

# CRS Issue Brief

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## El Salvador under Cristiani: U.S. Foreign Assistance Decisions

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# **CONTENTS**

**SUMMARY**

**MOST RECENT DEVELOPMENTS**

**BACKGROUND AND ANALYSIS**

**U.S. Foreign Assistance Data**

**Program Background**

**Background to Current Government  
ARENA Government under Cristiani  
FY1994 and FY1995 Request**

**Congressional Action in 1993**

**FOR ADDITIONAL READING**

## **El Salvador under Cristiani: U.S. Foreign Assistance Decisions**

### **SUMMARY**

In 1994, Congress will be considering the Clinton Administration's request for about \$88.2 million in FY1995 assistance for the government of Alfredo Cristiani and his successor in El Salvador. The request is similar to the allocation for FY1994, which provided continuing support for the country's national reconstruction efforts in the climate of peace that has prevailed since the government-guerrilla Peace Accord. The Accord was negotiated in 1990 and 1991, and signed and largely implemented in 1992.

In the last 4 years Congress has placed restrictions on aid to El Salvador to encourage the peace process. In 1990 and 1991, it essentially limited military assistance and conditioned restoration or reduction of the assistance on guerrilla and government efforts to achieve a negotiated settlement. In 1992 and 1993, it approved economic assistance, but severely limited military assistance, and transferred most of the requested military assistance to the Demobilization and Transition Fund which provides assistance to former combatants. Due to overall foreign affairs budget restraints, the allocations of aid for FY1994 were only about half the requested amounts.

Major recent events influencing congressional action include: the celebration of peace in mid-December 1992 following the demobilization of the guerrillas and the reduction of the military; the U.S. suspension in early March 1993 of \$11 million in military assistance when the Salvadoran

government failed to remove top military officers named by the Ad Hoc Commission; the report in mid-March of the U.N.-appointed Truth Commission that especially blamed government and military forces for past human rights abuses; the amnesty law of Mar. 20, 1993 granting amnesty to individuals of both sides accused of committing political crimes; the discovery of unreported FMLN guerrilla arms caches following an explosion in Managua, Nicaragua, on May 23, 1993; the removal of El Salvador's top military officers on July 1, 1993; the lifting of the suspension on U.S. military aid in early August 1993; the killing of several former guerrilla leaders in late October 1993, sparking fears of renewed death squad activity; the release of U.S. government documents on El Salvador in early November 1993, which reportedly implicate ARENA founder Roberto D'Aubuisson as well as the current Vice President and ARENA's 1994 presidential candidate in death squad or kidnapping activities; the visits of U.S. and U.N. officials in November 1993, and the creation of the Joint Group to examine death squad activities; the "holding" of aid by Congress in late 1993 to spur voter registration and action on investigation of possible political killings; the presidential, legislative and municipal elections on March 20, 1994, in which ARENA presidential candidate Armando Calderon Sol won 49% of the vote, forcing him into a runoff against Ruben Zamora, the candidate of the leftist Coalition; and the April 24 runoff election in which Calderon Sol won convincingly with 68.2% of the vote, while Ruben Zamora gained 31.7%.



## MOST RECENT DEVELOPMENTS

*In mid-March 1994, the Clinton Administration released country specific determinations in connection with the request for FY1995 foreign assistance, including a request for about \$88.2 million for El Salvador (\$30.4 million for building democracy, \$37.8 million for sustainable development, and an estimated \$20 million in food for peace assistance). On Mar. 20, 1994, presidential, legislative, and municipal elections were held in El Salvador in a climate of peace, with most observers characterizing the elections as fair, although numerous administrative problems were noted. In the first round, Armando Calderon Sol of ARENA won 49% of the vote, while Ruben Zamora of the leftist Coalition (FMLN-CD-MNR) won 25%. In the presidential runoff on Apr. 24, 1994, Calderon Sol won convincingly with 68.2% of the vote to Zamora's 31.7%.*

## BACKGROUND AND ANALYSIS

### **U.S. Foreign Assistance for El Salvador** (obligations in millions of \$)

	FY1991*	FY1992**	FY1993***	FY1994 (request)	FY1994 (allocation)
Development Aid	55.7	58.3	44.3	44.0	28.9
Food Aid	48.1	35.7	32.0	22.0	22.0
(Title I Loans)	(34.0)	(29.4)	(30.0)	(20.0)	(20.0)
(Title II Grants)	(14.1)	(6.3)	(2.0)	(2.0)	(2.0)
Economic Support Fund	124.0	125.5	110.0	90.0	45.0
Peace Corps			.4	.7	.7
Military Aid	66.9	22.63	12.4	3.8	.4
(Financing)	(65.9)	(21.25)	(11.0)	(2.7)	(0.0)
(IMET Training)	(1.0)	(1.38)	(1.4)	(1.1)	(0.4)
Demobiliz/Transition Fund	13.0	62.00	29.0		0.0
<b>TOTAL</b>	<b>307.7</b>	<b>304.1</b>	<b>228.1</b>	<b>160.4</b>	<b>95.03</b>

\* The Administration allocated \$55.7 million in development assistance (rather than the \$64.2 million requested) and \$124 million in ESF funds (rather than the \$180 million requested). Military aid was limited to \$85 million (rather than the \$91.4 million requested), and half of that amount was withheld under congressional restrictions. President Bush made a determination on Jan. 15, 1991, to release the aid, but he delayed disbursement for several months. Eventually \$67 million was apportioned to military aid, \$13 million was transferred to the Demobilization and Transition Fund, and \$5 million was withheld under other restrictions.

\*\* While the Administration allocated economic aid to El Salvador as requested, congressional restrictions limited military financing to \$21.25 million (rather than the \$84 million requested), with the remaining \$62 million being transferred to the Demobilization and Transition Fund.

\*\*\* The Administration allocated only \$45 million in Development Assistance (rather than the \$55 million requested) and \$110 million in ESF funds (rather than the \$160 million requested, and below the \$150 million congressional limit). In accordance with congressional conditions, military financing was limited to \$11 million, and \$29 million was transferred to the Demobilization and Transition Fund.

## **Program Background**

### **Background to Current Government**

From 1979 to 1989 the United States provided \$3.6 billion in economic and military assistance to support various "centrist" governments in El Salvador in the struggle with the five leftist guerrilla groups united in the Farabundo Marti National Liberation Front (FMLN). With U.S. encouragement, these governments enacted reforms and promoted democracy in this small agrarian country of 5 million people in an effort to break with the long past history of dictatorial government and human rights abuse. In the early period, from late 1979 to mid-1984, El Salvador had a series of reform-minded civilian-military juntas and the interim government of Alvaro Magana created after the 1982 Constituent Assembly elections. Throughout this period, the Congress regularly cut Administration requests for military aid, and it required the President to certify semiannually that human rights abuses were declining, that the land reform was continuing, and that efforts were undertaken to achieve a negotiated settlement of the conflict. In the later period, from mid-1984 to mid-1989, the government was headed by Jose Napoleon Duarte, of the reformist Christian Democratic Party (PDC), who won the presidency in the second round election in May 1984 with 53.6% of the vote against Roberto D'Aubuisson of the rightist Nationalist Republican Alliance (ARENA) with 46.4% of the vote. During Duarte's presidency, death squad killings declined significantly, the Christian Democrats won control of the legislature in 1985, and Congress generally supported Administration requests for El Salvador. Toward the end of the Duarte presidency, the Christian Democrats lost popular support when they were unable to revive the economy and to end the conflict with the guerrillas, despite various peace talks over the years. They lost control of the legislature in 1988 and lost the presidency in 1989.

The main beneficiary of the growing unpopularity of the Christian Democrats was ARENA, the rightist party founded by Roberto D'Aubuisson who has been accused of ties with death squad activity. Seeking a more moderate image, ARENA selected Alfredo Cristiani, a U.S.-trained businessman, as its candidate for the 1989 election. Cristiani, focusing his criticisms on the economic failures of the Christian Democrats, won the **March 1989 presidential election** convincingly in the first round with 53.8% of the vote. He was followed by Fidel Chavez Mena of the Christian Democratic Party (PDC) with 36.5% of the vote, Rafael Moran Castaneda of the National Conciliation Party (PCN) with 4.0%, and Guillermo Ungo of the Democratic Convergence (CD) with 3.8%.

### **ARENA Government under Cristiani**

Alfredo Cristiani was inaugurated as President for a 5-year term (1989-1994) on June 1, 1989, marking the first peaceful transfer of power from one elected civilian to another in El Salvador's history. On the basis of the popular mandate from the March 1989 election, he pledged to reform the economy, to reduce human rights abuse, and to negotiate an end to the conflict with the guerrillas.

The first major political test of ARENA's popularity came in the **legislative and municipal elections of Mar. 10, 1991**. Despite a few incidents and some charges of fraud, the results suggested that political space was effectively opening in the country and that the new assembly might be more sympathetic to various reforms in the context

of a political settlement. Since Cristiani's ARENA party won only 39 delegates in the newly expanded 84-seat Legislative Assembly, it lost the majority that it had gained in the 1988 election, and it seemed likely that Cristiani would have to pay more attention to a reinvigorated opposition, although he could forge alliances with the conservative National Conciliation Party (PCN) with nine delegates to garner a majority. The guerrillas did not attempt to disrupt the elections, except in isolated cases, and the leftist parties were able to participate and to win some victories, especially in San Salvador: the Democratic Convergence (CD) won 12% of the vote nationally, was the second largest political force in San Salvador, and won 8 seats in the Legislative Assembly; while the more leftist National Democratic Union (UDN), explicitly linked to the Communist Party of El Salvador that in turn supports one of the guerrilla forces, won one seat. In the center of the political spectrum, the previously debilitated Christian Democrats (PDC) regained their stature as the major opposition force in the country with 26 delegates, while the breakaway Authentic Christian Movement (MAC) won one seat.

The second major political test for Cristiani was the **presidential, legislative, and municipal elections of Mar. 20, 1994**. These elections were viewed as the culmination of the peace process in El Salvador, and were viewed as a test of the changes in Salvadoran society, particularly since all sectors of political opinion were participating, including the former FMLN guerrillas. The elections were held in an atmosphere of peace and nearly all observers judged the elections to be free and fair, although numerous administrative problems were noted, particularly the large number of voters with electoral carnets who were unable to find their names on the voting table rolls. First round results showed Calderon Sol of ARENA leading strongly with 49% of the vote, just short of the required majority to win in the first round. Zamora of the leftist Coalition trailed with 24.9% of the vote, putting him into a runoff with Calderon Sol to be held on April 24. The Christian Democrats fell from their position as the main opposition and became the third force when Chavez Mena won 16.4%. Other candidates trailed far behind. In the legislative contests, ARENA won 39 deputies, with 45% of the vote; FMLN won 21, with 21.4%, Christian Democrats 18, with 17.9%; and other parties won 6 deputies. In municipal races, ARENA won 207 of the 262 municipalities, PDC won 29, FMLN 15, and other parties 11. In the **presidential runoff on Apr. 24, 1994**, Calderon Sol of ARENA won convincingly with 68.2% of the vote, while Zamora of the leftist Coalition obtained 31.7% of the vote. (For more detail on the elections, see CRS Issue Brief 94019, *El Salvador's March-April 1994 Elections: Implications for U.S. Policy*.)

The main issues confronting Cristiani throughout his term of office have been the economy, the human rights situation, the Jesuits case, and the status of the war and negotiations. He made progress in each of the areas, despite major guerrilla offensives in the last months of 1989 and 1990, and a negotiated settlement of the war was achieved when a comprehensive peace agreement was signed on Jan. 16, 1992.

**Economy.** A critical problem for Cristiani has been to revive the economy. During the presidential campaign, ARENA criticized the Christian Democrats for economic mismanagement and charged that "socialist-oriented" policies had weakened private enterprise, with the result that conditions for the poor worsened.

Cristiani proposed free market policies, including trade liberalization, and reduced government interference in the economy. In an effort to modify the major reforms

adopted in 1980, he promised to end the state monopoly on the export of coffee, and to permit private banks to compete with nationalized banks. While denying any intention to reverse the land reform program, he indicated that the government would allow peasants to choose whether to retain collective or individual title to property obtained through reform programs. To deal with the poorest sectors of society, he stated that a primary goal over the next 5 years would be to eradicate extreme poverty as much as possible through a national emergency program to generate productive employment and improve the food situation of families. As part of his effort at trade liberalization, Cristiani agreed to create a free trade zone with Guatemala and Honduras, beginning in March 1993.

The economic results of the new programs have been promising, although good weather was a contributing factor. Economic growth averaged about 3.3% in 1990 and 1991, and rose to 4.5% in 1992. Inflation fell in 1991, although it rose again in 1992, and the governmental deficit was reduced considerably. Traditional agricultural exports increased during this period, although the drop in coffee prices in 1991 was a major setback. Non-traditional agricultural exports shot up, and grain production increased, providing increased employment in the countryside. But Cristiani's economic policies have been criticized for raising the prices of transportation and basic staples, with adverse consequences for the poorer sectors of society.

**Human Rights Situation.** Although Cristiani is viewed as representing the moderate wing of ARENA, some observers were worried about human rights abuse because some ARENA members -- including party founder Roberto D'Aubuisson -- were linked with death squads in the past, and some ARENA members criticized Christian Democrats for paying too much attention to U.S. concerns with human rights. In accordance with a government-guerrilla agreement of July 1990, the United Nations Observer Mission in El Salvador (ONUSAL) began monitoring human rights performance in the country in July 1991.

In 1989, a number of prominent cases focused attention on the human rights conditions in the country. The guerrillas were accused of killing innocent victims with car bombs and land mines, slaying mayors, and murdering several anti-guerrilla intellectuals and other prominent persons. Security forces and death squads were accused of killing officials of unions, church and human rights groups, and leftist parties, with the most prominent case being the murder of six prominent Jesuit priests associated with the Central American University on the night of Nov. 15-16, 1989.

In 1990, the number of human rights abuses declined, according to most human rights monitors, and the government and the guerrillas agreed in July on a human rights accord that required each of the sides to respect human rights and called for a U.N. mission to monitor performance in the country upon the conclusion of a cease-fire agreement.

In 1991, a number of incidents attributed to guerrillas, government security forces, and death squads stimulated concern about a possible increase in abuses. The most prominent cases attributed to the guerrillas are the execution of two U.S. military personnel on Jan. 2, 1991, after their helicopter had been shot down; the assassination of Salvadoran Army Captain Carlos Alfredo Lopez Aviles on June 17, 1991; and the abduction of businessmen Gregorio Zelaya and Guillermo Sol Bang in July. Cases attributed to death squads, security forces, or the military are the killing of 15 peasants

in the hamlet of El Zapote on Jan. 21, 1991; the killing in February of several leftist candidates in the March 1991 elections; and the murders of Martin Ayala Ramirez of the Council for Marginal Communities on July 8, 1991, and of Angel Martinez Vasquez of the Construction Workers' Union, on Sept. 24, 1991. In compliance with the July 1990 accord on human rights between the government and the guerrillas, the United Nations Observer Mission in El Salvador (ONUSAL) began operating in El Salvador in July 1991, with the task of monitoring human rights in the country. In early November 1991, the Catholic Church's Legal Aid Office (Tutela Legal) called for legal action on a decade-old massacre in December 1981 in the remote town of El Mozote in which over 700 people were allegedly killed by the Atlacatl Battalion.

In 1992, the ONUSAL reported on March 2 that human rights conditions had improved since the signing of the peace agreement, but the guerrillas and some Church spokesmen expressed concern that the killing of several leftist activists might indicate a resurgence of death squad activity. In addition, several observers expressed the fear that the death of ARENA party founder Roberto D'Aubuisson on Feb. 20, 1992, might prompt human rights abuses from far rightist elements. When an FMLN driver, Vladimir Flores, was killed on May 19, 1992, by three men in civilian clothes, the guerrilla group blamed the killing on right-wing paramilitary forces. Denouncing the beginning of a "dirty war" the FMLN withdrew from the Peace Commission for a short time until President Cristiani promised a thorough investigation of the crime. Toward the end of the year, attention was focused on the investigation by forensic experts of the alleged massacre in December 1981 in El Mozote. The experts discovered 38 skeletons, mostly of children, buried in a common grave.

In 1993, attention focused on the major human rights cases in the past and the mid-March 1993 report of the U.N.-appointed Truth Commission that addressed these cases. (See discussion of report under the section dealing with implementation of the Peace Accord.) In late February 1993, a judge began investigation of the alleged massacre along the Sampul River that took place in May 1980. A special State Department panel investigating the Department's reporting on human rights, reported on July 15, 1993, that the reporting was generally accurate, but it faulted the reporting on the El Mozote massacre in late 1981 and Secretary of State Haig's comment on killing of the American churchwomen in early 1981. The killings of several former FMLN leaders in late October 1993 sparked fears of a renewal of death squad activity in the country. Press reports in late 1993 and early 1994, based on recently declassified Executive Branch documents on El Salvador, suggested that the United States Government had received reports linking ARENA founder Roberto D'Aubuisson to death squad activities, including the killing of Archbishop Romero; and that it had reports linking current Vice President Merino to death squad activities, and ARENA's 1994 presidential candidate, Calderon Sol, to assassination plots. In November 1993, U.S. and U.N. officials visited El Salvador to express concern, and eventually a Joint Working Group was created to examine the possible existence of death squad activities.

In early 1994, fears were generated again when FMLN commandant Nidia Diaz was attacked by unknown assailants in late February, and an ARENA rally was attacked in mid-March.

**Jesuits Case.** Investigation of the Nov. 15-16, 1989 murder of six prominent Jesuit priests, their housekeeper, and her daughter was seen as a major human rights test for the Cristiani government. Following an investigation by El Salvador's Special

Investigative Unit and a Salvadoran civilian-military honor commission, the case was turned over to the Judge Ricardo Zamora in the Forth Penal Court who found, on Jan. 19, 1990, that there was adequate evidence to detain four officers and five enlisted men (one of which was not apprehended) in the case. Among those charged were three lieutenants and Colonel Guillermo Benavides, the head of the Military Academy, who allegedly ordered the members of the Atlacatl Battalion, under his command during the guerrilla's military offensive, to carry out the murders.

After a lengthy accumulation of evidence -- spurred on by critical reports by the Speaker's Task Force on El Salvador, headed by Representative Moakley -- Judge Zamora ruled on Dec. 7, 1990, that there was sufficient evidence to advance the case to trial, and he ordered those charged to stand trial on charges of murder and terrorism. In another turn of events, two prosecution lawyers resigned from the Salvadoran Attorney General's office on Jan. 8, 1991, charging that the office was refusing to press the investigation against senior military officers and to pursue officers who committed perjury; these lawyers subsequently entered the case as private prosecutors representing the Jesuit community. In April 1991, the appellate court upheld Judge Zamora's determination to advance the case to the plenary stage, and in May 1991 the Supreme Court rejected various defense appeals. The plenary phase began on May 23, 1991, when Judge Zamora opened an eight day period for new evidence. In late June 1991, he postponed the trial until the fall to give prosecutors time to collect written affidavits from a number of American officials to explain conflicting statements by U.S. Major Eric Buckland, one of which suggested that the Salvadoran High Command may have had advance knowledge of the plan to kill the Jesuits.

On Sept. 28, 1991, after a 3-day trial, a 5-person jury, chosen secretly and shielded from public view to protect their identities, reached a verdict. They found Col. Guillermo Benavides guilty of murder in the eight slayings, found Lt. Yussy Mendoza guilty of killing the 15-year-old daughter of the priests' housekeeper, and cleared the other officers and enlisted men charged in the case. Some observers hailed the result as a significant advance since it marked the first conviction of a Salvadoran officer in the country's history. Critics charged that leads to higher level involvement had not been pursued, that family members of military officers had marched on the courthouse in an act of intimidation, that those accused of carrying out the murders had been absolved, and that Col. Benavides might qualify under a future amnesty to end the conflict in the country.

In mid-November 1991, Representative Moakley issued a statement in which he explained that confidential Salvadoran military sources had provided credible information to the Speaker's Task Force on El Salvador to support the view that it is "very possible that senior officers other than Col. Benavides ordered the murders," and that "a coverup of the crimes ... involved officials at the highest levels." According to these sources, the decision to murder the Jesuits was made at a small meeting of officers on the afternoon of November 15, attended by Col. Benavides; Gen. Juan Rafael Bustillo, then head of the Salvadoran Air Force; Gen. Emilio Ponce, then Chief of Staff, now Minister of Defense; Gen. Orlando Zepeda, deputy Minister of Defense; and Col. Elena Fuentes, commander of the First Brigade. In a subsequent press conference, Gen. Ponce categorically denied the charges, and suggested that anyone with evidence in the case should present it to the appropriate judicial authorities.

On Jan. 24, 1992, Judge Zamora sentenced Col. Benavides and Lt. Mendoza to 30 year prison terms for their role in the killing of the Jesuit priests, the maximum sentences allowed under Salvadoran law. Three other officers charged in the case were given 3-year sentences for conspiracy to commit terrorist acts and for perjury in the case. On Jan. 30, 1992, lawyers for the defendants announced that they were appealing the sentences, claiming errors in the investigative process.

The two convicted military officers were freed on Apr. 1, 1993, under a broad amnesty law, passed on Mar. 20, 1993, that granted amnesty to individuals of both sides who committed political crimes.

**Military Conflict and Negotiations.** The most important issue confronting Cristiani was the military conflict with the guerrillas and the various efforts in the last few years to achieve a negotiated settlement. After more than two years of regular monthly negotiations -- stalled by major guerrilla military offensives in November-December 1989 and November-December 1990 -- the government and the guerrillas signed a near-final agreement at the United Nations headquarters on Dec. 31, 1991, and then signed a comprehensive peace agreement on Jan. 16, 1992. Under this agreement, a 9-month cease-fire began on Feb. 1, 1992.

In an initial phase, negotiations began, without U.N.-mediation, in September-October 1989, but they broke down when the guerrillas launched a major military offensive in November-December 1989, and security forces were accused of killing union leaders and the Jesuit priests in October-November 1989. In the more important subsequent phase, negotiations under U.N. auspices began in early 1990. The two sides signed an agreement in Geneva, Switzerland, in April 1990, to enter into U.N.-mediated negotiations, and then signed another agreement in Caracas, Venezuela, in May 1990, setting out an agenda for political agreements on seven specified topics leading to a cease-fire: (1) armed forces, (2) human rights, (3) judicial system, (4) electoral system, (5) constitutional reform, (6) social and economic problems, and (7) verification of agreements by the United Nations.

Meeting generally on a monthly basis after April-May 1990, the two sides struggled with the various issues, particularly the armed forces issues, but reached the following agreements:

**July 1990 in San Jose, Costa Rica -- Agreement on Human Rights.** The two sides discussed and signed a 2-part agreement on human rights. Under the first part of this agreement, the parties pledged to take immediate measures to prevent actions against the life and freedom of individuals, including disappearances, kidnappings, torture, arrests by anonymous agents, and incommunicado detention. They also pledged to respect freedoms of speech and press, and to guarantee full rights of association, including effective labor rights. Under the second part of the agreement, the parties agreed to the establishment of a U.N. mission with broad powers to monitor and promote human rights in the country. Although the agreement called for the U.N. mission to begin operating once a cease-fire was achieved, the two sides subsequently agreed to permit U.N. monitoring as soon as possible, and the United Nations Observer Mission in El Salvador (ONUSAL) began operating in El Salvador in July 1991.

**September 1990 in San Jose, Costa Rica -- Support for Inter-Party Commission Agreement on Electoral Reform.** The two side's joint communique

after the September meeting noted with satisfaction that the commission of Salvadoran political parties (the Inter-Party Commission) had reached agreement by consensus on electoral reform measures for the coming election. These reforms included provisions to encourage widespread registration and voting, to enlarge the Legislative Assembly, to limit campaign expenditures, to modify the composition of electoral bodies, and to eliminate transparent ballot boxes. The reforms were implemented, in general, for the March 1991 legislative and municipal elections.

**April 1991 in Mexico City -- Agreement on Constitutional Reforms.** The two sides achieved a major breakthrough when they signed the **Mexico Accords**, indicating agreement on a series of far-reaching constitutional amendments and the creation of a "Commission of Truth." Under the agreement, the **constitutional amendments relating to the armed forces** would (1) separate the security forces from the military and create a Civilian National Police Force under the direction of civilian authorities, (2) separate the intelligence services from the military and create a State Intelligence Agency under the direct authority of the President of the Republic, (3) define more clearly that the armed forces are subordinate to civilian authority, and (4) severely limit the military justice system to strictly military matters. The **constitutional amendments relating to the judicial system** would (1) depoliticize the Supreme Court of Justice by requiring that the Legislative Assembly elect judges by a two-thirds majority vote for 9-year, staggered terms; (2) allocate at least 6% of government revenues to the judicial branch; (3) create a National Attorney for the Defense of Human Rights to monitor and promote respect for human rights; and (4) depoliticize the prosecution of cases by requiring the Legislative Assembly to elect the three Attorney Generals by a two thirds majority. The **constitutional amendments relating to the electoral system** would (1) replace the Central Elections Council controlled by the three largest parties with a Supreme Electoral Tribunal with non-partisan members elected by a two-thirds majority of the Legislative Assembly, and (2) permit all legally registered political parties to participate in the elaboration, organization, and updating of voter registration lists. The agreement on the **Commission of Truth** provided for a commission of three persons to be named by the U.N. Secretary-General which is to undertake an investigation of the most serious and pressing instances of violence since 1980 and to make a report on its findings and recommendations. The outgoing Legislative Assembly initially passed the constitutional amendments on April 29, with some modifications, but then reconvened on April 30 and passed the constitutional amendments as negotiated in the Mexico Accords. To take effect, the constitutional amendments must also be approved by the new Legislative Assembly, which was elected on Mar. 10, 1991, and which took office on May 1, 1991. The new Legislative Assembly approved the provisions creating a National Attorney for Human Rights on Sept. 11, 1991; it approved the amendments relating to the electoral system on Sept. 25, 1991; and it approved the remainder of the amendments dealing with the judicial system on Nov. 2, 1991.

**September 1991 in New York -- Agreement Resolving Major Roadblocks.** The two sides achieved another breakthrough when they signed the **New York Accord** resolving major stumbling blocks after extended negotiations at U.N. headquarters. Under the agreement, the FMLN backed off from its demand to participate in the military force in return for assurances that it would participate in the civilian police force, and the two sides agreed to a "compressed agenda" leading to a brief cease-fire and a definitive settlement in one stage, rather than the multi-stage process envisioned in the Caracas Agreement. Although many of the details remained to be negotiated, the

accord provided that FMLN members would participate in the new civilian-run police force; that the fulfillment of all peace agreements will be supervised by a multi-party National Commission for the Consolidation of Peace (Copaz); and that existing land ownership in conflictive zones will be respected. With regard to the armed forces, the accord provides that the military would be purged of human rights abusers by an Ad Hoc Commission, and specifies that the military will be reduced in size, and reformed through changes in its mission and educational system.

**December 1991 in New York -- Near-Final Agreement on Cease-Fire and Comprehensive Peace Accord.** Following extended negotiations in Mexico City in October and November, during which the FMLN suspended offensive military operations on Nov. 16, 1991, and the Salvadoran military suspended bombing and artillery operations on Nov. 21, 1991, the two contending parties returned to U.N. headquarters in the last half of December to resolve remaining issues before the departure of outgoing U.N. Secretary-General Perez de Cuellar. The two sides agreed on Dec. 31, 1991, to an accord on all substantive issues, under which a cease-fire will begin on Feb. 1, 1992, and will last until Oct. 31, 1992, when a definitive peace will be in place. The accord specified that the two sides would return to New York in early January to negotiate final details, especially the timetable for implementing the accord, with the U.N. Secretary-General to decide any unresolved differences.

**Jan. 16, 1992 in Mexico City -- Signing of Comprehensive Mexico City Peace Accord.** After negotiation over the timetable for implementation from Jan. 5-14, representatives of the Salvadoran government and the FMLN guerrillas signed the final agreement in Mexico City in the presence of numerous presidents and foreign ministers from the region. The agreement, codifying many of the previous agreements, contains reforms of the armed forces and the judicial and electoral systems, agreements on socioeconomic topics, and the conditions for the cease-fire, beginning on Feb. 1, 1992, leading to definitive peace. The United Nations Observer Mission in El Salvador (ONUSAL) will oversee the separation of the forces, the reduction of the military and the demobilization of the guerrilla forces, and the development of the new police force. The multi-party National Commission for the Consolidation of Peace (COPAZ) will oversee the implementation of the political agreements. The agreement provides that the military will be reduced in size, by about 50%, to a level of 31,000 troops, over a two year period, with new doctrine to spell out the military's orientation to external defense and respect for human rights. The security forces (National Guard, Treasury Police, National Police) will be severed from the military and dissolved, and a new National Civilian Police force will be created under a civilian ministry, with the National Police functioning as the police force in the interim period. The counter-insurgency Immediate Reaction Infantry Battalions will be disbanded within 10 months, and the Civil Defense units will be dissolved within five months. The armed forces' leadership will be screened by an Ad Hoc Commission of well respected Salvadoran civilians, and the most serious human rights abuses in the past will be investigated by a Truth Commission of three non-Salvadorans named by the U.N. Secretary-General. The government agreed to respect land tenure in conflictive zones, to attempt to distribute land to those working it, to develop a National Reconstruction Plan to promote development in the zones most affected by the conflict, and to strengthen programs for the poor. A tripartite government-labor-business forum is to seek broad agreements on economic and social matters. During the nine-month cease-fire, the military will be reduced, and the government will enact measures to reincorporate the FMLN into the

society. The FMLN's demobilization will begin within three months and will be complete by Oct. 31, 1992.

**Implementation of Peace Agreement.** The U.N.-monitored cease-fire, which began on Feb. 1, 1992, held through the initial months, although both sides fell behind in meeting some of the deadlines set out in the Peace Agreement. The government claimed that the guerrillas were failing to bring all combatants into the specified security zones, that the inventory of guerrilla weapons was unbelievably low, and that the guerrillas were encouraging seizures of land in various parts of the country. The guerrillas claimed that the government had transferred to the military certain units from the Treasury Police and the National Guard in early March, rather than abolish the units as required by the peace accords. As a result, the FMLN refused to demobilize 20% of their units on May 1, as required by the accords. The guerrillas also argued that the government was lagging in forming the tripartite forum on economic and social matters, in distributing land to combatants in conflictive zones, and in beginning the training of the new National Civilian Police (PNC) force.

The government submitted its roughly \$1.4 billion National Reconstruction Plan to the FMLN and other groups for comments, in preparation for the March 23 meeting with foreign donors. While some adjustments were made, critics charged that the amount of aid was insufficient, that there was too much emphasis upon rebuilding infrastructure, and that local input to program planning was inadequate. At the World Bank-sponsored Consultative Group meeting on Mar. 23, 1992, foreign donors pledged to provide about \$800 million in assistance over the next two years.

After government-guerrilla meetings with ONUSAL in early May, both sides pledged to speed up compliance with the accords. Later in May, the tripartite forum on economic and social matters was launched (although boycotted until September by the major private-sector group, which refused to participate while FMLN-sponsored land takeovers were unresolved); the campaign to recruit new candidates for the civilian police force was announced; and the Ad Hoc Commission to evaluate the armed forces leadership started to function.

Following a series of U.N.-mediated meetings to resolve the delays in compliance with the Mexico Accord, the two sides reached a new agreement on June 16, 1992, that set some new deadlines. In accordance with the new agreement, the FMLN and army units concentrated their forces in designated areas by June 25, and 20% of the FMLN was demobilized, and the Treasury Police and National Guard were abolished by June 30. In addition, the government promised to speed up efforts to develop the civilian police force, to legalize the FMLN, and to provide assistance for former combatants.

Another step in the implementation process took place on July 13, 1992, when the U.N.-named Truth Commission was installed. The three members of this commission -- Belisario Betancur, former President of Colombia; Renaldo Figueredo, former foreign minister of Venezuela; and Thomas Buergenthal, a U.S. citizen and former president of the Inter-American Court for Human Rights -- are to investigate major human rights cases and to present a report in 6 months.

New delays in implementation developed in August 1992 when the FMLN suspended demobilization of its forces, accusing the government of failing to adopt political reforms and to provide economic assistance and land to former combatants.

Even so, the first of the government's counter-insurgency battalions, the Bracamonte Battalion, was demobilized on Aug. 15, and the FMLN launched a campaign to become a political party on Sept. 1, 1992. After three weeks of U.N.-mediated meetings, another new schedule was announced on Aug. 21, 1992, under which the government was to provide some emergency economic assistance and to speed up the training of the new National Civilian Police by mid-September, and the FMLN was to demobilize the second 20% of its forces by Sept. 21, 1992.

In keeping with these and other peace accord provisions, the government disbanded the second counter-insurgency battalion, the General Ramon Beloso Battalion, on September 16, and the FMLN demobilized the second 20% of its forces in the September 21-23 period. The two sides continue to disagree about provisions for providing land and credit to ex-combatants, and the FMLN was reported to be suspending further demobilization of its forces until the issue is resolved, despite visits from high-ranking U.N. officials. In another development, the Ad Hoc Commission delivered its evaluation of Salvadoran officers to the U.N. Secretary General and to President Cristiani at the United Nations on Sept. 23, 1992.

While the cease-fire was to end on Oct. 31, 1992, with the total demobilization of the guerrilla forces, the FMLN refused to comply, complaining of government delays in the distribution of land, the adoption of political reforms, and the purging of military officers. When U.N. mediators proposed a postponement of the demobilization until mid-December 1992, rightist and military sectors objected, and President Cristiani announced that demobilization of the armed forces would cease until the FMLN demobilized its forces and destroyed its weapons. Under pressure from the military, Cristiani was also reported to be seeking to delay the purging of military officers on the Ad Hoc Commission list until mid-1993, but that was reported to be unacceptable to the FMLN. While the two sides were negotiating adjustments, the FMLN demobilized the third 20% of its forces in late October, and the government began the distribution of lands to ex-guerrilla combatants in early November. After many days of U.N. mediation, the two sides agreed on Nov. 8, 1992, to postpone the date for completion of the cease-fire to Dec. 15, 1992, with several intermediate deadlines. Under the revised plan, the FMLN is to demobilize the fourth 20% of its forces on November 20, it is to present a revised inventory of arms on November 30, to begin destroying arms on December 1, and to demobilize the final 20% of its forces on Dec. 15, 1992. The government is to inform the U.N. of the plans to purge the military and it is to complete political reforms, including legalization of the FMLN as a political party, by late November.

Most of the required actions took place on schedule, and Salvadorans celebrated the end of the cease-fire period and the beginning of peace on Dec. 15, 1992, at which point the FMLN was formally demobilized. Delays continued, however, in the purging of the military, the distribution of land to former combatants, and the destruction of FMLN arms. President Cristiani announced on Jan. 6, 1993, that he was postponing the purging of some military officials on the list of 78 drawn up by the Ad Hoc Commission in the interest of continuity. It was reported that Cristiani retained eight officers who were on the list, including the Minister of Defense, Gen. Rene Emilio Ponce, and that seven other officers were transferred outside of the country rather than dismissed. Some FMLN officials strongly condemned the failure to complete the purge of the military as mandated by the Peace Accord, while others seemed willing to accept that delays for a few officers might be necessary to gain enough support within the

military to sustain the overall purge. For its part, the FMLN also failed to destroy its weapons in accordance with the agreed schedule. U.N. Secretary General Boutros Boutros-Ghali criticized both sides for these delays, and the Security Council on Feb. 9, 1993, called on both sides to comply with the agreement. Further implementation of the Peace Accord took place in February 1993 when the first class of 500 graduates entered the new National Civilian Police (PNC) force, and when the military disbanded its last remaining counter-insurgency battalion, the Arce Battalion. In anticipation of the Truth Commission report, and under pressure from the United States (suspension of \$11 million in military aid), Defense Minister Ponce offered his resignation on Mar. 12, 1993, but it has not been accepted by President Cristiani.

The U.N.-appointed Truth Commission -- consisting of Belisario Betancur, former President of Colombia; Renaldo Figueredo, former foreign minister of Venezuela; and Thomas Buergenthal, a U.S. citizen and former president of the Inter-American Court for Human Rights -- made its report on Mar. 15, 1993. The Commission found widespread human rights violations in the 1980-1991 period, and it placed blame on military officials, security forces, death squads, and the guerrillas. Among its findings on 32 specific cases, it named five top military officers, including General Ponce, as responsible for ordering the 1989 killing of the Jesuit priests; it named officers of the Atlacatl Battalion as responsible for the December 1981 massacre of peasants at El Mozote; it named Roberto D'Aubuisson, founder of ARENA Party and presidential candidate in 1984, as responsible for ordering the March 1980 assassination of Archbishop Oscar Arnulfo Romero; and it named FMLN guerrilla commanders as responsible for ordering the killing of at least 11 civilian mayors. Among its recommendations, it called for the removal from office of 40 military officers, it recommended banning from public office for 10 years those found responsible for human rights abuses, and it recommended implementation of constitutional reforms regarding the judiciary to bring about the turnover of the present Supreme Court.

Reacting to the report, some U.S. legislators said it demonstrated that the Salvadoran military and security forces were heavily involved in human rights abuses, contrary to Reagan Administration certifications, and Representative Robert G. Torricelli, Chairman of the Subcommittee on Western Hemisphere Affairs of the House Foreign Affairs Committee, called for a study of past administration testimony. Secretary of State Warren Christopher appointed a committee to review the Department's past human rights reporting on the country; this committee reported on July 15, 1993, that State Department reporting had been generally accurate, but it faulted statements on the El Mozote massacre and the killing of the American churchwomen.

Within El Salvador, the Truth Commission report received a mixed reception. It was generally praised by church and human rights groups and political parties with a centrist to leftist orientation, but it was criticized by President Cristiani on grounds that it would not advance national reconciliation, and it was denounced by the ARENA party and by the military High Command. The ARENA-dominated Legislative Assembly pushed through, on March 20, 1993, a law granting amnesty to individuals of both sides accused of committing political crimes, despite criticisms that the action was too hasty and was contrary to the spirit or recommendations of the Truth Commission. In accordance with the new amnesty law, the two officers convicted for killing the Jesuit priests were released from prison on Apr. 1, 1993. According to press reports, President Cristiani pledged to the U.N. Secretary-General, on Apr. 2, 1993, that

the 15 military officers who remain to be purged would be placed on leave with pay by June 30, 1993, and would not exercise any official functions until they retire on Dec. 31, 1993. However, he indicated that the government was unable to comply with several of the recommendations of the Truth Commission because they are contrary to the Salvadoran constitution.

The explosion of an FMLN arms cache in Managua, Nicaragua, on May 23, 1993, led to additional charges, this time of FMLN failure to comply with the Peace Accord. One faction of the FMLN admitted responsibility for this and other unreported arms caches, and assured U.N. Secretary General Boutros Boutros-Ghali that no weapons had been removed since the Peace Accord was signed. Boutros-Ghali called the discovery of the arms cache, along with false identity papers and reports on wealthy families identified as likely kidnap victims, an "extremely grave" violation of the Peace Accord. He made arrangements for ONUSAL to inventory the various arms caches and destroy the weapons. President Cristiani argued initially that the FMLN should be suspended from participation in the coming elections, at least until all weapons were destroyed.

On July 1, 1993, El Salvador's top military officers were retired, in accordance with the plan that President Cristiani had proposed to the United Nations. Included in the officers removed were Minister of Defense Ponce and Vice Minister of Defense Zepeda. In early August 1993, the Clinton Administration informed Congress of the intention to end the suspension on military assistance to El Salvador, and it sent a contingent of U.S. troops to the country to build health centers in rural areas as part of the Fuertes Caminos joint exercises with the Salvadoran military. During the month, ONUSAL also inventoried and destroyed the weapons located at the various FMLN arms cache sites.

The killing of several former guerrilla leaders in late 1993 and delays in the development of the new civilian police force generated concern that the Peace Accord might be stalemating. U.N. officials and U.S. Assistant Secretary of State Watson visited El Salvador to express concerns and urge action. Eventually the sides agreed to the creation of a Joint Group that will undertake a study of death squad activities.

Looming in the future are the presidential and congressional elections scheduled for Mar. 20, 1994. Since these will be the first elections in more than a decade in which all sides will be participating, it is agreed that they must be open and fair. Major efforts are underway to insure that all eligible voters are properly registered, but critics argue that the efforts are inadequate.

### **FY1994 and FY1995 Aid Request**

The Administration's FY1994 request was for a total of \$160.4 million, of which \$44 million was for Development Aid, about \$22 million was for Food Aid, \$90 million was for ESF, and \$3.8 million was for Military Aid. This is about \$126 million less than the request for FY1993, and about \$68 million less than allocated for FY1993, with the major reductions being primarily in Military Aid and ESF assistance. The request for FY1995 was for about \$88.2 million, of which \$30.4 million was for building democracy, \$37.8 million was for sustainable

development, and an estimated \$20 million was for Title I Food for Peace assistance.

## **Congressional Action in 1993**

### **FY1994 Foreign Aid Authorization**

The House passed H.R. 2404 on June 16, 1993, with very limited legislative language on El Salvador. The Senate Foreign Relations Committee reported out S. 1467 on Sept. 16, 1993, with similar provisions, but the Senate never acted.

**House.** The House passed H.R. 2404 (Hamilton), Foreign Assistance Authorization Act, 1993, on June 16, 1993, by voice vote. H.R. 2404 was introduced on June 14, 1993, and was a condensed version of H.R. 2333 introduced on June 8, 1993 and reported by the House Foreign Affairs Committee on June 11, 1993 (H.Rept. 103-126). While H.R. 2404 authorized less overall assistance than the President requested, there was very little legislative language on El Salvador. Commentary on El Salvador in the Committee report on H.R. 2333 called for (1) sustaining the U.S. commitment to contribute \$250 million to El Salvador's reconstruction efforts, (2) conditioning of assistance on compliance with the Ad Hoc Commission's report and significant progress in implementation of Truth Commission recommendations, and (3) greater efforts to insure that U.S. assistance in former conflict zones be channeled through genuinely representative nongovernmental organizations.

**Senate.** The Senate Foreign Relations Committee reported out S. 1467, Foreign Assistance Act of 1993, (S. Report 103-144) on Sept. 16, 1993. Section 541 of the bill would permit legal training and law enforcement programs in El Salvador consistent with the Peace Accords. The Committee report stated that the March 1994 elections were critical for a stable peace and urged full support and assistance for the ongoing voter registration effort.

### **FY1994 Foreign Aid Appropriation**

The House passed H.R. 2295 on June 17, 1993, and the Senate passed the measure on Sept. 23, 1993. The conference report (H. Rept. 103-267) was filed on Sept. 28, 1993, and was approved by the House on Sept. 29 and by the Senate on Sept. 30, 1993. The President signed the measure into law (P.L. 103-87) on Sept. 30, 1993. Although no cuts are mandated, Section 520 requires the Administration to provide prior notification under reprogramming procedures on all assistance to El Salvador, except for development assistance.

**House.** The House passed H.R. 2295 (Obey), Foreign Operations, Export Financing, and Related Programs Appropriations, 1994, on June 17, 1993. The bill was introduced on May 27, 1993, and reported by the House Appropriations Committee on June 10, 1993 (H.Rept. 103-125). Although the bill authorized less overall assistance than requested, there were very few legislative provisions dealing with El Salvador. The Committee's report expressed support for economic assistance that contributes to long-term peace and stability in El Salvador. It recommended that the release of

FY1994 economic assistance be contingent on compliance with the Ad Hoc Commission report and significant progress toward implementing the Truth Commission recommendations. It called for withholding FY1993 and FY1994 military aid until Ad Hoc Commission recommendations were fully implemented and a plan and timetable was in place to implement Truth Commission recommendations. The report expressed concern about the absence of a special effort to register eligible voters for the 1994 presidential elections, it called for support for Central American Refugee Conference (CIREFCA) projects, and urged that aid to be targeted to assist judicial reform, human rights education, training of the National Civil Police, and the Human Rights Ombudsman office. Elsewhere, the Committee recommended that the policy of providing only non-lethal military equipment be continued.

**Senate.** The Senate passed H.R. 2295 on Sept. 23, 1993. It had been reported by the Senate Appropriations Committee (S. Rept. 103-142) on Sept. 14, 1993, with the requirement for prior notification under reprogramming procedures for all aid to El Salvador, except development assistance. The Committee report recommended assistance programs that are consistent with the Peace Accord, are coordinated with U.N. programs, and address the basic human needs of the poor, especially in former conflict zones. It urged support for IMET programs to promote civilian control over the military and respect for human rights, continued funding of the Demobilization and Transition to Peace Fund, and support for programs mentioned in the House Appropriations Committee report. It strongly urged that assistance be given to NGOs seeking to register and mobilize voters, and suggested that disbursement of ESF be contingent upon progress in registering the large number of unregistered voters. It found no justification for additional military aid, nonlethal or otherwise, given the definitive end of the war and the findings of the Truth and Ad Hoc Commission reports on military responsibility for the overwhelming majority of human rights atrocities during the past decade.

**Conference and Enactment.** The conference report (H. Rept. 103-267) was filed on Sept. 28, 1993, with the provision in Section 520 that required prior notification under reprogramming procedures for all aid to El Salvador, except for development assistance. The conference report was approved by the House on Sept. 29 and by the Senate on Sept. 30, 1993. The measure was signed into law (P.L. 103-87) on Sept. 30, 1993.

### **FOR ADDITIONAL READING**

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