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CASE STUDY: EL SALVADOR

***“The Role of the Legislative Assembly in the Chapultepec
Peace Accords”***

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Introduction

The dramatic socio-economic and political pressures that had built up in El Salvador in a context of great inequities of wealth and power finally erupted in the late 1970s. The armed conflict that was to rage throughout the 1980s cost 80,000 lives, left tens of thousands of persons internally displaced, disabled, and orphaned, and provoked a mass migration out of the country of an estimated one-fifth of the entire population. The degree of systematic brutality and devastation that characterized the conflict left behind a population whose social fabric had been violently torn apart, and where the fundamental trust between citizens and state had been deeply eroded. The peace agreement between the Government of El Salvador and the Farabundo Marti Liberation Front (FMLN), signed in Chapultepec, Mexico, in January of 1992 was to lay the groundwork for the task of reconstruction and reconciliation in the context of building a new democratic political system. Although many analysts would argue that El Salvador's transition to democracy remains incomplete, the implementation of the accords, despite numerous stumbling blocks and setbacks along the way, is broadly considered to have been a rare example of the largely successful implementation of complex peace accords.

Diverse national and international actors played roles of varying weight in this process, including the central parties to the conflict, the United Nations, the international community, political parties, a number of national institutions, and, at every level, the Salvadoran people. The purpose of this paper is to focus specifically on the role and contribution of one national institution, the Salvadoran Legislative Assembly, in the implementation of the Peace Accords. Virtually nothing has been written from this particular perspective, largely because the principal initiative and impetus for the implementation of the peace process came from the "major players", a determined guerrilla force that had achieved a military stalemate on the battlefield, a strong Executive branch, and a robust UN Peace Mission and international community committed to seeing full compliance with the Accords. While the role of the Salvadoran Legislative Assembly was certainly modest with respect to the broader tasks of implementation, it was nonetheless indispensable in providing the juridical and constitutional foundations without which the Peace Accords could not have been implemented. An analysis of this contribution, as well as of the limitations of the Legislative Assembly to serving as a more energetic protagonist in such processes, should provide useful inputs for a discussion of the potential role of parliaments in post-conflict situations.

Any analysis of the role that the Legislative Assembly played in the implementation of Peace Accords must be first embedded in an examination of the broader historical context, of which the assembly's institutional and political character is a product. This historical context also needs to provide a broader panorama of the nature of the conflict, its origins and the major actors. The next section explores the roots to the conflict.

I. The Historical Roots of War

The origins of the social and political crisis in El Salvador that erupted in the 1980s are clearly traceable to its long history as one of the most inequitable social orders in Latin America, held in place by a highly exclusionary political system. This social order was forged during in the latter part of the 19th century, with the gradual consolidation of a coffee-based, agro-export economic model. The profitability of coffee set in motion a

process of land concentration, promoted and facilitated by state policies reflected in the decrees of 1881-1882, which abolished the communal property of its indigenous holders, and “laid the foundation for the large plantation-small holding (latifundio-minifundio) system that formed the backbone of the agricultural export model in subsequent decades”¹. The result of this process of usurpation of lands placed 40 percent of the country’s cultivable land in the hands of the emerging coffee-growing elite. Further state legislation established or strengthened legal mechanisms to insure the availability of labour, prohibit its organising, and insure control over it, by creating a rural police force for the coffee-growing departments and a National Guard in 1912. By 1931, coffee represented 96 percent of the total value of exports.

Social mobilisation as a result of rising unemployment and a coup d’etat after the 1931 election provided the backdrop for a peasant insurrection in 1932. Rapid intervention by the Armed Forces unleashed a massacre in which approximately 30,000 people died, marking a significant change for Salvadoran political history. The coffee elite’s direct control over the state passed into the hands of a series of successive military regimes, which solidified the exclusionary character of the state, and insured the military’s domination of the political sphere for the following half century. A series of reformist coups beginning in 1948 (with a range of “modernizing” agendas reflecting the military’s own evolving interests), while ostensibly opening up the political system with a series of reforms, effectively blocked any genuine civilian threat to the continued consolidation of military control. While legally permitting the presence of opposition parties and officially espousing formally democratic notions of the need for popular consultation and for alternating political power in office, systematic use of fraud and violence by the military and official party were employed to insure electoral outcomes that left the power structures intact.²

The 1960s saw the first limited democratic opening with emergence of the first opposition parties to contest the exclusive control of the official party (newly-christened PCN)³, most significantly the Christian Democratic Party (PDC), as well as a number of smaller parties, including the MNR, UDN and PAR. The Christian Democrats signaled a new force in Salvadoran politics in the sense of a political party with a strong democratic political ideology, a long-range vision, the capacity to develop a strong political base in the rural sector, and links to the international Christian Democratic movement.⁴ The early 60s also saw an electoral reform that permitted proportional representation in the election of deputies for the Legislative Assembly, broadening the opposition’s access to fledgling democratic institutional spaces. This period ushered in what Zamora has called the “polarizing two-party system”⁵, wherein instead of a process of potential increased consensus between two principal political parties, a process of intensifying polarization was set in motion due to the underlying limits to the genuine exercise of democracy. The limited character of the democratic opening would become sharply apparent as the

¹ P 20. Acevedo, Carlos in Boyce, James K. (1996) *Economic Policy for Building Peace: The Case of El Salvador*. Boulder and London: Lynne Rienner Publishers

² P. 28. (1998). Zamora R., Rubén. *El Salvador: Heridas que no Cierran: Los Partidos Políticos en la Post-Guerra*. (San Salvador: FLACSO).

³ The military ruled via a series of official parties since 1934, beginning with the Pro-Patria party; the Revolutionary Party of Democratic Unity (PRUD), founded in 1949, and finally the Party of National Conciliation, (PCN) formed in 1961.

⁴ P.28, Zamora, op cit.

⁵ P.29. Zamora, op.cit.

opposition began to represent a genuine potential threat to legislative majority and executive power and the government resorted to violence or fraud.

The Legislative Assembly reflected the strongly authoritarian and Presidential tradition of the Salvadoran political system wherein the legislative and judicial branches of government remained largely subordinate to the Executive. A unicameral body, the Legislative Assembly's formal responsibilities, among others, were to: 1) decree, interpret, reform and derogate secondary laws; 2) decree taxes, tariff rates and other contributions, 3) ratify treaties and international pacts, 4) approve the budget and salary system, 5) decree law regarding the public debt, and 6) elect the officials such as for the Supreme Court, etc. In reality, the majority of these functions were initiatives largely taken by the Executive, with the Assembly generally approving them in committees with minimal changes. Despite the limited democratic beginning in the 1960s and increasing participation by the Christian Democrats, the preponderant influence exercised by the economic and military elite in the management of national affairs, the autocratic nature of political parties, role of electoral fraud, corruption and intimidation undermined the prospect for parliamentary autonomy and legitimacy, making the Legislative Assembly a weak force in national affairs or the exercise of democracy.

Increasingly challenging the military's system of social control during this period were newly organized political actors in the form of growing popular mobilisations of peasants and trade unionists, students and political party activists. The early 1970s also saw the formation of the leftist political-military organisations which would, by the end of the decade, coalesce into the Farabundo Marti Liberation Front (FMLN).⁶

Determination by the military to thwart any challenge to the regime culminated in massive and blatant electoral fraud in 1972, which delivered the victory to the PCN's candidate Colonel Arturo Molina over the opposition coalition UNO headed by the PDC's Napoleon Duarte, broadly believed to have won the election. This fraud constituted a significant moment in Salvadoran political history, marking the beginning of the progressive disappearance of political-democratic spaces and a new phase of deepening political repression, putting El Salvador increasingly in the spotlight of international attention as a result of its deteriorating human rights situation. The mid-seventies also saw the emergence of the mass organizations⁷, who, rejecting the electoral route and espousing armed struggle, focused on mass mobilization around popular demands. From 1975, the political-military organisations, still operating separately, began to coordinate more closely with the mass movement. A subsequent electoral fraud in 1977 in the context of dramatically escalating repression, further eroded the political system's sharply questioned legitimacy and served to radicalize growing sectors of the political, middle and working classes.

A last attempt at defusing the growing crisis occurred in 1979 with the October coup by young officers, whose original reformist efforts were then subordinated to more repressive

⁶ The first, in 1970, to was the Popular Liberation Forces (FPL) which emerged from a split with the Salvadoran Communist Party (PC), followed by the People's Revolutionary Army (ERP) in 1972. The Armed Forces of the National Resistance (FARN) was established in 1975 after a split within the ERP after the assassination of Roque Dalton.

⁷ The People's Revolutionary Bloc (BPR), the Front for United Peoples Action (FAPU); the People's Leagues (LP-28).

policies of the conservative armed forces, resulting in the resignation of the original civilian members of the successive juntas and supporters. A campaign of terror and assassination drove reform activists into exile or to join the guerrilla movement. Waves of violence engulfed the country and by early 1980, most routes for channeling peaceful opposition had been effectively shut down in the rising tide of state-sponsored political violence. Open military conflict erupted with a military offensive launched on January 10, 1981 by the Farabundo Marti Liberation Front (FMLN), an alliance of the five political-military organisations.

2. The Armed Conflict, the Road to Peace, and the Key Actors

For the next eleven years, the country was immersed in a bloody armed conflict in which almost 80,000 persons were killed and almost one million displaced. In addition to direct military confrontation, the period was marked by disappearances, political assassinations, and death squad killings widely attributed to the Armed Forces and their supporters. A reformist agenda, including land reform and nationalization of the banks, subordinated to a broader counterinsurgency strategy characterized much of Salvadoran government policy under the governments of Magaña and Duarte (beginning with the Third Civilian-Military Junta of 1980), strongly backed by the US government, which viewed the armed conflict as “a textbook case of armed aggression by communist powers.” While viewing the need to support reformist measures to undermine support for the guerrilla⁸ and to insure continued military and economic support by the Democrat-dominated US Congress, the successive US administrations were also strongly convinced that military victory on the battlefield was the only meaningful strategy. US military support escalated sharply during the war, which, as Williams and Walter notes “jumped from \$5.9 million in 1980 to \$ 82 million in 1982, reaching a peak of \$ 196.6 million in 1984. Military assistance would remain above \$ 100 million through 1987.”⁹

2.1 Profile of the Legislative Assembly leading up to the Peace Process

The character of Salvadoran Legislative Assembly at the end of the 1980s reflects the historical forces and context that shaped its development over the previous half century, a long, autocratic, military and exclusionary tradition with weak democratic institutions, the strong presence of the Armed Forces in political life, as well as the highly influential role of the US, which reached its zenith during that decade. The limited role of the Assembly as an *institution* in the road to peace is explained by the fact that the course of national policy during the 80s was largely determined by the principal political and military actors in the war itself, a historically dominant Executive branch, and forces external to the electoral process such as the FMLN, and the Salvadoran military and the US. As Mario Aguiñada noted in his study on the role of political parties and the Legislative Assembly:¹⁰

“The contribution of the political parties and the Legislative Assembly cannot be analyzed outside the context of the Salvadoran political system, in which the Executive branch had historically predominated. This characteristic of the State

⁸ This also involved a wide range of counterinsurgency programmes which focused on civic action and development projects to enhance social control in the countryside.

⁹ P. 143. Williams, Philip J. and Knut Walter. (1997). *Militarization and Demilitarization in El Salvador's Transition to Democracy*. Pittsburgh: University of Pittsburgh Press.

¹⁰ Aguiñada Carranza, Mario. (1999) *La Asamblea Legislativa y los Partidos Políticos en la Paz y en la Modernización de El Salvador*. Unpublished manuscript, San Salvador, El Salvador.

finds its beginnings in the military regime of General Maximiliano Hernández Martínez in the 1930s until 1982 with the election of the Constituent Assembly and the naming of Dr. Alvaro Magaña as provisional President of the Republic.....The influence of the war beginning in January of 1981 should be taken into consideration as a determinant factor in terms of what the political parties did or failed to do, given that their nature is political and not as military instruments...”

The principal political parties that dominated the Legislative Assembly during the 1980s were the PDC, the newly formed ARENA party, with the PCN in sharp decline. The Christian Democrats (PDC), led by Napoleon Duarte, had, during the 1970's, run historically on a reformist platform, seeking to present themselves as a last moderate alternative to the militancy of the “popular organizations” and the savage repression of the military and the right. Duarte's decision to participate with the PDC in the Third Junta of government in early 1980, even after a dramatic surge in repression, and the resignation of many Christian Democrats from the First and Second Juntas, led to bitter criticism from many that the PDC had opted to serve as a civilian cover for a brutal counterinsurgency campaign by the Armed Forces. Duarte himself argued that the PDC would have a reforming and moderating effect on the government. The PDC was heavily supported by the US throughout the 1980s as what the successive US administrations viewed as the only alternative between the extremes of left and right.

The ARENA party, formed in 1981 by rightist military officers, and sectors of the landowning, financial and industrial elite, were unalterably opposed to all reform policy measures, and espoused a strongly anti-communist and ultranationalist ideology that vigorously denounced both US support for Duarte and any talk of negotiated settlement. By the latter part of the 80s, internal evolution within ARENA resulted in a growing internal breach between those more moderate voices linked to the financial and industrial elite who increasingly saw their interests as distinct from those of the military, and hardliners with close links to the Armed Forces who remained staunchly opposed to any form of negotiation with the FMLN.

This sharply polarized two-party system continued in a different form in the 80s, with the PDC in power and the ARENA party comprising the opposition. Zamora points to a double polarity in that the legal party system also defined itself in contrast to the insurgency, whose illegitimacy they sought to enshrine in the 1983 Constitution which stated that “the party system is pluralist and is expressed through the political party, which constitute the only instrument in representation of the people within government.”

The 1980s, which began ostensibly with the slow transfer of formal power from a military-dominated regime to a civilian government, was, in fact, a period when the Armed Forces “were successfully consolidating their presence in the state, expanding their network of control in the countryside, and maintaining their institutional autonomy”.¹¹ While a partial liberalization process of controlled political openings was underway, a genuine democratization effort was not, as the military retained its control of the power apparatus.¹² The military's capacity to intervene had an institutional character:

¹¹ Williams and Walter, *op. cit.* p.114.

“Many of the military’s institutional prerogatives were enshrined in the 1983 Constitution, which like previous ones, accorded the armed forces primary responsibility for (1) ensuring the national defense and internal law and order; (2) guaranteeing compliance with the constitution and other laws; and (3) defending the “democratic system of government; including universal suffrage. Moreover, the provisions regarding executive and legislative oversight were weak at best. As one officer put it, civilian politicians “handed over the keys of the nursery to the military”.¹³

The preponderant weight in electoral politics of players other than civilian politicians had been amply demonstrated in 1982, when ARENA and the PCN jointly won more seats than the PDC in the newly constituted Constituent Assembly, thus presenting the prospect that ARENA’s founder, Roberto D’Aubuisson, would become provisional president. Given D’Aubuisson’s radical rightist politics and links with death squads, this electoral outcome was both unacceptable to the US who feared it would jeopardize continued military aid from the US Congress, and to members of the Salvadoran High Command who wanted a more malleable figure in the Executive branch. Pressure from the US to find an alternative solution along with the High Command’s position favoring a new provisional junta, resulted in Alvaro Magaña’s election. (Paradoxically, by the latter part of the 1980s, D’Aubuisson himself had become convinced that a negotiated solution was the only route out of the war, and given the indisputable leadership he exercised over ARENA party members, there is a generalized view that his role was absolutely key in convincing hardliners to support the Accords.)

The character of electoral and legislative politics during the 80s continued to be determined largely by the requirements of the war, and the heavy involvement of the US. When severe political turmoil and polarization between the partial reform platform of the PDC and the hardline resistance of ARENA and PCN that followed the 1982 elections threatened to make El Salvador ungovernable¹⁴, the US strongly backed an initiative to bring the Salvadoran political parties to come together to agree upon rules for future coexistence, formally signed as the pact of Apaneca. In 1983, during sharp conflict in the Legislative Assembly over efforts to roll back the agrarian reform, the US mediated a compromise which provided the legal framework to halt the second phase of the reform. During the 1984 elections, the US was alleged to have put an estimated US \$ 10 million into the elections to promote a PDC victory.¹⁵

In the 1985 legislative election, the PDC won a strong victory, allowing it finally to control both the Executive and Legislative branches. However, the limitations imposed on autonomous policymaking initiatives were clear, as Karl notes: “Despite a series of elections, power still resided with contending forces which had not formally participated in the electoral process and which owed no permanent allegiance to the Christian Democratic government: The United States and the Salvadoran Armed Forces on one hand, and the FDR-FMLN on the other....With the elections out of the way, the political

¹³ Ibid. p.118

¹⁴ Karl, Terry. “Exporting Democracy: The Unanticipated Effects of US Electoral Policy in El Salvador”, in Hamilton, Nora, Jeffrey Friedan, Linda Fuller, and Manuel Pastor, Jr. (1988). *Crisis in Central America. 178: Regional Dynamics and US Policy in the 1980s*. Boulder: Westview Press.

¹⁵ Ibid.

electoral cycle began to reverse itself. The PDC, which had initiated peace talks to placate its electoral constituency, now began to shift to the right as its members sought to placate the United States, the Armed Forces, and the private sector.”

In 1989, the ARENA party won the Presidential election, ending almost a decade of Christian Democrat control of the Executive Branch, and also putting ARENA in control of the Legislative Assembly.

Factors in the Road to Peace

A number of different factors, political, military, geopolitical, and ideological, converged to produce a growing sense in the various national, international and regional players of the necessity to pursue a negotiated solution to the conflict. By the mid-1980s, the escalation of the various conflicts in the region (Nicaragua, Guatemala, and El Salvador) and consequently, the specter of possible external intervention had generated a variety of regional and hemispheric efforts to find negotiated solutions. Beginning in 1983, groups such as *Contadora*, comprised of Latin American states external to the direct conflict, launched a series of major diplomatic initiatives to seek regionally-based solutions to the conflict. In February of 1987, President Arias of Costa Rica presented a major peace proposal outlining the conditions for a negotiated settlement to the military crises.¹⁶

Further key impetus for negotiation also came as the prospect of a military victory by either side was becoming increasingly remote by the end of the eighties. By 1989, the Salvadoran Armed Forces had failed to dislodge or contain the FMLN which now controlled over one-fifth of the national territory, and who were able to carry out a daring major military offensive in San Salvador in October of the same year. The brutal murder of six Jesuit priests and two aides by the Army during this same guerilla offensive shocked the international community and dramatically diminished prospects for further military aid from the US Congress. The FMLN's failure to ignite a mass urban insurrection as they had predicted, compelled it to recognize the limits of its military options and the potential advantages to be secured by negotiation.

The most influential of broader geopolitical factors was clearly the disintegration of the Eastern socialist regimes, which had a wide-ranging impact, on the FMLN, on the US, and on the Salvadoran political elite.¹⁷ For the US, although the impact of geopolitical change was hardly immediate, it meant that the Cold War prism through which the Salvadoran conflict had been viewed was no longer the crucial determinant of policy, particularly for a Congress increasingly determined to push for non-military resolution to the conflict. By the end of the 80s, the Salvadoran government had been receiving growing signals from the Bush Administration that suggested that continued military and

¹⁶ The Arias Plan was formally signed at the Esquipulas II Summit in Guatemala. The components of Esquipulas II provided the general outlines for subsequent national peace processes, among them, dialogue with the internal opposition; commitment to cease-fire negotiations; verification processes; establishment of rule of law and democratisation measures; and the repatriation of the displaced.

¹⁷ Shifts in the socialist bloc played a role in shaping ongoing internal political debates within the FMLN, eventually contributing to “redefine the stated goal of the insurgency from socialist revolution to the construction of a pluralist democracy.” By early 1989, the FMLN had come forward with a peace proposal which accepted the principle of elections and indicated a new willingness to consider participation in slated upcoming elections if postponed.

economic aid would be increasingly contingent, a very significant message for a country which had received US\$ 4 billion in aid over the decade.

For sectors of the Salvadoran political and private sector elite, the evaporation of the underlying logic for the need for a war without quarter against an international communist threat, combined with a growing sense of permanent military stalemate and the costs to economic growth made a negotiated settlement increasingly more imaginable. In March of 1989, the far-right Nationalist Republican Alliance Party (ARENA) won the elections, electing Alfredo Cristiani as President, replacing the long and increasingly debilitated tenure of the PDC. Cristiani, a moderate within a party representing a business elite that had vociferously opposed all of the economic, social and political reforms pushed by the PDC, had himself pledged during his campaign to seek an end to the armed conflict.¹⁸

On 15 September, 1989 the Government of El Salvador and the FMLN agreed to initiate a dialogue aimed at ending their armed confrontation through political means. The key players in the road to negotiations were the FMLN, the Government of El Salvador, the Salvadoran Armed Forces, the United States, the United Nations and key regional figures. The Legislative Assembly cannot be said to have played a significant role leading up to this juncture, as the Executive Branch had both the institutional and political prerogative and mandate for any negotiation initiatives, and the weight of the other actors were the primary determinants of the process.

3. Establishing the Terms of the Peace

The process leading up to the signing of the Peace Accords on 16 January, 1992, featured a significant new player, in addition to the old ones, the United Nations, which would continue to play a strong role in the following six years. In December 1989, the five Central American Presidents, meeting in Costa Rica, signed a declaration reaffirming their support for the role of the United Nations in the region, and by January of 1990, both the FMLN and the Government of El Salvador had separately requested the help of the Secretary-General in facilitating the resumption of dialogue. In April of 1990 in Geneva, the Secretary General announced that “the Government of El Salvador and the FMLN have agreed on a framework for negotiations under the auspices of the United Nations and that they have identified the four objectives of the peace process: to end the armed conflict through political means, to promote democratization, to guarantee unrestricted respect for human rights and to reunify Salvadoran society.”¹⁹ In May of 1990, in Caracas, Venezuela, the Government and the FMLN agreed on a general agenda and a timetable for the negotiations.

The first substantive agreement was signed in July of 1990 in San Jose, Costa Rica, which called for the creation of a United Nations Verification Mission to monitor the

¹⁸ Many believe that Cristiani, despite the fact that ARENA was sharply divided between hardliners opposing peace negotiations and “modernizers” in favor, was in a unique position to move the nation towards negotiations and “in the judgment of the FMLN, ARENA, as the representative of the landed and business elite, was more likely to support a negotiated resolution if ARENA participated directly in negotiating its terms.”¹⁸

¹⁹ United Nations. (1995) *The United Nations and El Salvador, 1990-1995*. The United Nations Blue Book Series, Volume IV. New York: United Nations Department of Public Information Press.

human rights situation once the cease-fire had been agreed. The following year of negotiations laid the key groundwork for the Accords that were to be signed, and made clear the FMLN's decision to pursue political and military reform rather than sweeping structural economic reform.

A specific role for the political parties was established during this period, and the first role for the Legislative Assembly would also emerge. In early 1990, the parties to the conflict met periodically with formal and legal representatives of all the Salvadoran political parties, in a grouping called *La Interpartidaria*, whose purpose was to serve as a link between the negotiating parties and other representative national political actors.²⁰ The political parties had established a working agenda for all the key issues that would be dealt with in the UN-mediated peace talks. The *Interpartidaria's* role was to serve as both a mechanism for participation and provision of inputs in the process by all national political forces, as well as a key expression of broad national support for the commitments adopted at the official negotiating table. These often bilateral meetings, especially between the FMLN and representatives of ARENA, held before the official negotiating encounters between the parties to the conflict, served as important thermometers for gauging what could be expected in the formal negotiating sessions²¹. They also served as the channel from the political parties directly to the Legislative Assembly, where the crucial constitutional reforms negotiated between the executive and the insurgent forces would need to be approved. Abraham Rodriguez noted "without the contribution of the *Interpartidaria* the peace process could not have gone forward because it (their participation) was a pre-condition for the reform of the constitution --- the Constitution couldn't be reformed by the Armed Forces or the FMLN, only by the political parties."²²

3. 1. *The Constitutional Reforms and the Legislative Assembly*

In the May 1990 Agreement of Caracas, the issue of necessary constitutional reforms was explicitly included in the agenda for negotiations. A little less than a year later, in March after a number of delays and setbacks, the FMLN presented in Managua a proposal for a cease-fire, to be preceded by negotiations around a substantive agenda specifically focused on the Armed Forces and the Constitutional Reform. The proposal presented, *Principal Reforms to the Constitution* comprised thirteen points, covering a range of themes, including economic, electoral and judicial issues. The Managua meeting preceded the historic and intensive negotiations which took place between 4 and 27 April, 1991 in Mexico which were designed to come to definitive conclusions in order to give the Legislative Assembly an opportunity to approve the reforms before their session came to an end on April 30. The great pressure to have the Assembly definitively approve the reforms by this date was due to a procedure established by the Constitution itself for its own reform, i.e. that such reforms needed to be approved by two consecutive Assemblies. If there were no accords by April 30, the reforms would have to wait for the 1994 and 1997 Assemblies for ratification, thus potentially dramatically delaying the

²⁰ Samayoa, Salvador. (2002) *El Salvador: La Reforma Pactada* San Salvador: UCA Editores.

²¹ *Ibid.*, p. 307. The FMLN also carried out a similar exercise regarding to obtaining inputs and sustaining an exchange on the agenda and calendar of the negotiations with the Committee for National Debate for Peace (CPDN), an umbrella organization which largely represented the gamut of community organizations, trade unions, opposition private sector and church organizations.

²² Aguinada, op.cit.

critical legislative basis for the prompt implementation any accords. The final proposal of the FMLN in Mexico proposed the reform of 60 articles of the Constitution, and 150 specific paragraphs of articles, representing almost 20 percent of the fundamental precepts underlying the constitutional order of the country. These negotiation sessions would be some of the most tension-filled, toughest and most-drawn out of the process, as the two sides battled “word for word, comma for comma”²³ over these what would be the substantial restructuring of some of the key underpinnings of the democratic political system.

The US stepped up political pressure in key areas during this period to insure that the negotiations were not derailed or further delayed, including instigating key changes in the Salvadoran military high command in the days before the Mexico meeting, to avoid any destabilizing activities by the Armed Forces, and sending the FMLN a confirmation, days before the meeting, of their commitment to support any consensus-based accords derived from the negotiations.²⁴ During these tense negotiations, representatives of the some of the main political parties in the outgoing Legislative Assembly appeared unexpectedly in Mexico City, including ARENA, the *Partido Demócrata Cristiana (PDC)*, the *Partido de Conciliación Nacional (PCN,)* and the *Movimiento Auténtico Cristiano(MAC)*, a splinter group of the Christian Democrats. While their presence was presented as one of constructive participation with inputs for the discussion, the absence of the *Convergencia Democrática* party in this group, and the fact that the parties arrived with previously agreed-upon proposals for reforms that did not take into consideration the positions that the FMLN and the Government had been debating for the previous 20 days, suggested that the visit was an attempt to demonstrate independent political muscle, above all by the majority conservative forces in the Assembly. According to one of the FMLN’s negotiators of the Peace Accords, the content of the legislators’ proposals suggested an unwillingness to contemplate real substantive changes to the Constitution, and constituted efforts to protect the interests of the military and leave control of the Supreme Court and the Supreme Electoral tribunal in the hands of the ruling party.²⁵

The proposals presented by the legislative mission were not adopted by the negotiating parties, and upon their return to San Salvador, the legislators preemptively launched a constitutional reform package of their own on April 25, two days before the end of the formal negotiations in Mexico, with a substantially reduced reform content. Despite the potentially undermining aspects of this maneuver, President Cristiani assured the UN negotiators that the Legislative Assembly would not pass any legislative package before the results of the formal negotiations had been completed, indicating his belief in his capacity to deliver at least partial party compliance from the more recalcitrant sectors of ARENA. On 27 April, the Salvadoran Government signed the historic “*Acuerdos de Mexico*”, far-reaching proposals for constitutional reform which included changing the

²³ Ibid. p. 401.

²⁴ General Colin Powell, Head of the Joint Chiefs of Staff of the US Armed Forces, paid a visit to San Salvador on 8 April to convey to the Salvadoran Armed Forces and like-minded political forces of the Pentagon’s determination to support the State Department’s position on the Peace Accords. When negotiations regarding the constitutional reforms again bogged down, US Assistant Secretary of State of Inter-American Affairs, Bernard Aronson traveled El Salvador to meet with President Cristiani and key national sectors to underscore again US commitment to a negotiated solution.

²⁵ Ibid. p. 415.

institutional mandate of the armed forces and placing it under civilian control, the establishing of a new civilian police force, the provision of a truth commission to examine past human rights violations, and changes in the judicial and electoral system.

Merely hours before their legislative mandate expired, the Legislative Assembly called an extraordinary session on 29 April, finalizing the reform package the following day. Although the Legislative Assembly had made 23 textual modifications to the reforms negotiated in Mexico, virtually all were in form rather than in substance. Despite a brief crisis - a last-minute surreptitious effort by conservative legislators which would have left the Electoral Tribunal under the control of the ruling party - the reform package was made law.

This constitutional reform was of enormous significance: not only did it lay the indispensable juridical foundations for what would be the construction of a new democratic state, it also converted the negotiated reforms into a consensus-based state policy, agreed by the main branches of government the state. It made possible the eventual timely implementation of the Accords, which would have been considerably delayed and diluted if these reforms had been postponed until after the signing of the Peace accords themselves. It committed the Legislative Assembly to implement the legislation that was implied by the reforms, strengthening the legitimacy of the Accords to be signed in future and establishing a clear implementation mandate for the Legislative Assembly to pursue after the final signing of the peace accords. In its preamble to the official text on the reforms, the Legislative Assembly noted: "it is the firm commitment and duty of this Assembly to contribute to the re-establishing of peace, national reconciliation, and the reunification of the Salvadoran family".

Despite the importance of the constitutional reforms, and their approval by the Legislative Assembly, the role of the Assembly as a *protagonist* in this undertaking was subsidiary. The most substantive content of the reforms was derived from the tough negotiations between the Executive Branch and the FMLN, with the deft facilitation by the UN, as well as strategic pressure applied by the US. The role of the Assembly was indispensable, but in the end, the Accords reflected above all the role played by the key actors who had determined the path of the war.

On 25 September, the New York Accord was signed, further specifying the future participation of the FMLN in the new civilian police force, the reduction of the Armed Forces, the elimination of the Treasury Police and the National Guard, and the purging of the officer corps by an Ad Hoc Commission. It also established the National Commission for the Consolidation of Peace (COPAZ), constituted by representatives of the political parties, the FMLN and the Government, to supervise the implementation of the Accords.

The signing of the final Accords took place in the Chapultepec Palace in Mexico City on 16 January 1992. The historic Accords committed both sides to resolve future differences through a democratic political process and system, to be forged through the implementation of the specific articles of the Accords. The specific areas covered in the accords reflected the entirety of what had been negotiated throughout the process, including reforms of the Armed Forces, the formation of a new civilian police force, institutional mechanisms for the protection of human rights, reforms to the judicial and electoral systems, constitutional reform, the reintegration of the FMLN into Salvadoran society, and the verification of the implementation by the United Nations.

These Accords set in motion a critically important series of transitions for El Salvador, constituted by three principal processes.²⁶ These included first, the *transition from war to peace*, now complete, with virtually no prospects of a return to a conflict of this level. The second transitional process was the *transition from militarization to demilitarization*, ending the 60-year domination of political life by the military, a process which included not merely the purging of the Armed Forces, but constitutionally redefined the role of the Armed Forces in the Salvadoran nation. While this transition has been significant, there are remaining elements that require further definition. The third transition, still ongoing, has to do with the transition in the *conception and exercise of political power*, previously seen as an instrument of exclusion. The Accords provided the fundamental reforms necessary to allow for political power to be exercised, finally, in the construction of consensus.

4. The Implementation and Monitoring of the Peace Accords: Key Players

While the process of negotiation and the signing of the Accords themselves were a remarkable achievement, the implementation process that followed was a long and arduous one, requiring the commitment of a number of players to keep the process on track. As noted above, the Accords had a series of important implications for the Legislative Assembly, both with respect to the extensive secondary legislation and additional constitutional reforms required by the Accords, as well as for a dramatic transformation in the political conformation of the assembly itself, with the entrance of the FMLN as a political party. This section will explore the role of the Assembly in this process, in its various mandates.

The implementation of the Accords involved a number of important protagonists, most prominently the parties to the conflict whose commitment to the process throughout was critical; the robust presence of the UN peace mission; and an international community which remained politically and financially committed to the process. While the Legislative Assembly eventually implemented much of the necessary legislation to make possible the implementation of the Accords, it was the decisions taken at the level of these other actors, mechanisms and forces that ultimately determined the path of the Accords and even established much of the legislative agenda relating to the accords. The positions and legislative outcomes in the Legislative Assembly, whether in the promotion and passage of key legislation or in foot-dragging, tended to reflect the degree of political will to comply of the two parties to the conflict, a political will which was conditioned and influenced by internationally-led efforts to insure compliance with the accords and by continued negotiation between the two parties.

One of the most significant actors that shaped the post-conflict landscape is was the UN peace mission, who was simultaneously broker, mediator, verifier and institution-builder. The United Nations Observer Mission in El Salvador (ONUSAL), carried out its work between 26 July 1991 and 30 April 1995, under a broad mandate energetically supported by the international community, and it assumed from the outset a highly proactive and

²⁶ Zamora, Ruben.(1998). *El Salvador: Heridas que no cierran – Los Partidos Políticos en la Post-Guerra*. (San Salvador: FLACSO).

vigorous approach to this mandate. An overview of its profile suggests its weight in the peace process.

While its original staff of 101 people included forty-two human rights observers, legal and political advisers, educators, fifteen military advisors and sixteen police officers, following the signing of the accords, the ONUSAL operation was expanded in 1992 to include 380 military observers and 631 police monitors. Additional support came in the form of a substantial Electoral Division which was established in 1993 to prepare for the historic 1994 elections. ONUSAL was in a position to exert considerable influence in insuring that the peace process was not derailed. As Holiday and Stanley note:

“Having actually written much of the language of the accords, UN officials were positioned as authoritative interpreters of what the accords required of each side. Moreover, the accords themselves granted the UN mission extensive powers, including the overall authority to verify both sides fulfillment of their obligations, to regulate the movements of military forces by both sides, to accompany the old National Police during the transition to the new PNC, to assist in the provision of public security in formerly conflictive zones during the transition, to evaluate the content of military doctrine and education, to investigate human rights abuses, and to certify the status of the weapons of the FMLN guerrillas. A subsequent invitation from the government empowered the UN to monitor and evaluate the fairness of the electoral campaigning, voter registration, and voting. The government also invited the UN to carry out a number of additional roles, including repeated evaluations of the PNC, as well as on-the-job-training by ONUSAL police for newly graduated civilian police agents.”²⁷

ONUSAL proved to be highly successful in exercising leverage over the two principal domestic actors, i.e. the two signatories to the accords. This was possible due to the fact that both the FMLN and the Government had a strong need for international legitimacy after the termination of the conflict, and both parties had a substantial investment in ONUSAL's positive verification of the implementation process, and well as recognizing its key role in obtaining the necessary financing.²⁸ ONUSAL played a crucial role in insuring compliance with the accords, intervening at a number of critical junctures, such as the salvaging of the 1993 voter registration process; securing the cooperation of the FMLN in the destruction of remaining arms caches after the discovery of the Santa Rosa cache threatened to derail the peace process; its binding arbitration of the 1992 land disputes; mediating in the two occupations of the Legislative Assembly by the war-disabled; taking a firm stance regarding the threatened incursion into the new civilian police of agents not vetted in the accords, and their key involvement in the institutional strengthening of the fledgling Human Rights Ombudsman in a key initial phase, among others.

²⁷ Holiday, David and William Stanley (1999). "Under the Best of Circumstances: ONUSAL and the Dilemmas of Verification and Institution Building in El Salvador," in *Peacemaking and Democratization in the Western Hemisphere*, Boulder: Lynne Reinner Publishers.

²⁸ P. 22 Holiday David, and William Stanley (1997). "Peace Mission Strategy and Domestic Actors: United Nations Mediation, Verification and Institution Building in El Salvador," in *International Peacekeeping*, Summer 1997.

ONUSAL also strategically combined mediation, verification and institution-building²⁹ in a way that made them indispensable in a process that faced innumerable highly-sensitive political stumbling blocks along the way, in a challenging atmosphere of mutual distrust and polarization. While many important results in the peace process were the result of domestic political events, ONUSAL clearly helped shape important outcomes in a wide variety of ways.

In addition to ONUSAL, the international community also played an important role in providing the extensive financial support required to implement the Accords, in intervening to defuse and pre-empt crises, and in seeking compliance from both sides. The “Four Friends” of the peace process - Mexico, Spain, Colombia and Venezuela - were strong advocates of the process and particularly supportive of the Truth Commission’s efforts. Between 1992 and 1995, official external bilateral assistance to El Salvador was US\$ 698 million, giving the international community significant leverage in the process.

While implementation of the accords would have legislative implications for the Assembly, it had no role with respect to oversight or verification. However, as it had been clear that the successful implementation of the accords would require the involvement and support of more national political actors and sectors than merely the signatories of the accords, during the negotiating phase, the parties agreed upon creating an institution that would directly include the presence of political parties in a model that built on the earlier instance of the *Interpartidaria*. This institution, the National Commission for the Consolidation of Peace (COPAZ), was established as a national mechanism to verify the implementation of the accords, to seek consensus among political parties around key implementation issues, propose candidates for key posts in new democratic institutions, and prepare key draft legislation. COPAZ would have an important relationship with the Legislative Assembly.

After an initial phase from September 1991 to January 1992, COPAZ was formally constituted by legislation approved on 30 January, 1992. COPAZ was to be comprised of two representatives of the Salvadoran Government; two representatives of the FMLN; one representative of the Christian Democratic Party (PDC); one representative of the coalition of the Democratic Convergence (CD); one representative of the Party of National Conciliation (PCN); one representative of the Authentic Christian Movement Party (MAC); one representative of ARENA; and one representative of the Nationalist Democratic Union party (UDN). In addition the Archbishopric of San Salvador and ONUSAL would participate as observers. Although the legislation creating COPAZ, clearly stated that COPAZ would not have “executive faculties, given that it corresponds to the Government and the FMLN through their internal mechanisms, to execute, the peace accords”, COPAZ had a very broad mandate that included preparing draft legislation for the creation of the National Civil Police; the creation of the National Academy of Public Security; the creation of the Human Rights Ombudsman Office; and the National Judiciary Council.

COPAZ was also to prepare draft legislation for the adequate compensation of the war disabled, present a draft list of candidates for the Director of the national Civilian Police

²⁹ Ibid.

and the National Public Security Academy (ANSP), supervise the admissions policy for the ANSP; supervise the organization of the PNC; draft electoral code legislation; and draft a special law for the Transfer of Agricultural land, among other legislation related to the peace accords. In addition COPAZ established issue-specific commissions, sub-commissions and work groups in the areas of electoral legislation, public security, and land transfer. COPAZ would also provide key inputs for the Organic law of the Armed Forces as well as a series of new reforms to the Constitution.

There is some debate as to the success of COPAZ in fulfilling all of the dimensions of its broad tasks. Holiday and Stanley have argued that, although COPAZ was originally designed as a verification mechanism, with subcommissions to monitor different aspects of the accords, it proved unable to implement such a broad task, noting that although representation within COPAZ was intended to encourage consensus decision-making, the arrangement often produced stalemate given the political alignments, undermining consensus-building and sometimes resulting in the passing on of unresolved issues to bilateral negotiations between the government and the FMLN.³⁰ Others have argued that despite limitations, it did play a key role in achieving limited consensus especially in the period before the elections of 1994: "COPAZ helped managed the transition period prior to the elections by serving as the only political institution that embodied the full scope of Salvadoran politics."³¹

Although COPAZ was unable to carry out a more conventional role in verification, it did play a role in providing significant inputs of legislative material and in promoting a legislative agenda, even if the process was slow and cumbersome. COPAZ had an official relationship with the President and the leadership of the Legislative Assembly and was the Assembly's principal institutional link with ONUSAL. The fact that the most political party members in COPAZ were also deputies in the Assembly, and actors of weight within their parties, helped achieve consensus around some important legislation. Virtually all of the legislation establishing the new democratic institutions was written by COPAZ, as were key aspects of the Organic Law of the Armed Forces and new reforms to the constitution.

COPAZ played its most important role in providing inputs to the work of the Legislative Assembly before the 1994 elections which brought the FMLN into the Assembly, and played a less prominent role afterwards, given the new more wholly representative character of the Assembly.

Legislative Activity

The fundamental agenda for Peace Accords-related legislation had been established initially by the Chapultepec agreements, instances such as the Truth Commission, and was further defined and clarified by the ongoing ONUSAL-mediated discussions between the major parties to the conflict and by COPAZ. The record of the Legislative Assembly

³⁰Holiday, David and William Stanley (1999). "Under the Best of Circumstances: ONUSAL and the Dilemmas of Verification and Institution-Building in El Salvador," in *Peacemaking and Democratization in the Western Hemisphere*, Boulder: Lynne Rienner Publishers.

³¹ P. 56, Johnstone, Ian. (1995) *Rights and Reconciliation: UN Strategies in El Salvador*. Occasional Papers Series: International Peace Academy. Boulder: Lynne Rienner Publishers.

regarding the implementation of the peace accords-related legislation mirrors the position of the main political actors on the domestic landscape, i.e. that while there were strong political incentives for a broad overall commitment to the peace accords and the success of the process, there were also instances of balking and renegeing on some aspects of the accords.

This meant that while a very considerable amount of the key legislation underlying the Peace accords was eventually passed³² and a substantial amount unanimously by the Legislative Assembly, notably that which established the principal democratic institutions envisioned in the Accords and essential constitutional reforms, there were also areas in which the Assembly resisted passing legislation viewed as important for full compliance with the accords, or promoted the passage of legislation which some viewed as incompatible with them.

Given that Legislative Assembly had an ARENA-led majority at the time of the signing of the Accords and for the first two Assemblies³³, and the FMLN did not enter the Assembly until 1994, the Assembly's majority party positions on peace accords-related legislation until that time tended to reflect the ARENA Government's degree of commitment or sense of priority regarding passing certain measures, and its sense of the international and domestic costs to resisting legislative activity. In an institution with little historical independence from the Executive, and with the majority party's structure and modus operandi one of strict party discipline, the Legislative Assembly's record would often reflect the government's simultaneous commitment to the negotiated settlement in some areas and resistance to its full implementation in others. While it is true that President Cristiani represented the moderate faction in the ARENA party and had a right flank, in general, in the Assembly, ARENA's position on peace-accords related legislation reflected the Executive's sense of priorities.

³² The following key legislation, among others, was passed by the Assembly between 1992 and 1994: LEY DE RECONCILIACION NACIONAL (23 enero 1992); LEY DE LA COMISION NACIONAL PARA CONSOLIDACION DE LA PAZ (30 enero 1992); LEY DE LA PROCURADURIA PARA LA DEFENSA DE LOS DERECHOS HUMANOS (20 febrero 1992); LEY ORGANICA DE LA ACADEMIA NACIONAL DE SEGURIDAD PUBLICA (27 febrero 1992); LEY ESPECIAL TRANSITORIA PARA ESTABLECER EL ESTADO CIVIL DE PERSONAS INDOCUMENTADAS AFECTADAS POR EL CONFLICTO (marzo 1992) LEY ORGANICA DE LA POLICIA NACIONAL CIVIL (25 julio 1992, D.O. N° 144, T. 316, 1 de agosto de 1992) LEY DEL SERVICIO MILITAR Y RESERVA DE LA FUERZA ARMADA (Julio 1992 y 10 de agosto de 1992); LEY PARA REHABILITACION DE LOS SECTORES PRODUCTIVOS DIRECTAMENTE AFECTADOS POR EL CONFLICTO (23 julio 1992); LEY TRANSITORIA DE MEDIDAS Y GARANTIAS PARA LA APLICACION DEL PROGRAMA DE TRANSFERENCIA DE TIERRAS Y SEGURIDAD DE LA PROPIEDAD AGRICOLA (26 noviembre 1992); LEY DEL CONSEJO NACIONAL DE LA JUDICATURA (11 diciembre 1992); CODIGO ELECTORAL (14 diciembre de 1992 y 25 de enero 1992); LEY DE LA AMNISTIA GENERAL PARA LA CONSOLIDACION DE LA PAZ (20 marzo 1993 y 22 marzo 1993); LEY DE CONTROL DE ARMAS DE FUEGO, MUNICIONES, EXPLOSIVOS Y ARTICULOS SIMILARES (8 diciembre 1993, 3 enero 1994); LEY DE SERVICIOS PRIVADOS DE SEGURIDAD; (23 febrero 1994, 21 marzo 1994).

³³ Beginning in March, 1997 the situation changed dramatically significantly because, after the elections, the legislative landscape reflected a new composition as a result of the number of deputies elected for the FMLN (27), ARENA (28) and the PCN, which, with its 11 deputies, acquired new strength as the force with which the majority parties would have to negotiate in order to advance legislative initiatives.

While this first Legislative Assembly after the Peace Accords had an ARENA majority, it had a political profile that was somewhat distinct from previous Assemblies, giving it a somewhat more pluralistic character. In the legislative elections of 1991, for the first time parties that were not part of the traditional two-party system obtained almost a fourth of the seats (27%), almost achieving parity with the PDC who came in second place (28%) after ARENA. These elections were the first to be not boycotted militarily by the FMLN, and with the participation of the newly formed Democratic Convergence Coalition, which comprised three parties, two of which had been linked to the insurgency in the past and which had returned to legal political life in 1987.³⁴ The PDC and the CD were strongly supportive of key Peace Accords-related legislation and provided important support to the legislative packages that passed between 1992 and 1994 that formed the basis for the creation of the fundamental new democratic institutions.

The issue of the military, for whom the Accords represented dramatic changes, is an example of one of the areas of the Accords that created considerable political tension for ARENA, which was reflected in the legislative arena. As Holiday and Stanley noted, the measures contained in the Accords “represented a major breach between ARENA and the military, which despite tensions and mutual suspicions over the years, had close personal and ideological ties. The military and the old public security forces, for all of their failings during the civil war, historically had defended the interests of the elite social groups that had helped found ARENA; part of ARENA’s grassroots support and part of the party’s own leadership had strong personal ties to the armed forces. There was a risk that Arena might face internal divisions as a result of the accords, especially if some of the provisions humiliated the armed institution or its leadership...ARENA thus had incentives to implement the military provisions of the accords as minimally as possible.”³⁵

An example of this is in the manner in which the dismantling of the security forces was initially handled. While the National Treasury Police and the National Guard were to be dissolved by March 2, 1992 and either dismissed or incorporated into the army, the legislation that passed essentially renamed them (the “National Border Guard” and the “Military Police”), transferred them structurally intact into the Army, and allowed them to remain in their barracks. Threats from the FMLN that they would postpone their demobilization as a result, and ONUSAL’s pronouncement that this constituted a violation of the Accords, caused the Government to backtrack, and the Legislative Assembly repealed the laws on 24 June.³⁶

The recommendations in the Truth Commission’s report, for example, published in March of 1993, would have a wide range of implications for the Legislative Assembly. The April 1991 agreement drafted by the UN and signed by the parties during the negotiations established a Truth Commission, which would, in light of the need to “clear up without delay those exceptionally important acts of violence whose characteristics and impact, and the social unrest they gave rise to, urgently require that the complete truth be made known and that the resolve and means to establish the truth be strengthened..”³⁷ In the final agreements signed in Chapultepec, the Truth Commission was also called on

³⁴ Zamora, p. 33. *op cit*

³⁵ P. 44, Holiday and Stanley, *op cit*

³⁶ P. 154. Williams and Walter. *Op. cit*

³⁷ Preamble to the Truth Commission Agreement, Mexico Accords, 173.

specifically to “put an end to any indication of impunity on the part of officers of the armed forces.....without prejudice to the principle...that acts of this nature, regardless of the sector to which their perpetrators belong, must be the object of exemplary action by the law courts so that the punishment prescribed by law is meted out to those found responsible.”

Focusing on thirty-two representative and notorious cases, the Truth Commission, constituted by three eminent international figures, considered that establishing individual responsibility was central to their mandate. The report of the Commission named members of the military, government officials, FMLN leaders and combatants as well as civilians for their responsibility or complicity in the rights violations covered in the report. In addition to recommending the dismissal from their positions of military and civilians, the Commission also recommended the disqualifying of those named from holding public office or posts for ten years as well as permanently from defense or public security posts, and urged COPAZ to prepare a draft legislation to this effect for approval by the Legislative Assembly.³⁸ In addition to the findings of the investigation itself, the Truth Commission proposed a series of “binding “ recommendations which included a wide range of constitutional and legislative reforms which were to both eradicate the structural causes that gave rise to these abuses, and to insure, through institutional reform, the prevention of their repetition.³⁹

The publication of the Truth Commission’s report and its naming of perpetrators elicited immediate negative reactions from the Government, its party, the Armed Forces and their supporters, with Cristiani himself urging a complete and total amnesty, asserting that the Commission had exceeded its mandate. Five days after the official publication of the report, the Legislative Assembly passed the *General Amnesty Law for the Consolidation of Peace*, which provided for the complete extinction of both civil and criminal responsibility for violations covered in the report. The lightning swift and blanket amnesty caused a wave of dismay in the FMLN, opposition forces, sectors of the public and by the Secretary General of the UN himself, who expressed concern that such a precipitous and unilateral move by ARENA pre-empted the possibility of any genuine national debate or any consensus-based determination about an amnesty. Professor Thomas Buergenthal, one of the three commissioners, suggested that the lack of an opportunity for a full debate on the subject was “unseemly in the very least, indicative of a lack of respect for democratic processes, and thus incompatible with the peace accords.”

The amnesty caused and continues to generate controversy, with those claiming that it constituted the first grave violation of the Peace Accords and that it was incompatible with El Salvador’s obligations under various international treaties, and those that felt that a broad and unconditional amnesty was the only politically and judicially sensible decision in order to avoid a fatal poisoning of the atmosphere as well as the setting in motion of a series of questionable legal processes in an unreformed judicial system. Samayoa writes “Without the amnesty, the attention of the country would have been concentrated on hundreds of trials, which, in any case, would have been defective at the time, and would have redirected social energy of the peace towards the acts of the past, instead of

³⁸ Popkin, Margaret. (2000) *Peace Without Justice*. University Park, Pennsylvania: Penn State Press.

³⁹ Ibid.

focusing them on building the future...” The Inter-American Commission on Human Rights argued:

“regardless of any necessity that the peace negotiations might pose and irrespective of purely political considerations, the very sweeping General Amnesty Law passed by El Salvador’s Legislative Assembly constitutes a violation of the international obligations that it undertook when it ratified the American Convention on Human rights, because it makes possible a “reciprocal amnesty” without first acknowledging responsibility; because it applies to crimes against humanity; and because it eliminates any possibility of obtaining adequate pecuniary compensation, primarily for victims.”⁴⁰

Given the amnesty, ONUSAL sought to focus on the importance of implementing the extensive recommendations included in the Truth Commission’s report. In May of 1993, the Secretary General presented an extensive analysis of the recommendations of the Commission, accompanied by details of the specific legislative action or institutional reforms required. While ONUSAL considered that the recommendations constituted obligations assumed as part of the Accords themselves, the Government did not, and only agreed to selective implementation based on those that were determined to be consistent with the constitution and laws of El Salvador, and that contributed to “promote national reconciliation by forgiving and forgetting a painful past that has caused so much damage.” As a consequence, ONUSAL eventually decided on a triage strategy, where it focused most of its pressure, along with support from the international community, on what were determined to be most important and feasible of the recommendations.

The majority of the package of legislative reforms recommended by the Commission took more than three years of extensive debate and drafting of legislation, before its approval by the Legislative Assembly. In 1994, the Legislative Assembly approved 15 other constitutional reforms derived from the recommendations of the Truth Commission, relating to justice administration, criminal investigation, the jurisdiction of the new National Civilian Police, as well as other issues related to the justice system. As Popkin notes, “overall, implementation of Truth Commission recommendations was slow and selective, and it was plagued with difficulties and foot-dragging.....Unquestionably, more effort has been made to implement structural and institutional reforms proposed than to implement procedures to impose administrative sanctions or ban individuals, named in the report or measures intended to contribute to national reconciliation”.⁴¹

One of the main recommendations of the Truth Commission related to the issue of the tremendous concentration of functions in the Supreme Court (CSJ) and in its president in particular, and the internal independence of the judiciary. Under the 1983 Constitution, the Assembly picked the members of the CSJ, which in turn appointed lower court judges, their discipline and their budgets. This vertical organization reflected structurally a system both highly politicized as well as a judiciary which had the clear capacity to influence judges and lawyers, whether directly or indirectly. The new reforms suggested would require a two-thirds majority of the Assembly to select justices and judges, and required that the selection process be derived from lists received from the National Council on the

⁴⁰ Inter-American Commission on Human Rights. (1994) *El Salvador Report*.

⁴¹ P. 161, Popkin, Op. cit

Judiciary (CNJ). The CNJ, which itself had been hand-picked by the CSJ, would now also be selected by the Assembly.

Despite pressure from ONUSAL, CSJ President Gutierrez Castro and the former ARENA Assembly president managed to block all reforms within the Assembly until 1994, when selective reforms were passed and a new method of selecting the CSJ was finally approved. The new procedure for electing the members of the Supreme Court did result in a CSJ which was more politically independent, more pluralistic in its makeup, and more professional. However, the 1994-1997 Assembly did not accede to amending the Constitution to pass disciplinary measures from the CSJ to the CNJ. As Popkin notes "although important sectors of the Salvadoran legal community, international experts and the UN identified this issue as critical to the independence of the judiciary, Salvadoran legislators failed to address it. The legal profession became increasingly conscious of the need for these reforms, but legislators remained susceptible to the machinations of the forces opposed to them."⁴²

Resistance and delays with regard to legislative activity on judicial reform should not be attributed mechanically exclusively to lack of political will on the part of the Government, although judicial reform was not a priority. In some cases, draft legislation was prepared or proposed by the relevant government offices, and did not prosper in the Assembly due to lack of internal consensus and external political interests. In May of 1994, in a Report of the Secretary General on ONUSAL's activities, the document noted "the Division of Human Rights has underlined the importance of following a strict timetable for the adoption in the Legislative Assembly of the drafts proposed by the Government, relating to the criminal and criminal procedural codes, and draft laws on penitentiaries, a code of conduct for officials responsible for law enforcement, and other reforms that are important for the protection of human rights."⁴³

These other central judicial reforms, the Code of Criminal Procedure and Criminal Codes, were further legislation recommended by the Truth commission and thus seen by ONUSAL to constitute an integral obligation of the Accords. Despite delays, due in part to an adverse political atmosphere created by a serious crime wave, the new codes were finally passed in December 1996 and April 1997. As the Final Report by the Secretary General on the accords noted:

"Together they form the structure of a modern criminal system designed to ensure the independence and speed with which justice can be implemented, as well as transparency, due process and respect for fundamental rights and guarantees. In sum, the new criminal legislation, which is scheduled to come into force in 1998, represents a substantial and positive transformation of the country's criminal justice system....Before the implementation of the peace accords in the legislative area can be completed, a number of essential aspects remain pending....However, it should be recalled that, while the delay in the approval of some of the legislative reforms derived from the peace accords has been a persistent problem, the reforms approved in the

⁴² P. 206, Popkin, *op. cit.*

⁴³ P.555, United Nations Blue Book Series

course of the process helped transform and strengthen the legislative system; accelerated the phase of legislative reform that had been timidly initiated before the end of the conflict and permitted the initiation of a phase of modernization of the legislation in accordance with democratic standards.”

One important legislative area in which little progress was made was in the area of electoral reform. Few of the recommendations of the *Interparty Commission*, created in 1994, to evaluate the electoral system have become legislation. Among these are important reforms to the existing Electoral Code affecting the electoral organs themselves at different levels, including pluralistic representation in the electoral councils, reforms to the system of electoral circumscription, residential vote, simplification of inscription registration and verification mechanisms, regulation of electoral propaganda, voting for citizens residing abroad, etc.; and constitutional reforms aimed at restructuring the Supreme Electoral Tribunal, separating its jurisdictional functions, reviewing periods for which functionaries are elected, creation of a National Electoral Institute.⁴⁴

In matters of the Assembly’s mandate to appoint heads of new democratic institutions, the Legislative Assembly’s record has been mixed. In the case of the Human Rights Ombudsman’s Office (PDH), the first Ombudsman appointed was the Christian Democrat Carlos Mauricio Molina Fonseca, a consensus candidate of ARENA and the PDC. While there was some initial public questioning as Molina had no human rights background, he proved to be an adequate if cautious choice, and laid down some of the key foundations for the institution. The subsequent three-year tenure by Victoria Marina de Avilés, an outspoken advocate who gave the institution new protagonism beginning in 1995, significantly increased public confidence in the institution.

In 1998, ARENA opposed a second term for Avilés, precipitating a four-month crisis where the Assembly was unable to come up with a consensus candidate. The prolonged stalemate in the election of a new Ombudsman, ended with the election of a functionary that was sharply criticised by the public. The new Ombudsman, Eduardo Antonio Peñate Polanco, dismissed or forced out technically qualified staff and undertook a series of actions that caused observers to assert that his behaviour responded to a strategy to systematically dismantle the organisation. Peñate Polanco resigned under pressure in February 2000, due to widespread and mounting evidence regarding his incompetence and lack of integrity. The extended vacancy of the Ombudsman’s position and the inability of the Legislative Assembly to resolve the issue of the candidacies had a severely demoralising impact on staff and gravely damaged the credibility of an organisation that had been viewed in the eyes of the public, according to surveys, as the most trustworthy of public institutions.

Overall, however, the Legislative Assembly approved a very substantial body of constitutional reforms, legislative reforms and new legislation that served as the indispensable juridical foundation upon which the Peace accords were founded, despite periods and themes that generated resistance in the majority party. This permitted the institutionalization of a wide range of fundamental changes essential to prepare the path for a transition to democracy, in the area of human rights, justice administration, public

⁴⁴ Umaña, Carlos, and Domeq, Raul Monte. *La Transparencia en El Salvador: Un Nuevo Desafío*. CREA Internacional, (San Salvador, 2000)

security, the appropriate role of the armed forces, and the incorporation into civil and political life of the ex-guerrilla forces. While this contribution should not be minimized, it should be recognized that the pre-and post-Peace Accords political context was heavily dominated by other national and international actors whose political weight dictated much of the path of the implementation of the Accords.

The Salvadoran peace process benefited from very significant external involvement, above all from the long term peace mission. ONUSAL assumed its mandate with great vigor and played a strong multi-faceted role as a broker, mediator, verifier, and institution-builder. It was committed to verifying the accords as agreed on in Chapultepec and determined to do so regardless of any decisions taken later by the parties to the conflict to re-negotiate any issues. After the publishing of the Truth Commission's report, ONUSAL published an extensive document where it outlined an extensive legislative agenda implied for the Legislative Assembly, and urged COPAZ to carry out the corresponding draft legislation. It carried out constant monitoring and analysis, its regular reports over the years reports always contain numerous exhortations to the Assembly to pass the corresponding legislative packages, and played a key role in pushing the legislature to act in certain circumstances.

Some have wondered about the extent to which strong and long-term international pressure can substitute for national political will and important societal processes. In the case of El Salvador, international pressure and a robust verification process was essential to ensure compliance over time with many of the recommendations of such temporary bodies as the Truth and Ad Hoc Commissions. As with other national institutions, this was clearly important with respect to the Legislative Assembly in order to support compliance with key responsibilities.

4.2. The Legislative Assembly as Subject in the Implementation of the Peace Accords: The Entrance in the Assembly of the FMLN as a Political Party

The UN Secretary General stated that one of the most notable achievements of the Peace process was the opening up of spaces for political participation by previously excluded forces, principally the FMLN. This key step constituted the third transition set in motion by the Accords, previously mentioned, the transition in the *conception and exercise of political power*. The conversion of the FMLN into a political party, and their participation in the electoral process made politics an instrument for access to political power rather than one of exclusion, and thus directly responded to one of the central causes of the conflict itself. The participation by the FMLN in the 1994 "elections of the century" as they were called, was a important step towards rupturing what was becoming a one-party monopoly, breaking with the traditional modus operandi of the political parties, and giving the Assembly greater legitimacy through transforming the political composition and nature of representation within the Assembly. The conversion of the FMLN from guerrilla force to political party is considered one of the most successful examples of its kind, regardless of the internal challenges it continues to face.

Although the ARENA presidential candidate Calderon Sol won the 1994 election easily, the FMLN became the second political force in the country, surpassing the results of the PDC and the PCN. Despite miniscule resources in comparison to the massive funds

spent by the ruling party during the campaign, the FMLN won 21 seats in the Legislative Assembly out of a total of 84 seats. The electoral trend for the FMLN in the Assembly steadily rose over the next four years, and in 2000 and 2003, the FMLN surpassed ARENA in the number of seats won.

Although the Executive branch and the FMLN leadership, with the support and oversight of ONUSAL, continued to largely determine the path of the peace process, the presence of the FMLN in the Assembly allowed for greater belligerency around the agenda of the peace accords, and helped insure that the accords continued to constitute the central framework for the national agenda. Samayoa⁴⁵ argues that the two main political parties played a genuinely constructive role in the early years after the Peace accords, both in the legislative work and in the practice of pluralism: “with exemplary democratic sense, the right swallowed the first great victory of the left in the legislative and municipal elections. Despite great differences in the positions of the majority parties on very sensitive issues, both of them exercised restraint in confrontations and a constructive spirit in very difficult moments.”

A number of observers suggest that the constructive engagement between the two opposing political forces began to sharply deteriorate after the 1997 elections, as the specter of the genuine possibility of an eventual leftist control of the Executive hardened positions on both sides. In the 1997 elections, ARENA votes declined by 200,000 – one third of ARENA’s 1994 total, and the FMLN had increased its votes by 75,000 and added 6 deputies and 35 municipalities. The effect of these shifts in the political landscape resulted in the strengthening of hardliners on both sides and reviving the bitter ideological paranoia that had been mitigated by years of more constructive political interaction. In addition to a more sharply confrontational engagement, the parties looked inward, with ARENA consolidating its hierarchical and centralizing tendency, and the FMLN entering into a prolonged debilitating bitter internal dispute. The ongoing crises of the political parties have translated into what the polls show to be the public’s profound disillusionment with the political classes, a phenomenon reflected in high electoral abstention rates.

5. The Principal Challenges Facing the Legislative Assembly

Despite the important contribution of the Peace Accords in setting in motion processes key to a democratic transition, Salvadoran society reflects a number of phenomena, which continue to impede the consolidation of democratic governance. Among them are: 1) a still fragile human rights protection system, which has revealed its vulnerability to political manipulation; 2) an electoral system whose modernisation and democratisation has encountered numerous obstacles; 3) high levels of citizen insecurity, (a complex and multi-causal phenomenon that has both deep economic and social causes, as well responding to serious deficiencies in the justice system, and in limited ability of the relevant institutions to investigate and prevent crime); 4) a still highly polarised political culture that translates into legislative stalemate, with political parties that do not enjoy high levels of public confidence⁴⁶; 5) a cumbersome, still-centralised state apparatus whose efficiency, transparency and accountability continue to be

⁴⁵ P. 658, Samayoa, *op. cit.*

⁴⁶ The 1999 IUDOP public opinion poll indicated that “more than half of all Salvadorans have little or no interest in the electoral processes of 1999”.

questioned; and 6) the absence of political and institutional instances or capacities to negotiate and resolve social conflicts, such as between labor and capital.

These phenomena commonly characterise countries in post-conflict transition, but are particular features of countries with a long authoritarian past, where democratic institutions are still recent creations and the newly created political spaces are being occupied for the first time. Accompanying this process and strengthening democratic governance must go beyond merely the institutional strengthening of newly created state instances, which was the principal strategy in the years immediately after the Peace Accords. It requires exploring new modalities and mechanisms to guarantee their sustainability and broaden their legitimacy. Democratic political culture is the "sediment produced by the prolonged practice of participation and tolerance, critical and consensus-building capacity, and the strengthening of the social bases of the political citizenry."⁴⁷ Two of the key institutions for the development of this democratic sediment and the prolonged practice that produces it are Legislative Assemblies and political parties.

5.1 Challenges of the Legislative Assembly and Political Parties Today

As with other democratic institutions, the capacity of the Legislative Assembly in future to play a significant role in conflict situations has much to do with the degree of legitimacy it enjoys. The challenges facing the Salvadoran Legislative Assembly in this respect as an institution has been a source of growing concern for some time. In polls conducted in 1995, 1997 and 1999, the percentage of those interviewed who expressed strong confidence in the Legislative Assembly were 5.6, 12.1 percent, and 12 percent, for those years respectively. Those who expressed strong confidence in political parties were 3.8 percent, 3.1. percent, and 3.9 percent, respectively. In 1997, thirteen years after the first all civilian election in decades, the military still was regarded more highly than the Legislative Assembly and the political parties.⁴⁸ In a 2001 press communication by the United Democratic Center (CDU), the party expressed its disquiet regarding the present state of the Assembly: "Since the signing of the Peace Accords, this institution has never been so discredited: we are confronted on a virtually daily basis by negative news regarding its performance. The scandals that have emerged over the last years serve to expose our political impoverishment to the public...what our fellow citizens have seen (of us) does not attract their interest or deepen the appeal of democratic participation....." ⁴⁹

Unfortunately, this harsh analysis of the public's increasing disaffection for the Legislative Assembly is a view increasingly shared throughout the hemisphere, confirmed by polls and surveys, and should be a warning flag regarding the continuing erosion of the legitimacy of these critically important institutions in the region. The public image of the Legislative Assembly in El Salvador has been fed by massive backlogs of legislation, by the perception that political bickering predominates over policymaking and legislative initiative, by the sense that the legislators answer to the party elite rather than to the concerns of their constituents, by allegations of misuse of funds and dereliction of duty by absentee deputies, by ill-advised appointments of public functionaries, and by an apparent unwillingness to exercise rigorous government oversight functions.

⁴⁷ War-Torn Societies Project

⁴⁸ P.74. Cruz, Jose Miguel. (2000) Elecciones para que ¿ El Impacto del Ciclo Electoral 1999-2000 en la cultura politica salvadoreña. FLACSO: San Salvador.

⁴⁹ Centro Democratico Unido - CDU. (Press release of 27 April 2001), San Salvador.

Despite the fact that supposedly the Constitution defines the Legislative Assembly as the "primary" organ of the state, in reality it reflects many characteristics that suggest that it exercises a far more limited range of influence. Firstly, it has little budgetary weight --- it receives less than one percent of the national budget. Secondly, given that it does not carry out significant oversight activities, it has little relevance in the normal daily management of the rest of government. This combined with the seriously damaged image of the Assembly, associated with professional laxity and political partisanship has meant that many state and civil society organisations maintain a distance from it and do not seek it out as a vehicle to channel demands. Consequently, with eroded legitimacy, there is little pressure from the outside to improve performance or assume greater responsibilities.

Formally, the Legislative Assembly's responsibilities are the following: 1) decree, interpret, reform and derogate secondary laws; 2) decree taxes, tariff rates and other contributions, 3) ratify treaties and international pacts, 4) approve the budget and salary system, 5) decree law regarding the public debt, 6) elect: the Supreme Court, Supreme Electoral Tribunal, Court of Accounts, the General Prosecutor, the Public Defender, the Human Rights Ombudsman, and the National Council of the Judiciary. In reality, the first five of these functions are largely initiatives taken by the Executive, with the Assembly generally approving them in committees with minimal changes. The exceptions are the nominating of some public functionaries and the approval of external loans, which require a "qualified majority". In the case of mayors who are the only other governmental figures that have the right to initiate legislation, a significant part of the legislation submitted for consideration has been shelved.

A serious obstacle to remedying this situation is that there is little evidence of reform-minded sentiment within the institution and there is a generalised reluctance to make changes that will diminish power quotas or entrenched positions. A significant part of the problem must be assigned to the political parties, who in many cases promote candidates as deputies for reasons other than competence, knowledge or commitment for the job, and the dominant traditional political culture, which remains clientelistic, nepotistic, and inward-looking. The Assembly is only as strong as the sum of its parts, and prospects for its modernisation, enhanced efficiency, and responsiveness to national problems rather than to personal interest or party directives, will only come with the development of a new, genuinely democratic and participatory political culture, which in turn will result from changing the rules of the game for the political parties.

Previous Legislative Strengthening Assistance

A number of international assistance projects have been undertaken in order to strengthen the Legislative Assembly's capacity to carry out its mandate. A US\$ 1.85 million USAID *Legislative Assembly Strengthening* Project (1990-1996) was conceived during the peace negotiations, with the broader strategic objective of advancing the democratic process in El Salvador by building citizen confidence in democratic institutions. The project concentrated on three broad areas intended to "strengthen the ability of the Legislative Assembly to engage in more analytical and informed policy dialogue internally and with other branches of government". It comprised a *technical support* component, which included increased staff, training, and information resources to enable deputies to be more effective legislators; *infrastructure improvements*, including additional office space, equipment, and upgrades of furniture and physical plant to help

deputies do their work more efficiently; and *constituency services*, consisting of professional services, materials, and operational support for a programme to improve citizen understanding of the legislature's role and functions in a democratic society.⁵⁰

An impact evaluation by USAID's Center for Development Information and Evaluation (CDIE) pointed to a number of accomplishments over the life of the project, including the positive role of technical support in increasing deputies' capacities as legislators, with workshops, seminars and added staff input contributing to the formulation of important legislation on judicial reform, family law and education. Project resources contributed to increasing the Assembly's independence in national policy making areas, in one instance, budget-related information deriving from project supported seminars assisted the deputies in examining the executive's budget submission for the first time. Improved relationships with the Judicial and Executive branches were also seen as an accomplishment of the project. A public education project was launched to increase citizen understanding of the role of the Assembly.

Interestingly, the chief limitation to the project was described as ARENA's ambivalence about strengthening the Assembly. The CDIE report noted "In some areas, ARENA deputies have supported efforts to make it effective and independent, while in others they have opposed measures needed to bring about this enhanced role. For example, ARENA deputies have rejected field hearings and other project- mandated contacts to improve constituent member relations for fear they or their party might be embarrassed by public criticisms. Likewise, ARENA deputies have delayed reform of the Assembly's internal rules for more than three years."

In 2000, as an effort to complement the activities implemented by USAID, the Inter-American Development Bank (IDB) signed a Technical Cooperation Loan with the Government of El Salvador for US\$ 3.5 for the "Modernization and Strengthening of the Legislative Assembly" within the framework of the Assembly's own *Proposed Master Plan for the Modernization of the Legislative Assembly*. In one component, the project sought to support the strengthening of the legislature with the creation of a Special Technical Advisory Services Fund; carry out a thorough review and revision of the rules of procedure (including a Code of Ethics and debate guidelines); preparation of a manual of legislative procedures; and the draft of a political parties bill. A second component aimed to support the administrative function by carrying out an organizational diagnosis and subsequent implementation, and a third component focused on the preparation and implementation of an information technology master plan to support legislative and administrative functions.

USAID funding to the CREA-executed *Citizen Participation Project* beginning in 2000, supported a *Legislative Assembly Constituent Services Programme* that is aimed at increasing citizen input into the legislative process. With the University of Texas at Austin as a partner, the project has supported the opening of two regional offices of the national Assembly in El Salvador, with a projected third one. The project also includes an Office of Citizen Attention to keep citizens informed of legislation, provide information and lobbying tools. Another project within the same *Citizen Participation Project* has produced the first Citizen Advocacy Guide for lobbying the Legislative Assembly.

⁵⁰ P. 7 USAID (1996), CDIE Impact Evaluation: Legislative Strengthening in El Salvador.

6. Towards the Future

Many of the analysts, practitioners, parliamentarians, and ex-parliamentarians interviewed for this document shared this view: that a precondition for strengthening the capacity of the Legislative Assembly to effectively contribute in conflict and post-conflict situations is the reform and revitalization of the political parties, which many pointed out is the institution which has least modernised since the Peace Accords.

The critiques of the political parties cover a wide range of issues, all of which contribute to their isolation and remove them from the central concerns of their constituents and the public at large. Among the common criticisms are the parties' highly vertical structures and lack of internal democracy; their high degree of centralization which does not permit enough meaningful participation by their bases; the lack of adequate political training of their members; the serious lack of transparency in financial matters and campaign resources; the need to develop a new, non-opportunistic relationship with civil society; and the need to re-structure a new democratic relationship between political parties and the state. In addition to the need for the political parties themselves to muster the necessary political will to initiate internal efforts to remedy the situation, many point to the need for legislation such as a general law of political parties, aimed at regulating and modernizing them, focusing on such issues as creating different categories of parties, defining internal regulations, coalitions, cancellations, financing mechanisms, selection of candidates and internal election mechanisms.

It is only when these reforms are in motion that the Assembly will be able to play a more pro-active and legitimate role in conflict prevention, management and resolution. One of the major complaints against the political classes by the disaffected public is their inability to develop an agenda that reflects and responds to the needs, concerns and aspirations of the public. At the time of the peace accords, the Legislative Assembly carried out a wide range of important legislative tasks to provide the juridical and constitutional foundations for the implementation of the Accords. It is now the obligation of the political classes and the Assembly to contribute to establishing a new post-peace accords agenda, and function as agents of change on poverty, governance, and environmental issues. Public confidence in the Assembly and a potentially meaningful role in dealing with conflict with credibility will also come about as it assumes more aggressively its oversight role and in deepening rule of law through improved oversight mechanisms regarding corruption, human rights, public security, and military issues. Consolidating credibility will also come with strengthened mechanisms for outreach to civil society to increase inclusion in the policymaking process and make parliamentarians more accountable, more accessible, and more informed regarding constituent and citizen concerns.

As Jose Miguel Cruz reflected "From the point of view of political culture, the fate of the transition process set in motion by the Peace Accords depends on the capacity of the existing political forces to restore confidence in existing institutionality. This in turn depends on the commitment to efficacy that political operators are willing to make to the detriment of their own interests and more powerful groups. The extent to which the Salvadoran state can finally be transformed into an effective and impartial mediator of the

conflicts, problems and dilemmas of Salvadoran society, is the degree to which democracy for the citizenry can be consolidated.”⁵¹

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⁵¹ Cruz, op. cit. p. 233.

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