

## **Chapter 14. Assessing El Salvador's Transition From Civil War to Peace**

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In January 1992, the leadership of the leftist Farabundo Marti National Liberation Front (FMLN) and the negotiating team of the right-wing Salvadoran government, joined at the last minute by President Alfredo Cristiani, signed a peace accord ending twelve years of civil war in El Salvador. Many analysts consider El Salvador's transition from civil war to peace among the most successful implementations of a peace agreement in the post-Cold War period. Following the signing of the peace accord, the agreed-upon cease-fire between the two sides was never broken. Two years later, the guerrilla forces were demobilized and reconstituted as a political party, significant demilitarization of society and the state had taken place, and "founding" elections were held. In the mid-1990s the former guerrillas became the second most powerful party in the country. One study of post-civil war agreement elections rates El Salvador's 1994 presidential and legislative elections as the only free and fair elections carried out without crises or contested results.<sup>1</sup> The peace accords provided a catalyst for the incipient institutionalization of democracy in El Salvador. Despite the existence of elected civilian rule since 1984, sweeping institutional reforms negotiated as part of the accords permitted the country for the first time to be considered a procedural democracy.<sup>2</sup>

The United Nations played an important role throughout the negotiation and the implementation of El Salvador's peace accords. The United Nations served first as the mediator between the two sides, then as the verifier of a series of peace agreements, and finally as "institution-builder" and reconstruction-agent through its coordination of financial and technical assistance. Although the principal "implementers" of the Salvadoran peace accord were the two

parties to the agreement -- the Salvadoran government and the FMLN -- the United Nations played a prominent and perhaps determinant role in the implementation process. The U.N.'s role in El Salvador was unprecedented in many respects: it was involved in the resolution of an internal conflict from start to finish; it emphasized human rights verification as an element of U.N. peacekeeping; it deployed U.N. observers before a cease-fire was in place; and, above all, it aimed at preventing future conflict through institution-building or "peacebuilding."<sup>3</sup>

To what extent is El Salvador's successful transition to peace the result of these unprecedented efforts by external verifying actors? In this chapter, I make two arguments. First, based upon the Salvadoran case, I argue that the character of a conflict and the conditions that facilitate its termination are at least as important as the role of implementing actors. More specifically, the class-based nature of the conflict, the presence of a strategic stalemate between the parties, the number and cohesion of the parties, the changing nature of the international environment and the shifting interests of major international actors all converged to foster a political will and capability for a negotiated settlement whose character facilitated successful implementation. In the Salvadoran case, the United Nations and other implementing parties made important contributions to implementation of the peace accords. However, analyzing the choices and strategies of the United Nations and other international implementers without tying them back to the conditions of the war and the process of negotiation would be misleading.

Second, I show that El Salvador's transition from civil war to peace was highly contested, and that the "success" of the Salvadoran peace process was not without important shortcomings or qualifications. These shortcomings do not mitigate the important achievements of the peace process; indeed, to a large degree the flaws of the process stem from the very same conditions that led to the agreement and paved the way to peace, political democratization, improved human

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rights, and strengthened state institutions and legitimacy. However, the nature of the conflict and the negotiated agreement shaped the process of implementation in ways that continue to constrain “success.”

### **Nature and Consequences of the Conflict**

In one of the few statements with which his leftist opponents agreed, President Cristiani stated in 1992 that the cause of El Salvador’s war lay in the absence of democratic political space and the lack of economic hopes in a country characterized by exclusion and authoritarianism.<sup>4</sup> Civil war was rooted in class and ideological, rather than religious or ethnic, divisions, in an economic system whereby a small number of landed elites controlled the state in alliance with a powerful military. Despite the holding of periodic elections under a formal constitution between 1948 and 1979, authoritarianism reigned in El Salvador. The military guaranteed stability and order for the elite, and received resources and autonomy in exchange.<sup>5</sup>

Although five main guerrilla opposition groups had been formed by 1979, their disparate efforts did not pose a threat to the state -- and the situation did not constitute civil war -- until 1979 and 1980. Spurred by a desire to avoid an experience like Nicaragua’s July 1979 revolution and emboldened by U.S. support for reform, a group of junior officers executed a coup in October that resulted in a “Revolutionary Governing Junta” whose progressive members startled military hardliners and conservative elites. The junta, promising an era of openness and social and economic reforms, dissolved the National Democratic Organization (ORDEN), the paramilitary spy network, and the Salvadoran Security Agency (ANSESAL), a state intelligence agency involved in running ORDEN’s death-squad activities. However, death-squad killings and disappearances increased as the military showed its unwillingness to heed the junta.<sup>6</sup> As the

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junta's lack of effective control over the armed forces became apparent, the more leftist members of the junta resigned in disillusionment, and a second junta gave way to a third in March 1980.<sup>7</sup>

A record number of political murders -- over 1,000 per month -- were recorded in 1980.

Although kidnappings and killings by guerrilla groups increased, the bulk of these killings were conducted by right-wing death squads and the security forces, including the assassination of the country's Archbishop, Oscar Arnulfo Romero, in March 1980.<sup>8</sup>

The military's wave of repression deepened polarization in the country, which strengthened and unified the armed and unarmed opposition. In 1980 the five guerrilla groups -- the Popular Liberation Forces (FPL), the Popular Revolutionary Army (ERP), the Communist party's Armed Forces of Liberation (FAL), the National Resistance (RN) and the Workers Revolutionary Party (PRTC) -- formed the FMLN, which, despite internal tensions, would remain a united armed opposition until after the war. The government's repression focused principally upon peasant, worker, and Catholic church organizations associated with reform efforts rather than on the guerrilla combatants. Many members of these organizations joined the ranks of the FMLN, and in May 1980 almost all of the important leftist and centrist popular organizations and political parties formed a large coalition called the Revolutionary Democratic Front (FDR),<sup>9</sup> which quickly formed an alliance with the FMLN that would last throughout the war.

Between 1980 and 1983 the FMLN's forces operated in rural areas in large units of dozens or even hundreds, driving the armed forces from what became known as FMLN "control zones."<sup>10</sup> From 1983 through the end of the war, the FMLN operated mainly in smaller units with a highly political strategy aimed at consolidating its support among the population through the provision of education and health services and the establishment of local "popular" governments.

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The guerrillas' relationship with popular organizations proved indispensable to its strength and strategy. The FMLN's military ranks numbered about 12,300 at the war's end.<sup>11</sup>

The United States played a decisive role in the conflict. When the FMLN was on the verge of winning the war in 1983, materiel provided by the United States helped prevent the government's collapse. Military aid per fiscal year rose from \$6 million in 1980 to \$35 million in 1981 to \$197 million in 1984, staying between \$80 million and \$137 million per year for the remainder of the war.<sup>12</sup> U.S. officials promoted the drafting of a new constitution in 1983, and pumped \$1.8 million into the 1984 elections to ensure the victory of Christian Democrat José Napoleón Duarte, subsequently, using the centrist image of Duarte to convince a skeptical U.S. Congress to permit the provision of \$1.2 million per day into the war against the FMLN.<sup>13</sup> All told, U.S. economic aid from 1980 to 1991 totaled \$3.15 billion, and military aid totaled \$1.1 billion.<sup>14</sup>

The government's military strategy was rooted in isolating the FMLN from its logistical and arms supplies and attacking the civilian population perceived to be the support base for the guerrillas, a strategy that ultimately failed, though the armed forces gained experience and improved their fighting capability. Their ranks and air power grew dramatically. In 1979 the armed forces, including all the internal security forces, totaled 10,000 persons with 28 airplanes and 5 helicopters. By 1989 the armed forces totaled 56,000 with 63 airplanes and 72 helicopters.<sup>15</sup> Budgetary outlays for the regular army grew from 118 million to 888 million colones between 1979 and 1991, and from 50 million to 247 million colones for the internal security forces.<sup>16</sup>

The government's strategy accentuated the tide of refugees and internally displaced persons (IDPs) produced by the war. Most of those forced from their rural homes sought refuge

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either across the border in Honduras, in the United States, or in camps erected near the capital. An estimated 750,000 persons were internally displaced, and approximately one million persons sought refuge in the United States.<sup>17</sup> Because the Honduran border areas served as one of the few refuges for both combatants and civilians during the war, the several camps erected there were especially sensitive. An estimated 32,000 persons eventually returned from Honduras, Guatemala, Nicaragua, and Mexico.<sup>18</sup> Repatriation and resettlement in El Salvador were less contentious than in other civil war situations, due both to shifting U.S. immigration policies and to an effort by government, non-governmental organizations, and international agencies to resettle before the war had ended.

The war also involved numerous human rights violations that became the focus of intense international scrutiny and debate. An estimated 75,000 persons were killed directly because of the war, the majority of them civilians. Over half of this total were killed during the first four years of the war, when death squads targeted a broad range of civilians presumed to be active in “subversive” popular organizations and the armed forces executed thousands and conducted ground sweeps targeting civilians as well as combatants.

The peace accord in El Salvador emerged from a strategic stalemate on the battlefield.<sup>19</sup> The U.S.-designed government strategy proved unsuccessful, yet it gave the government a measure of stability, as the FMLN proved unable to defeat the military. At the same time, the war accentuated the economic crisis experienced throughout Latin America during the 1980s. By 1989 the real minimum wage for the poorest had declined to 1980 levels. Direct attacks upon strategic economic targets by the guerrillas also took their toll.

The inability of the Duarte government (1984-89) to provide prosperity was accompanied by its failure to secure peace. Despite a lack of U.S. support for a negotiated settlement during

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his term, Duarte initiated peace talks with the FMLN in 1984, 1986 and 1987, all of which failed. During this period, the FMLN continued to believe it could win the war, and both the economic elite and the military, backed by the United States, were unwilling to make the concessions demanded by the FMLN. Principally, the FMLN demanded participation in a temporary power-sharing arrangement that would arrange truly open elections, reorganize the military, and replace the 1983 constitution.<sup>20</sup> By 1987 polls showed that 83 percent of the national population supported an end to the war through negotiated settlement. In that same year, the Duarte government signed the Esquipulas II agreement, which, as Caroline Hartzell described in Chapter 13, outlined procedures to end the region's armed conflicts and humanitarian crises.

As a result of Duarte's inability to provide peace or prosperity, the right-wing ARENA party took control of the legislature in 1988 and the presidency in 1989. In elections in which the FMLN did not participate, landowner Alfredo Cristiani was elected president in March 1989. Although he pledged to seek peace, his government immediately intensified the war and ousted more moderate elements in the military leadership.

Two changes would prove necessary for both sides to fully recognize a stalemate and begin the negotiating process. First, the end of the Cold War changed the strategic environment for both sides. The gradual collapse of the Soviet bloc reduced the likelihood of continued support for the FMLN from allies such as Cuba. More importantly, it removed a powerful ideological framework that had influenced the FMLN's political thinking and vision for post-war El Salvador. The end of the Cold War also coincided with the change from the Reagan administration to the Bush administration, which soon pronounced its support for negotiated settlements in Central America. This shift in U.S. policy prevented the Salvadoran military from counting on unlimited U.S. support and reduced its ability to ignore the peace process.

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The second decisive event that opened the way to peace was the FMLN's November 1989 offensive, which was a military failure but a political success. The guerrillas launched coordinated attacks upon the country's key military bases and brought 2,000 combatants into the capital, convincing significant sectors within the economic elite that a negotiated solution might be necessary after all.<sup>21</sup> At the same time, the guerrillas' inability to win through a massive insurrection was laid bare, allowing guerrilla commanders who had previously supported a negotiated settlement to convince hardliners a negotiated settlement was necessary. During the offensive, six Jesuit priests and two colleagues were killed in their residences at the prestigious Central American University in San Salvador. Speculation that a military unit was responsible would eventually be confirmed. The killing shocked the nation and eventually elicited a suspension of U.S. military aid conditioned upon both sides making progress in peace talks.

Within weeks of the offensive, FMLN representatives asked the United Nations to widen its role, and in early 1989, the presidents of various Central American countries asked the United Nations to mediate a series of talks between the two sides.<sup>22</sup> After a series of diplomatic moves, including a joint letter supporting the U.N.'s mediation in the conflict signed by then-Secretary of State James Baker and Soviet Foreign Minister Eduard Scheverdnaze, U.N. Secretary General Javier Pérez de Cuellar on April 4, 1990 announced that the United Nations would act as mediator.<sup>23</sup> Alvaro de Soto assumed the role of mediator on behalf of the Secretary General.

At government insistence, and despite a longstanding FMLN demand of joining a provisional government before agreeing to a permanent cease-fire, the negotiations took place in the context of the 1983 constitution, which established formal democratic rights and a series of multi-party elections that, in contrast to the authoritarian regime of 1948-79, were not dominated by the military's party and candidates. Thus, the negotiation and the implementation of the

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accords, especially the transition of the FMLN to civilian life and into a political party, took place in anticipation of the constitutionally slated elections of March 1994. Because presidential, legislative and municipal elections coincided during this cycle, these "founding" elections of El Salvador's post-war democracy came to be referred to as the "elections of the century."

The negotiated settlement involved a series of agreements between the government and the FMLN. The first important accord was the Human Rights Agreement signed in July 1990, in which the parties recognized a wide range of internationally guaranteed human rights and established a U.N. "verification mission" on human rights issues. Despite concerns about opening a human rights verification mission before a cease-fire had been agreed upon, the U.N. opened the U.N. Observer Mission in El Salvador to verify the human rights agreements one year after the agreement was signed.<sup>24</sup> Known by its Spanish acronym ONUSAL, the mission opened in July 1991, with a budget of \$23 million and a staff of 101 persons.<sup>25</sup>

The United Nations played a crucial role in reaching peace. De Soto repeatedly proposed solutions to impasses during the two-year negotiations, achieving recognition by the parties and among outside observers for his initiative. In addition, Undersecretary-General Marrack Goulding deftly mediated discussions over the complex details of the cease-fire and military aspects of the accords. After a series of other preliminary peace agreements, including one which paved the way for constitutional reforms in April 1991, the final Chapultepec Accord was signed on January 16, 1992.

## **The Peace Agreement**

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The peace accord in El Salvador was remarkable for its level of detail and specific timelines. The final accord fills 100 pages in book form, including nine chapters and two series of annexes. Over a hundred deadlines were set with precise reference to the date of the cease-fire, known as “D-Day” (e.g., the deadline for dissolution of the old intelligence service was “D+135” and for the legalization of the FMLN as a political party was “D+90”). Although radical change of the economic structure of the country was a central FMLN objective throughout the war, only about 10 percent of the final accords were dedicated to social and economic issues. Instead, the majority of the text was dedicated to reforms to the military and the police forces and to the details of the military cease-fire. The FMLN viewed reduction of the military as key to its own safe reentry into civilian life, and to its ability to exercise power through electoral democracy.

#### Cease-fire and Demobilization

A formal cease-fire would begin on 1 February 1992, two weeks after the signing of the accords. Within five days, both sides would fall back from positions, and within 30 days, the FMLN and all its arms, munitions and personnel, including clandestine units, would be concentrated in 15 sites. The armed forces would be restricted to sixty-two specific barracks or sites except under special circumstances. After the concentration of forces, 20 percent of the FMLN would reintegrate into civilian life in specified, periodic intervals of several weeks, culminating in the end of demobilization and disarmament on 31 October 1992.

### Military and Intelligence Reforms

Significant military reductions were stipulated. The military would abdicate all internal security functions except in exceptional circumstances. The three security forces -- the Treasury Police, the rural-oriented National Guard, and the urban-oriented National Police -- would be dissolved. Paramilitary civil defense patrols were disbanded and legally barred. The army counterinsurgency units were dissolved, forced recruitment was suspended, and civilian input and human rights issues were integrated into military doctrine. The military-controlled national Intelligence Directorate was replaced by a State Intelligence Office (OIE) run by a civilian reporting directly to the president and supervised by the legislature.

### Police Reforms

The accords created a new National Civilian Police (PNC) outside the Defense Ministry to be the sole national-level public security force. The PNC had responsibilities for maintaining order and protecting citizens, a doctrine that explicitly emphasized human rights and a civilian leadership. The legislature could remove the PNC Director for human rights abuses committed by the force. The two sides eventually agreed that at least 60 percent of both the officer-level and the basic agent personnel of the PNC would be "civilian" applicants, that is, persons not having served as combatants during the war. No more than 20 percent of the PNC could be ex-members of the old National Police; and no more than 20 percent could be ex-guerrillas. Applicants were required to pass an entrance exam administered by the new civilian-run National Public Security Academy (ANSP) responsible for recruitment, selection, initial training and in-service training. The accords included a draft law for the structure and doctrine of the PNC and a draft law for the new academy.

### Human Rights and Judicial Issues

The agreement created the Ad Hoc Commission to review the files of military officers and to recommend names to be purged; the U.N.-supervised Truth Commission to prepare a report assigning responsibility for the most egregious human rights violations of the war; and the Human Rights Advocate's Office, headed by a mediator chosen by the legislature and independent of the executive, to receive complaints, investigate and report on human rights violations. Judicial reforms, less extensive than the reforms to coercive forces, included increasing the autonomy of the National Judicial Council from the powerful and politicized Supreme Court and restricting judges' ability to act as notaries public and thereby enter into conflicts of interest. Six percent of the national budget was set aside for the judicial branch.

### Socio-Economic Issues

The accords established mechanisms to improve the quantity and the legal status of lands in the hands of poor farmers, especially those in the FMLN-controlled zones. The government agreed not to dislodge those in guerrilla-controlled zones from lands they had occupied. Procedures for land ownership dispute and credit and technical assistance were established. A National Reconstruction Plan was agreed to in principle, including resources for demobilized combatants and those civilians most affected by the war. The text of the accords regarding social and economic issues was considerably more vague than that regarding security and justice issues. A number of issues were left to a tripartite Social and Economic Forum comprised of government, business and union/peasant representatives who would submit draft laws to the legislature.

### The "Implementers" and "Verifiers" of the Accords

The accords stipulated that a National Commission for the Consolidation of Peace (COPAZ), comprising two representatives each from the government and the FMLN, plus one representative from each political party, would be "responsible for overseeing the implementation of all the political agreements reached by the Parties."<sup>26</sup> COPAZ's powers included drafting legislation for the legislative assembly. The parties to the accords were bound to its findings. In accordance with the agreements, COPAZ was formally constituted on 1 February 1992. However, the accords were explicit in denying COPAZ any executive powers, "since it is the [responsibility of the] Parties, through their internal machinery, to carry out the peace agreements."<sup>27</sup>

With the signing of the final accord, ONUSAL's mandate and observation tasks were expanded "to include the verification and monitoring of the implementation of all the agreements" that the two parties were to sign (SCR 729). ONUSAL's existing personnel were largely transformed into the "Human Rights Division," and a new "Military Division" and "Police Division" were added. This marked the first time divisions formally dedicated to human rights and to police observation constituted part of a U.N. peacekeeping operation.<sup>28</sup> An Electoral Division was added in 1993 before the March 1994 elections, and dismantled by May 1994. The first ONUSAL Chief of Mission and the Special Representative of the Secretary-General (SRSG) was Iqbal Riza, who served until March 1993, and was succeeded by Colombian diplomat Augusto Ramírez-Ocampo, who served until April 1994, when he was succeeded by ONUSAL's last Chief of Mission, Venezuelan diplomat Enrique ter Horst.<sup>29</sup> Although U.N. mediator Alvaro de Soto was not part of ONUSAL, he contributed through continued oversight of El Salvador from his subsequent posts within the United Nations.

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Facing pressures to downsize from U.N. member states in order to reduce peacekeeping obligations and budgets, many senior U.N. officials worried that closing ONUSAL would jeopardize the progress attained in implementing the accords. With the victory of the governing ARENA party in the presidential and legislative elections of 1994, some in President Armando Calderón Sol's new administration and in conservative sectors were eager to end the U.N.'s verification functions. A compromise yielded the closure of ONUSAL as an operation of the Department of Peacekeeping, but a downsized mission would continue under the Department of Political Affairs. Once again, the U.N. Mission in El Salvador was pioneering, ushering in a practice of replacing a formal peacekeeping operation with a downsized mission under a new name. The U.N. Mission in El Salvador (MINUSAL) operated from 1 May 1995 through 30 April 1996 when a small U.N. Verification Office (ONUV), which operated until 31 December 1996, replaced it. ONUV consisted of only eight staff members plus three civilian police consultants, and its mandate was "to follow up implementation of pending aspects of the peace accords in El Salvador."

Relative to other peacekeeping operations, ONUSAL utilized a relatively low number of military observers. The number of military observers reached fifteen in late 1991, and jumped to 295 by March 1992, just after the cease-fire occurred, staying above 200 through 1992, dropping to 101 by March 1993, and gradually dropping from 46 in June 1993 to 3 during the last months of the ONUSAL operation.<sup>30</sup> Police observers totaled 27 in late 1991, and their number jumped to 279 within three months, staying between 270 and a maximum of 327 between 1992 and the elections of March 1994, after which they dropped to 147 by September 1994 and to 32 from December 1994 onward.<sup>31</sup>

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### The Strategic Environment of Implementation, 1992-1996

The United Nations adopted a strategy during the peace talks of working with a group of four “Friends” of the process who weighed in with the two sides on crucial matters. Rather than relying upon a relationship with the regional intergovernmental organization, the Organization of American States (OAS), the United Nations depended upon an informal relationship with states which held influence with one or both sides including Mexico, which had long hosted the FMLN High Command, Venezuela, Colombia and Spain.<sup>32</sup> The United States later joined the group which became known as the “Four plus One.” Although the Friends did not always agree during the negotiations and implementation phases, they served principally as a means of pressuring the two sides to stick with the process and make necessary concessions.<sup>33</sup> During the last-minute negotiations, for example, the Four Friends’ diplomats ran back and forth from the parties’ hotels to the U.N. headquarters to urge progress.<sup>34</sup>

Although perhaps not explicitly planned, the roles played by senior U.N. diplomats Alvaro de Soto and Marrack Goulding facilitated implementation. De Soto, having served as mediator, was perhaps the individual most identified with the achievement of a peace agreement. However, having another individual serve as the on-site Chief of Mission permitted that person to dedicate himself to verification tasks and did not raise the specter of constant negotiations, which De Soto’s continued presence might have done were he kept on as the SRSG. But equally important, De Soto and Goulding did not disappear from the implementation process. In their capacity as senior diplomats whose official responsibilities included reporting and advising the Secretary-General on El Salvador, the two kept the Security Council’s attention focused upon the Salvadoran peace process and signaled the Salvadoran government and the FMLN that the United Nations would not take implementation for granted. Furthermore, the periodic

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“parachuting” into San Salvador of these senior diplomats, who knew the process and the actors intimately, proved crucial to unblocking the implementation process when it was stagnant.<sup>35</sup>

## **Implementation of the Accords**

### Disarmament, Demobilization and Reintegration

The first focus of implementation concerned the concentration of the military forces. Within weeks of the 1 February 1992 cease-fire, the implementation was threatened.<sup>36</sup> Although the two sides met the first deadline of pulling back to specified locations, the full concentration of government Armed Forces did not occur within thirty days (2 March). The government, which faced dozens of deadlines within the first weeks following "D-Day," encountered resistance from the military in demobilizing the National Guard and the Treasury Police, and the FMLN cited the government's lack of compliance and infrastructure difficulties in fulfilling its pledges.<sup>37</sup> Further serious problems concerned land, as the government forcibly evicted FMLN supporters who had occupied land after the cease-fire.<sup>38</sup> In addition, in April, the ARENA-dominated legislature passed a law that appeared to extend the National Guard and Treasury Police under new names. The FMLN viewed this as a violation of the agreed dissolution of the two bodies, and ONUSAL agreed.

Both sides, once again, turned to the United Nations as mediator. U.N. envoy Murrack Goulding, who had originally helped negotiate the cease-fire provisions, convinced the two parties to cease activities that most threatened the accords, especially regarding land invasions. ONUSAL also provided a frank assessment of the state of implementation of the accords, which apparently embarrassed the government into taking its commitments more seriously, increased donors' pressure for compliance, and demonstrated the moral and political influence of the U.N.'s

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verification judgments.<sup>39</sup> The first of periodic "recalendarization" agreements was signed in June 1992 and within days both sides had largely complied with the provisions. The government had pledged to rescind the law regarding the old security forces and to commence training for new PNC recruits, and to submit legislation for the legalization of the FMLN as a political party.<sup>40</sup> According to one ONUSAL official, the U.N. mission's high profile presence "made it difficult for the two sides to intensify the fighting or to walk away from the negotiating table,"<sup>41</sup> and neither side wanted to be perceived as the "spoiler." The United Nations would continue to serve as occasional mediator, communications channel, interpreter of the accords, as well as institution-builder and verifier, throughout ONUSAL's existence.

Because the FMLN had fewer commitments under the accords -- essentially the concentration, demobilization and disarmament of its forces -- it delayed scheduled demobilizations when it perceived a lack of compliance by the government. Under the cumulative effect of the abovementioned delays, a second "recalendarization" occurred in August 1992, which resulted in the demobilization of the second fifth of FMLN troops in September (almost five months after the original deadline), demobilization of the third and fourth contingents according to the newly agreed-upon schedule (by 31 October and 20 November, respectively), and delayed compliance with handing over arms. The government then launched the National Public Security Academy for the PNC in early September, dissolved the old National Guard and Treasury Police, and legalized the FMLN as a political party -- all sticking points for the FMLN. The lack of specificity regarding land issues and the rigid and unrealistic deadlines in the accords stalled the establishment of land tenure, as well as the allocation of land beneficiaries and the purchase and distribution of legal titles by June 1992. With technical assistance from the IMF, the World Bank and the Food and Agricultural Organization (FAO),

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ONUSAL successfully prepared and proposed a plan in October 1992 to grant land ownership to 15,000 ex-government soldiers, 7,500 ex-guerrilla combatants, and 25,000 civilians in conflictive zones.<sup>42</sup>

On December 17, 1992, two months after the originally agreed-upon deadline, the FMLN demobilized the last of its 12,362 combatants, officially bringing to a close the armed conflict.<sup>43</sup> Within eight months the FMLN had turned in its arms, however, the accidental explosion of an FMLN arms cache in Nicaragua on 23 May 1993 revealed that the FMLN had concealed an enormous amount of arms and munitions from ONUSAL. This transgression became the most serious violation by either side during the entire implementation process.<sup>44</sup> An embarrassed FMLN revealed over one hundred-twenty additional caches containing tons of materiel.<sup>45</sup> A law prohibiting the legal registration of any "armed" group as a political party prompted talk of denying the FMLN participation in the crucial March 1994 elections. ONUSAL, citing the FMLN's insistence that it had no plans to return to war and that no FMLN units were actively armed, argued that denying the FMLN participation in the 1994 elections would place the entire peace process in grave danger. The FMLN's legality was not challenged, and the peace process continued, but the FMLN's leverage was weakened, undermining its ability to challenge government violations of the accords regarding the military and police.<sup>46</sup> In addition, the incident damaged the FMLN's public image during the pre-electoral period, and potential electoral candidates of the FMLN who were associated with the arms cache and its cover-up were subsequently considered too damaged to run.

The armed forces generally complied with their force-reduction commitments, which were less specific than the wholesale dissolution of the FMLN military structure. In the New York accords, the government agreed to reduce its Armed Forces to a size appropriate for its new

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doctrine and functions. The parties generally understood a reduction by roughly half, but the military leadership was reluctant to agree to a specific number and instead agreed to submit a reduction plan. The plan called for a 50.2 percent reduction of overall forces, including the dissolution of five rapid-reaction infantry battalions known for their counterinsurgency work, between 1 February 1992 and January 1994.<sup>47</sup> In fact, the armed forces adopted an accelerated schedule, demobilizing fifteen battalions in January 1993 alone, completing a 54.4 percent reduction by March 31, 1993. The civil defense units organized throughout the country were also dismantled. Citing the FMLN's refusal to demobilize on time in late 1992, the military delayed dissolution of the rapid-reaction forces for several weeks, complying once the FMLN resumed demobilization of its troops in late 1992.<sup>48</sup>

Total armed forces ranks dropped from a claimed 63,170 soldiers in early 1992 to some 30,500 by 1994, although the military's size per capita remained the largest in Central America. One additional factor in the armed forces' agreement to downsize and its continued compliance with the accords was the role of U.S. military assistance in the early 1990s. As late as 1990, annual U.S. military assistance totaled \$81 million, but by 1993 it had been reduced to \$12 million,<sup>49</sup> and would decline to \$1.2 million for 1996.

The peace accords were not specific about how reconstruction would proceed, and lacked specific plans for assisting the reintegration of ex-combatants. The government unilaterally developed a five-year "National Reconstruction Plan," which included training and aid programs for reintegrating ex-guerrillas and ex-soldiers, separate from the land transfers arranged for ex-combatants.<sup>50</sup> Short-term programs included the provision of farming tools and inputs, basic furniture and equipment for homes, and vocational training in agriculture, small industry, and services.<sup>51</sup> Long-term programs ranged from credit for rural farming and small business, as well

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as university scholarships. But these programs proved inadequate, reaching only 11,000 of the estimated 42,000 former combatants from both sides. More extensive resources channeled through NGOs in zones of FMLN influence left them and civilian sympathizers relatively better off.<sup>52</sup>

Land transfers to ex-combatants and civilians in FMLN-controlled zones were an important part of the reintegration plans. The process was complicated by a procedure in which most beneficiaries had to sign up for land plots as groups of families.<sup>53</sup> The number of estimated beneficiaries was reduced to 35,782, of whom only 8,000 were ex-government soldiers or policemen.<sup>54</sup> Problems ranged from administrative “nightmares” at the Land Bank to inaccurate original lists to poor government outreach. ONUV reported in December 1996 that 98.93 percent (34,413) of registered beneficiaries had received title to their land, 85 percent of which had been recorded in what proved to be an arduous process for most. The average amount of land per beneficiary was 4.01 manzanas (6.82 acres) costing about \$2,948 each. Verification of land transfers proved to be among the most technically exigent and longest-lasting for the United Nations, remaining a priority throughout MINUSAL and ONUV.

Discontented ex-combatants proved to be one of the most serious problems in the implementation of the accords. The agreements provided that demobilized members of the military and security forces would receive one year’s salary as severance pay and receive preference in land transfer programs.<sup>55</sup> However, for reasons which appeared to be partly financial, the government failed to pay ex-solders promptly and interpreted the beneficiaries in a narrow manner, excluding civil defense patrol members, soldiers discharged for bad conduct (a number which grew as the conflict declined), and the large number of troops discharged before the signing of the peace accords.<sup>56</sup> Over two years after the accords were signed, only 6,000 of

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18,000 ex-soldiers had received their severance pay.<sup>57</sup> Soon after the accords were signed, disgruntled ex-soldiers, sometimes allied with ex-guerrillas, organized themselves to press the government for compliance with its commitments and for expansion of the pool of beneficiaries.

### Military Reforms

The downsizing of its military forces was among the very few commitments the government carried out regarding the armed forces without encountering resistance. Unlike the FMLN, the government did not agree to dismantle its military forces; therefore, the institutional reforms to the military were considered extremely important by the guerrillas and other groups as a guarantee not only for the FMLN's return to civilian life but also for the possibility of full democratization. Most military leaders, not having been defeated on the battlefield, continued to view the FMLN as an illegitimate force and to view with scorn any intrusion by civilians into military affairs. Several also were skeptical of the FMLN's true commitment to disarm. Consequently, the armed forces proved an important obstacle in government compliance with its commitments.

Perhaps the most serious stumbling blocks in the implementation of the entire peace agreement concerned the work of the Ad Hoc and the Truth Commissions, established to foster accountability for past human rights violations. Because of the Ad Hoc Commission's composition and its daunting task of reviewing 2,200 officer files in four months, few expected that its work would have much effect.<sup>58</sup> In the end, an unprecedented purging of the senior officer corps resulted, including almost the entire high command of the armed forces, sparking a serious challenge to the accords from the military leadership. The report of the Ad Hoc

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Commission, which was kept confidential, recommended the removal of 102 officers, including the Minister and Vice-Minister of Defense, most of the generals, and many colonels.<sup>59</sup>

The sweeping purge of the high command recommended by the Ad Hoc Commission took most observers by surprise. Senior officers alleged that the report was a leftist plot to decapitate the military.<sup>60</sup> Although bound to comply with the commission's findings, the government initially announced it would put off action on the Ad Hoc Commission's findings pending FMLN demobilization. In January 1993, after U.N. mediation secured an agreement to proceed, President Cristiani again reneged, telling U.N. Secretary General Boutros Boutros-Ghali that eight senior officers, including the Minister and Vice-Minister of Defense, would be kept on through the end of Cristiani's term in 1994, and that seven others named in the report would be transferred.<sup>61</sup> The FMLN was slow to criticize the government's non-compliance, leaving the United Nations to demand compliance.

Eventually the subsequent report of the Truth Commission would secure the ouster of all the armed forces officers listed in the Ad Hoc Commission report. The Truth Commission report identified by name the military officers and other persons responsible for the worst human rights violations during the war. Most damaging was the report describing the role of Defense Minister Rene Emilio Ponce, Vice-Minister General Juan Orlando Zepeda and virtually the entire high command in ordering the widely publicized 1989 massacre of six Jesuit priests and two female assistants.

Within two weeks of the Truth Commission report, President Cristiani reported that Generals Ponce and Zepeda would be removed by June 1993, and on June 30, 1993, they and the rest of the military high command retired. The government's eventual compliance was influenced both by pressure from ONUSAL, as well as from the Clinton administration, which

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withheld \$11 million in U.S. military aid contingent upon the government abiding by the Ad Hoc Commission's report. Although the retirement of the officers named in the Ad Hoc Commission report represented a violation of the report's recommendations, the consequences of the Ad Hoc and Truth Commission reports signaled the most thorough housecleaning ever carried out of a Latin American military not defeated in war.

Despite the progress in eventual implementation of the Ad Hoc Commission's recommendations, other elements of military reforms were formally adopted but less clearly and completely enacted. As agreed, the military's constitutional mission was reduced to the "defense of the sovereignty of the State and the integrity of the territory," conferring upon the president the power under exceptional circumstances to use the armed forces to keep internal peace (Art. 212). The armed forces also published their new doctrine in newsprint media in accordance with the accords. The doctrine explicitly stated that the armed forces shall carry out their mission in accordance with the rule of law and with respect for human rights, and stipulated that internal security activities fall outside the normal mission of the armed forces.<sup>62</sup> The doctrine made the delineation between internal security and external defense among the strongest in Central America.

Nevertheless, the military retained many of its prior roles and sense of institutional autonomy. In July 1993 President Cristiani called out the armed forces to patrol the highways as a means to curb rising violent crime, including highway robberies.<sup>63</sup> Additional internal security roles followed, including patrols of the year-end coffee harvest in 1993 and subsequent years, of polling places during the 1994 elections, and of rural development projects known as "civic action", as well as joint patrols with the new police force in which military personnel greatly outnumber police officers.<sup>64</sup>

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All in all, the implementation of the provisions regarding military reforms presents a deeply ambivalent picture. On the one hand, remarkable progress has been achieved. For the first time in history, a Latin American military submitted its officer corps to external review and vetting.<sup>65</sup> As of this writing, the army is roughly the same size as the National Civilian Police, and its missions and doctrine reflect significant emphasis on classic external defense functions and respect for human rights and for civilian control. Its worst human rights violators were purged; its budget reduced; and new levels of accountability and civilian input reached. As one opposition figure said, the armed forces have generally opted not to challenge their post-war place in society.<sup>66</sup> On the other hand, the armed forces continue to carry out internal security functions and bristle at the notion of civilian oversight or input. Interviews with officers reveal that most reject both legislative oversight of defense matters and the notion of a civilian Defense Minister.<sup>67</sup> In general, the military's political power has been greatly reduced, but its autonomy remains very high.<sup>68</sup> It remains to be seen whether a crisis among civilian political actors might undermine the accomplishments of the peace processes.

### Intelligence Reforms

Control over the gathering and processing of intelligence on internal political matters was a critical component of the military's social control and repressive functions during and before the war. As part of the early wrangling over compliance with demobilization, the government failed to dismantle the military-controlled National Intelligence Directorate (DEI) by its March 1992 deadline, but did so after the first recalendarization in June, appointing a director of the new State Intelligence Office (OIE) only three days beforehand. However, the accords said nothing about the armed forces' intelligence section (C-2), and several DNI agents were transferred there.

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Of more concern to some observers, the bulk of the OIE personnel were simply transferred from the DNI with no public information on selection or vetting procedures.<sup>69</sup> In general, ONUSAL and the FMLN proved reluctant to press publicly for a more rigorous selection process or more transparency in the country's new intelligence system.

Some OIE agents were implicated in human rights violations after mid-1992, and the lack of effective oversight of the OIE, under the direction of a controversial ARENA political appointee named Mauricio Sandoval, increasingly worried international and national human rights observers. In addition, the accords did not address the training of intelligence operatives, and the military continued as of 1997 to operate the National Intelligence School, effectively expanding its influence over civilian as well as military recruits to OIE and the military's C-2. In an apparent violation of the accords criticized by the United Nations but never remedied, the Defense Ministry's C-2 intelligence activities continued to focus upon internal intelligence activities.<sup>70</sup>

### Reforms to the Police and Public Security System

The creation of a new National Civilian Police (PNC) with a doctrine of protecting citizen rights rather than state interests was crucial for consolidating peace and democracy in El Salvador. Public security reforms sought to curb the armed forces' internal security role; to create unprecedented external mechanisms of accountability for human rights abuses; and to refashion the relationship between the state's coercive bodies and its citizens. They opened the way for FMLN participation in an armed state organization to protect its members' physical safety and to prevent misuse of the powerful and newly centralized internal security force for political ends. Government negotiator David Escobar Galindo called the PNC the most

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significant ("transcendental") institution to come out of the reforms, and U.N. Secretary-General Boutros Boutros-Ghali hailed the new police force in 1995 as "one of the fundamental elements of the peace accords and perhaps the single component with greatest hopes."<sup>71</sup>

The most immediate public security priority in the implementation phase was the provision of security in the face of the reduction of forces. The combining of government troops and FMLN forces, as well as the demobilization of the Treasury Police, the National Guard, and the civil defense patrols, effectively cut the coercive forces available for deployment from some 60,000 to 6,000 in only a few weeks.<sup>72</sup> The accords provided that during a roughly two-year transition period, the old National Police would provide security and be demobilized as the PNC was gradually deployed. Delays occurred in the scheduled events because the new public safety institutions became a prominent and persistent locus of political contestation among various social and institutional actors. The military saw the new police force not only as a threat to their ability to continue corrupt behavior, but also worried that former guerrillas inside the PNC might use the new police force itself to destabilize the state.<sup>73</sup> The government and the economic elite, while not entirely trusting the integrity of the old security forces, had relied upon them for decades to protect elite interests and were reluctant to dissolve them before the PNC was fully deployed and able to control crime. In addition, death squads from the old regime undoubtedly sought to infiltrate the PNC with officers who might protect them.<sup>74</sup>

The first difficulty was the government's failure in March 1992 to demobilize the Treasury Police and the National Guard. Even as that issue was under discussion, however, the military impeded the establishment of the National Public Safety Academy (ANSP) by taking over the old Public Security Academy installations that had been contemplated for the new ANSP. When a military base belonging to the Treasury Ministry was selected for the base-level

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training center, the military stripped it clean as it withdrew, taking even the light bulbs and doorknobs.<sup>75</sup> Once the June 1992 recalendarization secured the dissolution of the old security forces and the training for the first senior officer class commenced, ONUSAL learned that the government had transferred more than 1,000 former security forces personnel into the National Police as a means of gaining them "back-door" entrance into the ANSP. Furthermore, almost half of the ex-government component of the first class of senior officer candidates sent abroad for training came from the other security forces, in direct violation of the accords. An agreement was worked out with U.N. assistance by which those already present could remain but no further such cases could occur.

The process of appointment of a Director for the new PNC contained the first signs of problems to plague the operation of the multi-party COPAZ. COPAZ was slated to submit to President Cristiani three nominees for the post of PNC director. However, the number of parties allied with the government's two representatives equaled the number of those allied with FMLN, resulting in deadlock and delay in this process.<sup>76</sup> This parity would be repeated in other arenas such as reconstruction, seriously undermining the role COPAZ was assigned in the accords. Although COPAZ served as an important official mechanism for the FMLN to obtain information about and criticize problems in the implementation of the accords, the inability of COPAZ to reach decisions allowed the government to delay in carrying out its responsibilities and augmented ONUSAL's verification role.

Perhaps the most important challenges to the integrity of the new civilian police occurred in 1993. In June 1993, taking advantage of the embarrassment caused by the explosion of the FMLN's arms cache, the government appointed Captain Oscar Pena Duran, a military officer who led the U.S.-backed anti-drug unit of the old regime, to become Operations Director of the

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PNC.<sup>77</sup> Pena Duran appointed many of his own military-trained officers from the UEA to key posts in the PNC, ignored requirements that all personnel pass through the ANSP to become trained in the new citizen-oriented doctrine, and encouraged spying by former soldiers within the PNC on their colleagues who came from the guerrillas' ranks.<sup>78</sup> Pena Duran also ignored and then discontinued an agreement by which ONUSAL's Police Division provided field advice and mentoring to freshly deployed PNC agents. The FMLN accepted Pena Duran's appointment in exchange for benefits for its ex-combatants in the land transfer and reintegration programs.<sup>79</sup> ONUSAL persisted in opposing the appointment as a violation of the peace accords. When opposition to Pena Duran emerged from Salvadoran conservatives and from the previously supportive U.S. embassy, Pena Duran was forced to resign.<sup>80</sup> In the meantime, the PNC had foregone field mentoring from experienced international police officers at a crucial time, just before the United Nations began downsizing its police presence.

A second challenge to the integrity of the PNC occurred in 1993 when two units, the Special Investigative Unit (SIU) and the Anti-Narcotics Executive Unit (UEA) were transferred intact into the PNC structure. In a move it later regretted, the FMLN agreed in the December 1992 recalendarization to permit the transfer of these units after screening and retraining at the ANSP. The screening was perfunctory, and the retraining was delayed for months and then years, as the government resisted implementing these provisions. During Pena Duran's tenure, when the units were transferred, human rights violations by the PNC increased markedly, and former UEA agents were implicated in many. Moreover, some thirteen of the hundred SIU agents transferred to the PNC were eventually implicated in politically motivated murders or in their cover-up.<sup>81</sup> After tedious negotiations involving the United Nations and the two parties, provisions for compliance with the accords was reached regarding the members of these two

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units. Offended by the requirements, however, many members of the units participated in a hunger strike that eventually resulted in the mass resignations of most of the UEA and of many SIU investigators. In the end, some members remained in the new Criminal Investigative Division and the Anti-Narcotics Division of the PNC.

The PNC's creation and deployment, one of the central institution-building tasks stipulated in the accords, was not only fraught with active resistance from the military and other sectors, but suffered from logistical setbacks and funding shortfalls. The ANSP scrambled to meet its obligation to produce 5,700 new recruits within two years, but did so. The PNC experienced a serious lack of equipment upon its first deployments.<sup>82</sup> The specialized divisions of the PNC, such as white-collar crimes, anti-kidnapping, and traffic control, were slow to develop. International funders, more willing to fund less controversial social and economic projects than the training and equipping of coercive forces, failed to comply with commitments to fund the development of the ANSP and the PNC.<sup>83</sup> This delay played into the hands of governmental and military actors who wanted to cling to the old security forces. In 1994, however, a videotaped bank heist apparently involving a top National Police officer led the newly elected government of President Calderon Sol to speed up dissolution of the old National Police, leaving internal security exclusively in the hands of the PNC and those army troops called out to assist.

Due in part to the security gap created at the end of the war, levels of violent crime spiraled and became the top concern of the population by 1993<sup>84</sup> and remained so through 1997, when 95 percent ranked it as "very serious."<sup>85</sup> In 1995, deaths by homicide exceeded the average annual number of deaths during the twelve-year civil war, and by 1996 the country's homicide rate reached 138 per 100,000, the second highest in the world.<sup>86</sup> The crime wave created

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incentives to speed up PNC training and deployment, to relax selection standards, to rely upon the army for internal security, and to weaken laws aimed at protecting suspects' rights -- all of which posed threats to the achievements of the peace process. As of 1998, these tensions had not been resolved, as crime remained high and debate persisted over the role of the police.

Six years after the accords were signed, the PNC was more humane and accountable than the old security forces. In contrast to the past, PNC officers accused of torture, killings, vigilante activities and excessive use of force were subject to internal sanctions and to judicial prosecution. The PNC was a more transparent and civilian-controlled institution than any of its predecessors, though it was rife with many of the same faults. Corruption was widespread, fueled by inconsistent and weak internal disciplinary procedures and by a government decision to sacrifice selection standards in order to attract and deploy more police agents in 1996 and 1997.<sup>87</sup> While Salvadorans tended to fear PNC agents less than the old security forces personnel, they also did not fully trust or respect the new police officers. Furthermore, evidence persisted that organized crime had penetrated upper-level police officer ranks, despite a leadership that was not perceived as corrupted itself.

### Human Rights and Judicial Reforms

Although human rights violations have been features of almost all internal armed conflicts, El Salvador's civil war was unusual in the degree to which human rights were a prominent element of the national discourse surrounding the war and of international debate about the war. The U.S. Congress made military assistance contingent upon a semi-annual "human rights certification" process, and even low-level soldiers of both sides were aware that

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their conduct was under scrutiny.<sup>88</sup> Consequently, provisions to address both past human rights abuses and to institutionalize future protections were central to the agreements.

Accountability for Past Abuses. The Ad Hoc Commission was the first major element of the implementation process to address past human rights violations, followed by the Truth Commission. Because the armed forces adamantly opposed any provision by which they might be tried for human rights violations during the war, the mandate of neither the Ad Hoc Commission nor the Truth Commission included judicial powers of indictment, prosecution, or trial, although the information gleaned from the latter's investigations could, in principle, be used by authorities to bring charges.

The Truth Commission's mandate was to investigate "grave acts of violence" since 1980.<sup>89</sup> To carry out its investigation within the six-month time frame allocated by the accords, the Commission chose some thirty-two especially egregious or well-known human rights violations as exemplary cases.<sup>90</sup> These cases included the better known abuses attributed to the military or army-linked death squads, such as the 1981 massacre at El Mozote, the 1989 murder of six Jesuit priests and their two colleagues, and the 1980 assassination of the country's Archbishop Oscar Romero, as well as some violations attributed to the FMLN. Although it did not hold hearings, the Commission received testimony from over two thousand people.

The Truth Commission report, released March 15, 1993, had a tremendous impact on national and international opinion. Its findings affected the military institution, the reputations and electoral possibilities of leaders from both sides of the war, and the pace and depth of reforms to the institutions of human rights and justice. In addition to describing the nature of death-squad organizations, the report named sixty-two military officers, six FMLN leaders, and several civilians for committing or covering up the country's most serious wartime human rights

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violations.<sup>91</sup> The report estimated that the military and paramilitary death squads were responsible for 95 percent of all human rights abuses committed between 1980 and 1992, with the FMLN responsible for the remainder. As described earlier, the report effectively ended the military careers of those named in it.

Anticipating that El Salvador's weak judicial system would not be capable of prosecuting those named in its report, the Truth Commission recommended instead that offenders be barred from holding public office for at least ten years, with a permanent ban on holding defense or internal security posts. The Commission surprised the government by including a series of recommendations for reforms to the judicial system that went beyond what the original accords included. These recommendations concentrated on further measures to decentralize and depoliticized the court system, as well as a call for the resignation of the entire sitting Supreme Court. Citing the old SIU's involvement in covering up the Jesuit murders and other crimes, the report also called for dissolution of that unit.

Although both sides had agreed to abide by the Truth Commission's findings, the government quickly made clear that it would not do so. Members of the government's negotiating team criticized the commission's work as biased and exceeding its original mandate.<sup>92</sup> The Chief Justice of the Supreme Court, ARENA-appointed Mauricio Gutiérrez Castro, defiantly announced that the peace accords were an agreement of the executive branch and did not touch the judiciary, and that "only God" could remove him from his post. In an official press conference on behalf of the armed forces high command (charged with murdering priests in the report), General Ponce blasted the report as "unjust, incomplete, illegal, unethical, partial and insolent."<sup>93</sup> Within days, the ARENA-dominated Legislative Assembly overrode the opposition parties to pass an amnesty covering all crimes except for the assassination of

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Archbishop Romero. It was the first law related to the peace process that had not been passed by consensus.<sup>94</sup> The only two military officers ever convicted in court of a human rights violation, those who supervised the murder of the Jesuit priests, were subsequently released from jail. The government and the FMLN eventually decided to formally ignore the suggested ban on holding public office, and some sought and won seats in the Assembly. Nevertheless the stain of the report damaged the electoral possibilities of most of those named therein, such as the FMLN's best-known military commander, Joaquin Villalobos of the ERP.

Some weaknesses of the Truth Commission complicated its reception among the Salvadoran left and international human rights groups. On the one hand, international human rights organizations felt that the report confirmed everything they had been saying for years, revealing the disingenuousness of denials by the Reagan administration and the Salvadoran government about the armed forces' role in the war's most notorious human rights violations. On the other hand, despite the tremendous effort by qualified personnel, the commission's work was constrained by a six-month lifespan and limited information, and its quality suffered. Its analysis of death squads, which went beyond its investigation of exemplary cases, was challenged by some human rights experts as incomplete.<sup>95</sup> Its criteria for selection of exemplary cases were questioned, as it omitted hundreds of extra-judicial executions and kidnappings committed by the FMLN in the early years of the war. In addition, the Truth Commission was not constituted in such a way so as to encourage confessions by perpetrators. Consequently, it perversely punished those who came forward and acknowledged their role. Such was the case with the leadership of the ERP, whose acknowledgment of its role in planning the kidnappings and murder of eleven mayors during the war meant that it was the only of the FMLN's five organizations named in the report. Although the other FMLN groups committed human rights

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abuses, their lack of cooperation in investigations seemed to be rewarded with the omission of their names. The report was initially hailed by the FMLN, but its findings deepened divisions within the organization. Furthermore, both human rights groups and the FMLN tended to mute their criticisms of the report, believing that doing so might undermine the moral force of the remainder of the Truth Commission report, whose findings represented perhaps the most important public instrument of truth, accountability and an end to impunity ever to emerge in El Salvador.

Human Rights Violations During the Transition and ONUSAL's Role. Beginning in mid-1993, ONUSAL and other observers became alarmed at an increase in the number of apparently politically motivated killings, which especially targeted FMLN leaders.<sup>96</sup> Between 1 August and 15 November, ONUSAL recorded 47 cases in which political motivations may have been present, although many of these crimes had the appearance of common crimes.<sup>97</sup> Several factors may have contributed to this trend, including right-wing disgruntlement over the military purges, the publication of the Truth Commission report, and the approach of the March 1994 elections.

Once again, the United Nations took measures to redress the problem. On December 8, 1993, Secretary-General Boutros Boutros-Ghali announced the formation of a special Joint Group for the Investigation of Politically Motivated Illegal Armed Groups, constituted jointly by the United Nations and the Salvadoran government. Recognizing that the Truth Commission had been an international effort that did not contribute to institution-building within the Salvadoran state, U.N. officials sought to create ownership of this new effort and to lay the groundwork for judicial prosecutions by sharing direction and staffing of the Joint Group with the Salvadoran government. The creation of the Joint Group, suggested by the Truth Commission, also sought

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to redress the criticism that the latter's report did not go far enough in exposing the nature of the death squads behind many of the war's atrocities. The Joint Group comprised the director of ONUSAL's Human Rights Division, the government Human Rights Advocate, and two lawyers named by President Cristiani. The six-month mandate of the Joint Group was to investigate the activities of all illegal armed groups since the 1992 accords.

The Joint Group's report, released in July 1994, contained details of the nature of death squads during and before the war, their financing and ties to the military, and the ways in which their operations, financing and relationship to the state had changed with the peace process. Its "confidential annex" contained the names of those alleged to be organizers, funders and operators of the death squads. Ultimately, however, little action was taken against those named in the report, and its use in judicial proceedings was practically nil. Instead, its main contribution seemed to be the stemming of the tide of high-profile political killings in the pre-electoral period. ONUSAL marked an improvement in the human rights situation in the early months of 1994, unusual for an immediate pre-electoral period, and a continuing decline in the four months after the March 1994 elections.<sup>98</sup>

Building Institutions for Human Rights Protections. The provisions of El Salvador's peace agreement sought not only to account for past human rights abuses, but also to construct new institutional guarantees to prevent future human rights violations. These included doctrinal and training reforms in military and police institutions, and the creation of Inspectors General to oversee the state's coercive forces. In addition, the accords ended the *fuero militar*, or military jurisdiction, under which all military and police personnel were subjected to military courts for any crime or misdemeanor. They also accorded new powers to the Legislative Assembly to

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remove both the PNC Director and the Director of the State Intelligence Office for any violation of human rights.

The accords also provided for the creation of external oversight for the protection of human rights, and for judicial reforms to strengthen accountability, nonpartisanship and efficiency. The most important of these new mechanisms for human rights protections was the National Human Rights Advocate's Office. The Advocate's Office was created as a governmental office, largely independent of the executive branch, to receive and investigate complaints, issue reports, and make non-binding recommendations of administrative sanctions against offenders employed by the state. The Advocate's findings could also be forwarded to the appropriate authorities for judicial proceedings. Although the Advocate was placed administratively under the executive branch Public Ministry, the law stipulated that the Advocate would be selected by a two-thirds majority of the legislature for a renewable three-year term. The supermajority required was designed to induce multi-party support for the Advocate's selection.

The Advocate's Office, created by law in 1991 but not filled until just after the accords were signed, got off to a slow start. The government had little interest in developing the office, and its work was weak due to severe underfunding, low technical capacity, and lack of a clear sense of mission.<sup>99</sup> Much of its efforts were spent setting up regional offices. Without international funding from the Dutch, Swedish, Norwegian and Finnish governments administered through the U.N. Development Programme, the office would have been moribund. And technical assistance from ONUSAL's Human Rights Division, especially the practice of jointly taking initial complaints, provided training and mentoring that proved indispensable.

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As ONUSAL began in 1994 to anticipate its own closing, its Human Rights Division became increasingly cognizant of the need to leave behind a strong national capacity to carry out the work of human rights protection. ONUSAL had signed an agreement with the Advocate in July 1993 to collaborate in institution building, however, joint verification did not commence until 1994. ONUSAL's downsizing to MINUSAL in April 1995 coincided with the election of a new Human Rights Advocate, Dr. Victoria de Aviles, under whose guidance the office would become much more active. The Advocate's Office initially assumed ONUSAL's tasks of receiving and processing complaints at the departmental and regional levels, and eventually throughout the country. De Aviles increased the professionalism of the Office's work and issued detailed annual reports that became the country's most authoritative source on human rights violations. The Office also began investigating complaints against police, judicial and military personnel, and actively visited communities to receive complaints.<sup>100</sup>

During De Aviles' tenure, her personal profile and that of the Advocate's Office increased precipitously. Public opinion polls in 1995 and 1998 showed that the office was regarded as the institution in the country that most contributed to protecting human rights, more than the police, courts or even non-governmental human rights organizations.<sup>101</sup> Indeed, the migration of non-governmental human rights personnel and international resources to the Advocate's Office between 1995 and 1998 created new challenges for human rights NGOs whose work had been somewhat taken up by the Advocate's Office. Unfortunately, controversy over de Aviles' successor and other problems weakened the office in 1998.

Judicial Reforms. The judicial reforms contained in the accords were agreed upon in a hurried fashion during the final stages of negotiations, as reflected in their lack of specificity.

The highly politicized and conservative Supreme Court resisted the decentralizing and

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depoliticizing thrust of the accords and the Truth Commission's recommendations. Little changes occurred in the judicial system until after the new government and Assembly took office in mid-1994.

After much wrangling, a new Supreme Court was elected in conformity with the process contained in the constitutional amendments passed as part of the peace process. Civil society, namely the Bar Association, participated in the nomination and ranking of possible Supreme Court magistrates, and the Assembly approved its choices by a two-thirds majority to staggered terms of nine years, rather than the previous terms that coincided with the electoral cycle. The resulting Court was decidedly more professional, more politically plural, and less partisan, although political party ties continued to enter into the selection process.

Despite some important steps toward devolving the power of the Supreme Court to lower courts and to the National Council on the Judiciary, the judicial system remains highly centralized. In particular, the Supreme Court retains a determinant voice in the selection and removal of lower court judges. In 1994 the National Council on the Judiciary was able to commence a process of reviewing judges. Investigations launched into judges' records by a Department of Investigations created by the Supreme Court resulted in a high number of suspensions and other sanctions against lower-court judges. Public opinion polls in 1996 and 1997 showed the judiciary near the bottom of public regard for state institutions, and news editorials reflected a general sense that the pace of housecleaning in the judiciary remained slow in 1997.

In 1998 the judicial system remained weak, inefficient, antiquated, overly partisan, and subject to corruption. The vagueness of the accords' provision regarding the judiciary played a role, as did political wrangling and a virtual stalemate within the legislature over constitutional

and legal reforms and judicial procedures. Nevertheless, as the enacting of a new Criminal Procedures Code in April 1998 indicated, a slow process of modernization, professionalization, and expansion of legal protections is underway.

### Elections and Electoral Reforms

Because the negotiations and the peace process occurred under the 1983 constitution -- albeit with important amendments -- the electoral cycle was non-negotiable and thus presented a constraint on the timelines and deadlines of the peace process. When serious delays occurred, the possibility of the FMLN's competing in the March 1994 elections, and thus the entire peace process, was jeopardized. Having already demobilized its troops and turned over most of its arms by the beginning of the campaign season in late 1993, the FMLN had little leverage to ensure its ability to participate in elections except international pressure and the government's concerns about its own legitimacy.

Despite concerns about violence, the elections occurred without any serious violent incidents. However, the process of registering to vote, long a problem in El Salvador's elections, became a significant weakness of the entire electoral period. ONUSAL and UNDP conducted a study that found that some 786,000 persons, or 27 percent of the eligible voting population, were not registered in August 1993.<sup>102</sup> An arduous application process for a voter registration card was complicated by a weak Supreme Electoral Tribunal (TSE) that rejected 74,000 applicants for reasons that generally reflect a deficient process rather than deficient or cheating voters. Separate

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calculations by one ONUSAL observer and by an Argentine polling firm both concluded that some 6 percent of those with voter cards who tried to vote were unable to do so.<sup>103</sup>

To their credit, ONUSAL and the international community focused a good deal of attention on the pre-electoral registration and campaign period, recognizing the fallacy of a technically "free and fair" process on election day if the voter lists were deficient or the campaign conducted under unsuitable conditions. ONUSAL, whose verification mandate arose not from the accords, but from a government request in January 1993 to observe the elections, formed an Electoral Division in early 1993.<sup>104</sup> As the elections neared, ONUSAL was viewed by many observers as carrying the TSE "across the finish line" of the registration and the elections processes.<sup>105</sup>

In the end, the election results were uncontested, with ARENA's Armando Calderón Sol winning the presidency after a run-off against the candidate of the FMLN-Democratic Convergence coalition, Rubén Zamora, who had been a leader of the FDR during the war.

The problems with the 1994 electoral process deepened pressure for serious electoral reforms. An official multi-party Vigilance Board, formed in 1993 to oversee the performance of the TSE, reached consensus on a number of reforms, and the United States and the United Nations also suggested reforms. After some delay, President Calderón Sol formed a presidential commission, which included the losing opposition candidate, Rubén Zamora. The commission made a number of recommendations, including issuing a single document that would serve both as official I.D. card and voter I.D. card; establishing voting by more decentralized neighborhoods to reduce the travel distance required to cast a vote; injecting non-partisan merit-based performance criteria into the TSE staff, rather than relying entirely upon party-based appointees to police one another; and adopting proportional representation within municipal council

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elections.<sup>106</sup> Unfortunately, the ARENA-dominated Assembly did nothing with the reforms, instead approving in late 1996 an electoral law making it more difficult for small parties to remain legal.

Tensions between factions of the FMLN, always present during the war, led to a split in the party within months of the 1994 elections. The ERP and the RN, which adopted a more "pragmatic" or "centrist" Social Democratic position, broke off to form the Democratic Party (PD). The harder-line elements of the FPL, the Communist party and the PRTC remained under the FMLN banner. Legislative elections in 1997 showed that the FMLN had retained much greater support than the PD, as the latter did extremely poorly in those elections. The FMLN did significantly better in 1997 than in 1994, winning control in coalition with other leftist parties of the departmental mayoralties of the capital and the second largest city, as well as 46 municipal governments in the country. The elections established ARENA and the FMLN as the country's two most powerful parties, and enabled the opposition parties, with the FMLN as dominant partner, to generally act as the majority bloc in the Assembly.

As the second post-war presidential elections in March 1999 approached, all the country's political parties, including the FMLN and ARENA, planned to participate. Given the likelihood that the 1999 elections are likely to be as "free and fair" as the 1994 elections, the losers are once again likely to accept the results.

### Socio-Economic Reforms

During the last minute negotiations regarding social and economic issues, the FMLN failed to obtain specific language regarding reconstruction and development. In contrast to the FMLN's voice in the appointment of the Ad Hoc Commission and its role in COPAZ, the FMLN

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gained no formal role in either administering or overseeing reconstruction programs. The UNDP was granted a consultative role, nothing more. Consequently, the government saw the planning and execution of reconstruction as its own responsibility and prerogative. When the accords were signed, the government formed a National Reconstruction Secretariat (SRN) to carry out reconstruction programs. In March 1992 the World Bank organized a Consultative Group meeting of donors for post-war reconstruction in Geneva. At the meeting, the Cristiani government unveiled its five-year reconstruction plan, and donors pledged some \$800 million for the first two years. Later the total amount pledged would increase to \$943 million, with USAID as the single largest donor of \$336 million, followed by the Inter-American Development Bank (IDB) with a pledge of \$205 million; Japan with \$190 million; and the European Economic Community (EEC) with \$79 million.<sup>107</sup>

The National Reconstruction Plan developed by the Salvadoran government included two phases: a short-term phase of six-months for urgent needs and a longer-term five-year phase. Its four objectives were (1) the reintegration of ex-combatants; (2) the improvement of the areas most affected by the war; (3) the reconstruction to infrastructure damaged by the war; and (4) the promotion of participation by all sectors in national reconstruction efforts.<sup>108</sup> The areas targeted by the plan were 115 municipalities comprising 1,645,756 inhabitants. Other targeted populations included some 60,000 displaced persons, 24,000 repatriated refugees, and 56,000 demobilized combatants.<sup>109</sup> The plan contained three sorts of projects: (a) “investment” projects such as land transfers for ex-combatants and civilians and infrastructure projects, (b) “technical” projects of smaller size generally administered by UNDP, and (c) strengthening “democratic institutions” such as the Human Rights Advocate’s office, the ANSP and the PNC. The entire reconstruction plan was undertaken by a government committed to a neo-liberal model, including

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reductions of state expenditures in certain areas. Although consultations were held, the government granted neither the FMLN nor NGOs a formal voice in the content of the plan. Only pressure from international donors ensured that opposition views were eventually incorporated to a degree.

The land transfer program and reintegration programs, discussed earlier, were central parts of the reconstruction plan. In contrast to the remainder of the socio-economic provisions, the land provisions were extremely specific on some points, and specificity at times undermined implementation. For example, the accords stated that land should be “voluntarily offered for sale by its owners” and that transactions should occur at “market value.”<sup>110</sup> Other details that would have aided implementation, such as the size of plots, went unspecified. Despite the eventual successful transfer of land to 98.9 percent of the beneficiaries, some 600 persons still faced a need to relocate at the end of 1996, and 14,000 families of combatants who died during service were waiting for the necessary documents to obtain loans.<sup>111</sup>

It is difficult to measure the effectiveness of the reconstruction programs. Some analyses, including an internal report of an international agency, have concluded that most beneficiaries of the land transfer program would be unable to pay off their mortgages with the expected rents from farming, and would eventually lose the land.<sup>112</sup> In 1996 the government passed a debt relief law that forgave 70 percent of agrarian debt, plus \$575 to individual parcel holders, if the debt was paid off within one year.<sup>113</sup> The government also passed a second law aimed at breaking up collectively held lands, a characteristic of many of the lands transferred under the accords. Although the remaining 30 percent of debt held by beneficiaries was later paid off with funding from USAID, beneficiaries remained burdened with debt from loans for production.

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The impact of other aspects of reconstruction is even less readily assessed. Most of the reconstruction financing went to infrastructure investments, whose results are diffuse and long-term. GDP growth in the years after the war has been relatively strong: over 5 percent from 1993 through 1995. However, the government's neo-liberal policies have elicited foreign investment, and the global and regional dynamic of growth undoubtedly played a role. Moreover, the continued economic impact of remittances from Salvadorans working in the United States has made a huge difference in economic performance. In 1993 and 1994, Salvadorans in the United States sent home over \$1 billion in each of 1993 and 1994, triple the amount of coffee export earnings and the equivalent of \$200 per Salvadoran -- this in a country where \$1300 is the per capita GDP.<sup>114</sup>

At the same time, El Salvador ranks among the lowest Latin American countries on the UNDP's Human Development Index and maintains a high concentration of wealth, a situation that the peace process did not significantly alter. One of the factors in ARENA's loss of support in the 1997 elections was the perception that economic growth was not reaching the majority of the populace. The hopes placed in the Social and Economic Forum were largely misplaced, as the group proved unable to negotiate further changes in the country's economic system that would favor more equitable outcomes.

As de Soto and del Castillo have pointed out, the absence of coordination between the United Nations and the international financial institutions led to elements of the international system working at odds with one another.<sup>115</sup> The World Bank, IMF, Inter-American Bank, and even the U.N. Development Programme were not part of peace talks regarding social and economic reconstruction. Consequently IFI policies of downsizing the state coincided with a concentrated need for reconstruction assistance and an expansion of health, education and other

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social services to rebuild the country in the wake of war. The UNDP, for example, suffered for this oversight when it was forced to develop reintegration programs for demobilizing combatants practically overnight. Subsequent missions have sought to redress these deficiencies with improved, though still suboptimal, results.

### **Conclusion: Assessing the Consolidation of Peace and Democracy**

It might be an exaggeration to say that in 1999 the process of peace was “consolidated” in El Salvador. However, the war had definitively ended. Any new armed conflict might draw upon the remnants of the prior conflict -- disgruntled ex-combatants, old political-military networks, or frustrated peasants who have lost their land -- but it would be a different conflict, with different causes, actors and ideologies. Such a conflict is unlikely at this writing. Some Salvadorans say that peace was never achieved because of the extraordinary levels of violent crime that plagued the country after the war. These problems with public safety and justice, which have not abated even with the full deployment of the PNC, remain perhaps the most serious after-effects of the conflict and of the implementation process.<sup>116</sup>

High levels of poverty and unemployment are also cited as sources of discontent in public opinion polls.<sup>117</sup> The peace accord did not contain provisions sufficient to redress the structural inequalities within the economy that helped cause the war. However, charges that the country’s skewed post-conflict economy is due to faulty implementation of the peace accord seem misplaced.<sup>118</sup> Had the FMLN, which fought for twelve years to transform the socio-economic

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structure of the country, insisted upon such changes as part of the negotiations, it is doubtful that a peace agreement would have been possible. Although the country's poor and unequal economic conditions may contain the seeds for future armed conflict, such conditions must be viewed in an historical context and, especially today, in an extremely constraining international context for very small, dependent states.

The degree of consolidation of El Salvador's democratic institutions is more difficult to assess than its level of peace. The military retains significant autonomy, but its political influence has been curtailed. The country's electoral regime is well established, but not fully free or fair. While no election results have been contested since the war ended, such an outcome is likely if needed reforms are not adopted. Human rights problems persist, but are much more likely to be complaints about undue process and arbitrary detentions than murder, "disappearance" or torture. Common crime has replaced political crime as the main internal security concern, and state forces have not been exempt from corruption and abuses related to the fight against crime. Despite oversight and accountability, deep flaws will likely characterize newly reformed civilian security and judicial institutions for the foreseeable future. In the face of crime and unsatisfactory economic performance, a majority of Salvadorans polled in 1996 backed the need for a "strongman" to resolve the country's problems. The social problems generated by blatant inequities pose a continuing threat to the institutionalization of participatory mechanisms. Perhaps most pressingly, if the country's economic and growing environmental problems are left unaddressed, the consequences for quality of life and for popular tolerance of any reigning government or regime might be jeopardized.

El Salvador's peace process has been hailed as a model policymakers have utilized in other peacekeeping settings.<sup>119</sup> The unusually high level of detail in the agreements proved much

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more a help than hindrance in the implementation process, as evident in the implementation of provisions regarding the cease-fire, military reform and purges, and public security. But this level of detail is not simply a technical operation or the result of the U.N. mediator's efforts, although the latter clearly contributed.

I have argued here that more significant were the conditions surrounding the war and the two parties: the balance of political-military forces, their degree of cohesion, and the unity of the particular international actors involved in supporting a negotiated settlement. Without a strategic stalemate and the very real power of the FMLN to disrupt the economy, to control territory, and to hold the armed forces in check (especially with late-coming air defense capabilities), the peace accord would never have been so detailed. Nor would the FMLN have achieved so influential a role for itself and for the United Nations in the implementation process. The end of the Cold War was a fundamental facilitating condition for ending the conflict, especially by permitting the reversal of U.S. opposition to a negotiated settlement. The ability of the FMLN and, less surprisingly, the armed forces, to retain their unity in the face of the very predictable tensions between hardliners and soft-liners also conditioned the detailed accords. Even when the FMLN split in mid-1994, after the bulk of the peace accord's provisions had been implemented, the level of detail in the accords kept the process on track.

At the same time, the United Nations was vital to both reaching and implementing the peace agreements. It did this through its various roles as mediator, verifier and institution-builder. These roles at times called for contradictory actions on the part of ONUSAL, creating dilemmas for its staff. For example, some U.N. staff believed that ONUSAL was too lax in its verification responsibilities regarding certain appointments or actions involving the PNC.<sup>120</sup> Others believed that the U.N.'s institution-building role required not joining what seemed to be a

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campaign of criticism from conservative sectors designed to undermine the development and image of the new police force.<sup>121</sup> These dilemmas were difficult to manage, but overall ONUSAL balanced its multiple roles well. Stanley and Holiday have argued that despite the trade-offs presented by trying to wear more than one hat simultaneously, the United Nations' multiple roles had a mutually reinforcing effect giving it greater leverage to carry out each function individually.<sup>122</sup> They also point out that the United Nations contributed to the overall implementation process by tending to support implementation of all the peace accord's provisions, even when the two parties themselves renegotiated them in ways that undermined the spirit of the original accords. By adopting a principled position, ONUSAL eventually won greater compliance with the original accords than might have occurred had it simply agreed to the rewritten provisions.

Several analysts have drawn insightful and useful lessons from the Salvadoran peace process. These have touched upon the way in which a U.N. mission is initiated, the inter-relationship among the United Nations' various roles from peacemaking to peace-building, the relationship of the United Nations to powerful regional actors such as the United States and Mexico, the internal structure of the U.N. Mission, and the choices made by the U.N. staff at crucial junctures.<sup>123</sup> What seems important to keep in mind is that the agency of third-party implementers and verifiers of peace agreements is constrained by the agreements reached, and that these and the implementation process are highly contingent upon the balance of forces, the relative positions of global and regional powers, and the internal characteristics of the parties to the armed conflict. Extraordinary efforts and wise choices by actors inside and outside of a conflict always carry the hope of peace. They should not be neglected. In El Salvador favorable circumstances combined with such efforts to produce generally positive results. But where such

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circumstances are absent at a particular historical moment, peace may simply be impossible. Or, sadly, peace may entail such injustice as to be unwise.

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<sup>1</sup> See Krishna Kumar and Marina Ottaway, "From Bullets to Ballots: A Summary of Findings from Six Post-Conflict Election Studies," paper presented at a Conference on Promoting Democracy, Human Rights and Reintegration in Post-Conflict Societies. Sponsored by USAID. Washington D.C., October 1997.

<sup>2</sup> See Phillip Williams and Knut Walter, Militarization and Demilitarization in El Salvador's Transition to Democracy (Pittsburgh: University of Pittsburgh Press, 1997); Joseph S. Tulchin, with Gary Bland, Is There a Transition to Democracy in El Salvador? (Washington, DC: Woodrow Wilson Center, 1992); Charles T. Call, "Police Aid and the New World Disorder: Institutional Learning within the U.S. International Criminal Investigative Training Assistance Program," in Oakley, Dziedic, and Goldberg, eds. Policing the New World Disorder.

<sup>3</sup> David Holiday and William Stanley, "Building the Peace: Preliminary Lessons from El Salvador," Journal of International Affairs, 46, no. 2 (Winter 1993); Tricia Juhn, A Conspiracy of Peace: Civil-Military Relations and the Salvadoran Peace Negotiations, Ph.D. Dissertation (Coral Gables, Florida: University of Miami, 1996).

<sup>4</sup> Cristiani's characterization, not a direct quote, is found in Hector Dada "Procesos de Negociación Comparados: El Caso de El Salvador," in Peralta, ed., Procesos de Negociación, p. 30. Dada, a prominent Salvadoran social scientist and an opposition figure, affirmed his agreement with the summary.

<sup>5</sup> William D. Stanley, The Protection Racket State: Elite Politics, Military Extortion and Civil War in El Salvador (Philadelphia: Temple University Press, 1996); Tommie Sue Montgomery,

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Revolution in El Salvador: From Civil Strife to Civil Peace. 2<sup>nd</sup> ed.(Boulder: Westview Press, 1995).

<sup>6</sup> See Stanley, The Protection Racket State.

<sup>7</sup> Michael McClintock, The American Connection, Volume One: State Terror and Popular Resistance in El Salvador (London: Zed Books 1985), p. 259-60.

<sup>8</sup> For the most authoritative account of the principal human rights violations of the war, see U.N. Commission on the Truth, De la Locura a la Esperanza: La Guerra de 12 Anos en El Salvador, San Jose, Costa Rica: Editorial DEI, 1993.

<sup>9</sup> The Christian Democratic party (PDC), whose alliance with the military from mid-1980 through 1987 would make them the dominant political party during that period, was the only major centrist or leftist political force to remain outside of the FDR. However, the resignations of several prominent Christian Democrats from both the government and the party in March 1980 provoked a mass exodus of the most left-leaning party rank-and-file to parties associated with the FDR, leaving behind a more conservative PDC led by new junta member Jose Napoleon Duarte.

<sup>10</sup> Dada, "Procesos de Negociación Comparados," in Peralta, ed., Procesos de Negociación, p.32.

<sup>11</sup> Montgomery, Revolution in El Salvador.

<sup>12</sup> James Dunkerley, The Pacification of Central America: Political Change in the Isthmus 1987-1993 (New York: Verso, 1994), Appendix 7.

<sup>13</sup> Terry Karl, "El Salvador's Negotiated Revolution," Foreign Affairs, vol. 71:2, (Spring 1992), p. 150.

<sup>14</sup> Dunkerley, The Pacification of Central America, Appendix 7.

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<sup>15</sup> Mario Lungo Ucles, El Salvador in the Eighties: Counterinsurgency and Revolution (Philadelphia: Temple University Press, 1996).

<sup>16</sup> Williams and Walter, Militarization and Demilitarization.

<sup>17</sup> Lungo Ucles, El Salvador in the Eighties, p. 194.

<sup>18</sup> Personal correspondence from Adela Quesada, last director of the Salvadoran office of U.N. High Commission for Refugees (1995-98), February 2, 1999.

<sup>19</sup> The term is from Terry Lynn Karl, "El Salvador's Negotiated Revolution," p. 149, and reflects widely accepted analysis of the conditions that made peace possible in El Salvador.

<sup>20</sup> Ibid, p.150.

<sup>21</sup> See Stanley, The Protection Racket State, p. 246, and personal interviews with Luis Cardenal, October 1995, San Salvador, and with Héctor Vidal, President of the National Association of Private Enterprise (ANEP), November 1995, San Salvador.

<sup>22</sup> Karl, "El Salvador's Negotiated Revolution," p. 154.

<sup>23</sup> This letter came in response to a series of suggestions made by Perez de Cuellar to the two superpowers about how to revive languishing talks, see Teresa Whitfield, "The Role of the United Nations," in Cynthia Arnson and Carlos Basombrío (eds.), Comparative Peace Processes in Latin America (Stanford: Stanford University Press, 1999).

<sup>24</sup> A small, preliminary presence was established in January 1991. According to the agreement, "The purpose of the Mission shall be to investigate the human rights situation in El Salvador as regards acts committed or situations existing from the date of its establishment and to take any steps it deems appropriate to promote and defend such rights." Official translation of para. 13 of the San José Accord, from the UN Doc S/24375, "Report of the Director of the Human Rights Division," August 12, 1992, cited in Holiday and Stanley, "Building the Peace," p. 419.

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<sup>25</sup> Human Rights Watch (1992) [need full cite].

<sup>26</sup> This mandate is from Section I.1 of the New York accords, signed on 25 September 1991, the contents of which were explicitly reaffirmed in the Chapultepec Accord. Two of the main contributions of the accords reached in New York were agreement upon the establishment of COPAZ as a mechanism to provide the FMLN participation in the implementation phase, and the adoption of what was termed “compressed negotiations,” whereby all unresolved issues would be negotiated simultaneously and prior to a cease-fire (see “Negociaciones Comprimidas” agreement, 25 September 1991). The agreement upon “compressed negotiations” represented the government’s abandonment of its longstanding demand that the rebels lay down arms as a condition of negotiating a full peace agreement, and was viewed by Alvaro DeSoto as crucial in the ability of the two sides to reach trade-offs and agreements on the remaining unresolved issues. Personal interview, October 1996, New York.

<sup>27</sup> *ibid.*, Section I.4. “Powers” of COPAZ.

<sup>28</sup> Montgomery, Revolution in El Salvador.

<sup>29</sup> The United Nations, The United Nations and El Salvador, United Nations Blue Book Series, No. 4, (New York: United Nations, 1995). Brig. Gen. Victor Suanzes Pardo, Chief of the Military Division at the time, served as Interim Chief of Mission from 6 March 1993 until Ramírez-Ocampo arrived on April 14, 1993. UN Doc S/25812, May 21, 1993.

<sup>30</sup> All numbers of military and police observers are from Annexes I and II of UN Doc S/1995/220, “The Secretary General's Report to the Security Council,” March 24, 1995, issued on the eve of ONUSAL's transformation to MINUSAL.

<sup>31</sup> *Ibid.*

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<sup>32</sup> Mark Levine, "Peacemaking in El Salvador," in Doyle, Orr, and Johnstone, eds., Keeping the Peace; Whitfield, "The Role of the United Nations," in Arnson and Basombrío, eds., Comparative Peace Processes .

<sup>33</sup> Ibid.

<sup>34</sup> Juhn, A Conspiracy of Peace; Levine, "Peacemaking in El Salvador," in Doyle, Johnstone, and Orr, eds., Keeping the Peace.

<sup>35</sup> Personal interview with Alvaro DeSoto, New York City, October 1996.

<sup>36</sup> The problems cited in this paragraph are all from the first report of the U.N. Secretary General to the Security Council after the cease-fire, UN Doc S/23999, May26, 1992.

<sup>37</sup>The Chief of the Military Division, who formed part of a three-person working group along with one representative from each side, had already made the decision on the geographic limits of the FMLN's fifteen concentration sites when the two sides could not agree. See UN Doc S/23999, *ibid.*, paras. 7-8.

<sup>38</sup> Holiday and Stanley, "Building the Peace," p. 421.

<sup>39</sup> Ibid., p. 422.

<sup>40</sup>See Addendum to the Secretary-General's May 26, 1992 report on ONUSAL, dated June 19, 1992.

<sup>41</sup>Anonymous quote cited in Holiday and Stanley, "Building the Peace," p. 422.

<sup>42</sup> UN Doc S/24833, November 25, 1992, paras. 53-60.

<sup>43</sup> Montgomery, Revolution in El Salvador, p. 227.

<sup>44</sup>The discovery of the weapons caches prompted a special report from the U.N. Secretary General to the Security Council terming the incident a "grave violation," the only time this serious a phrase was used by the United Nations. See UN Doc S/26005, June29, 1993.

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<sup>45</sup> UN Doc S/26790, November 23, 1993.

<sup>46</sup> Personal interview with two members of ONUSAL staff, July 1993, January 1996. The most pertinent government violations were its lack of compliance with the recommendations of the Ad Hoc Commission and its appointment of a former military officer to run the operations of the PNC.

<sup>47</sup> UN Doc S/26790, para. 16.

<sup>48</sup> Williams and Walter, Militarization and Demilitarization.

<sup>49</sup> Jack Spence, et.al, A Negotiated Revolution?: A Two-Year Progress Report on the Salvadoran Peace Accords, (Cambridge: Hemisphere Initiatives, March 1994), p. 15.

<sup>50</sup>The information in the paragraph is from Montgomery, Revolution in El Salvador, p. 231-232.

<sup>51</sup> Ibid., p. 232.

<sup>52</sup> Ibid., p. 233.

<sup>53</sup> For good explanations of these complex procedures see Jack Spence, et.al., Chapultepec Five Years Later, (Cambridge, MA: Hemisphere Initiatives. January 16, 1997).

<sup>54</sup>See reports by the Secretary-General, UN Doc S/1995/220, March 24, 1995, and A/51/693, November 25, 1996. Other information in this paragraph is from Spence, et.al., Chapultepec, pp. 36-37, unless otherwise noted.

<sup>55</sup> Williams and Walter, Militarization and Demilitarization, p. 180.

<sup>56</sup> Ibid.

<sup>57</sup> UN Doc S/1994/561, May11, 1994, para. 16.

<sup>58</sup> Holiday and Stanley, "Building the Peace," p. 425.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

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<sup>61</sup> UN Doc, S/25078, January 1993.

<sup>62</sup>For a convenient compilation of pertinent legal texts and doctrine of the post-accords armed forces, see ONUSAL, Relaciones Civiles-Militares en el Nuevo Marco Internacional: Fuerza Armada de El Salvador, published by ONUSAL's Human Rights Division, edited by Col. Prudencio Garcia, San Salvador, November 1994.

<sup>63</sup>Despite fears that the reinitiated internal security role for the military would open the door to political involvements, to police actions such as arrests, or to excessive use of force, the military's "dissuasive" patrols provoked no such problems and seemed to deter some highway crimes. See Call, From Soldiers to Cops.

<sup>64</sup> William Stanley, Protectors or Perpetrators: The Institutional Crisis of the Salvadoran Civilian Police, (Washington, DC: Washington Office on Latin America (WOLA) and Hemisphere Initiatives, January 1996); Call, From Soldiers to Cops.

<sup>65</sup> Williams and Walter, Militarization and Demilitarization.

<sup>66</sup>Personal interview with Dr. Ruben Zamora, January 1996.

<sup>67</sup> Spence, et. al., A Negotiated Revolution, p. 16.

<sup>68</sup> Williams and Walter, Militarization and Demilitarization, p. 186.

<sup>69</sup> Ibid., 161.

<sup>70</sup>U.N. ONUSAL Human Rights Division, 9th Report of the Human Rights Division, August-October 1993, p. 25.

<sup>71</sup>U.N. Secretary General Boutros Boutros-Ghali in report to the General Assembly, UN Doc A/50/517, October 6, 1995, para. 7.

<sup>72</sup> Call, From Soldiers to Cops.

<sup>73</sup> Ibid.

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<sup>74</sup>Personal interview with Inspector within the PNC Control Unit, San Salvador, February 1996, anonymity requested.

<sup>75</sup> William Stanley, Risking Failure: The Problems and Promise of the New Civilian Police in El Salvador, (Washington, DC: Washington Office on Latin America (WOLA) and Hemisphere Initiatives, August 1993).

<sup>76</sup> Ibid.

<sup>77</sup> Personal interview with U.S. Ambassador Alan Flanigan, San Salvador, September 1995.

<sup>78</sup> Charles Call, Recent Setbacks in the Police Transition: El Salvador Peace Plan Update #3, (Washington, DC: Washington Office on Latin America, 1994).

<sup>79</sup>Personal interviews with FMLN commanders, Fall 1995, San Salvador, and with Col. Mauricio Vargas, government negotiator, December 1995.

<sup>80</sup>Personal interviews with U.S. Ambassador Alan Flanigan, with three other U.S. embassy staff, with U.N. officials and then-Deputy Director Rodrigo Avila, Summer 1993, November 1993, Fall 1995.

<sup>81</sup>Personal interview with MINUSAL and ONUV staff, Fall 1995, February 1996.

<sup>82</sup> Call, From Soldiers to Cops; Stanley, Risking Failure.

<sup>83</sup> Stanley, Risking Failure.

<sup>84</sup> Call, From Soldiers to Cops.

<sup>85</sup> See polling by the Instituto Universitario de Opinion Publica (IUDOP) from 1993 through 1997. The 95 percent figure is from a January 1997 CID-Gallup poll cited in Vickers 1997, [NEED FULL CITE].

<sup>86</sup> See World Bank study cited in Los Angeles Times, September 6, 1997, p. 2. See also José Miguel Cruz, et.al., "La Violencia en El Salvador en los Noventa: Magnitud, Costos y factores



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Posibilitadores,” draft paper prepared for the Inter-American Development Bank, San Salvador, October 1997.

<sup>87</sup> Call, From Soldiers to Cops.

<sup>88</sup> In a personal conversation, one civil defense patrol leader in La Paz spoke to me with venomous anger about the “human rights shit” that he was forced to hear from the government and military leaders. Conversation with Corporal Oscar Barrera Trejos, Candelaria, February 5, 1988.

<sup>89</sup> The mandate of the Truth Commission is contained in the Mexico accords signed in April 1991.

<sup>90</sup> For some discussion of the approach to its work see the introduction to UN Commission on the Truth, De la Locura a la Esperanza.

<sup>91</sup> Ibid.

<sup>92</sup> Spence, et.al., A Negotiated Revolution, p. 6.

<sup>93</sup> Montgomery, Revolution in El Salvador, p. 243.

<sup>94</sup> Ibid.

<sup>95</sup> See Lawyers Committee for Human Rights, El Salvador's Negotiated Revolution: Prospects for Legal Reform (New York: Lawyers Committee for Human Rights, 1993).

<sup>96</sup> On October 23, 1993, Francisco Velis, a candidate for the legislature, was shot and killed as he dropped off his daughter at daycare in a manner clearly reminiscent of old death-squad style killings. A few days later, Eleno Hernan Castro, a well-known regional commander, was shot after an apparent traffic altercation. The landowner who was implicated fled into hiding, and it remained unclear whether the killing was politically motivated. Attacks on two other FMLN

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leaders, one of whom died, occurred over the next two months. See Spence, A Negotiated Revolution, p. 4.

<sup>97</sup> Ibid..

<sup>98</sup> See early paragraphs of the X and XI Reports of ONUSAL's Human Rights Division, covering November 1993-February 1994 and March-June 1994 respectively.

<sup>99</sup> Unless otherwise cited, this paragraph is based upon Laura O'Shaughnessy, Michael Dodson, and Donald Jackson, "Political Will and Public Trust: El Salvador's Procurator for the Defense of Human Rights and the Dilemmas of Institution Building," *Human Rights Review*, Vol. 2, No. 3, (2000).

<sup>100</sup> Ibid.

<sup>101</sup> Instituto Universitario de Opinion Publica, "Los salvadorenos opinan sobre los derechos humanos y la gestion de la procuraduria," ECA 594 (April 1998), 357-375; and "Sondeo sobre la procuraduria para la Defensa de los Derechos Humanos," Serie de Informes no. 50, 1995, both of San Salvador: UCA.

<sup>102</sup> Johnstone, Rights and Reconciliation, p. 52.

<sup>103</sup> Spence, et.al., A Negotiated Revolution, p. 7.

<sup>104</sup> Johnstone, Rights and Reconciliation, p. 51.

<sup>105</sup> The phrase is from ONUSAL staff person Madalene O'Donnell, personal conversations, San Salvador, March 1993.

<sup>106</sup> Spence, et.al., Chapultepec, p. 12.

<sup>107</sup> Other donors included Germany with \$48 million; Canada with \$21 million, and others with \$67 million; see Kevin Murray, et.al., Rescuing Reconstruction: The Debate on Post-War

Economic Recovery in El Salvador,. (Cambridge, MA: Hemisphere Initiatives, May 1994).

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<sup>108</sup> Peter Sollis, Reluctant Reforms : The Cristiani Government & the International Community in the Process of Salvadoran Post-War Reconstruction, (Washington, DC: Washington Office on Latin America, 1993), p. 3.

<sup>109</sup> Murray, et.al., Rescuing Reconstruction, p.10.

<sup>110</sup> Graciana Del Castillo, “The Arms-for-Land Deal in El Salvador,” in Doyle, Johnstone, and Orr, eds., Keeping the Peace, p. 346.

<sup>111</sup> UN Doc A/51/693, November 25, 1996.

<sup>112</sup> Spence, et.al., The Salvadoran Peace Accords, p. 21.

<sup>113</sup> Spence, et.al., Chapultepec.

<sup>114</sup> *Ibid.*, p. 21; and Del Castillo, “The Arms-for-Land Deal in El Salvador,” in Doyle, Johnstone, and Orr, eds., Keeping the Peace.

<sup>115</sup> DeSoto and del Castillo, “Obstacles to Peacebuilding.”

<sup>116</sup> Call, “Crime and Peace.”

<sup>117</sup> See, for example, the quarterly polls of 1996-98 conducted by the Instituto Universitario de Opinion Publica of the Central American University in San Salvador, published in ECA.

<sup>118</sup> In their otherwise excellent analysis of the lessons of relatively successful cases of peacekeeping operations, Doyle, Johnstone, and Orr, eds., Keeping the Peace, fault the peace process for El Salvador’s poor socio-economic condition after the war.

<sup>119</sup> *Ibid*; Holiday and Stanley “Building the Peace.”

<sup>120</sup> Personal interviews with ONUSAL staff, San Salvador, July 1993, November 1993, Fall 1995.

<sup>121</sup> William D. Stanley and David Holiday, “Peace Mission Strategy and Domestic Actors: United Nations Mediation, Verification and Institution-Building in El Salvador,” paper presented at

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North-South Center conference on the United Nations and Peace Processes in Central America (University of Miami, May 1997).

<sup>122</sup> Ibid.

<sup>123</sup> See, for example, Doyle, Johnstone, and Orr, eds., Keeping the Peace; Stanley and Holiday, "Peace Mission Strategy"; Holiday and Stanley, "Building the Peace"; Johnstone, Rights and Reconciliation; DeSoto and del Castillo, "Obstacles to Peacebuilding"; Gino Costa, "The United Nations and Reform of the Police in El Salvador," International Peacekeeping Vol. 2, no. 3 (August 1995), pp. 365-390; and Lawyers Committee for Human Rights, El Salvador's Negotiated Revolution.

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