friendship did raise a more general issue of “double standards.” A key goal of institutional reform and democratization was to put in place meritocratic, transparent, and fair practices in the new police institutions, in the judicial systems, etc. But if the verifying mission itself is not doing this charges of hypocrisy will be made. If the UN mission in Guatemala is pushing for increased tax revenues and the Guatemalan elite perceives that many MINUGUA personnel are able to escape paying taxes, silent charges of hypocrisy will be made. If in El Salvador one of the contingents in the UN mission dealing with the new police is from Mexico and thousands of Salvadoran families have stories about relatives being shaken down by Mexican police while heading north to the U.S. charges of hypocrisy, fairly or unfairly, will be made.

Large UN missions do things expensively. The hotel wing in which ONUSAL was headquartered had a parking lot filled with dozens of ONUSAL vehicles and they were ubiquitous in San Salvador and in rural areas. To some extent this was justifiable. The missions wanted to be ubiquitous, wanted the public and the negotiating parties to perceive that UN eyes and ears were everywhere. Were salaries too high? ONUSAL drove up the price of luxury housing in San Salvador, and created a crisis in that market when they departed. UN people were making salaries far higher than nationals with similar training and education. These jobs were in demand and a privilege. But there were hardships due to the lack of permanence of the job and being uprooted for a relatively short space of time—with no particular chance of another UN job later. MINUGUA tried to cut costs for some kinds of jobs by paying “volunteer” salaries of about \$25,000.

Over a an eight year period (through 2002) MINUGUA spent \$187 million with a peak of \$36 million in 1998 and had a staff that began at about 400, increased to 531, and declined in 2002 to 282 (and declined rapidly after that). In addition it had a \$16 million trust fund it used for some projects. (Pásara, capítulo 7).

**Aid.** A great deal of the monetary aid that arrived was in the form of building infrastructure (primarily in El Salvador and Guatemala) and attempting to reduce national indebtedness in Nicaragua. The idea was that the economy would function better with good roads or lower debt service payments, or that the educational system would function better with new schools.

Other aid was geared more toward implementing the reforms called for in the accords. Hundreds of projects from dozens of sources had institutional reform, or increasing the effectiveness of institutions through better trained personnel as their central aim. These came from bilateral, multilateral or private NGO sources. Some bilateral aid went through and was coordinated by multilateral agencies, mainly the UNDP. It is clearly beyond the scope of this project to evaluate this array of projects. Indeed, it may be impossible to evaluate because of the diversity of projects and sources, the confidentiality of many evaluative reports, the institutional politics of the donors and recipients, and the short or disorganized institutional memories of many of the organizations involved.

In all three countries a considerable amount of aid was pledged and arrived. The aid to Nicaragua was, and has remained, at much higher levels than in the other two countries. This is explainable not so much by the worse physical destruction of the war in Nicaragua as by its comparatively extremely high levels of international debt and then, following 1998, by post Hurricane Mitch aid.

Hurricane Mitch affected all of Central America, but the damage was by far the worst in Honduras and Nicaragua. In Central America material damage amounted to 13% of regional GDP. In Honduras it was about 80% of GDP and 49% in Nicaragua. Consequently there were large increases in disaster aid to those two countries. In Nicaragua 1990 External debt stood at \$10.7 billion. In 1998 it was at \$6 billion, or 262% of GNP or about \$1200 per person. In 2000 the figure had risen to \$7 billion. By contrast in 1998 external debt in El Salvador was 27% of GNP and in Guatemala 23%.

	1998 per capita	1998 % GNP	2000 per capita
Nicaragua	\$117	28.1%	\$111
El Salvador	\$30	1.5%	\$29
Guatemala	\$22	1.2%	\$23

World Development Report 2003

According to one source, Nicaragua has received about \$8 billion in aid since the end of its war in 1990. (O/Neil) In the first four years after its war El Salvador received just under \$1.48 billion, or \$370 million per year. (PNUD, 1994) The figure for 1998 and 2000 would be about \$180 million per year. For Guatemala the funds promised at the Consultative Group meeting in 1997 were \$1.7 billion over several years. A recent study in by a researcher in one NGO, based on embassy and other sources, calculated that in the five years since than about \$1.5 billion had been expended or at least put in the pipeline. (Pásara, Morales López)

In El Salvador about 40% of the aid during the first four years was bilateral and 83% of that came from the U.S, and almost all of that was channeled through a government reconstruction agency. Of the \$847 million in multilateral aid \$558 million was from the BID and \$100 million from the World Bank.

The structure of aid to Guatemala is rather different. Of the aid pledged about half is bilateral and 31% of that is from the U.S. Bilateral aid from European countries was 58%, almost twice that of the U.S. with four countries pledging the bulk of that (Spain, Norway, Sweden and Germany). In addition the European Union contributed \$260 million in multilateral aid (about the same amount as the U.S. bilateral aid). Again BID and the World Bank were 75% of the multilateral aid. (Pásara, 252)

Several observations are possible about the international aid in accord implementation and institutional reform, with primary reference to El Salvador and Guatemala.

This aid can be seen as help to implement the accords and also as a source of pressure for implementation. In the second function it, in theory, complimented MINUGUA and in fact MINUGUA was careful to draw up a general assessment of implementation process to submit to donors at each Consultative Group meeting. This aid went to state institutions, particular to the judiciary and various related agencies and to the PNC.

It is not really all that much money either as a source of solving institutional problems or providing better (and more bilingual) education and health, and still less for alleviating poverty. To take one country for one year, \$23 dollars per person (assuming it actually reached a poor person, a very large assumption indeed) would not be inconsiderable, but would not solve more than short term problems.

Worldwide the U.S. aid programs "give" at about the rate of \$39 per U.S. citizen per year. Germany and France are about twice that in the mid \$70s, Sweden and Holland are about \$200 per capita and Norway and Denmark are about \$300 per capita. Aid is not keeping pace with economic growth in the richest countries, nor is it sufficient to begin to close the gap between them and the rest. Twenty years ago the wealthiest countries contributed .48% of GDP while today it averages .22% (and in the U.S. about .13%). Twenty five years ago the income differences between Europe and relatively well to do countries in Latin America (Chile, Argentina, Uruguay) was 10 to 1; now it is 57 to 1. (O'Neil)

Would more aid have solved the problem? One can hear numerous instances in which the receiving agency did not have the institutional capacity to expend the money it had received. (One suspects Arnaldo Alemán was able to surmount this sort of problem.)

This relative decline in aid is an indication of the level of political popularity foreign aid has in some of the richer countries and in turn suggests that the aid agencies of those countries have budgetary and accountability problems back home. USAID, for example, has been cut. Disaster aid is more "saleable" "back home" than aid to reform a judicial institution, and infrastructure aid, once the project is completed, can present a tangible, photogenic product "back home" in a way that reforming a judicial institution cannot. Donor recipients will find few objections to a new building or to several dozen computers for the building. But donors may find the recipients more resistant, perhaps quietly so, to pressures for reform that accompany institutional change funding.

Thomas Carothers in his influential book *Aiding Democracy Abroad* begins a chapter on promoting democratic reform in state institutions with an explanation about his project that he gave to a judge in a labor court.

After some time he pressed me about the purpose of my visit, listened carefully to my explanation, then repeated my answer carefully in his own words. 'So you are here,' he said, 'to find out how the American government can make our courts work properly?' I nodded brightly, pleased that I was getting through. He looked at me wide-eyed for a moment, then burst out laughing, tipping back his head in unrestrained hilarity, laughing until the tears ran down his cheeks. (157)

That man had a sense of humor about an improbable prospect, and at least was blunt. In the various reports about institutional reform that have emerged from national think tanks and UN agencies and scholars the responses in local institutions seem to range from eager reformers to those who object to foreign influence and prying over their sphere of influence, but the interchanges seem much more masked than that of the labor court judge.

Resistance may be because they have a stake in doing things as they have traditionally been done. They may find that the foreigners are importing a model that might work "back home" but that is not appropriate here. They may see reform as a long term prospect whereas their particular interests are short and medium term.

Aid as pressure might work in the Nicaraguan sense where the macroeconomic problems are so massive that the multilaterals can impose one structural adjustment program after another, and

one spending and borrowing limit after another with the Nicaraguans in various governments not having a great deal of bargaining leverage. But that is not the same proposition as reforming a police and judicial institution.

Aid as pressure has been weak because in some cases the proposed change for the donee can create more resistance among stakeholders than support.

Aid as pressure has been weak because the donee knows that the wealthy donors have pressures. For example, could a donor cut aid following defeat of the Constitutional reforms in the referendum without appearing to be opposed to democratic procedures? When the tax revenues repeatedly failed to increase sufficiently in Guatemala the UN expended an enormous amount of political capital putting together a very long series of dialogues that finally resulted in a pact — that was not carried out. The donors worried about this issue for years and warned of conditioning aid on it. They could have redirected some aid away from the government toward NGOs. But they took no decisive action.

But the donors are divided and each has a different agenda. In some cases they competed over pro-

jects, which of course does not provide an incentive for the donee to complete the project if another donor is waiting in the wings. In some cases there is pressure on the outpost of the donor agency to get this fiscal year's money spent, or next year's appropriation will go down.

Given that the donors have such pressures, potential recipients, such as the labor court judge, need not laugh; they need merely be respectful and in most cases sincere even if the chances of real reform are low and even if lack of progress threatens to cut off the aid. Small local NGOs might be more vulnerable to pressure, unless they are in high "demand" among donors, because the existence of the NGO might depend on a particular donation, but then the international NGOs or bilateral donors are usually not in a position to closely monitor a large number of small projects.

However, in the end, if there is resistance to reform or even passivity about it, it could result from the relatively small amounts of money from donors and a probable lifetime that would fall short of the time necessary to complete the reforms.

## CONCLUSION

In a recent poll of Latin Americans the answer to one question received a good deal of international attention. Asked if they would prefer a dictatorial government to a democratic one if the dictatorship could solve the economic problems nearly 50% said they would prefer the dictatorship. This follows nearly a quarter century of transitions toward electoral democracy in most all of the Latin American countries. It also follows a period nearly that long of the transition in many of these countries from economies in which the state had played a major role—a planning and investment role. In most of the countries the economic lot of the lower 75% has not gotten better and in many cases has gotten worse. As in the case of Guatemala and Nicaragua, the rate of poverty has gone down, but the number of people in poverty has gone up, in the last decade or so.

While there is evidence that the fastest growing economies in the last thirty years, beginning with the four tigers and then including China and other southeast Asian countries have been under authori-

tarian or semi authoritarian governments, there is no general evidence that such governments do better economically. Indeed the authoritarian governments in Latin America that were ushered out lost their place largely because of economic crises. And the economies that did grow rapidly, by and large continued to do so after modifying their political regimes in the direction of democracy.

It has been common for some time in polls in Latin America for the more political institutions to rate lower in the polls. In El Salvador, for example, the police and military always rate higher than the legislature and political parties. Despite the fact that neoliberalism, including that practiced in the three countries, reduces the scope of influence of the state in the economy, the politicians who run those governments are blamed by the citizens for many things, including bad economic times. That is in part because they are the only people elected, so voting is one of the only means a citizen has of registering a complaint.

One reason for lack of popularity is that these institutions don't seem to be dealing with or have impact upon the problems that most bother the citizens—low wages, high crime, economic insecurity, health, education, that is, many of the things in the basket of social and political deficits that gave rise to the insurgencies in the first place.

The evidence from El Salvador and Guatemala, noted above, is that landlessness is perhaps worse now than it was in the late 1970s. Crime is worse. Health care and education are somewhat better.

Early in the peace process in Guatemala, director of MINUGUA Jean Arnault argued that the social programs of the peace accords had to move full speed ahead to develop a constituency that would support the accords and force political institutions to move faster toward the goals of the accords. Implementation of the accords could never move that fast. Even if the health and education spending parts of the accords, which were not formally part of the peace process in the other two countries, had been fulfilled and maintained—a 50% increase in five years — the base of spending had been so low that the amount of dollars that would be added was very tiny, and not likely to make significant changes in the lives of the broad target population. And that assumes that the money would be spent efficiently and for the poor. In many third world countries public monies subsidize the middle and even upper classes more than the poor, and in these same countries taxes are generally regressive.

The peace processes have dealt best with reducing the power of the militaries and establishing more inclusive elections. They have had only some success with establishing new state institu-

tions (the police), or reforming old ones (the courts).

Despite declines in the rate of poverty there are now more poor people in Nicaragua and Guatemala than there were in 1990. El Salvador shows a modest decline. El Salvador has not had more “pro-poor” policies (though the EDUCO program has definitely had some success), but its economic rates of growth have been higher than the other two countries, though distinctly mediocre at the end of the 1990s.

What has saved its economy from catastrophe, and greatly mitigated the damage in the two weaker economies, is migration to the U.S. and remittances sent home. For El Salvador, the most densely populated country, it was the reversal of migration into Honduras in 1969 that was one of the causes that led to the war a decade later. Remittances are also a great aid to Guatemala and Nicaragua. But migration is a product of the war—of human rights abuses, killing, and a plunge in economic performance. It is a product of globalization. It is not a product of the peace processes. (Robinson)

This does not mean that the peace processes and international assistance to them have been a void. The wars are definitively over. Human rights abuses are very much reduced. There are some hopeful signs in two of the police forces. There are some hopeful signs and changes in two of the judicial systems. Progress has been made by two of the electoral authorities and there is at least a heritage of professionalism in the third. There has been some reduction in poverty and some peasants have land that they did not have before 1980 or before the ends of the three wars.

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\* *Deciphering Honduras: Four Views of Post-Mitch Political Reality*, Manuel Torres Calderón, Thelma Mejia, Dan Alder and Paul Jeffrey with Jack Spence. September 2002, 33,000 words.

\* available in Spanish

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