

FROM BULLETS TO BALLOTS
'PARTIDOCRACIA' COMES
TO EL SALVADOR

**ELECTORAL
ASSISTANCE TO
POSTCONFLICT SOCIETIES**



IN. ABY-246



'Partidocracia' Comes to El Salvador

A *conflict rooted in ideology, not blood; a proactive United Nations mission; and a will to succeed have converged to transform this Central American republic from an oligarchy to a party-based democracy.*

A Legacy of Limited Land

Before the civil war of 1980–92, the mere mention of El Salvador conjured up the specter of an overcrowded country under oligarchic domination. During the civil war, El Salvador was called, rightly or wrongly, a textbook case of many things. One thing is certain: among the domestic causes of that conflict, the most serious were a repressive political system, gross inequality in quality of life, and the inability to manage conflict through political institutions under the rule of law.

Photographs of voters in El Salvador courtesy of International Foundation for Election Systems.

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Report written by Enrique A. Baloyra, Graduate School of International Studies,
University of Miami

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Traditionally, the land question was a major social grievance. Land ownership, and therefore wealth, was concentrated in the hands of an economic elite, known as “the 14 Families.” Grievances sharpened during the Great Depression, when the export price of coffee fell by 54 percent. Campesinos felt the deprivation most keenly, and in 1932 they rose up in an insurrection often cited as a harbinger of later unrest. The military dealt brutally in putting down the insurgency. Estimates vary, but at least 10,000 campesinos, mostly Indians, were killed.

By the middle 1960s, practically all available agricultural land was being farmed, so future increases in production could not hinge on cultivation of more land. Demand for land was heightened by the 1969 “soccer war” with Honduras, which sent thousands of Salvadoran emigrants scrambling back into their homeland and closed a traditional safety valve for the export of surplus labor. In the 1970s the expansion of export agriculture diminished the amount of land avail-

able for domestic-use agriculture. It also increased land rents for agricultural tenants, enlarged the pool of people depending directly on wages that were declining in real terms, and flattened the net output of grain per person.

Market forces and state policies worked to increase the inequality until 1980. This inequality was man-made and could have been alleviated or reversed by state policies and by market conditions. Remedies were available, but they required policy innovation. Mechanisms of intermediation and contestation were absent or not allowed to function properly.

The descent into civil war can be summarized as a process of regime breakdown in a praetorian society—that is, a society dedicated to defending the established order. In 1948 the military assumed power in a corporate (as opposed to a *personalista*, or dictator) fashion. Between then and 1979, when it tried to find a substitute to the regime of reactionary despotism that the government had be-

come, the military hesitated between reform and continuity. It found itself trying to act as conflict manager and gatekeeper. Ultimately, the military was unable to reconcile the conflicting demands.

Salvadoran radicals became convinced that change could come only through confrontation. Moderates hoped change could be a gradual democratization. Capitalist authoritarians were resolved to oppose both. Attempts by workers at organizing unions and engaging in collective bargaining met with increasing repression. Efforts to structure politics around party competition and elections bottomed out in massive electoral frauds of 1972 and 1977. After that, violence escalated between clandestine leftist organizations and rightist paramilitary groups. In March 1980 this low-intensity conflict erupted into a full-fledged civil war. It pitted the government against guerilla forces unified (under Cuban auspices) as the Farabundo Martí National Liberation Front (FMLN).

Many old scores and resentments were settled, but ethnic rancor was not among them. This was a war over ideology, not ethnicity. The war left about 75,000 people dead, most of them civilians killed by the armed forces. Thousands were killed by right-wing death squads. These were units often composed of active-duty military or security force personnel operating with the complicity of some senior officers of the armed forces. Civilian victims were precisely those who had suffered the consequences of the expansion of export agriculture: predominantly young males engaged in agriculture. The FMLN was responsible for about 5

percent of the deaths. By June 1984, the number of internally displaced persons was estimated at 427,892. A half million more Salvadorans may have taken refuge in the United States.

Conflict took place in two inter-related processes. The first was organized violence itself. The second was a process of regime transition and expansion of political contestation driven by electoral competition that had been interrupted in 1972 and in 1977. The civil war evolved over four stages:

1. The period January 1980 to December 1982 was marked by great disorganization, tentative alliances, the most frequent human rights violations, relative statelessness, and great social dislocations.

2. The election of March 1982 led to a period of divided government in which the conservative Nationalist Republican Alliance (Arena) controlled the Constituent Assembly and slowed down reforms. The Christian Democratic Party (PDC) won the presidency in May 1984 and control of the legislature in March 1985. Although ineffective with the economy and unable to end human rights abuses, the PDC government improved the domestic political climate.

3. From January 1987 until June 1989 the domestic political arena continued to expand and the regional context took a favorable turn. In August 1987 the Central American presidents signed a Procedure for the Establishment of a Firm and Lasting Peace. It called for democratization and national dialog, amnesty, a cease-fire, and genuine elections. In

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October 1987 government and guerrillas met in the capital, San Salvador, for a round of negotiations called for by the procedure. In November leftist politicians Rubén Zamora and Guillermo Ungo returned from exile and organized the Democratic Convergence, a coalition of social democrats. Arena triumphed in the municipal and legislative elections of 1988 and the PDC disintegrated in power.

4. The final stage began in June 1989 with the inauguration of Alfredo Cristiani as president and ended with the final demobilization, on 15 December 1992, of the FMLN and its legalization as a political party. This was a period of intense fighting. It saw the November 1989 offensive in which the guerrillas took the war into San Salvador and the murder of six Jesuit priests by an army patrol. The Jesuit incident brought an outburst of international condemnation that left the military isolated and unable to decisively influence a process of reconciliation that greatly diminished its power.

Addressing the increasingly volatile situation, the UN Security Council created a task force to provide a measure of stability. The force, called the UN Mission to El Salvador (ONUSAL), was unprecedented in its power within a sovereign country. It deployed on 26 July 1991, with the civil war still going on. ONUSAL fulfilled its proactive agenda and supervised implementation of peace accords signed 16 January 1992 in Chapultepec, Mexico. Later on, ONUSAL's mandate was enlarged to include military, police, and electoral divisions. The mandate was extended through 30 April 1995.

International Assistance

It was during the 1980s, in the middle of the civil war, that Salvadorans could finally participate in increasingly substantive, inclusive, and fair elections. Those elections did not become the only effective instruments of regime transition, and they could not, by themselves, pacify the country. But gradually the international community came to recognize their salience and validity. This increased the international legitimacy of the regime.

During the elections a number of foreign governments and nongovernmental organizations lent their assistance. In an early effort USAID allocated \$3.4 million to create a new civil registry from which a more accurate electoral roll could be drawn up. A more relevant USAID contribution was its 1993–94 assistance to the Supreme Electoral Tribunal, channeled through the regional Center for Electoral Assistance and Promotion, the foremost institution of its kind in the hemisphere. The center opened an office in San Salvador and brought in some of its most experienced personnel and consultants from Latin American electoral bodies. It trained 16,000 poll workers. The center worked closely with the Supreme Electoral Tribunal to improve its efficacy and persuaded it to conduct mammoth voter registration drives.

The most systematic, decisive, and authoritative venue of international assistance to the elections of 1994 was that of ONUSAL. ONUSAL removed obstacles to citizen participa-

tion, reducing the estimated number who could not vote for lack of voting card from a theoretical 786,386 to 78,113. The task force also made the electoral process more transparent, allowed for better management of conflict and uncertainty through its intermediation, and contributed greatly to the legitimacy of the process. ONUSAL itself cost \$7 million. Total external assistance came to \$20 million.

One important and more subtle aspect of international assistance was observation of elections. The large contingents of international observers created a "public good" by the deterrent effect of their presence. This contributed to a more substantive and impartial process.

Despite this systematic, well-funded, and closely monitored effort, ONUSAL still found fault with a number of things. Many of these shortcomings were blamed squarely on the partisan composition of the Supreme Electoral Tribunal and on the extreme caution with which the magistrates made decisions. There were also a number of familiar, and annoying, contingencies, such as cumbersome registration procedures and an insufficient number of voting precincts. But neither the shortcomings enumerated by ONUSAL nor the contingencies identified by most foreign observers amounted to serious irregularities. And they were not produced by a will acting systematically to alter the result of the election.

Distrust Aids Election Process

During the 1994 campaign President Cristiani remarked that the Salvadoran electoral framework had been based on distrust and that this had served the country well. "Institutionalized distrust" responds to the lessons of electoral fraud that took place in the 1970s and to the difficult circumstances of the 1980s. It is, he said, a reaction against "the culture of fraud," a term referring primarily to the practices of the military governments of 1931-79 but also to a legacy that had no room for defeat nor for the rules of fair play.

In an agreement signed in Mexico City in April 1991, the Arena government and the guerrillas committed to a series of changes that would require ratification by the outgoing legislature. One of these centered on electoral matters, which a group called the National Commission for the Consolidation of Peace and a commission representing all political parties worked on. In January 1993 they presented a proposal that was modified and then enacted by the Legislative Assembly. The 1994 elections were conducted under this code.

Most prominent in the code is the Supreme Electoral Tribunal, whose partisan nature is blamed for the slow and cautious manner in which it conducts itself. Although the tribunal is formally "outside the jurisdiction of any state organ," the manner in which magistrates on it are selected reveals strong party influence. Ac-

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According to the code, three magistrates are selected from lists presented by the parties with the largest representation in the Legislative Assembly. Two are voted on by at least two thirds of the Assembly, from a list of nominees submitted by the Supreme Court. The president of the tribunal is the nominee of the largest party. All serve for five years.

The tribunal has final administrative and judicial responsibility for the suffrage. Its administrative staff is part of the spoils system, recruited by a quota system allotted to the parties. Party influence is also obvious at lower levels. Magistrates must appoint all departmental (14) and municipal (262) electoral boards, from lists of nominees provided by the parties. Moreover, the members of voting stations are nominated by the political parties.

On the administrative side, magistrates of the tribunal must also appoint departmental and municipal delegates. The delegates receive all applications for registration made by residents living in their jurisdictions. They issue voting cards to qualified citizens, control all materials pertaining to elections, and support the work of all electoral boards in those jurisdictions. They also receive and transmit all claims made by citizens concerning mistakes in their registration status. This network of delegates constitutes the local branches of the Electoral Registry, which is itself a branch of the tribune. The Electoral Registry is charged with drawing up the registry from which the voter registration roll is elaborated and with updating the roll every 6 months, or 30 days before any election.

One innovation resulting from the peace accords was creation of the Board of Vigilance. Flowing from the work of the National Commission for the Consolidation of Peace and of the party commission, this permanent body is charged with oversight of the tribunal and is independent of it. The board reflects a regional trend. Similar institutions have been created in other Latin American countries responding to a desire for transparency. However, the board consists of representatives of all the political parties, not unaffiliated citizens elected according to other criteria. The Supreme Electoral Tribunal decides the board's budget. In the campaign and elections of 1994, the tribunal and the Board of Vigilance frequently clashed. The tribunal felt ONUSAL was already conducting enough oversight and that the board was enlarging its prerogatives and trying to encroach on those of the tribunal. For its part, the board accused the tribunal of not taking it seriously and of keeping it on the margins of the process.

Institutionalized distrust can be seen in 1) relatively cumbersome procedures for registration; 2) agglomeration of voting stations into an insufficient number of voting precincts; 3) people voting where they are registered, not where they live; and 4) no public transportation being available to citizens on election day.

Registering to Vote

A first casualty of institutionalized distrust is the Salvadoran voter. It takes a considerable act of will to register to vote in El Salvador. According to a Freedom House report, this is particularly onerous for the working poor ... [who] are paid for seven days of work if they work six

days. However, one day off to take care of a registration problem results in the loss of two days' pay—the day taken plus the Sunday bonus. This proved too high a cost to bear for many, who simply gave up after several attempts.

Registering is all the more difficult for illiterates (still a very considerable proportion of the adult population), on whom the process itself is lost. But even the better educated may have to stop and think to get the difference between a *SIRE*, a *ficha*, the *carnet electoral*, and the *cédula de identidad*. Citizens must initiate registration by going to an office of the Supreme Electoral Tribunal. There they must show proper identification (such as the *cédula de identidad*) or bring along two witnesses to fill out the one-page *SIRE* (an individual's application to register). If the office has a matching birth certificate, the *SIRE* is approved, the citizen's name registered. The *SIRE* is returned to the local tribunal office, where it becomes a *ficha*, waiting to be signed by the voter and picked up. Properly completed and laminated, the *ficha* becomes the *carnet electoral*, the voting card. If rejected, voters may present a copy of their *SIRE* to the local office and demand a response within 30 days.

Despite these obstacles, by 3 March 1994 a total of 2,718,055 citizens had fulfilled the voluntary registration requirements. By various estimates, this represented between 80 and 95 percent of eligible citizens. Absent a centralized register of citizens and with the last census dating to 1974, an unbiased estimate may be impossible.

Casting the Ballot

In the 1994 elections, 79,418 *SIREs* were disallowed for improper documentation—3 percent of all the names in the electoral roll. Citizens turned away must check that their names are on the roll and that the name on their voter card perfectly matches the name on the roll. If either is not the case, voters may demand satisfaction within 15 days. By ONUSAL's reckoning, 25,000 citizens with voter cards did not appear in their local electoral roll.

In the elections of 1994 many voting stations did not begin to function until well after 7 a.m. on election day, in part because one or more of their members did not show up or were late. When their turn was up, voters waiting in line stepped forward and presented their voter card. The secretary used that to find a voter's name in the electoral roll, retaining the card until the citizen had voted. Ballots were signed by the president and stamped by the secretary of the voting station. The president tore up the detachable corner of the ballot; the ballot was then handed to the voter, who took it to the voting booth. Once they had voted, citizens had their fingers dipped in indelible ink. They signed the official copy of the electoral roll, had their name stamped with the official seal on that copy, and retrieved their voter card. Voting was continuous until 5 p.m.

Ever since the Constituent Assembly election of 1982, El Salvador has used a system of ballots that makes the participation of illiterates easier. All that appears on each ballot is the logos of the parties and coalitions taking part in the election. There were three ballots in the election of March 1994: blue for the presidential,

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yellow for the legislative, and pink for the municipal. Voters make a mark on top of the party or coalition of their choice.

The immediate postelection process goes like this: At 5 p.m. the voting stations begin scrutinizing and counting the votes. This includes counting the spoiled and leftover ballots; opening the ballots; separating the votes for each party or coalition and counting these aloud; entering the tallies for each; tallying blank, null, and challenged votes; and entering all this information into an affidavit. Original and three copies of the affidavit, signed by all voting station members and party watchers, are taken in person to the municipal tribunal office. As many additional copies as there are parties competing are distributed to party representatives. Voting stations immediately inform the tribunal of their results.

Since copies of the affidavit are sent or transmitted directly to the tribunal, there was little reason for delay in reporting final provisional results of the 1994 election. The tribunal had arranged to have its official copies of each voting station affidavit driven or flown to San Salvador. A special computation center had been set up, and the Center for Electoral Assistance and Promotion ran simulations on four consecutive Sundays before the election. Nevertheless, the tribunal took its time before reporting anything.

Outcome of The Elections

Arena's Armando Calderón Sol was elected president in the May 1994 runoff against Rubén Zamora of the Democratic Convergence-FMLN. The election for the 84 deputies of the Legislative Assembly followed what is known as the d'Hondt system of proportional representation in multi-member districts, with 64 members elected from districts representing the country's 14 departments and 20 deputies (plus another 20 to the Central American Parliament) elected at large. Election of the 262 mayors and of municipal councils was by simple plurality, with all council seats going to the first past the post. Runoffs between close contenders were not part of the picture.

Some people anticipated that the 1994 general elections would be the "elections of the century." This was, after all, the first time in which the entire political spectrum of the country would be able to participate in balloting in which each party had a reasonable chance to field candidates and campaign. The vote was to be cast in secret and counted openly. What's more, the outcome of the election was to be dictated by these free elections and not by an elite arrangement outside the electoral process. It may have been anticipated that a large voter turnout would translate into an overwhelming victory for the FMLN. Nothing of the sort happened.

Appraisals written afterward referred to this unfulfilled expectation somewhat sarcastically. Forgotten were some precedents that contributed greatly to make the elections of

1994 uneventful. The May 1984 victory of José Napoleón Duarte settled the point that access to government had to be through genuine elections. The triumph of Alfredo Cristiani in 1989 showed that the political right could win without fraud.

The conservative Arena and National Conciliation Party (PCN) kept 43 of their 48 seats in the Legislative Assembly, less than a comfortable majority. The Christian Democratic Party's continuing decline left that party with only 18 deputies, down from 26. The FMLN bloc elected 21 deputies and, to everyone's surprise, did better in urban centers unaffected by war than in the rural areas where it operated for more than a decade. In the municipal elections the FMLN had its best showing in San Salvador, where it came in second to Arena. The FMLN showing was impressive, but not where it had been expected, and probably not for the expected reasons.

Participation went back to the levels of the early 1980s, with more than 1.3 million valid votes cast on 20 March. The elections for the Legislative Assembly attracted more voters than did the presidential race and the runoff as the parties were somewhat ahead of the personalities. Doubts about the size of the electorate and the true feelings of voters remain, but 86 percent of the public believed the electoral process was going to be useful to the country. Voters were more concerned about crime than about anything else, and the level of turnout was more or less that of the rest of Central America.

The elections resulted from a process that had been interrupted by

fraud and civil war. The left was incorporated in the political process and became the second strongest force in the elections. Despite protests about some irregularities, none of the contestants challenged the outcome. The international agencies that assisted in the process were satisfied. None of the observer missions with any track record of covering Salvadoran elections put these in doubt. Therefore, unremarkable elections may have been the greatest achievement of 1994.

Consequences

From the standpoint of reconciliation, one consequence of the elections of the Salvadoran transition was their "demonstration effect." No one anticipated that the outcomes of war and transition could be reconciled. Ironically, civil war made the elections relevant. International assistance and the determination of Salvadoran democrats made the elections more foolproof. Their outcomes made the peace process possible.

Looking at the first three elections—those of 1982, 1984–85, and 1988–89—one observer concluded that their outcomes elicit four possible inferences. First, their relevance was vindicated by very high levels of turnout. Second, the more benign approach to ending the civil war, addressing the more political aspects of its origins, was vindicated by the Christian Democratic victories of May 1984 (presidential) and March 1985 (legislative), which Arena could not totally repudiate once in power. Third, the electorate behind Arena was not so much in favor of a cleansing or a "final solution" as it was afraid that El Salvador could become

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another Nicaragua. Finally, the electorate remained skeptical of the efficacy of elections in solving the war.

That Arena and the Christian Democratic party eventually found ways to compete and compromise in a civilized fashion induced the social democrats to return to the country in 1987–88 and to integrate themselves into the electoral process. In turn, their presence implied that the guerrillas could eventually incorporate as well. The alternative to this reconciliation, which preceded but was insufficient to bring about a reconciliation between government and guerrillas, would have been a hegemonic system. This could come only from a military triumph or from some kind of electoral landslide. But neither war nor elections did produce a hegemon and the only viable approach was to manage conflict through party competition.

The chance to organize as a political party and eventually win a competitive election helped change the perspectives of extremists, whether conservatives or guerrillas. The fact that in 1982, 1984–85, and 1988–89 the opposition became the government was unprecedented. In those elections the “oligarchy” took the lead in the search for votes and developing party organization. Guerrillas hoped that they, too, could take advantage of this.

Elections and Political Parties

The political system that emerged from the war was a *partidocracia*—a party-based democracy. Party control or vast party influence over a political system is not necessarily undemo-

cratic. Politics driven by party control and competition is not necessarily an elite cabal taking place in a vacuum. It presupposes a system requiring networks of grass-roots activists that are no less representative than those of civil society. In short, politics as a system of parties is not necessarily less democratic than politics as social movements. But while politics as a hegemony of parties is not necessarily undemocratic, it does create tendencies that are hard to check. One is exclusion. The Salvadorans were able to overcome that when they incorporated the former guerrillas. Another is corruption, the most probable cause of political decay in Latin American democracies.

What minimal coherence the Salvadoran regime had during the civil war was due to the political parties—an indication of the parties’ viability. From the standpoint of governability, one other indication that both the Christian Democrats and Arena were true political parties was that party discipline facilitated executive–legislative relations during the war. Party discipline also aided the peace process, as it was necessary for the Assembly to ratify agreements and move with deliberate speed. The centrality of parties also affected the Salvadoran left. For reasons of survival during the war, the five factions of the guerrilla movement set aside their historical differences and built a coalition. When they joined the electoral process in 1994, they did the same, going united into the contest. Now the stakes were political effectiveness, rather than survival. There was no other option than to proceed in this fashion if they wanted to have a chance at becoming a viable electoral force. Although they may have preferred to remain a social move-

ment, the logic of electoral competition forced the guerrillas to become civilian political party organizations.

Nowhere is the impact of party control more lopsided and less justifiable than in the constitution of municipal governments across the country. In the municipal elections of March 1994, Arena received 44 percent of the vote, but the winner-take-all system gave it control of 206 out of 261 local government councils (79 percent). That is inequitable and unfortunate. It not only distorts the popular will but also compromises a process of power devolution that sought to transfer initiative and resources to local governments.

Elections and Negotiations

By using the elections to rebuild the domestic political arena, Salvadoran politicians showed that theirs was not a failed or bankrupt state. But they knew that elections would not be enough.

In October 1984 President Duarte led a government team to a meeting with the FMLN at La Palma, a town in the department of Chalatenango often held by the guerrillas. Thousands of people turned out to support the talks and to demonstrate for peace. There were further meetings, but various factors conspired against the effort. These included skepticism of the United States, rancor between the Christian Democratic Party and the Democratic Revolutionary Front (which later became the Democratic Convergence). Duarte's failing health and vulnerability at home, opposition of the conservatives, and the regional political context were also factors.

In his 1989 inaugural address, Alfredo Cristiani proposed "permanent, reserved, and substantial negotiations with the FMLN to end the conflict." Whatever his intentions, elections had put in place a president with a much stronger position than Duarte's. The two sides met in Mexico City on 13–15 September 1989 and agreed on a series of procedural norms. In January 1990 Cristiani asked UN Secretary General Javier Pérez de Cuéllar to mediate in the negotiating process. In April the FMLN and the Salvadoran government signed the Geneva Accords, which opened a new phase of negotiations.

The FMLN used the negotiations of 1989–91 to extract a number of concessions from the government. These were part of the package of institutional changes that it considered indispensable for the democratic regime to function and for it to put down its weapons. The guerrillas wanted to reach agreement on a wide range of reforms before they would disarm. For its part, the government insisted that it would discuss changes in the military and in the political system only after the FMLN laid down its weapons. President Cristiani was adamant that his government would not accept an armed peace or a temporary truce.

The two sides did not see eye to eye until they made two realizations. First, that it was to their advantage to redefine the role of the armed forces in politics. Second, that political incorporation could not be completed until the agent that had unhinged it in the past was neutralized. In the middle of the civil war, oligarchs and guerrillas alike realized they would not be able to curb the military

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Oligarchs and guerrillas alike realized they would not be able to curb the military without the rule of law and without competitive elections.

without the rule of law and without fully competitive elections. They took advantage of this coincidence of interests to end the “praetorian cycle” in El Salvador.

Diplomacy played a crucial role in marshaling an agreement, but the ultimate successful implementation of the Accords of Chapultepec and the process of reconstruction could not have been improvised by negotiation alone. The Salvadorans had learned some hard lessons. These lessons, reinforced by important changes in the regional and global context of their civil war, led them to modify their attitudes and to commit themselves to a negotiated solution. This commitment crystallized before and was reinforced by the results of the negotiation and implementation process. It kept that process moving forward despite the efforts of some to derail it.

The election campaign of 1994 began when FMLN leaders returned from exile and the battlefield to San Salvador, following enactment, on 23 January 1992, of the Law of National Reconciliation. On 1 September the FMLN leadership swore allegiance to the constitution and laws of El Salvador. The FMLN was officially recognized as a political party on 14 December, the day the last group of guerrillas was demobilized. The campaign turned out to be about who could do a better job of rebuilding the economy and reconciling Salvadorans. FMLN incorporation was necessary for this normalization but, apparently, not the central concern in voters' minds at the time of the election.

Elections, the Rule Of Law, and the Security Forces

Absence of the rule of law characterized Salvadoran political regimes before the civil war. As a result, the judicial system could not be counted on for much during the transition. This seriously undermined the ability of the government to deliver justice and guarantee citizens' rights. Inability to end the slaughter raised serious questions about the complicity and involvement of the government. From 1983 through 1987 USAID earmarked \$13.7 million to improve the judiciary but could spend only \$5 million in a system that lacked, as the General Accounting Office put it, “the ability to routinely deliver fair and impartial justice.”

The highest levels of popular participation and the most bitterly fought elections took place precisely during the period when the greatest violations of human rights were taking place, during 1982–84. That by itself doesn't necessarily mean that a majority of Salvadorans participated in elections to repudiate the violence. But a more modest claim can be made—that the uncertainty and terror created by the death squads could not intimidate voters enough to derail electoral competition.

Gains in the rule of law through elections were primarily indirect. The elections brought to office first a Christian Democratic government (1984–89) that did not condone the death squads. The government introduced some innovations. It wanted to reform the judiciary and was more open to international scrutiny. Then an Arena government

came to power (1989–94). Because of its rightist origins, it had to look transparent in its treatment of judicial issues. It even yielded a measure of sovereignty to the UN mission so that it could fulfill its unprecedentedly proactive mandate.

The first chapter of the Accords of Chapultepec is not about agrarian reform or social security but about reorganizing the armed forces and subordinating them to the rule of law. Addressed are the doctrinal principles and educational system of the armed forces; removal of officers unfit for service and an end to military impunity; disbandment of the so-called infantry battalions of rapid reaction (which were frequently accused of atrocities); subordination to civilian authority and proscription of paramilitary bodies; and suspension of forcible recruitment. This was followed by the longest chapter in the agreement. It provided for the establishment, staffing, training, controlling, indoctrinating, coordinating, and deploying of a new National Civil Police independent of the armed forces.

Because the rule of law became such an aspect of the agenda of negotiation, a number of innovations were included in the third chapter of the Chapultepec agreement: creation of a National Council of the Judiciary, of a judicial training school to be administered by the council, and of a National Counsel for the Defense of Human Rights. Around the time of the 1994 elections, the Bar Association of El Salvador conducted an election in which 80 percent of its members participated to produce a

list of 42 jurists who would become candidates for the Supreme Court. The National Council of the Judiciary produced a similar number of candidates.

But restoring or inaugurating judicial institutions does not by itself guarantee the creation of a law-abiding culture. Moreover, in the view of Msgr. Gregorio Rosa y Chávez, there has been no reconciliation in El Salvador. Monsignor Rosa y Chávez, the auxiliary bishop of San Salvador and a sometime mediator between the government and the FMLN, observes that the perpetrators of the more serious offenses have not been brought to justice and have not been exposed. When the UN Commission on Truth, a body called for in the peace agreement, issued its report, the Salvadoran government took issue with it, and the Legislative Assembly passed an amnesty law. Nevertheless, Monsignor Rosa y Chávez detected no groundswell for vengeance, at least among the more humble citizens—the ones who had suffered the most. As a practical matter, human rights violations were so widespread on both sides that going after offenders would have left very thin leadership at the top.

Role of the Media

The mass media at the beginning of the Salvadoran transition were in a condition little different from the country's judicial institutions: they were there, but they did not perform the functions associated with them in open societies. To be sure, the civil war brought with it a number of natural restrictions. But the very manner in which the dominant elements of the Salvadoran media approached the job left much to be desired.

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Improvements in coverage have diverted the mainstream media from a collision course with the democratic process.

During the 1980s it was difficult, from Salvadoran printed media, to follow the course of the war and of the transition process. Wire information was reported incompletely or not at all, long circumlocutions enveloped poorly or clumsily stated facts, with little distinction between fact and opinion. To make matters worse, some stories were spread out in small sections over several pages of the paper. It appeared as if the editors were challenging readers to stay with the story. Very often, from reading the Salvadoran press, one could not tell that a civil war was going on.

During the Duarte presidency, things began to improve. Local radio stations began to interview social democratic leaders in exile and to feature more broad-based coverage, which though unsympathetic to the rebels earned the wrath of violent rightists. Many threats were delivered, and some were acted on. As usual, no one was apprehended. With the return of the social democrats in 1987–88, coverage was amplified, and the larger outlets expanded to include all segments of the political spectrum. During this time, the FMLN used broadcasts (through its own station, Radio Venceremos) with great effectiveness. Indirectly, this may have contributed to gradually easing censorship and allowing others to catch up.

Given this record it is hard not to view as undeserved self-praise claims that, on the whole, Salvadoran radio and television contributed greatly to advancing democracy in the country. If anything, the Salvadoran media were remiss during much of the civil war.

Recent improvements in the coverage of domestic politics and

elections have diverted the mainstream media from a collision course with the democratic process. The overall conclusion, though, is that not much should be expected of the media's role in ensuring the integrity of elections and of the democratic system. Given the mix of ideological agendas and profit motives, it is probably too much to expect that, as a whole, Salvadoran media have become a bulwark of democracy and stand ready to denounce abuse of power. As a result of the recomposition of the domestic political process, it is more likely that abuses and violations will not go undenounced. But there remain many outlets and interests willing and able to defend officialism and to justify its excesses.

Lessons Learned

Efficacy of elections. Free and fair elections were a central concern to all parties, which suggests that a distribution of power produced by elections may be more legitimate and long-lasting than anything arranged at a negotiating table. But these need not be mutually exclusive. Salvadoran conservatives would not likely have accepted power-sharing unless it came as a result of elections. Absent a negotiated security arrangement, it is doubtful the guerrillas would have become a political party and competed in elections.

Rigged elections were one of the causes of civil war in the 1970s. Free competitive elections were instruments of regime transition in the 1980s that laid the basis for transition of power in the 1990s. The ruinous armed conflict made political incorporation more difficult for the guerril-

las to resist. The elections helped make war unnecessary. What remained to be seen was if the rebels could participate on equal terms, without fear for their lives and without the possibility of reverting to old patterns.

But one should be careful not to assume similar initial conditions in other situations and adjust the timing and nature of elections accordingly. Elections in a civil war driven by ideological considerations may have much greater efficacy than in a civil war driven by ethnic hatred.

Context of the elections. There were no ethnic or religious factions to reconcile in El Salvador. The protagonists did not see themselves as proxies or subordinates of the superpowers. Direct foreign participation in fighting was minimal, and there were no foreign armies on Salvadoran soil.

But there was diplomacy. Central American presidents in the late 1980s and the United Nations and the so-called four friends of the secretary general (the presidents or prime ministers of Colombia, Mexico, Spain, and Venezuela) in the early 1990s played key roles in facilitating negotiations.

Some unfortunate consequences of the war actually helped alleviate problems that helped create the conflict in the first place. Emigrants' remittances had social consequences. In 1989, 42 percent of Salvadoran families had a relative living in the United States and were receiving an average of almost \$150 a month. This loosened the tradition of patronage and softened some of the constraints that had choked the economic

options of families and individuals. This contingency was favorable but is hard to reproduce elsewhere.

Security issues. That the national revolts and civil wars of Central America did not become a regional conflict was a result of 1) the decision of national governments to fight their counterinsurgencies relying on external assistance but without regional alliances; 2) diplomatic initiatives through which the Central Americans found the means to increase their autonomy relative to the United States; and 3) a level of superpower involvement that was well below that in other regions.

The civil war itself had its nuances peculiar to the country. For a greater part of the conflict, the relatives of the protagonists were not targets of violence. There were lulls as the rainy season, from March to October, made operations difficult. Lulls also occurred because many FMLN fighters spent considerable periods of time outside the country. Though savage and vicious, this war, fought over politics and ideology, was not a fight to the death. Nonetheless, there were crucial issues of security. The FMLN was irresponsible and duplicitous in the required reporting of its weapons inventory to ONUSAL. In this regard, monitoring is indispensable.

Electoral innovation. During the 1994 elections the two leading presidential candidates agreed to implement residential voting, proportional representation for the election of municipal councils, a new Electoral Registry, and a single identity document for all citizens. They also agreed to an administrative reform of the Supreme Electoral Tribunal. By December 1996, however, very little had been done. This suggests that

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institutionalized distrust is alive and well. Donors must continue to help Salvadorans develop a more equitable and user-friendly system of elections.

Innovations in technical assistance. Getting around the distrust calls for strategic planning. Both the tribunal and the larger political parties are stakeholders who will probably resist head-on efforts by civil society to wrest from them the management of elections and the leadership in electoral competition. The voting process is still unnecessarily difficult. If residential voting is not going to be implemented, electoral assistance ought to include support for transportation on election day. If voting registration continues to have high thresholds, another component of aid should be earmarked for facilitating the process.

Political models. El Salvador's political system emphasizes caution and gives wide margins of negotiation to elites. It is not conducive to maximum participation. If that system is to be reformed from within, the leadership of the political parties will have to undergo major changes in norms and in attitudes—an evolution not likely in the short term. As for technical matters, the system of proportional representation has apparently served the Salvadoran electorate well in choosing its legislative assembly. Ballotage, a system of runoff presidential elections, has been in place for some time and is not likely to be tinkered with. By contrast, the scandalous winner-take-all system in municipal elections

cannot be maintained much longer without causing a crisis of confidence and legitimacy.

Doing more or less. In a civil war, all assistance is political. Electoral assistance was a tiny fraction of the massive assistance El Salvador received during the civil war. But it was effective because other things were put in place. Humanitarian, developmental, and political concerns are linked. That suggests that choices between remedying malnourishment and giving electoral assistance are clear-cut but false. Which is more urgent—that people are fed and housed, or that they are safe, or that their government is accountable? There are causal connections between these. It is time to think of assistance more comprehensively. Elections help put responsible governments in place.

Sustaining gains. Those with a stake in maintaining a democratic regime in El Salvador should provide civil society with the means to guarantee relief to ordinary citizens where political parties and electoral authorities fail to live up to promises of reform. For example, civil society groups could help register voters, drive them to polling places, and help orient them once they arrive. In addition, donors should consider linking future assistance to national electoral authorities' fulfilling promises of electoral reform. No one can guarantee that this will increase voter participation, but greater transparency will hurt no one.