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DEMOCRACY SECTOR ASSESSMENT:

EL SALVADOR

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I. INTRODUCTION:

Five years after a set of historic peace accords that brought to an end its long and bloody civil war, El Salvador faces a number of challenges that threaten to debilitate--possibly even derail--its fragile democracy. The most daunting is high levels of civil violence; homicide rates threaten to eclipse peak death squad activity during the war. Other problems give additional grounds for concern: the lack of an economic policy which effectively grapples with the multiple challenges of growth, unemployment and poverty, and fiscal stability, and a lack of institutions and resources to fully and effectively implement the extensive menu of reforms proposed and already under way.

There have been significant successes since 1992-- many a result of the peace accords. They include a dramatic reduction in the size of the Armed Forces--although not to pre-war levels; purging and reorganization of the officer corps, and redefinition of the institution's doctrine; abolition of three security forces and assignment of responsibility for public security to a new National Civilian Police (PNC); creation of the Ombudsman's Office of Human Rights (Procuraduría de los Derechos Humanos-PDDH), where citizens can file complaints of human rights abuses; and, reincorporation of the left into the political life of the country through the legalization of the Farabundo Martí National Liberation Front (FMLN) as a political party.

Society has been demilitarized. Former guerrilla commanders now sit in the Legislative Assembly. One, Lorena Peña, is the legislator most responsible for shepherding through the Assembly a series of laws designed to protect women. At social functions, former guerrillas are often seen talking with active duty military officers. A civilian member of the second junta that was formed in January 1980, after the first junta resigned en masse, now lectures periodically at the Military Academy. He recently commented that, when he was a member of the junta, the army would not let him in the doors of any military installation.

The military member of the government's negotiating team at the peace talks, General (Ret.) Ernesto Mauricio Vargas, and one of the non-military members of the FMLN's team, Salvador Samayoa, now appear together in print ads for a new radio station that would like to become the Salvadoran NPR (National Public Radio). Radio Venceremos, long a thorn in the side of the Salvadoran military for its persistent and often irreverent broadcasts from the mountains of Morazán, is now a legal pop music station. Both major newspapers, La Prensa Gráfica and El Diario de Hoy, have undergone both format and content transformations. Prensa Gráfica has a number of regular columnists, including Samayoa as well as ex-government officials such as Mirna Lievano, that cut across the political spectrum. Until 1992 Samayoa was regularly described as a "terrorist" by this newspaper.

Changes in the media have meant improved access for all sectors, though "equal time" is not yet a reality. There is relatively greater participation in decision-making at many levels, although the ruling party has been willing and able to monopolize the policy decision-making processes when it felt the need to do so. In these cases, the opposition had little recourse beyond public criticism or condemnation. There have been some small improvements in the electoral system, but these fall short of those promised by the peace accords and formulated by a presidential commission. There have also been significant changes in the justice system, broadly defined. A new police force,

Ombudsman's Office of Human rights, more competent and independent supreme court, and the gradual replacement of incompetent and corrupt judges are all positive steps in the process of establishing the rule of law. Further, there is a new emphasis on education, particularly at the primary and secondary level, and a new vitality in a number of municipal governments.

Scope of Work and Methodology:

Scope of work: This report and the accompanying Annex Volume were contracted through a buy-in to USAID/Global's Democracy and Governance Center's IQC No. AEP-I-00-6006-00 held by Management Systems International. Under the original scope of work for this assessment (see Annex Volume) the report was designed to provide technical and substantive reinforcement for USAID/El Salvador's democracy sector strategy for 1997-2002.¹

Shortly before the actual field work was undertaken, the Mission's democracy strategy was reviewed and approved by USAID/Washington. Given that, it was decided in the early meetings held with USAID both in Washington and El Salvador to modify the purpose and scope of the work to one which would fit better with the implementation of USAID/El Salvador's proposed strategy. It was decided that rather than a full scale review of the status of democratic consolidation greater emphasis would be put on 1) understanding the nature of the democratic policy change process, 2) understanding the evolution and development of the key interlocutors for democratic development (ie., political parties and pressure groups) and 3) developing a greater understanding of key areas for democratic consolidation, the key actors involved, and potential options to assist the process. The revised approach was reviewed and approved by the Democracy Strategic Objective Team and a new outline was developed for the report.

Purpose: The restated purpose of this report is to provide an assessment of progress and development of institutions, dynamics, and activities considered key to the process of consolidation of democracy in El Salvador. The assessment takes the view that democratization can best be viewed as a dynamic and highly complex process of policy change and implementation which incorporates myriad institutions and actors or stakeholders. We argue that it is important to have a clear understanding of how the process of democratic reform works - and to have a reasonably clear vision about what needs to be done. The assessment also takes the view that institutions and organizations are critical to the implementation of democratic reform; if they are not up to the task, then democratization will be impaired or even derailed. Understanding both how the process works and the role of institutions in that process can help point the way to a clearer, more feasible strategy for democratic consolidation as well as to better prioritization of the implementation tasks involved.

Methodology: As in most undertakings of this dimension a number of methodologies were employed. Documents were reviewed, interviews were held, daily debrief and working meetings were held by the team, and weekly working meetings were held with the SO team. The field work and subsequent data analysis was divided according to the various "sectors" laid out in the original scope of work, roughly following the detailed question format for each sector. Full reports were

¹ see USAID/ El Salvador: "Sustainable Development and Democracy in El Salvador: 1997-2002", May, 1996.

developed for the following "sectors": municipal development, rule of law and justice sector, financial management, the budgetary process, police and security, the media and communications, and civil society. These reports are the main source of input for descriptions of the current status of reform in each sector and are reproduced in their entirety in an Annex Volume. To develop a greater understanding of the working of the democratic policy implementation process, a framework was adapted from the policy change literature and then applied to the reform process in the justice sector. Finally, the techniques of stakeholder analysis and political mapping (see IPC Technical Notes on these techniques in the Annex Volume) were utilized to analyze key strategy areas and potential options for assisting in the process of democratic consolidation.

Several presentations were made as the report progressed. Each MSI team member gave an exit debriefing for the SO team before departure. The report's Principal Author returned to El Salvador in February to present the first draft of the report and to provide a briefing to the SO team, other members of the USAID Mission, and to members of the Embassy staff. Mini sub-sector workshops were held for commentary and input -- participants included both USAID project managers as well as contractor personnel. In March, a briefing was presented by the Team Leader to the Democracy Governance Center and the LAD Bureau in USAID/Washington. Also present at the meeting were members of the State Department.

The Team: The team was a multi-disciplinary group consisting of MSI and non-MSI contracted personnel. The team was led by Benjamin L. Crosby of MSI, (coordinator and principal author of this report), and Tommie Sue Montgomery, a political scientist currently at Tufts University. Other members of the team contracted by MSI were Ricardo Cordova, Director of Fundación Dr. Guillermo Manuel Ungo, and consultant on civil society; David Jickling, social scientist and consultant on Municipal Development; Mary Said, Attorney at Law and consultant on legal and justice reform; and Carlos Briones of FLACSO, political economist and consultant on transparency and participation in the budget process. There were several other team members that were contracted and funded independently. They included: Lynette Asselin of Casals and Associates, CPA and consultant on financial management and transparency; Eliene Augenbraun, a AAAS Fellow with USAID/PPC, and Carmen Guzmán, UCA, consultants for media and communications; and Sergeant Lucio Martinez of the Chicago Police Force, consultant for ICITAP on security and police training.

The team would like to express its sincere appreciation to the many collaborators we had in El Salvador without whom this report could never have been done. We think that they will recognize their contributions. We would also like convey a very special note of gratitude to the Democracy SO Team and to Deborah Kennedy de Iraheta, Director of the Office of Democratic Initiatives. Debbie and the rest of the team were at once collaborative, patient, and appropriately critical -- without those three qualities, it is unlikely that this report would have emerged. The team, of course, remains responsible for errors of commission or omission.

Organization of the Report:

The report is organized into four main sections: The first section presents an overview of status and progress in several key areas including civil society, the media and alternative information sources, the legislative branch, administration of justice and rule of law, human rights, financial management and accountability, local government and participation, political parties, the electoral process, womens' participation, and civilian control over the military. The section will also review some of El Salvador's current dynamics and undercurrents affecting the democratization process. The second section describes the policy change implementation process. The discussion presents an analysis of the tasks involved in policy implementation and through a case analysis of legal reform presents an application of the process. The purpose is to provide a better understanding and common vocabulary of the policy change implementation process. Section three looks at the main institutions for the aggregation and articulation of demand and participation -- political parties and civil society organizations (pressure groups). The discussion centers on their evolution, role in the democratic political process, and their effectiveness as institutions. In the fourth section we turn to an analysis of stakeholders in key areas: local participation and municipal development, legal reform and rule of law, opening the legislative process, and electoral reform. The purpose here is to look at support and opposition to reform in these areas and to assess the institutional capabilities of key actors involved for moving the process forward. Incorporated into this discussion is a brief analysis of options and/or strategies for assisting in the consolidation process.

II. CURRENT STATUS OF REFORMS

Any discussion of reforms in El Salvador necessarily focuses at least as much on how much remains to be done as on the achievements to date. In this section we will give a brief overview of progress as well as what remains or is missing in several areas. Before moving to a discussion of concrete areas of reform, we shall first look at some of the undercurrents which permeate the democratic reform process and in most cases act as constraints.

Undercurrents: Violence, System Insufficiency, and Lack of Leadership

Despite the considerable successes achieved, a lack of strong institutions (system insufficiency), the growing problem of violence, and an apparent absence of clear leadership and vision could easily undermine progress already made toward consolidation of El Salvador's infant democracy. Institutions important to the democratization of the country, such as the Prosecutor's Office and the Legislative Assembly, effective political parties and pressure groups, lack the capacity to fully or adequately perform the tasks to which they have been assigned. Resources, leadership, and well organized institutions are all in short supply. At the same time, crime has increased at a distressing rate. The concern to slow the pace and some of the measures suggested and/or employed have put pressure on the still developing National Civilian Police and the deployment of more equitable due process measures. One of the measures taken has also brought the military back into a policing role. While these measures have hardly caused the overturn of democracy in El Salvador, the pressures of system insufficiency and violence, if left alone, will erode the gains made.

Violence. The statistics on social violence are alarming: in a May 1996 national survey, one-quarter of all respondents said someone in their immediate family had been assaulted in the previous four months. Another survey in June and July found that 79 percent of the respondents identified crime as the number one problem.² Citizens clearly link the crime levels to economic conditions. When the May survey asked what were the causes of crime, unemployment (at more than 30 percent in December) was cited by 44 percent of the respondents; the "economic situation" was third, mentioned by 11 percent. (Family disintegration -- undoubtedly exacerbated by the other two factors -- was second, at 13 percent.)

The country's central morgue receives an average of 300 bodies per month and the number is growing.³ In recent months there have been several massacres of families, including small children. There is no indication that these are political crimes and none have been solved. An average of six police officers are killed each month, most but not all in the line of duty. Much of the urban violence is the product of well-organized gangs. The most important of these have their antecedents in the Los Angeles barrios where several hundred thousand Salvadorans settled in the

² The surveys, respectively were: "Los salvadoreños opinan sobre la delincuencia común y la Ley de Emergencia", IUDOP Boletín de Prensa, Año XI, No. 2, Mayo 23, 1996. 1212 respondents, 4% margin of error. "Opiniones de los salvadoreños en 1966, "Consultoria en Encuestas e Investigaciones Diversas (CENID), Junio-Julio 1996. 1554 respondents, 3% margin of error.

³ Interview with Dr. José Luis Coto, Director, Office of Forensic Medicine, San Salvador, November 14, 1996.

1980s. When the gang members returned, either voluntarily or by order of the Immigration and Naturalization Service, they brought their organizations, colors, and territorial practices with them. The police have been hard pressed to deal with these gangs because of a lack of resources and experience.

Another issue not on the national agenda five years ago is violence against women -- the issue now receives attention in the major newspapers. More important, the Legislative Assembly has approved legislation that makes rape a public crime for the first time, no longer requires a witness (other than the victim) to the rape in order to press charges, and includes in the new penal code articles that protect women -- all of which are significant advances.

In the countryside, armed bands plague the coffee and sugar cane regions, especially at harvest time. The bands often wait until payday, then rob the coffee pickers and cane cutters. Demands from growers to call out the army to provide security -- an act considered by some to be a direct violation of the peace accords -- have been met by the development of "Plan Guardian". On orders from President Armando Calderon Sol the police and the military have created joint patrols. The Armed Forces were not happy with this order but as the head of the Joint Chiefs of Staff remarked in an interview, "It's not what we want or don't want. It depends on the president."⁴ One difficulty is that these patrols have been deployed across the country without any analysis of where they are needed. This has provoked citizen concern. Some see this as an effort by the Armed Forces to reassert a public security role for itself, in direct contravention of the peace accords--a charge the military denies. Other citizens acknowledge the need for "Plan Guardian" in some areas of the country--but not in theirs. Such a view was recently expressed by the people of six municipalities in northern Chalatenango that had been a solid FMLN area during the war. In a meeting they solicited with the PNC Director they told him that "Plan Guardian," was being implemented in their area despite highly organized citizen cooperation with the police to combat crime. The PNC Director was warmly received and listened respectfully. When the people finished talking, he assured them he would promptly address their concerns. The people were satisfied. This meeting may have been the first time in their history that some of the poorest of El Salvador's citizens had a conversation with a senior official about public security--a sign of hope in the midst of a national crisis.

System Insufficiency: A great deal of emphasis on democratization in recent years has, naturally, been aimed at increasing participation in and access to decision-making institutions and at enhancing the capacity of those groups and organizations trying to articulate demands. Simply expanding participation and better articulation of demand, however, is only one side of the equation. There must be in place organizations and institutions capable of both capturing that demand and processing it to provide satisfactory solutions and remedies. A smoothly functioning and reasonably equitable democratic system is one where demand is balanced by capacity to respond satisfactorily. When the equation becomes unbalanced, democracy will begin to tatter.

In El Salvador, many if not most of the extant institutions for responding to demands were created and developed under non-democratic systems. In many cases, institutions were more

⁴ Interview, San Salvador, November 21, 1996.

engaged in repressing rather than satisfying demand. With the signing of the Peace Accords and the inclusion of previously excluded sectors, however, it became necessary to eliminate some institutions (the military police) and create new ones to take their place. In others, radical overhaul was necessary (eg., Courts). Clearly such processes would be difficult enough were they relatively isolated agencies, but in El Salvador, entire branches of government have been affected. At the same time, organizations with the function of mobilizing and expressing demands needed to learn how to play by new rules and develop the capacity for playing on a more open and competitive playing field. Organizations equipped for guerilla activity needed to learn how to become political parties, and participate in a competitive political process. Rules of the game that permitted illegal armed groups now mandated negotiated solutions and compromise.

The process of creation of new institutions or modification of existing ones on both sides is neither simple nor quick. There are insufficiencies in the system on both sides. While the Legislative Assembly technically has become more accessible and open, not only are there weaknesses in the functioning of its commissions, but there is debate over internal processes and procedures. And though the Assembly's technical staff has made great strides there remain many gaps. Perhaps fortunately for the Assembly, there are relatively few groups in civil society actually equipped to take advantage of a more open process. Although new laws are in place guaranteeing greater due process for those before the justice system, the institutions for actually carrying out those new laws are strapped by insufficient budgets and a lack of human resources to adequately staff them. In a like manner, if decentralization of authority to the municipalities were put into effect tomorrow, not all would be up to the task.

At the moment there are significant environmental impediments to the rapid reduction of system insufficiency: the current government policy of fiscal austerity which place severe limits on resources available, the drive toward modernization of the state leading to a vision of a reduced state, and the poor image of the state, combined with low salaries and benefits, which impedes recruitment of talented and capable officials. The problem of creating or developing institutions which balance the articulation of demands with effective capacity to respond most certainly will be around for a long time. To be aware of the problem and to take measures to ensure that the balance is reasonably maintained is the challenge.

The Problem of Leadership:

The most serious political issue in terms of day-to-day governance is found at the top levels of Salvadoran politics. After the strong leadership of Alfredo Cristiani (1989-1994) there has been a failure to follow through on many policies originally embraced by the government. For example, the creation of a system of property taxes was promised, a much more progressive tax than the IVA, but nothing has happened. Mayors were promised that the government would support proportional representation in elections for mayors and municipal councils. That pledge vanished in a flurry of strong opposition from ARENA. One member of the Assembly asserted that, "It will take twenty years for municipalities to be ready for proportional representation."⁵ Part of the problem of

⁵ Interview with head of ARENA Assembly delegation, San Salvador, November 26, 1996.

leadership may also lie in the perceived shift by the current administration to policies which have negatively affected a significant part of the government's base of support -- the private sector.

In the absence of executive branch leadership, ARENA's control of the legislative branch has been crucial, and has given the legislature greater relevance and power than it has ever enjoyed. That control was characterized in 1994-95 by considerable efforts to search for consensus. In 1996, however, consensus gave way to simple power as ARENA crafted a working majority to push through several significant pieces of legislation, at times dispensing with normal legislative procedures.

Although there seems to be a problem of supply of leadership from the government, on the other side there is relatively little organized or cohesive demand. If the government fails to provide leadership, the opposition has been unable to present an organized or unified alternative. Traditional sources of opposition in either the center and left political parties or labor are bogged down by fragmentation and internal division. The once strong alternative presented by the Christian Democrats has been splintered and the growing voice of the FMLN too has suffered a major split. Labor has been decimated by the civil war, a loss of ideology, and unabated internal division. While groups such as FUSADES and ANEP have made hesitant moves to fill part of the vacuum, their relatively narrow bases and defined interests, and preference to remain as pressure groups, limit their capacity to play a larger role. Other groups are beginning to emerge as well in civil society but it is too early to judge whether there is a clear or defined pattern or if they will be capable of taking on or re-energizing leadership of other sectors.

■ **Legal and Justice Reform:** Prior to 1992, the police force was under military authority, the Prosecutor's Office (FGR) was mostly inactive, the Defenders Office had no role, the Ombudsperson's Office of Human Rights did not exist, and the criminal and civil codes came primarily from the 1800s. Through the efforts of the GOES, NGOs, the international donor community and others, significant changes have been brought about: there is only one police force, and it is under civilian authority; the FGR is playing an increasingly important role in the investigation and prosecution of crime; the Human Rights Office exists and is vigorously protesting the most egregious human rights violations; and considerable progress has been made in passing important reforms in the criminal area.

For the most part the PNC has been successful in merging elements from the military with the guerrillas and while at times difficult it seems to have created one police force. The PNC is not considered corrupt and has a good record on human rights. While there is some problem with corrupt officers and excessive use of force, the problem is not institutional but individual.

The FGR has undergone significant change. The law has been reformed to require the FGR to direct criminal investigations. This in requires a much closer relationship with the PNC and a much more proactive role on the part of the FGR. The FGR has worked cooperatively with the PNC to create a manual which clearly spells out the procedures for working together. The institution has identified its institutional goals, created policies to achieve its goals, strengthened its Planning and Personnel Offices, and worked to create a new Organic Law. It has not decentralized its

administration system, and, as a result, the work of the regional offices are hindered by complicated and time-consuming bureaucracy. Training has been insufficient.

The FGR suffers severe budgetary problems. It will need a significantly larger (and probably unattainable in the short run) budget to be able to work effectively under the new system without counting the needs for sustaining the new system or for future growth. The institution also lacks fundamentals, such as adequate communication and transportation systems, although it is in a superior position to the Defenders Office.

The Ombudsperson's Office of Human Rights focuses on civil liberties, human rights, environment, and women and children's issues. It has support from other donors, but not for long. With an adequate infrastructure and staff, its primary needs are an adequate budget that is protected from changes in political ideology and better coordination with other State offices. As part of the Public Ministry, its budget is subject to political needs and interest. Its budget is inadequate but the Office receives donor support. The Human Rights Office is somewhat isolated from all other State agencies: there is no mechanism for inter-institutional reporting, cooperation, or support. Finally, there appears to be a perception that the Office is a threat rather than a tool.

As with the FGR, the Public Defenders Office (PDO) has undergone significant change in the last eight months since the appointment of the new, reform-minded Procurador General. The PGR, which houses the Public Defender's Office is undergoing extensive restructuring and are almost ready to present a new Organic Law to the Legislative Assembly. Weak managers and supervisors have been replaced with more dynamic, reform-minded leaders. A new office was opened in Soyapango and two more are scheduled for the near future. New work systems (including continuity of defense) are being implemented and public defenders and defenders of minors are being trained in new procedures and skills (ie., orality). Within the institution there are core groups of highly motivated, intelligent, concerned and energetic employees.

Notwithstanding the above the PDO still has significant problems to overcome. The administration system is archaic and the budget is worse than the FGR's. There are serious infrastructure problems: there are only two telephone lines for roughly 50 public defenders, the building occupied by the PDO has been condemned, there is no potable water, lighting is nearly non-existent, transportation problems (especially in the rural areas) are tremendous, space is inadequate, and there are insufficient computers and secretarial support. There are also problems with the work of the defenders -- their caseloads are extremely low (according to a 1996 prison census, only 12% of the prison population had public defenders and nearly 34% had no defender at all), supervision and control of defender's work is weak, and turnover is high with many defenders (largely because of low salaries) holding up to three jobs.

Significant legal reforms have passed over the past four years. The two most impressive pieces of legislation have been the Family Code and the Juvenile Offender Code. Both use oral legal systems, allow the use of conciliation, and greatly improve the rights of women and children. A new Criminal Procedure Code was also passed at the end of 1996.⁶ These codes advance Due Process

⁶ A new criminal code has been submitted to the Legislative Assembly, but as of this writing, was still pending approval.

protection, modernize the penal system, and provide better protection for women and children. Although there is considerable support in El Salvador for implementation from donors for both the Family Code and the Juvenile Offender, it is unclear how much there will be for the criminal reforms. There is a sense from several stakeholders that the best way to support the process is to help bring more players to the table.

At the same time the need for other reforms continues. Among these are the creation of a Bar Association capable of regulating attorneys and creating an ethics code; alleviation of the administrative burden placed on the justices from the Supreme Court down to the Justice of the Peace Courts; establishment of cost-effective mechanisms for augmenting the capacity of the Defenders Office. Other measures could be taken to assist the FGR and Defenders Office in securing more adequate recognition, and to encourage the private sector to support reform activity particularly in commercial/civil areas and in alternative dispute resolution.

■ **The Media and Communications.** Current access to and openness of the media compares favorably to the recent past in El Salvador. There is an expanding independence of reporting. New papers have emerged to fill both special (generally local) niches as well as to try to compete with the established major newspapers -- La Prensa Grafica and El Diario de Hoy. Although three papers closed in the last two years, 9 new papers have opened. Radio and television remain the most important sources for most people for news, but competition has expanded through the opening of a new television station (Canal 12) with 24 hour coverage, as well as through the growth of cable and the association with external firms. The opening of the Radio Corporación El Salvador (RCS) has attracted international attention (including a major article in the Washington Post featuring a photograph of Salvador Samayoa and Mauricio Vargas on one show) through its unique format of pairing often highly conflictive points of view for the discussion of major topics and issues. RCS intersperses news and talk shows with music programming throughout the day. There also seems to be greater diversity of opinion represented in the major daily newspapers: Prensa Grafica has given more space to op-eds with, similar to RCS (both owned by the Dutriz family) a diversity that spans former enemies during the civil war. While there is increasing access it remains very uneven.

There is an increasing degree of investigative reporting: it is, however, constrained by the limits of reporter capabilities. Nonetheless there is a diminishing fear of reporting on either the government or the military. There is a fairly widespread problem of self-censorship due to the fear of loss of advertising (one such reported case was the lack of reporting on an accident suffered by TACA airlines.)

Several elements remain as potential constraints to greater access to and "democratization" of the media. First, the lack of adequate and consistent standards and criteria as well as a generally unsatisfactory level of journalism training in the universities weakens capacity; second, there is no professional association capable of advocacy for and defending the rights of journalists and/or capable of imposing regulation of ethical conduct; third, a new law for licensing radio stations, while perhaps aimed more at preventing abuses, also has the capacity to be used repressively; and fourth, large advertising firms have the power to control the content of certain kinds of news through the withdrawal of revenues if their clients image/interests are damaged by reporting.

■ **Civil-Military Relations.** The former FMLN commander who now heads the FMLN faction in the Legislative Assembly has commented that the Armed Forces is the institution in Salvadoran society that has "most complied" with the Peace Accords. In fact, the military has gone beyond what the Accords demanded. Required to reduce their numbers by half, the army, navy and air force together stand at somewhere less than one-half their size in 1992.⁷ Only 10 percent of the current officer corps was on duty at the end of the war.

In a marked departure from the past, about 200 officers are studying for university degrees on scholarships. Cadets in the Military Academy are now encouraged to study for university as well as their academy degree. The Academy's curricular oversight board includes civilian academics. In 1992, on its own initiative and with the support of Spain, the United States, and others, the Armed Forces set up a College of Advanced Strategic Studies. This institute offers six month courses for civilians and senior military officers in a ratio of about 2:1 with classes on security, defense, and national development. The objective is to break down the rigid barriers that have long existed between the Armed Forces and civilian society and provide a setting in which civilians can become familiar with military doctrine while officers learn about socio-economic and political problems in the larger society.

■ **Public Security and Human Rights.** The National Civilian Police and the Ombudsperson's Office for Human Rights (Procuraduría para la Defensa de Derechos Humanos--PDDH) are the two institutions in El Salvador most closely identified with the Peace Accords. Both have endured their share of growing pains. Nevertheless, five years later, according to a survey conducted by the United Nations, these two institutions rank second and third, respectively, among six institutions that respondents were asked to order according to level of confidence in each. The media ranks first; the government last. The PNC has earned this standing because it enjoys a reputation among ordinary Salvadorans for being incorruptible and for arresting its own when they violate the law.

One of the most dramatic changes in El Salvador is the disappearance of state-sponsored terror. Occasional reports of human rights violations by police officers always center on the individual(s) involved; there has never been even the suggestion that the institution condones this behavior. On the contrary, agents are usually arrested and prosecuted for such violations. When they are not, one can count on the PDDH to denounce the lapse. Unfortunately, the PDDH has suffered from severe budget constraints and is thus largely supported by international donors. Its mandate includes civil liberties, human rights, environment, and women and children's issues. The Ombudsperson, Victoria de Aviles, has been a persistent and tenacious advocate since the week she took office. She has received repeated death threats--so many that, in late November, an ARENA

⁷ There are several estimates of the actual size of the Military ranging from a low of around 16,000 (from sources within the Armed Forces) to a figure of around 25,000 as seen in some published sources. The differences may arise from the date that the count was made. However, it is clear that there has been a dramatic reduction in staffing over the past four years.

deputy and sister of the president, Carmen Elena Calderon de Escalón, came publicly to Aviles' defense, denounced the threats in a press conference, and called for an "in-depth investigation."⁸

■ **Women.** Women's participation in public life has grown from near zero in the 1970s to a growing number of women in government a decade later. During Alfredo Cristiani's administration, two of his most competent ministers, Planning and Education, were women, the latter of whom continues in office. Two women were members of the FMLN's negotiating team at the peace talks. Today, 29 of 262 mayors are women; all but three belong to ARENA, two are FMLN, and the third a Christian Democrat. In the Legislative Assembly, nine of 84 deputies are women; three each belong to the FMLN and ARENA, two to the Democratic Party, which split from the FMLN in 1994, and one is PDC.

In preparation for the 1994 elections, a broad coalition of women's organizations hammered out an agenda called "Mujeres 94" which it asked every party to adopt as part of its platform. At a formal presentation event, all the major political parties signed an agreement to adopt the "Mujeres 94" agenda. The FMLN also adopted a rule that one-third of all its candidates for office must be women. This was a compromise; the women had actually pushed for 50 percent. More recently women's organizations have formulated legislative bills to guarantee workers' rights in the maquiladoras; to make rape a public crime; to place the burden of proof of paternity on the man; and to insure articles in the new penal code that protect women. A new education law guarantees equal access for girls, bars discrimination based on gender, and proscribes sexist stereotypes in textbooks. All of these bills have either been approved or are expected to be approved before the legislative session ends in early 1997. None of these issues were on the national agenda five years ago.

■ **Municipalities.** Although there are some issue areas where virtually no progress has been made since the signing of the Peace Accords (ie., decentralization and pluralistic representation on Municipal Councils), municipalities have come a long way since the war when mayors were targeted by guerilla forces and more than 20 Mayors governed in exile. Mayoral elections are heavily contested and the average educational level of Mayors has increased from the third to the eleventh grade. While uneven, participation of citizens and civil society is becoming more and more commonplace through cabildos abiertos, as well as through lessened anxiety about approaching local officials. There is also a search for more creative mechanisms for local problem solving and cooperation which has given rise to the creation of departmental committees of mayors (CDAs). The Mayors association (COMURES) which was moribund for most of its existence, is now active and increasingly effective as a forum for voicing local government interests at the national level. Finally, significant resources have been made available from donors for improving the capacity of local officials to take on greater responsibilities.

Although initially committed to decentralization, the government has lacked the political will to move forward. Citizen participation in local decision-making in reconstruction programs was supported and is to become part of the revised operational framework of the Social Investment Fund.

⁸ "ARENA exige investigar amenazas a Procuradora". *La Prensa Grafica*, November 21, 1996, p. 45-A.

The broader institutionalization of citizen participation, however, has not been simple and has often met with stiff resistance from Mayors and councils which see participation as a threat to their decision-making power. No significant progress has been made in decentralizing broader authority to local government or in shifting financial resources from the center to the periphery in the political system; and efforts to bring about pluralistic representation on municipal councils have been unsuccessful.

Local government in El Salvador remains weak. Its revenue base is tiny, even by Central American standards and remains an obstacle to taking on greater responsibility. Transfers of funds from the central government are small and irregular, with the bulk concentrated in the major metropolitan areas. Many functions, which are of local concern such as water and access roads, continue to be administered from the center. A large number of NGOs (including local, national, and international) are assisting in helping local communities meet pressing needs, albeit sometimes with little coordination with local government or other NGOs working in the same area. USAID, GTZ, and other donors have made significant efforts to increase the managerial and financial capability of local governments, but the diffusion of these successes to other municipalities is a continuing need.

■ **Civil Society Participation:** As suggested by the discussions of women and municipalities, El Salvador has come a long way from the time when people risked their lives to disagree with the official line. Indeed, civil society has been in an intensive growth period since the mid-1980s. Efforts to limit or control participation have taken legal forms, most notably with approval by the Legislative Assembly in 1996 of a Non-Governmental Organization Law that requires all NGOs to register with the Ministry of the Interior. Prominent NGOs on both sides of the political spectrum have protested enactment of the law but there is wide-ranging opinion regarding the ultimate impact of the law -- mostly revolving around the issue of how it will be implemented. As written, the law can be viewed as primarily a registration device and mechanism for accountability; however, if misused the law could place severe obstacles and interference to both start-up and operation of NGOs.

Civil society in El Salvador has undergone something of a re-birth since the middle 1980s partly in response to opportunities provided by donors but also because civil society organizations have had a strong history, especially in the period between the middle 1960s to the late 1970s. In 1979, broad-based coalitions of civil society organizations, such as the Bloque Popular Revolucionario, were capable of organizing huge demonstrations in San Salvador and of mobilizing upwards of 200,000 people. Others, such as the Union Comunal Salvadoreno, gave much of the impetus to creation of both the land reform laws and the Instituto Salvadoreno de Transformación Agraria (ISTA). Dozens of civil society organizations in labor, business and the campesino sectors were created around a broad range of public policy issues. Although the early and middle 80s saw the repression of many civil society groups and the war decimated the ranks of others, there is both a history and a memory of know-how for the organization and running of civil society organizations. Beginning in the middle 80s there has been a marked growth in NGOs especially those concerned with issues of local development and refugees. Many of these NGOs, because of a lack of resources, imagination, leadership and/or political coherence, have either disappeared or will be short-lived. Others have acquired the organizational skills necessary to survive and some of these have had a significant impact on public policy in various areas.

The re-birth and growth of those civil society organizations with national policy issues as their focus or agenda has been characterized by mixed success. Some organizations have been blessed with strong skills and abundant resources and have become quite capable (FUSADES); some declined but have now recovered (ANEP, ASI); some are still trying to learn (ICOSEL); some have not learned to manage internal conflict (labor unions) and seem to be in a continual state of fragmentation; and some have not yet learned to develop and manage political and other resources (labor unions).

In the late seventies, there was a greater, perhaps even a roughly equal, balance in political effectiveness between groups representing labor on one side, and those representing business interests on the other. However, since the end of the war, there has been an overall attrition and decline in the fortunes of the labor and campesino movements both as a result of the repression during the war and near incessant internal fragmentation since. The breakup of the Soviet Union and discrediting of socialism as a viable economic model left many groups floundering for substantive direction. This context has given rise to a much greater predominance of business (CCI, ASI) or business related (FUSADES) civil society organizations. While it should be expected that vested interests will have the greatest incentives to participate and therefore be the most influential, it is important that they have the wherewithal to compete. Interests on the side of labor and the reform or campesino sector appear to lack some important resources which would allow them to compete on a more even basis with business or private sector interests.

Civil society continues to expand both in number and terms of the role taken on. However, while civil society provides increased avenues for participation in the political and policy making process, greater pluralism is not necessarily coterminous with democratic consolidation. Indeed in many cases civil society organizations need to become more democratic themselves; many are characterized by top-down approaches and exhibit a relative lack of internal participation. Moreover, many NGOs and civil society organizations aren't necessarily interested in consolidating the process; there is a broad perception that many, if not most NGOs are not autonomous, but "are appendages of political parties seeking to expand partisan influence". As one observer argues that for Salvadoran civil society to become more democratic, Salvadoran parties and the Salvadoran state will have to become more democratic.⁹

■ **Education.** The one part of the government that commands the respect of nearly everyone is the Ministry of Education. Its minister, Cecilia Gallardo de Cano, recognizes that education is key to future progress and, in six years in office, has begun to transform the Salvadoran educational system. Many new schools have been built; new teachers trained, and the budget increased. She has enlisted respected scholars--including some identified with the left--to write new textbooks, most notably a two-volume history of El Salvador that, for the first time, recounts important events (such as the 1932 peasant uprising and subsequent massacre) that previously had been ignored as inconvenient. She has brought a radical teachers' union, ANDES, into line through a divide and conquer strategy. The result is that now the two sides work together to improve the quality of education, in contrast to the 1970s and 1980s when ANDES and the government were implacable foes.

⁹ see Michael W. Foley, "Laying the Groundwork: the Struggle for Civil Society in El Salvador", in *Journal of Interamerican and World Affairs*, 1995, pg. 91.

■ **Financial Accountability and Transparency:** Accountability and transparency are lacking in the public sector and corruption is expected and accepted by many citizens. According to interviews, corruption has been traditionally present in the public sector, particularly in customs and procurement (the lack of a uniform Administrative Procedures Code allows each agency to essentially make up its own rules for contracts). Nepotism, political favors, and general disregard for due process were also identified. However, there appears to be a belief that the appropriate laws and modern systems will bring about transparency and result in greater accountability. The government is moving aggressively to modernize its financial management, but system insufficiencies remain. The Integrated Financial Administration System (SAFI) program is still in infancy and has already experienced problems in both integration and software inadequacy. Though the Court of Accounts is the chief organization for the national system of control, it has been unable to secure an adequate budget and remains dependent on the executive.

An important tool for empowering citizens includes ensuring open and free knowledge of how their resources are being spent, as well as providing a voice in expenditure priorities. There has been very little effort made to link concepts of accountability and transparency with sustainable democracy and economic growth. There is a clear need to educate citizens and raise their level of awareness of their role in demanding access to information and other government services.

Influence in the policy change process will be manifested in budgetary allocations. The government's principal mechanism for directing policy change is the budget; if patterns of resource allocations cannot be influenced then real change and its intended results will be extremely difficult if not impossible to achieve. Access to and influence in the budgeting process helps assure greater transparency and accountability of government actions. The budgeting process in El Salvador (absolutely key for the allocation and distribution of resources) does not legally prescribe or proscribe greater input from civil society or other actors such as the legislature. The process nevertheless remains *de facto* rather closed but primarily because actors outside the bureaucratic framework charged with preparation and execution, simply have not mobilized to provide input or to demand accountability (through periodic review of budget execution). There do not appear to be any serious procedural or legal impediments to access the process.

Even key actors in the process, ie., the members of the Legislative Finance Commission do not appear to be taking advantage of available mechanisms for greater accountability. Members of the Assembly interviewed acknowledge that an agreement was made with the Ministry of Finance for quarterly reviews of budget execution, but then the Finance Commission failed (according to officials of the Ministerio de Hacienda) to form the appropriate subcommittee for liaison with Finance. Part of the problem or reason for lack of a more active posture on the part of the Commission is the relatively low level of budgetary technical expertise on the Commission. Members of the Ways and Means and Appropriations Committees of the House of Representatives in the United States spend several years acquiring capability to both understand and contribute effectively to budget discussions. At the same time, they have access to expertise from Committee staff and from numerous technical experts supplied by interested lobbyists or civil society organizations. In El Salvador there are no budget specialists on the Legislature's technical staff, and there very few available from civil society organizations (and even those tend to be concentrated in

a narrow band -- primarily the private sector). Thus, even if the process were to open more, it is likely that for the time being, discussions would not be balanced.

Members of the Assembly note that generally, civil society groups do not petition to express their opinions on the new budget when the Finance Commission undertakes its deliberations. Several interview subjects pointed out that a crucial element limiting input by civil society to budget discussions is that there are few groups in El Salvador (what few exist are mostly associated with the private sector) with the analytic capacity to competently review, critique, and offer constructive policy alternatives. Even within the private sector, there are few organizations with technical competence (only the Chamber of Commerce, the Salvadoran Industrial Association, and FUSADES appear to have such competence and all connected to the private sector) If cogent and convincing arguments cannot be presented to support a particular group's interests or point of view then it is not likely to see policy change in the direction it wishes. Those that have the capacity to present convincing or persuasive arguments will predominate.

■ **Political Parties:** Political parties in El Salvador have a checkered history, a difficult present, and perhaps a problematic future. Their ability to increasingly represent voters and to become more democratic is open to question. Parties have often been personalistic vehicles rather than institutionalized organizations with strong leaders who are clear about what the party represents ideologically and where they want to take it. The most successful parties may have had strong leaders but have also had capable organizations as well as some limited success in transferring power within the party and in building a reasonably broad base of electoral support. At present, the best organized parties are ARENA and the FMLN, although each has recently suffered internal difficulties and schisms. While both parties presently appear strong enough institutionally to weather these difficulties, they will both soon face the problems of transition to the next generation of leadership. Some of the groups that make up the FMLN still have the same leaders as they did when they began. The recent troubles (much of which can be classed as issues around personalities and internal factionalization) in the PDC have sharply undermined the organizational and institutional base of the party and raise serious questions about the party's viability in the medium run. Smaller parties such as MU, PD, and PRSC must demonstrate their viability and ability to broaden their respective bases. A recently passed law requires a political party to win at least 3% of the vote (or 6% if it runs with others as a coalition) to remain registered and to qualify for electoral campaign financing. There are observers who argue that smaller parties such as the MU, PD, and PRSC are in serious danger of losing their legal status.

The PCN, which had declined dramatically from its preeminent position of the 1960s and 70s, has enjoyed a recent resurgence through the desertion of several ARENA leaders and their affiliation with the PCN. The Convergencia Democrática, which appeared on the rise in the early 1990s has seen its fortunes decline with the emergence of the FMLN as a full-blown political party and now may be on the verge of disappearing as an independent political party with the 3% minimum vote requirement.

If recent public opinion polls and the March, 1997 elections can be considered indicative, there are some issues of concern for the consolidation of the party system. ARENA's popularity seems to be waning, but at the same time, support for the second largest party, FMLN, does not seem to be growing rapidly. Moreover, the PDC continues to lose ground. While ARENA and FMLN

are electorally the strongest and the best organized, neither has managed to acquire the strong, permanent base of support indicative of a fully institutionalized political party. In the March, 1997 election, neither FMLN nor ARENA rose much above a level of 30% of the electorate, well short of the 43-45% core support enjoyed by each of Costa Rica's two dominant and much more institutionalized political parties. If current trends continue, fragmentation will likely increase, and the current core support enjoyed by the dominant parties will also diminish. Should trends continue in El Salvador toward weakening of the largest parties, coalitions will become increasingly important both as electoral vehicles and legislative mechanisms. Although the recent law requiring a minimum of 3% to stay registered may help to swing more votes toward the larger parties, it will do little to stanch internal wrangling and factionalism.

The central issues for parties in El Salvador are whether they can (a) become more institutionalized; (b) become more democratic in their internal procedures; (c) achieve greater participation in both significant numbers and at significant levels in the party structure for women; and (d) broaden their popular bases. These issues will be dealt with more directly in this report in Section IV.

■ **Elections:** The electoral reform contemplated by the Peace Accords was fulfilled by the Constitutional reform and promulgation of the Municipal Code of 1991. Problems arising out of the 1994 election, however, caused the two main candidates to sign a pact agreeing to continue the reform process. After his election, and at the urging of the opposition candidate, Ruben Zamora, President Calderon designated a Presidential Commission to elaborate the proposed reforms. The Commission completed its work and legislation was submitted to the Assembly. However, since there has yet to develop consensus around all the issues, approval is still pending. The law for the National Registry of Natural Persons was passed but lacks the appointment of a Director and funding.

Without the passage and implementation of the proposed reforms, the electoral process in El Salvador in 1997 is unlikely to be notably different from 1994: problems that plagued the process the last time around will probably remain. There are difficulties with the voter registration list; there are concerns about how many people are going to receive their voting cards; and the institution charged with overseeing the elections, the Supreme Electoral Tribunal (TSE) has not become the efficient, non-partisan institution envisaged in the Accords. Several observers argue that the partisanship of the three party-designated magistrates and the low profile taken by the two magistrates appointed by the CSJ are in large measure responsible for the TSE's institutional weakness and its mediocre performance.

While the TSE has achieved some modest improvements in its day-to-day operations, partisan hiring quotas remain as standard procedure. Internally and in terms of organizational processes, the five magistrates have operated as a more collegial and consultative body than in 1993-94. The problems of lack of capacity to fully carry out its role and clear partisanship so apparent three years ago have diminished substantially, but have been replaced by efforts to undermine the institutionality of the TSE through the summary removal of one magistrate and threats to remove two more.

■ **The Legislative Process:** The issues that are of primary concern in the legislative process fall into two categories: technical and procedural. Technical issues include infrastructure resources; assistants and technical support; and training for legislators and assistants. Procedural issues encompass those related to the process of reviewing and approving--or rejecting--legislation; they include the level of consultation among legislators; the work of the commissions (committees); and the role of NGOs.

Deputies generally agree that the legislative process, in all its aspects, has improved in the last six years. Many opposition deputies are adamant in their belief that much more remains to be done in the technical and procedural areas, while the majority party deputies are generally more satisfied with the present state. The process for reviewing and approving legislation has improved. Increasingly, deputies take their legislative responsibilities seriously and make great efforts to learn how the process works. Opposition deputies, including the FMLN, have played prominent roles in the development of some key legislative proposals and legislative successes, particularly in the area of new laws designed to protect women and children and guarantee certain women's rights.

Several deputies pointed out shortcomings in the practical application of some procedures and processes in the Assembly. While not to be overlooked, such shortcomings are to be expected from a legislature still developing its own culture. Consultation and hearings are used unevenly. The Commission President is given considerable discretion in calling hearings and inviting witnesses in defense or support of legislation. While there are complaints from the opposition that the process favors the majority, some observers argue that the opposition does not always use the mechanisms available. Useful procedural tools for the opposition such as "ante-juicio" are rarely used, though this may be owed to blockage by the majority. Some interviewees stated that poor attendance at hearings is a continual problem (one example cited was that at hearings of the Family, Women and Children Committee, never more than six deputies are present and at a recent hearing, only one opposition deputy appeared.) The over-arching power and presence of the governing party may also act as a brake on the internal democratization and strengthening of the Assembly. For instance, there has been a strong resistance to implementation of an independent study's recommendations for internal reorganization.

Although commissions and the consultative process may have defects, there does not appear to be significant interest or demand from civil society to participate in the existing process. The demand for and the use of the consultative process by civil society is a vital mechanism for ensuring accountability of an important decision-making body. With few exceptions, use of the consultative process through demand for hearings and the presentation of testimony by civil society is virtually nil. Tapes and other records of plenary sessions are available but rarely accessed by the public. The exceptions have been the more powerful interest groups representing business such as FUSADES and ANEP. ANEP's work through Center for International Private Enterprise, has equipped it with the skills to analyze legislation and develop position papers and other informational items to both inform legislators on the issues and persuade them in certain directions. Others, particularly opposition civil society groups, however, either are not aware of how to access the Assembly or maintain what one study has described as a primarily reactive posture.¹⁰ Some attribute this to a

¹⁰ See "Legislative Strengthening in El Salvador". CDIE Impact Evaluation No. 3, 1996, p. 6.

perception that the Assembly is closed. However, a more proactive approach by civil society groups to the present process would likely yield significant benefits and help create a broader culture of accountability within the Assembly.

The Assembly needs more space¹¹, a permanent, professional staff for the commissions and more basic equipment. It needs a small computer technician team. It needs an information system with a relational data base that permits legislators and staff to review existing and pending legislation, so as to avoid problems of conflict with existing laws or violation of the Constitution. More technical staff is needed as well, particularly in areas such as fiscal policy and the budget. While the legislature is playing a greater role in the budget process, the commissions lack capable technical staff to adequately review legislation. In other areas, interviewees in the Legislative Assembly frequently described the quality of assistance as low. NGOs have filled the gap in certain areas, but such coverage is spotty and carries the opinion of the NGO with it. While most deputies acknowledge the role of AID in upgrading the capacity of legislators and staff, they also argue the need for more and deeper training in many areas.

Other elements inhibit the development of greater capacity. First, there is a relatively high degree of turnover from election to election. Though it has improved over the 80's, only about one-third of the deputies are re-elected. This clearly creates problems both of continuity and loss of acquired skills. Second, there is also a tendency to renominate deputies primarily on the basis of party loyalty; as a result, some competent legislators may be passed over for renomination for another term by their party while some much less capable deputies remain. Although clearly understandable as an incentive for maintaining party discipline especially in the short to medium term, it does little to develop the capacity of the legislature as a deliberative policy-making body and places emphasis on loyalty to the party organization over responsiveness to the deputy's constituency. At the same time it is not clear that discipline has been completely effective. There has been an ongoing problem of "de-affiliation" of deputies from various parties either over personality clashes or larger, party issue related difficulties. Since 1994, there has been a major split in FMLN's Assembly delegation with seven deputies leaving to form the Partido Demócrata, a few deputies left ARENA for the PCN, and several deputies left the PDC to form the Partido Renovación Social Cristiana while others opted for independent status.

Though clearly improved over the past, the Assembly still has much to do and learn before it becomes a strong, alternative decision-making body. It must not only acquire a greater level of skill and capacity for analysis and deliberation on legislative proposals but it also must become more available to groups seeking remedy to legitimate demands.

¹¹ Some of the space problem will be alleviated through the construction of a new building to provide meeting rooms and work areas for the commissions.

III. THE DEMOCRATIC POLICY CHANGE PROCESS IN EL SALVADOR:

Anyone who has observed El Salvador for the past several years is surely impressed by the gains and progress made in reform of economic, political, social, and democratic processes. That being said, however, and as can be appreciated from the preceding section, much -- very much -- remains to be done. When one begins to reflect on how much remains to be done without considering how far the process has come, discouragement comes easily. In some areas, the process not only seems sluggish, but gives the impression that for every step forward, there is the risk and strong possibility of two back. Economic and quality of life levels achieved before the outbreak of the long civil war have yet to be recovered for important sectors of society. On both sides of the political spectrum, many are worse off than before or even during the war. It is clear that not all expectations have been met, despite the fact that it is generally agreed that most of the elements of the 1992 Peace Accords have been.

Unfortunately, it is both easy and tempting to view the lack of progress or unfulfilled expectations as a lack of political will, or worse, a simple desire to erect as many barriers or obstacles as possible. In fact, **much if not most of the unfulfilled expectations or lack of progress with respect to reform in El Salvador should be seen as and owed to the nature of a highly complex and difficult policy change process rather than to a lack of political will or an overall desire to see reforms fail in the process of implementation.** In the case of El Salvador, complete fulfillment of expectations or rapid progress toward completion and full implementation of reforms was perhaps the last that should have been expected. To the contrary, for many experienced El Salvador observers, the fact that reform has come as far as it has is surprising.

This is not to say that there are not problems or that certain political actors are not trying to block the process or assure that their agenda predominates - that most assuredly is happening and will continue to happen. In large degree, that is the nature of a competitive democratic process. The more important question is, are these actors succeeding and is the democratization process moving forward or is it somehow being undermined or irretrievably slipping back? El Salvador politics is made up of a wide variety of groups with different ideas, opinions, and orientations. These actors are certainly not all of equal strength, equal abilities, or equal resources -- some are dominant while others struggle merely to make themselves heard. Nevertheless, when compared to the recent context of civil war or to the country's authoritarian regimes of only a slightly more recent past, Salvadoran politics are both pluralistic and even modestly competitive.

The process of implementing policy reforms is not linear. There are inevitably bumps and "detours" in the process. A process developed out of a negotiated end to a civil war will perhaps by definition, be fraught with such bumps and "detours". For example, while the original signatories of the peace accords certainly had definite ideas about how the implementation of those accords (as well as their implementing legislation) should proceed, they have been replaced by other decision-makers, who while in fundamental agreement with the accords, may have a slightly different sense of timing about when and how. Moreover, implementing significant policy change is not automatic. Resistance to change must be expected; and the process will probably take much longer than even many conservative estimates would predict. It is important to understand the nature of the policy change implementation process in order not to become discouraged or perhaps overly optimistic

about what might be achieved in a relatively short period of time. Let us take a brief look at that process.

The Policy Implementation Process:

Policy change and implementation differs considerably from project implementation. It is not necessarily a coherent, continuous process; instead, it is frequently fragmented and interrupted. Policy change often requires difficult changes in stakeholder coalitions, shifts in the structures and rules of implementing agencies, and **new** patterns of interaction. Implementing a policy may require bringing in **new** resources and **new** capabilities to accomplish **new** objectives. The difficulties implicit in certain changes may cause the implementation process to be prolonged over several years, disrupted by changes in governments or the ebb and flow of critical resources. Certain seemingly simple tasks may in fact take years to accomplish.

There are a number of features of policy change that have considerable implications for implementation. First, the stimulus for policy change often comes from the outside. Certainly in the case of El Salvador, pressure from donors and the IFIs has had a major impact in the formulation of the policy agenda and its timeline. Second, policy decisions and their implementation tend to be highly political. Policy change means things will be done differently and benefits will be distributed differently. New winners will be created, but there will remain powerful losers. It is important to remember that ARENA gave up exclusive control over decision-making with the signing of the Peace Accords. Third, there is often a considerable gap between technical formulation and political conditions that mold decisions. Donor or IFI technocrats are frequently ignorant of or unsympathetic to problems that limit the political decision-maker's maneuverability.

Fourth, the top down nature of policy decision-making can limit the sense of ownership felt by those charged with actually implementing the decision. Fifth, reform-minded policy decision-makers are frequently new to government and unfamiliar with the environment for policy implementation. They may have heightened expectations for rapid change and easily make mistakes. One can certainly imagine the reaction of personnel in the court system when informed that there would be a drastic reorganization of the courts as well as a general house-cleaning -- and the difficulties of the new judges in engaging the new policies. Sixth, generally, the resources to actually carry out policy changes do not exist or are located elsewhere. Budgets are not easily shifted around and transfers from established activities to new ones do not always come quickly. The necessary human resources to effect change may have been depleted by low pay and prestige.

Policy implementation is much like an assembly process -- one which puts together pieces from different sources, with perhaps rather different objectives than those originally intended, and then reshaping those pieces into a mechanism capable of producing the results called for. Resources required to implement the policy may be under the control of others, who may have as much authority and status as those trying to implement the policy and who may be uninterested or even opposed to implementing that particular policy. But unlike the car manufacturer who simply orders the parts needed from a subcontractor ahead of time, the policy implementor may need to cajole, beg or plead in order to get the other agency to release the resources needed. In policy implementation, it is rare that someone is actually "in charge" in the normal sense of the term. Instead, policy

implementation is a brokered process in which changes in priorities and objectives need to be facilitated, differences of opinion between interested or affected stakeholders must be brokered, and actions to accomplish the new objectives need to be coordinated. Under such circumstances it is not surprising that actual outcomes of policies are frequently unlike those originally intended.

Policy implementation can best be seen as a series of tasks that need to be undertaken and completed. These are: legitimation of the policy, constituency support building for the new policy, identification and accumulation of resources, design and modification of appropriate organizational structures, resource mobilization, and monitoring impact of the new policy. But unlike the implementation of a project done under the auspices of a single agency, policy implementation cuts across multiple lines of authority. Some tasks may take years to accomplish and span the life of several governments and different leaders or sub-organizations may carry out different tasks. Implementation is clearly not linear, and often seems less than orderly.

Box 1: POLICY IMPLEMENTATION TASKS

a) Policy Legitimation: The first step in implementation is to assure that the policy is seen as legitimate. It is important that some credible individual or group assert that the policy change is necessary and vital, that the policy represents the preferred behavior, and that it is both valid and desirable. It is also necessary for developing a sense of ownership necessary to successful policy implementation; *b) Constituency building:* Constituency building is important to enhancing support and acceptance for the new policy. It aims at creating and mobilizing positive stakeholders (winners) so that they develop a stake in the policy change. Not just any support will do: the proposed policy must have the support of enough key stakeholders to assure that the change can be effected. *c) Resource Accumulation:* This means securing initial funding and assuring the policy a place in the budget allocation process. The inability of governments to reallocate resources can leave the new agency an empty shell and cause new policies to fail. In an era of operational budget austerity and greater competition for dwindling resources, room for taking on new activities is limited. *d) Organizational modification and design:* The new tasks and objectives of policy change will likely cause both organization redesign and modification to create more adequate structures. But retooling organizations is difficult and resisted because of entrenched personnel, routines, and systems. New ideas may be ignored or adapted to older patterns. If new, parallel organizations are created, care must be taken either dislodge or eliminate the old organization. *e) Mobilizing resources:* To carry out new policies, behaviors must change, and actions taken to reflect the new policy. Programs need to be formulated, projects designed, action strategies identified and activated. New incentives may need to be created to overcome resistance and induce the organization to adopt new modes and practices required by policy change. *f) monitoring impact:* It is important to determine if the policy is having the desired impact in order to make adjustments. When policy cuts across multiple agencies, interaction is not always clear and if may be difficult to decide who should monitor and how to measure impact. Impact tends to occur in different ways among different agencies. While one agency may be able to track its progress, it may not be able to do so in another, even though the other's progress is vital to implementation.

A Case: the Experience of Policy Reform in the Justice Sector

The 1992 Peace Accords called for extensive reforms in the legal and justice sector. These reforms included the creation and implementation of the National Council for the Judiciary (CNJ) to select judges for the entire court system of El Salvador, including an entirely new and independent Supreme Court of Justice (CSJ); the creation of an Judicial Training School, which was to provide standardized and rigorous training for judges, prosecutors, and public defenders in the court system;

the creation of the National Civilian Police (PNC) under the command of civil authority and which would start with a majority of newly recruited personnel at both the officer and lower ranks and the training implied therein; and the creation of an Ombudsperson's Office for Human Rights to be situated in the Public Ministry and which would serve as an advocate for the elimination of human rights abuses and the protection of civil rights.

In addition to the reforms spelled out by the Peace Accords, a lengthy menu of other reforms was suggested by government, civil society and international actors. These included reforms in criminal procedure and the criminal code, the introduction of oral procedures, reforms to more adequately protect women and children, reforms in the Public Ministry, civil code reform, and administrative code reform. Structurally, it was proposed and decided to conduct a house-cleaning of the entire court system and its administrative structure. The Peace Accords represented the first step in the policy implementation process: they served to legitimize the reforms -- it was a bold statement of how things were to change in the justice sector.

The set of reforms proposed was large and since it touched on and would change virtually every aspect and institution of the justice system from police through the Supreme Court and their respective cultures, it was a highly complex set of reforms. In the process, all three branches of government would need to be involved in one measure or another. While the need to comply with the Peace Accords took the highest priority, international actors and key domestic stakeholders also weighed in with ideas and often with considerable pressure to proceed on one front or another. With the exception of the Peace Accord reforms, there was rather diverse opinion and considerable lack of consensus regarding both the relative priority and need for the other reforms being proposed (see Crosby and Interiano, 1992) in the justice sector. Without clear consensus on criminal reform, it was apparent that task two, constituency building, carried high priority. From the evidence gathered in the Crosby and Interiano stakeholder analysis, however, it was clear that it would not be a simple task.

The complexity and quantity of reforms called for was compounded by pressure for major reform in the criminal area -- this in the context of 1) system insufficiency, and 2) rising crime. System insufficiency derived from the lack of a trained and effective police force as the National Police under the control of the military was disbanded and the transition was made to the National Civilian Police; lack of personnel in the offices of the PGR and the FGR; and a wholly inadequate budget to meet demands placed on that part of the legal system managed by the executive branch. With the implementation of the Peace Accords and the demobilization of the Policia Nacional, the newly created police force found itself confronted with a major problem of violence and street crime. This was made worse by the appearance and growth of gangs (*maras*), in the poorer barrios of San Salvador. The resulting impact on reform was notable in the criminal area, where the attempts at penal reform were dampened by calls for a tough handed approach to crime. Problems of system insufficiency demonstrate the importance of task number 3, accumulation of resources.

Even at the beginning of the process it was not clear who or which institution would manage the process of reform. In 1992, at the outset of the process, both the Minister of Justice and the President of the Supreme Court were directly involved but with very different opinions about how reform ought to proceed. Indeed, some observers have argued that the President of the Court was little interested in serious reform while the Minister of Justice had few allies and little authority

outside his own agency. The problem of management of the overall process was modified with the creation of the Justice Sector Coordinating Commission (CCSJ). However, it is clear that while the Commission plays a role in setting overall direction to the process, implementation and management remains a fragmented process -- no one individual or group really seems to be in charge of the process.

How far has legal and justice reform advanced toward implementation? It is a mixed bag. In the reforms called for by the Peace Accords, ie., restructuring of the courts, implementation of the National Council for the Judiciary (CNJ), creation of the Judicial Training School, and institutionalization of the National Civilian Police (PNC), reforms have advanced considerably. That is to say, actions in these areas are considered to be and accepted as the new norms -- and the new institutions created have acquired a solid legitimacy; there is more than ample support in all sectors for the new institutions; resources (at least financial) have become available and sustainable; and new organizations have been created and are in the process of becoming institutionalized and in large measure, are now capable of fulfilling the roles and functions envisioned for them. Gaps exist, of course -- there is still much work to be done in re-staffing the courts; there are severe administrative bottlenecks and shortcomings that need to be ironed out in order to improve efficiency and meet the demands of the courts at all levels; the police is not yet fully staffed and many practices and procedures (especially in its interactions with the FGR) are still being tested. Nevertheless, the process moves forward.

Several areas of legal and justice sector reform have not come as far as those of the Peace Accords. Among these are reforms of criminal procedure, penal and administrative procedures codes, creation of a family and juvenile offenders code, renovation of the prison system, overhaul and strengthening of the Public Ministry, installation of alternative dispute resolution systems, bar association reform and strengthening, and legal education strengthening. In several of these areas, there has been little action other than proposal of reforms, while in others, such as the FGR, progress has been impeded. However, in nearly all cases, implementation of reforms has begun. A new criminal procedure code was passed in early December, after nearly four years of effort to do so. A new family and juvenile offenders code was adopted and a project is being developed by the IDB to train judges and build family courts. A project has been developed by the IDB to install alternative dispute resolution capability in the Chamber of Commerce. Referring to the policy implementation task framework, each of these areas has acquired legitimacy and a sufficiently large body of support as to merit the allocation of key resources. Resources from the IDB will allow both family court and alternative dispute resolution to develop adequate organizational structures to put reforms in these areas into real activity and action. A badly needed reform of the administrative procedure code, on the other hand, has languished in the Legislative Assembly (a draft code was presented to the Assembly in 1993), unable to mobilize sufficient support to give importance and legitimacy to the issue, much less to get it passed.

As can perhaps be noted, the reform process in these areas has now reached the stage of organizational modification and design but has yet to mobilize action. That will take place over the next two to four years.

Where implementation does not depend on the executive branch, legal reforms have progressed more rapidly. As an independent branch, the judiciary has its own constitutionally

stipulated resources and does not depend entirely on the executive branch.¹² The Public Ministry, on the other hand, as part of the executive branch, has seen progress on reform bog down on the "accumulation of resources" stage of the implementation process. Whether this is because there is a specific lack of interest in reform of the Public Ministry, because the Procurador General and the Fiscal General lack the influence to get more resources, or simply because the fiscal health of the government outweighs any other concerns is unclear. Regardless, the inability of the Public Ministry to accumulate resources inhibits its ability to keep up its end of the bargain in the full reform of the (especially criminal) justice system, and bogs down the actions of other, more independent actors (such as the courts.)

It may well be that the implementation of reforms for and in the Public Ministry has not yet developed sufficient support to allow it to accumulate the resources necessary for the reforms proposed. Although it does seem clear (from both the evaluation of JR II and this assessment's specific questions on the justice sector) that the need for reform is generally accepted as necessary and legitimate, there is apparently little support to equip the Public Ministry with adequate resources to carry out those reforms (ie., more staff and better resources for both the fiscalia and the defensoria). Support is there, but it is not sufficient to lobby the executive persuasively for greater funding. To the extent that greater and more articulate support cannot be mobilized for these reforms, sustainable budget resources will continue to be a major impediment.

Lack of progress in other areas will also ultimately have an impact on areas that have made greater progress. The relative lack of interest in criminal law on the part of law students, inadequate curriculum (lack of courses on criminal and oral procedure and moot court practice) and the relatively low emphasis in this area will contribute to a continued shortage of trained lawyers for both the FGR as well as defense attorneys. The same is true for other areas such as administrative or public law and procedure; little attention is given to these areas in the law school curricula. Given the relatively scant debate on these issues in the law schools, it is uncertain whether these themes are even considered legitimate issues for discussion. There does seem to be a fairly wide recognition of deficiencies in the law schools, but other than a few scattered efforts there seems to be little activity toward building support for serious and effective reform.

With respect to reform of the law profession through creation of a "Colegio" or some other entity outside the CSJ to regulate the profession, there seems to be little focussed concern. In that respect it would seem that the process of implementation of reform has yet to begin. The lack of reform progress in this area also may explain why there is little in the way of sustainable, mobilized support for other major areas of reform -- especially since the legal profession is a very important, if not **the**, key stakeholder for almost all reform in the justice sector, much as the American Bar Association is in the United States or the role occupied by the Colegio de Abogados in Costa Rica.

Some observations: Indisputably, much progress has been made in the implementation of reforms in the area of legal and justice sector reform. However, there are serious and striking gaps

¹² By Constitutional provision, the Court is to receive 6% of the national budget. In practice, however, the Ministry of Finance has a great deal to say regarding actual disbursement; in fact, in 1996, the Court received roughly 5%.

in the reform process; certain areas seem to be marching steadily toward full implementation, while other areas languish. Reform of the legal and justice sector is clearly a very uneven process. Progress in restructuring the courts and improving the quality of judges seems counterbalanced by clogged prisons and a fragile Public Ministry. Certain areas are resource rich while others (again, the Public Ministry) struggle to simply maintain an insufficient budget. Restructuring the courts has advanced notably while the legal profession seems content on maintaining the status quo.

While difficult to point to "someone in charge" of legal reform, the process of reform in the justice sector points up the need for coordination. The process is complex and involves numerous agencies across different branches of government and multiple stakeholders, and is replete with activities that have multi-agency impact. What seems to be lacking is a strong sense of strategic vision or a strong sense of leadership concerning the reform implementation process. Without such a vision or a strong and focussed leadership, the excellent efforts being made on certain fronts will soon encounter impediments caused by the lack of progress in other areas. Justice sector reform, even if it is managed by a variety of agencies and interested stakeholders, does need to be the sum of its parts -- to accomplish that a better strategic vision is needed.

While one might suppose that greater progress might have been made if there had been stronger leadership of the process, the results to date are nevertheless impressive. When judging progress of difficult undertakings it is important to remember the context, conditions, and place from which the process began and what is being asked for. Having just emerged from a civil war a scant four years before, progress made seems considerable. On those reforms that it agreed to under the Peace Accords, most have been accomplished. Many of the others on the table, especially in the legal reform area, have been promoted and supported most actively by external agents and the generation of ownership has not always been simple or quick.

IV. DEMAND ARTICULATION AND AGGREGATION: THE ROLE OF POLITICAL PARTIES AND PRESSURE GROUPS

Viable and competitive political parties and pressure groups¹³ are key to the consolidation of the democratization process. Parties and pressure groups are the principal means for the organization and expression (aggregation and articulation) of demands in society. Without parties and pressure groups the democratic policy-making equation would be unbalanced and the decision-making apparatus would be free to do as it pleases. Typically, political parties and pressure groups are weak or non-existent in closed political systems. To consolidate, a democratic system must also become more open.

System Openness and Accessibility:

One of the key elements to the consolidation of a democratic system is the development and deployment of multiple and alternative centers of decision making. If participation is to be meaningful in a democracy then groups with an interest in influencing policy must have access to decision-makers who have discretionary authority -- ie., decision-makers who are in a position to listen to and make some sort of decision regarding the demands presented. In authoritarian or dictatorial systems, decision making is a narrow and closed process; there are few alternative centers of decisional authority. For example, under some of the more personalistic regimes in Latin America such as Nicaragua under Somoza, virtually all decision-making flowed to the top -- while other institutions (legislature, courts, municipal councils) existed with nominal decisional authority, in practice they had very little. Policy making occurred only at the top; such that if a group did not have direct or indirect access to Somoza, the chances of its petition getting a fair hearing were practically nil. In more democratic systems, effective, alternative centers for decision-making exist. The capacity for real decision making exists in various other institutions including the legislature, the courts (including multiple levels of jurisdiction) independent and/or regulatory agencies, municipal or state governments as well as their various components. It is important to note that not only must such agencies have the authority to make decisions, but they must also have the resources to be able to satisfy the petitioner. Frequently in developing countries, agencies are created to (presumably) open the decision-making system, but are not accorded resources to implement decisions. Systems that are only theoretically open are little better than closed systems and perhaps more frustrating.

At their outset, new decision-making institutions may lack the capacity to play the role intended for them. But even when they do have at least some modest degree of capacity not only to make decisions but to receive and process demands, it may take some time for groups articulating demands to become aware of and learn how to use the new centers. For instance, the committee

¹³The term pressure group is used here interchangeably with both "interest group" and "civil society organizations". The last is a term coined by Harry Blair and Gary Hansen (1995) to substitute for the former two terms (for reasons not made entirely clear except perhaps as a means of distinguishing them from non-governmental organizations). In all cases each refer to organizations with similar interests which try to influence the direction of policies which bear on their interests. They are distinguished from political parties in that they have no interest in actually wielding the instruments of government.

system in El Salvador's national assembly provides for "hearings" with testimony or argument from invited organizations or individuals, but according to the analysis of one Salvadoran social scientist, Carlos Briones, on the budget process, such committees are rarely used by groups or individuals to argue their point of view.

Even if a new decision-making center becomes available, it does not mean that it will in fact be able to make meaningful decisions, or be able to effectively process petitions. When new decision-making centers are created, they usually have only a reduced capability for receiving and responding to demands. The new institution must first learn to function, to develop its own culture, rules, and procedures -- and perhaps most importantly, the capability to assess the differing points of view that will be presented in the course of its deliberations. The capability of the US House of Representatives' Appropriations Committee to analyze and assess the US Budget was not acquired overnight. The expertise of the members has only been acquired through lengthy tenure on the Committee. It seems, therefore, that the expectations of capability of a committee whose members tenure averages less than three years, as is the case of the finance committee in El Salvador's Legislative Assembly, should be quite modest. Thus, not only must a system open up if it is to become more democratic but it must also equip its alternative decision-making centers with the skills and resources to actually listen to and effectively decide on demands. When decision-making centers are merely reformed so as to open them to a larger number of petitioners, the process of developing adequate capacity may be more difficult than in the case of a new institution. Trying to change the behavior of a corrupt public official or long-time staff accustomed to certain procedures and practices can be a tedious and often frustrating experience. Some of the slowness experienced in cleaning up and re-structuring El Salvador's court system can be attributed to the drag created by trying to reform existing behavior.

Roles of political parties and pressure groups:

Political parties and pressure groups play different roles and are important at different stages in the political cycle of electoral democracies. The chief functions of a political party are to select the candidates for the next government, aggregate the demands of its supporters and articulate those demands through the party's program and policies. Political parties vary widely with regard to how they carry out those processes.

Modern political parties have permanent and extensive organization, there are clear and understood rules for members, established mechanisms for recruitment and mobility, organizational leadership through executive committees or assemblies predominates over personalism, terms for leadership are for limited and stipulated periods, and participation is relatively equitable. In the more traditional clique or personalistic parties, there is often little permanence or organization between elections, mobility is based on ascriptive or clientelistic criteria, the party leader is often the "leader for life", and rules and participation are frequently ad hoc. While the "man on the white horse" can certainly emerge in a modern party, he will not dominate the party. In the more traditional political party, the "man on the white horse" frequently is the party.

Political parties may be either "multi-class" or single interest based parties. Multi-class political parties attempt to cross-cut society; interests tend to be generalized or represent broad

sectors. Single interest based parties appeal to narrow sectors and thereby limit their chances for electoral success. Parties which have emerged from the labor movement tend to be single interest parties, though there are relatively common exceptions such as Britain's Labour Party. In countries characterized by regional or ethnic cleavage, parties representing those interests often emerge. Single interest parties are more likely to emerge in proportional representation based electoral systems. In single member district based systems, however, multi-class parties are virtually indispensable.

Regardless of the electoral system type, once the election is over, the (winning) political party (or coalition) usually becomes the chief source for recruitment of appointed government officials at all levels.¹⁴ Once that task is accomplished, however, the party may, for all intents and purposes, shut down as an organization. In most democratic systems (Presidential and modifications thereof) the party tends to diminish activity between elections or shuts down entirely...and frequently plays no monitoring role, or has no mechanisms to control the actions of its legislators or other officials. In parliamentary democracies such as Great Britain, the party maintains a pre-eminent role through the continued monitoring of the government (parliament) and exercises disciplinary measures not only with members of parliament but also when the government deviates from the prescribed policies (votes of no confidence). ARENA maintains a continued presence as a political party through its executive committee (COENA), and as the executive committee, it imposes discipline on Assembly deputies and mayors should they stray from party mandates (though there is some question about the efficacy of that discipline). But within the PDC, discipline appears to be either only loosely applied or non-existent. Without effective mechanisms for discipline, the party's role between elections in demand aggregation and articulation diminishes.

Because political parties mostly shut down between elections, pressure groups then become the key means for the organization and expression of demands. While they do not seek to wield the instruments of government, pressure groups do seek to influence policy in order to benefit the interests of their members or constituents. Except when it is necessary to join in a coalitional force to achieve a broad goal (such the attempt by a loose coalition of NGOs to modify the proposals for the NGO law recently passed in El Salvador), pressure groups act alone and seek to defend fairly narrow sets of interests. Pressure groups may operate within the government as well as outside (the customary concept). The armed forces, line ministries (health, education, finance, etc.) or decentralized agencies, seek to influence budget and fiscal policies so as to get a larger slice of the resource pie. While these are not customarily thought of as pressure groups, they do represent competition to civil society based pressure groups -- and are frequently much more powerful than their civil society counterparts.

If pressure groups are to be effective, then they must become effective organizations. They must be able to define objectives, gather resources, and develop appropriate strategies to accomplish those objectives. Within the context of influencing policy, pressure groups need to be able to understand how the policy process works, how it can be influenced, and what is needed to be able to compete with other actors trying to influence the same policy-makers. Pressure groups also need

¹⁴ This occurs in greater or lesser degree usually depending on the existence and institutionalization of a civil service system. Relatively new democracies are frequently characterized by the "spoils" system in which virtually every public post is subject to turnover at the beginning of a new government.

to develop internal mechanisms that can aggregate the interests of its members, attend to its demands, and resolve problems of internal conflict. The more traditional pressure groups in El Salvador (such as business associations or labor unions) have not necessarily been effective organizations. Indeed, the civil war exacerbated internal tensions in many of these groups and caused their dissolution, while still others are re-learning how to aggregate and mobilize interests. Groups in El Salvador's emerging civil society are only just beginning the process and have, by and large, far to go before they are more fully institutionalized, and capable in fulfilling their role as capable demand aggregators and articulators.

Evolution of and Strength/Capacity of Political Parties

In 1994 there was a considerable amount of enthusiasm concerning the prospect of the first elections since 1931 to include parties across the political spectrum. Nevertheless, these elections appear to have been more transitional than defining. Three years ago, the FMLN participated as a legal party for the first time; in 1997 it will try to increase its current delegation of 14 Legislative Assembly deputies (of 84) and fifteen mayors (of 262). ARENA, having dominated elections for the last nine years, now faces a serious competition in its efforts to maintain its current 39 deputies and 206 mayors.¹⁵ The former dominance of the political center, the Christian Democratic Party, has continued to erode and the party now faces problems of survival.

An Overview of the Parties. As of the 1994 elections, the largest and best organized parties in El Salvador were ARENA, the FMLN, and the PDC. All three had national organizations with coverage in all departments, though only ARENA managed to field candidates in all the municipalities. There were, nevertheless, significant differences in the level of financial and other resources enjoyed by each, with ARENA out-distancing the others in most areas. All three of these parties won municipal elections and seats in the Legislative Assembly. There are a variety of smaller and less well-organized political parties that competed at either the national (Legislative Assembly) or the municipal level but not necessarily in all departments or municipalities. These include the Democratic Convergence (CD), Unity Movement (MU), and the National Conciliation Party (PCN). Several other parties have emerged since the 1994 elections including the Democratic Party (PD), the Social Christian Renovation Party (PRSC) and the Liberal Democratic Party (PLD). The former two are the result of splits from the FMLN and the PDC, respectively.

The requirements for creation and registration of a political party are not particularly difficult, but a minimum number of signatures is required to inscribe the party for election purposes. It might be argued that it is much more difficult to maintain the party's inscription: in 1996, a law was passed

¹⁵ The preliminary results of the 1997 election show significant gains for the FMLN and serious losses for ARENA, as well as the PDC. While these results do not signify a loss of power for ARENA, its ability to manage the Legislative Assembly will be much more limited, and the ARENA government will now face the prospect of FMLN councils in most of the major cities.

that required a political party to obtain a minimum of 3% of the total vote cast in an election to maintain its registered status.¹⁶

While relatively well-organized, these parties cannot be considered highly institutionalized. All three major parties have had internal difficulties over leadership or the transfer thereof that have resulted in splits in the case of PDC and FMLN, and the desertion of important leaders to other parties in the case of ARENA. In the PDC, there have been successive problems of transfer of leadership beginning with the 1989 election and the split created by the formation of AC. Recent difficulties arising out of the selection of a new secretary-general ended with two factions each naming its own secretary-general. In the various FMLN factions, leadership has yet to pass to new generations. Some factions have had the same leaders for over 20 years.

The major parties appear to have little capacity for management of internal conflict. In many, if not most cases of conflict, the offended individual or faction has left the party for another or has created yet another party. The Christian Democrats have experienced both in recent years. ARENA has only recently encountered these difficulties, as several well-known members have abandoned the party and joined the PCN. The FMLN has also endured one significant split, this in 1994 when two of its five factions left and created the Democratic Party (PD) and caused the loss of one-third of FMLN's deputies in the Assembly. The decision taken in 1995 decision to unify the three factions remaining into one is a recognition of the problem and an attempt to put mechanisms into place to avoid further splitting.

One indication of conflict management ability is the capacity to maintain coalitions over time. Party coalitions in El Salvador, however, are difficult to put together and even more difficult to maintain. Coalitions are primarily electoral and once the election has passed have little influence on the behavior of the elected official. Coalitions and/or alliances have not been particularly common in the past, although with decreasing electoral performance by the major parties and the proliferation of smaller parties, there may be more in the future. The most significant coalition or alliance is the FMLN. At the outset, the FMLN was an alliance when created in 1980, and indeed an often uncomfortable one. But with the exception of FMLN, what few coalitions there have been in El Salvador tend to be very short-lived. FMLN lasted through the 12 years of civil war but then came apart two years after the signing of the Peace Accords. Given the results of the recent election, it seems to be faring better as a unified political party.

The development of internal democratic processes has been erratic within most of the various political parties. In some of the older parties, internal processes were both more regular and open in the past than now. In part, internal democratization has been and continues to be more a function of the leadership than of institutionalized internal rules and procedures. Some of the more evident lack of internal democratization can be seen in the procedures for the selection of deputies to the

¹⁶ There is debate over the effects of minimum vote requirements. On one side it is argued that such minimums reduce the level of representation, but on the other it reduces fragmentation and increases governability and accountability. Some also point out that when the larger parties are relatively balanced in strength, inordinate bargaining leverage is given to smaller parties. It might be noted that Israel has a 3.5% threshold, Turkey, a 10% minimum to retain inscription, and Germany a 5% threshold. (See Larry Diamond, "Three Paradoxes of Democracy" in *Journal of Democracy* 1:3, Summer, 1990.)

National Assembly and for the municipal councils. In many cases, candidates are picked by the top leadership of the party and not through participative (primaries, party caucuses) internal processes. The problem of fragmentation is simply further evidence of the lack of well developed or institutionalized internal democratic processes.

Changes in leadership. To the team's knowledge, none of the major parties (including ARENA, the PDC, PCN, FMLN) have managed a real generational or other significant internal transfer of power without encountering difficulties. Part of the reason for this has been the role of dominant personalities in the major political parties and dominant personalities have always been important in El Salvador's political parties -- D'Aubisson in ARENA, Duarte in PDC, Ungo in the MNR, Shafick Handal in the FMLN. ARENA, PDC and MNR all have suffered internal problems (decay or intense friction over the selection of new leaders) with the passing of these personalities; it remains to be seen what will happen to the FMLN following a leadership change.

The process of selection of new leaders such as secretary-general might go smoothly in one instance but create problems in another. The recent crisis in the PDC over the choice of a new secretary-general has effectively disrupted if not destroyed this process. Successive changes in the PCN's leadership in the 1970's (in addition to presumed complicity in electoral fraud which prevented the Union Nacional Opositor from taking power in 1972 and 1977.) weakened the party -- it has only recently begun a modest process of recuperation. Neither ARENA nor FMLN have undergone significant leadership changes since their creation.¹⁷ Although there are mechanisms in place to effect a fluid transfer of power in the FMLN, the mechanism remains to be tested.

Inclusiveness. While each of El Salvador's major political party's has developed fairly clear and identifiable ideologies, most attempt to be broad-based multi-class parties. But each has had only varying degrees of success in appealing to various strata. While ARENA is frequently identified with the wealthy and business interests, it has managed to develop significant appeal in the rural areas among the campesinos and small farmers and among the urban middle class (particularly as PDC's fortunes have continued to erode). The FMLN, appears to have been less successful in developing a multi-class appeal and its base continues to be among the urban poor, the lower middle class, and the rural poor in areas where it had significant control during the war.¹⁸ The centrist Christian Democrats and the National Conciliation Party had very broad appeal. The PCN occupied a position much like ARENA's, while the PDC occupied a position with much broader appeal than the FMLN, ranging from the upper-middle urban classes to members of rural cooperatives and campesino unions. Both parties likely still maintain residues of appeal in most segments across their

¹⁷ The death of Roberto D'Aubisson, although a significant loss of charismatic leadership, did not create a serious leadership vacuum; other founding members of the party remained firmly in control. In fact, D'Aubisson's death actually may have contributed to the strengthening and institutionalization of the party's executive committee (COENA), which has recently demonstrated clear authority in the party.

¹⁸ This appeal may begin to change as the party completes the process of ideological re-definition brought on by loss of credibility of the socialist agenda, and the FMLN's shift in status from guerrilla organization to participation in the electoral process as a political party. As part of this process, in 1996, the FMLN presented a "new" economic program.

respective spectrums but have watched their share in each of those segments decline dramatically.¹⁹

The question of party identification takes two forms. In one sense, personal identification with a particular party seems to be limited to party militants and active sympathizers. At the same time, in a society where political polarization is high, it is not surprising that party identification retains considerable importance. This attitude or practice can create distortions: for example, when the TSE advertised job openings in the fall 1996, an employee lined up the applicants outside TSE headquarters according to party affiliation.

Voter identification and loyalty to political parties does not appear to be highly institutionalized -- rather, it appears to yet be in evolution. This can be noted with the changing fortunes of El Salvador's principal political parties. In the 1960s, the PCN was clearly dominant, while in the 70s and continuing into the 80s, the PDC became ascendant with a major decline by the mid 1980s of PCN as a competitive force. PCN was replaced by ARENA which grew into the dominant force by the mid 1980s. With the end of the war and the decline of PDC, the FMLN began to grow and make serious inroads on PDC support, while ARENA began to lose some of its earlier dominance. At this point, there does not appear to be stable party identification or loyalty -- they continue to shift. It is also not clear whether this will change if there is no change in most parties' propensity to split when conflicts arise.

Women. Women have begun to increase both their visibility and their power within most of El Salvador's major political parties. The President (ARENA) and one of the vice-Presidents (PD) of the Legislative Assembly are both women. The head of ARENA's Executive Committee (COENA) is also a woman. ARENA also has two other women deputies and several mayors as well. The FMLN has adopted a policy of insuring that 1/3 of all its candidates for public office and 50 percent of all party leadership position nominees are women. The party also elected the largest number of women to the Assembly in 1994. The head of the PDC fraction in the Assembly is a woman; within the party, however, women do not appear to play particularly influential or important roles. This characteristic also appears to be the case in many other parties as well.

Although women are still fairly rare in Salvadoran politics, they are a growing force and at least in both ARENA and FMLN have come to wield substantial power. The President of ARENA (and President of the Assembly), Gloria Salguero Gross, is the single most important figure in the party, apart from President Armando Calderon Sol. It is clear that women have a long way to go to establish even a rough parity in El Salvador's political parties, but it is also clear that progress is being made.

The Deteriorating Center. Until 1994, the PDC provided El Salvador's political center. It is a multi-class party and had the capacity to draw support from both the left and the right. The party included elements of the more left-leaning (often referred to as the "communitarianists") Latin American Christian Democrat tendency as well as the more conservative, European tendency of the Christian Democrat movement. However, in 1994, the party was overtaken by both the FMLN and

¹⁹ Early returns in the March 16, 1997, election show a marked recovery by the PCN from its performance in the 1994 election. Some projections show that it will more than double the 4 deputies it obtained in 1994.

ARENA to become the third place party. In 1997, according to early returns, its fortunes have deteriorated even further. At this point the largest political bases are polarized on the left (FMLN) and the right (ARENA), with each possessing only limited capacity to extend toward the center.

According to early returns in the 1997 election, FMLN and ARENA appear to have a roughly equal number of seats in the Legislative Assembly but both are significantly short of a simple majority. This will put a great deal of importance on coalition-building capacity to assure that a legislative program can move through the Assembly with some efficiency and effectiveness. In order to do so, both parties will have to move toward the center to pick up the necessary number of votes to prevail. If both parties elect to develop permanent alliances, they will be taking steps toward the development of an incipient two-party system, thereby eliminating the need for (or at the very least limiting its appeal) a "centrist" party such as the PDC. But should they choose only temporary and opportunistic alliances, there will be a greater possibility of continuing or even increased fragmentation (and as mentioned earlier, the record on coalition building in El Salvador has not been particularly good.) Under those circumstances, the "centrist" party (PDC or another) will be increasingly appealing and necessary as a means of establishing equilibrium. Should a "coalescing center" not emerge, however, the system will begin to take on the characteristics of Ecuador's highly fragmented and largely ungovernable system. At this point, it is not at all clear which direction the FMLN and ARENA will take.

Evolution and effectiveness of Civil Society:

Early development: As indicated earlier, pressure groups or civil society organizations with a national agenda and focus have a relatively long history in El Salvador. During the 1960s and 70s, and largely coincident with the adoption of the import-substitution model and the development of the Central American Common Market (CACM), there was a dynamic and extensive blossoming of civil society organizations in the business, agricultural, and labor sectors. Although groups such as the "Cámara de Comercio" and the "Asociación Salvadoreña de Industriales" (ASI) already existed, their importance in the development of economic policy increased significantly. The business umbrella association, Asociación Nacional de la Empresa Privada (ANEP), was also established during this period, and began to exert significant influence in the development of policy related to the CACM. Organized agricultural interests, such as the Asociación de Cafetaleros, already existed but increased in importance during this period and developed closer links with similar groups in Central America. It should be noted that such organization was not limited strictly to the business sector but also included the creation and growth of professional associations. It was during this period that groups such as Centro de Estudios Jurídicos and the Interamerican Bar Association gained some modest degree of prominence.

Owing mostly to the industrial "boom" of the CACM, in the mid-sixties through the seventies, there was considerable development of the labor movement in the industrial sector²⁰ and

²⁰ See Mark Anner, "Hacia la Sindicalización de los Sindicatos?" in *Estudios Centroamericanos*, Julio-Agosto, 1196. Anner argues that the development of the labor movement came late to El Salvador in contrast to other parts of Central America, owing to the lack of large agro-industrial enterprises typified by the banana industry.

the public sector. But even at its height, organized labor never represented more than 5-6% of the economically active population. Many, if not most, of these organizations had political as well "worker benefits" agendas and the largest of the labor federations and confederations were affiliated with one or another political party.²¹ During this same period, the agricultural labor sector also began to show initial signs of organization, through the cooperative movement and the creation of UCS. Both constituted only a relatively small proportion of rural population but the UCS did gain some measure of influence beginning in the Molina government and subsequently with the military Juntas between 1979-80, and into the early Duarte period. As with the labor movement, the organizations with the greatest amount of success were those linked with either political parties or other prominent actors (ie., the military). In some cases, political parties were responsible for the creation of certain pressure groups (eg., the Federación Cristiana de Campesinos Salvadoreños, FECCAS, was started by the PDC).

The size and strength of these groups reached their peak at the end of the 1970s through the organization of multi-sectoral "fronts" such as the Bloque Popular Revolucionario (BPR) and the Frente de Acción Popular Unificado (FAPU). At that point the repression that characterized the beginning of the 1980s and the initiation of the civil war dealt a heavy blow to these organizations, the majority of which have never recovered their previous strengths.

Many, and certainly the more important of these civil society organizations had direct affiliations with one or the other of the major political parties. Others have validly argued that as such, these organizations were largely "corporatist"²² While apparently true, it should also be pointed out that the closed nature of the Salvadoran political system probably required such affiliation if the group was to acquire even a modicum of representation or voice with key decision-makers. The tight party control of the legislature and the bureaucracy made the political party a key, if not the only avenue of access to decision-making. With the civil war, however, and the decimation of many of these groups, either through repression or fragmentation and erosion, the "corporatist" connection with political parties or the state either has been lost or has become unimportant. Since political parties were a key supplier of resources, the fragmentation which has characterized political parties in the last 10 years has also characterized (perhaps even more severely) their affiliated civil society organizations. And whereas political parties could mobilize civil society sectors through these organizations in the past, now they are either incapable or uninterested in doing so.

Recent Evolution: Although it can be fairly said that nearly every civil society group in El Salvador went into significant decline in the early 1980s, some did manage to recover fairly quickly and began to re-establish an "influence foothold". But these were primarily those groups that were non-corporatist, or without direct affiliation with or resources from one or the other of the political

Nearly alone in Central America, El Salvador did not have a banana industry and it was only until the creation of import-substitution industries that the union movement began to take hold.

²¹ Eg., the Confederación General de Sindicatos (CGS) was affiliated with the Partido Conciliación Nacional, and the Federación Unitaria Sindical de El Salvador (FUSS) with the Partido Comunista de El Salvador.

²² The term corporatist applies to sectoral, civil society organizations whose purpose, objectives, and direction are subsumed under a larger organization such as a political party, or in some cases, the state. The former Soviet Union had specialized organizations for women, youth, collectives, and the like.

parties or the government, and include such groups as business sector organizations (including ANEP and ASI) as well as some public sector unions.

Civil society has enjoyed an impressive growth since the middle 1980s. Much of the growth is new and in response to the need presented by the breakdown in services experimented in many parts of El Salvador during the war, as well as by the injection of massive resources from donors.²³ Much of that growth, however, is also owed to a renewal of activity on the part of civil society groups that had been organized several years before but whose activities had suffered or declined because of the war. While there has been an enormous growth in the number of civil society groups in El Salvador in recent years, most of these have not evolved into pressure groups -- groups capable of effectively organizing and articulating demands to government or other important decision makers. It appears that a very significant proportion of Salvadoran civil society groups have relatively limited objectives, are generally intent on supplying a particular service or product to their respective constituencies, and have little interest in or capability for influencing policy at a broader level.

Current Development of Civil Society Organizations.

Structure: Civil society appear to be structured around two main types of organizations: those that organize for the analysis, promotion, or interest in a particular issue or set of issues; and those that organize particular parts or sub-groups of the community in defense of their interests. Both categories can be further sub-divided. Issue oriented groups might include the following issue concerns: human development and assistance; private sector services; education for prevention of drug and alcohol abuse; philanthropic organizations; emergency and/or disaster relief; cultural institutions; environmental protection; gender issues; community development; human rights; municipal development consumer education and protection; citizen rights and education. Those which represent particular sub-groups of the community are, among others, groups representing: enterprise associations or business chamber groups; cooperative associations; professional associations; workers and *campesinos*; the unemployed; residents or tenants associations; and mayors. The degree and differences of organization and institutionalization among these groups varies dramatically from relatively small and struggling organizations to those which have engaged in developing sub-structures which in turn have created other NGOs;²⁴ but most appear to be relatively small and fairly narrow with respect to the issues covered. In a study by the United Nations covering some 186 NGOs, it was found that 75% of the organizations accounted for only 25% of the total number of those employed. It can also be added that many of these organizations exist because

²³ There is no accurate data on how many civil society groups have been created over the past ten years but one indication of how prolific it has been in just one sub-sector (public education for judicial reform) is found in USAID's Civil Society Annex to its 1997-2002 El Salvador Strategy. According to sources in the Ministry of the Interior, 2,056 NGOs have been approved.

²⁴ For instance, FUSADES, from 1991 to the present, has created 38 foundations for promoting community development through its FORTAS (Programa de Fortalecimiento Social) active in four main areas: health, education, basic services, and environment. See "Fundaciones hacia el Desarrollo. Un Concepto Empresarial al Servicio Social" in *La Prensa Grafica*, April 1, 1996.

a particular set of resources is available. Frequently, once those resources are exhausted, the NGO disappears or radically diminishes its activities.

Another way to look at civil society is through the lens of interest in and activity toward influencing policy, or which are actually pressure groups and which are not.²⁵ Although there is no firm data, it can be argued with reasonable confidence that the vast majority of NGOs are not pressure groups in the sense that they actively pursue influence in the direction of particular policies. The very large majority of NGOs focus on the service they provide within their own particular issue area be it raising consciousness or awareness, mobilization of their constituencies or other resources to provide a particular service, citizen education, assisting small farmers to obtain credit, or providing education for upgrading the capacity and skills of their constituents. Although they are certainly affected by national policies in their areas of concern, they rarely if ever attempt to mobilize to somehow influence those policies. Among the groups that represent particular sub-sets of the community such as businessmen and the like, there is a more marked tendency to mobilize to influence policy -- however, even here there are large numbers of organizations that do little more than provide specific services to constituencies and/or which have little capacity to influence policy. Some groups which were strongly politically oriented (such as labor unions) have recently begun to change their posture to one of constituency service (concern with workplace conditions and benefits and worker training).²⁶

The above notwithstanding, there does appear to be a growing awareness on the part of NGOs of the need to more adequately compete in the political marketplace in order to achieve desired objectives. In August, 1996, a regional workshop was held in San Salvador to raise the awareness of the importance of "incidencia" (influence) in national and local policy and policy making for NGO activities. The workshop did move beyond mere discussion of "incidencia" to means and processes for actually influencing policy outcomes.²⁷ It will likely be some time, however, before awareness actually translates into action.

Enabling Environment: There appear to be relatively few barriers to the creation of NGOs and civil society organizations...as perhaps evidenced by the burgeoning numbers created since the mid-1980s. With the enactment of a new regulatory law,²⁸ requiring NGOs to register with the Ministry of the Interior and to be subjected to financial audit, there has been considerable speculation

²⁵ In terms of democratic consolidation, effective activity by pressure groups in terms of influencing policy is absolutely vital. Pressure groups are a primary mechanism for assuring transparency and accountability within a political system in addition to providing mechanisms for the representation of specific interests within society. If pressure groups are incapable of or are impeded from accessing decision-makers, democratic consolidation will be impaired.

²⁶ This was noted in an interview with a former AIFLD representative to El Salvador. His view was that important unions, such as the Trabajadores Portuarios, have gone "back to union basics" of organization and labor-management relations.

²⁷ The workshop was organized by Concertación Centroamericana de Organismos de Desarrollo. For a broader discussion of this theme see Cordova's report on Civil Society in the Annex Volume.

²⁸ For a lengthy description of both the law and the debate over its presentation and passage, see the Annex Volume's report on Civil Society.

regarding the law's potential impact on the creation and sustainability of affected organizations. An early version was protested by NGOs and civil society organizations from all parts of the political spectrum with some of the strongest arguments coming from FUSADES. However, in the final version passed by the Assembly, the worst provisions had been excised. The primary concern of NGOs is the high degree of discretion allotted to the Minister of the Interior and the possibility that the law will be used as a political instrument. The main argument posed by proponents was the alleged need to assure that NGOs were complying with their stated objectives and not misusing funds provided by local, governmental, or external donors. But because there have been virtually no cases of such misuse reported, some thus suspect that the new law has motives oriented toward more than simple oversight/regulation. Since the law is brand new, it remains to be seen whether it will be misused or if it is merely a device to clearly state minimal rules of the game under which all civil society organizations and NGOs must play.

Perhaps a more serious barrier, at least to civil society organizations or pressure groups, is the lack of openness yet in the system. Though technically there is what appears to be a relatively wide variety of alternative decision-making mechanisms in the system, many of these lack capacity both in terms of skills available to process demands and make appropriate decisions and with resources available to actually implement decisions. Viewed this way, the real number of alternative decisional mechanisms narrows substantially. The fact that the National Assembly committees are ill-equipped to admit greater access, the fact that the restructuring the court system is incomplete, and the fact that there is little discretionary authority available to local governments restricts real access. With a relatively closed system, competition for the attention of decision-makers intensifies and eliminates all but those groups that understand how to play the game and that are equipped with sufficient resources to have their opinions to prevail. However, as the system continues to open and become better equipped with resources to satisfy demands, the environment also will become more hospitable to new civil society organizations.

Effectiveness: The effectiveness of pressure groups/civil society organizations, if measured by capability in influencing policy, may well be one of the most important indicators of a maturing democracy. However, since this study was able to obtain only very limited, and primarily anecdotal information on effectiveness of pressure groups, few conclusions can be drawn about groups' effectiveness. While pressure groups do appear to be having some impact on policy decision-making, it also appears to be quite limited both in terms of areas affected and the number of groups having impact. On the positive side, the tendency does appear to be toward more rather than less impact. Changes in the political environment since the March, 1997 elections should further enhance that tendency. Although the political environment has become increasingly hospitable, it is not yet a fully open system, and thereby limits the possibility of success.

With but very few exceptions, civil society organizations in El Salvador have not been notably effective in influencing public policy. Groups such as FUSADES and ANEP have had a considerable, but not necessarily consistent, effect in influencing economic policy and in issues related to private sector activity. In FUSADES case, much of its success has been due to the availability of extraordinary resources and the further advantage of having several former staff members in important positions in government. ANEP has also been an increasingly important player throughout the 90s, in large measure owing to the availability of good resources and

knowledge of the functioning of the National Assembly. On highly particular issues, some labor confederations or business organizations such as the coffee growers or sugar producers have been quite effective as well, in part because of the importance of these areas for the economy and because of their vast expertise in these specialized areas and a well honed understanding of the political decision-making process. However, as these sectors have eroded in importance in the economy, some effectiveness has been lost as well.

Part of the secret to pressure group effectiveness is a firm understanding of the political process and its important actors. For many groups, especially those created only recently, the learning curve is steep, even without factoring in the enormous changes that have occurred in the rules of the political game over the past six years. Groups that can specialize in a fairly narrow set of issues will also tend to be more effective. COMURES, though it is relatively new (as an active organization) has been having some success influencing policy and in achieving some of its demands. It can be argued that a significant part of this success is due to its ability to specialize and concentrate on narrow and rather concrete issues related to municipal development, such as in obtaining 3% of the national budget for municipalities and representation on FISDEL's board of directors. Its attempts to broaden into larger, more complicated issues such as decentralization have met with much less success.

Another factor aiding in success of the civil society organization is consistency in message and organizational cohesiveness. If there is inconsistency in an organization's position (often brought about by disagreements within the group) with respect to an issue, its influence will diminish. Worse, if disagreements within the organization over approach or the substance of an issue cause the group to fragment, the possibility of influence will plummet. There are virtually no groups with significant influence in the labor area largely because of the fragmentation that has characterized the labor movement over the last 5-6 years. Finally, and perhaps most importantly, if a group is to be effective, in addition to skills and other resources, it must also have the ability to comprehend the political decision-making process and then formulate a timely and opportune strategy capable of achieving its objectives. Although many of El Salvador's growing number of NGOs and civil society organizations increasingly recognize the need to effectively influence policy, most lack the tools and the vision about how to do so.

Civil society organizations with intentions of influencing policy still have much to learn before they become consistently effective organizations and political actors. Many, such as ANEP and FUSADES, have come a long way in a relatively short time and may even appear to be dominant actors, but as the system opens they will also find themselves tested as organizations and will encounter increasingly more able competition.

V. STAKEHOLDERS AND ISSUES

A. Options in the Area of Legal and Justice Sector Reform:

There are a number of reforms under way in the legal and justice sector areas and much visible progress has been made, particularly in the restructuring of the judicial system. Legal and justice reform, moreover, has attracted considerable support, both internally and externally: the court system receives a fixed portion²⁹ of the national budget and the GOES has recently signed a US\$22.2 million loan with the IDB for justice sector support (with a US\$5.0 million counterpart). New institutions such as the CNJ, the ECJ, the PNC, and the PDDH have been created and, in most cases, are becoming institutionalized. However, the process of implementation of legal and justice sector reforms has been uneven. While unevenness is certainly to be expected in the implementation of reforms as complex and sweeping as those in the legal/justice area, certain gaps in or the lack of complementarity among institutions and reform areas may in fact threaten overall progress.

The slow pace with which administrative reform is proceeding within the court system is causing major bottlenecks and saddles the Justices with administrative responsibilities that take away from their time to decide cases before the Court. FESPAD estimates that judges spend an average of 68% of their time on administrative matters. The slow pace with which reforms of codes (penal codes, administrative code, civil code) are made also causes irregularities and slows the pace of decision-making. The inability of the Public Ministry in general and the FGR in particular to secure and mobilize needed resources to implement their new organic laws also will slow if not impede the implementation of the new criminal procedures and penal codes. The relative weakness and lack of resources of the PDDH inhibit it from developing its full capacity as the official government watchdog of human rights, a role that the current PDDH administration takes very seriously.

Stakeholder support for legal and justice sector reform:³⁰ Support for reform in the legal and justice sector varies considerably depending on the specific issues. Certain areas, such as the PNC are widely supported and have progressed considerably toward full implementation. As indicated earlier, other areas are beginning or continue in the first phases of implementation, i.e., developing legitimacy and constituency building -- and as such are characterized by less overall stakeholder support. Issues, such as court reform, have found a relatively direct and strong support constituency where others, such as criminal reform face the difficult task of building a constituency in the face of rising levels of violent crime. We will look specifically here at three issues: criminal reform, administrative law reform, and professional reform. These areas were selected because they either represent ongoing interests of the Mission (criminal reform), or are areas that are currently neglected but which have potential for high impact.

²⁹ Under a constitutional amendment and a phased in program, the Court system is to eventually receive 6% of the national budget. In 1996, it was allocated 5.3% but in 1997, it was to receive only 5%, a net decline of roughly US\$4.8 million.

³⁰ For a complete list and brief description of stakeholder groups in the justice sector, please see Appendix Two, Stakeholder Chart: Justice Sector Reform.

■ Criminal Reform:

Stakeholders: Criminal reform represents a broad area of reform including criminal procedure and the penal code and the institutions which administrate those policies and laws. The new criminal procedure code was finally passed (after nearly four years of effort to do so) at the end of 1996 and is slated to take effect in early 1998. (The new penal code was still under consideration by the Legislative Assembly as of this report.) Though there was enough support for the Criminal Procedure Code to pass through the Assembly, it is unclear whether resources can be accumulated to effectively implement the reforms. From *Stakeholder Map: Criminal Reform*, it can be observed that while there is clear support from key government stakeholders, there is much less and from not particularly influential actors, at the pressure group (civil society) level. However, when compared with a similar map of criminal/penal reform drawn in 1992, the situation is considerably better. In contrast to 1992, there is now a much more solid constituency for reform.

Within the government actor area, there is clear support for continued criminal reform from the CSJ, the PGR, FGR, and the PDDH. There also appears to be strong support from the PNC or at least the willingness to cooperate in implementation. This support, however, is countered by opposition from strong government actors, in particular, those in charge of decisions on the budget and the content of the new laws -- the Ministry of Finance and the Legislative Assembly. The Assembly took nearly 4 years to pass the new Criminal Procedure Code and even then some of the more important measures (eg., exclusion of extra-judicial confessions) were rejected.³¹

The passage of the *Ley de Emergencia* was also seen as damaging to the new codes as well.³² The Ministry of Public Security, keying on the *Ley de Emergencia* and on curbing crime has been critical of the Public Ministry for "giving more rights to criminals than the victims". While the support of the CSJ is important to the legitimation of the new codes, it can be of little assistance to the Public Ministry in solving its budget problems. But it does have a vocal and important proponent in the Vice President of the Court. Finally, the CCSJ, which might provide a strong advocacy for the new reforms has not yet played a vocal leadership role. The Ministry of Finance, does not oppose criminal reform per se but through its strict austerity program precludes necessary budget increases for important implementing agencies such as the *Fiscalia* and *Defensoria* -- and thereby blocks progress. Unfortunately, for the moment there appears to be a serious imbalance of resource rich government organizations either marginally supportive or opposed to the reforms versus resource poor organizations in favor. Unless this imbalance is addressed, criminal reform proponents will have difficulty accumulating the resources they need for effective implementation.

³¹ Among the reasons the legislature made this modification was the potential conflict with the Constitution.

³² Several of the *Ley de Emergencia's* provisions were challenged recently and ruled un-Constitutional by the Supreme Court.

Curiously, political parties, as such, do not seem to take active stands on the issue of criminal/penal reform. The exception to this is the law and order stance of ARENA, which led to the passage of the Emergency Law.

In the pressure group area, several groups which have collaborated with USAID's efforts on criminal reform are prominent, including FESPAD and ICOSEL.³³ Another important sector but which has concentrated on women's issues in criminal reform consists of DIGNAS, CEMUJER, and the Instituto de la Mujer -- all of which were influential in the passage of the Family and Juvenile Offender laws. While all of these are clearly supportive of the reforms (or parts thereof), they tend to have few resources and have relatively little capacity to mobilize their support.

As is the case in the government actors sector, the more resource endowed pressure group actors appear on the margin -- toward opposition -- but not clearly supportive of the reforms. FUSADES and ANEP both have good capacity to mobilize their opinion but view reforms as secondary to establishing a more secure environment for business through curbing violence and crime. Likewise, and echoing much public sentiment, much of the voice of the media speaks to the problem of rising crime and strengthening the PNC rather than the problem of extra-judicial confessions or for the need to strengthen the Public Ministry.

Support of donors and IFIs can be particularly instrumental in assisting the implementing agencies to accumulate resources needed to carry out their tasks. IDB will fund the new infrastructure and organizational development for the new family and juvenile offenders courts. Such support can also help agencies such as the FGR get through difficult periods of resource accumulation and allow it to build more solid support bases.

³³ ICOSEL, founded in 1966, is an umbrella organization of groups which advocates legal reform in a variety of areas. Its membership includes groups such as FESPAD, DIGNAS, and CEMUJER, which also have reform agendas that they promote independently of ICOSEL.

STAKEHOLDER MAP: CRIMINAL REFORM

	OPPOSITION		SUPPORT			OPPOSITION	
EXTERNAL ACTORS			UNICEF	IDB USAID			
SUPPORT ON ISSUE	0	1	2	3	2	1	0
	CRIMINAL REFORM						
GOVERNMENT ACTORS			PDDH	PROCUR. DE LA REPUBLICA FISCAL GENERAL CSJ	PNC CCSJ UTE	ASAM. LEGISLAT. MIN. DE HACIENDA MIN. SEGURIDAD PUBLICA	
POLITICAL PARTIES		←	FMLN?		PDC	ARENA PCN	
PRESSURE GROUPS			FUCAD FESPAD CEMUJER DIGNAS	ICOSEL	INST. DE LA MUJER CEJ IEJES CEDEM	FUSADES? ANEP? MEDIA	

While the stakeholder map is much improved for criminal/penal reform over 1992, there are still problems. What is clearly missing is strong private sector, civil society organizations supporting reform. At the same time, the legal profession appears to be absent. Organizations such as the Centro de Estudios Juridicos, far from being an advocate for criminal reform, is nearly dormant. IEJES, although it continues to give seminars on criminal reforms and the new codes, appears to have lost some influence and "convocatoria". At least for the moment, leadership for criminal reform implementation is unlikely to emerge from this sector.

Options: There are at least three sets of activities that could be undertaken to help build support for criminal reform but each of the areas requires strengthening of those institutions targeted by such activities. The activities are: **1) Strengthening of the Prosecutor's and the Public Defender's Offices.** The work done up to the present might be continued and expanded. The Fiscalia will play a lead role in implementing many of the new criminal reforms and it is vital to have an organization up to the task. Improved systems, training and the like should be continued, but the Public Ministry also needs to be equipped with some political skills so as to be able to lobby and to better compete with other agencies for a larger share of the budgetary pie. This activity is not likely to be considered threatening but will permit the Public Ministry to be an actor more on a par with the PNC and the CSJ and thereby more capable of playing the role designated for it. **2) Building a larger, more capable constituency for criminal reform.** While there seem to be a reasonable number of actors in support of criminal reform (or subsectors thereof), most of those actors do not communicate or interact. The exception is ICOSEL which brings together several but has had only minimal impact. More should be done to backstop the official agencies tasked with implementation. At the same time effort needs to be made to bring in the organized private sector including organizations such as ANEP, FUSADES, ASI, and the Cámara de Comercio on the argument that security based on an equitable justice system is best for investment. Effort could also be made to better incorporate and use the media to disseminate the importance of the current criminal reforms. One might think about the development of a "Criminal Reform Support Working Group" as a mechanism to expand the constituency. **3) Assist the CCSJ in strengthening its strategic vision for criminal reform and its role in overall justice sector reform.** Much of the activity in the justice sector reform appears disparate although the mission of the CCSJ is to assure that it is not. While certain activities can and should be carried on independently, there does need to be some group capable of visualizing criminal reform and how it fits into the overall justice reform process -- and therefore be able monitor its progress and impact. This sort of activity should assist in developing stronger leadership for the whole justice sector and not simply that related to the courts. Input should also be sought from key stakeholders including the political parties, pressure groups and donors. Workshops which aim at focussing on a vision of a reformed justice sector could be implemented with participation of key stakeholders.

■ **Administrative law reform:**

Administrative law is an area that has mostly been neglected since the reform process began. Nevertheless, its importance for transparency, accountability, consumer protection, and economic growth, was emphasized by numerous informants. Most informants argued that the current system is a morass, that each agency of government must develop its own regulations and that there is no overarching framework. As a consequence, contracts for procurement and other actions with government agencies frequently appear ad hoc. Moreover, to resolve a dispute, the judge must pour through an inordinate number of regulations and somehow try to balance those with the existing law. Justices in the Supreme Court assert that this causes the process to be overly complex and slow. Finally, several informants noted the importance of clarity in such regulations in order to create a favorable climate to attract needed foreign investment. A draft revision of the Administrative Code was submitted to the Assembly in January, 1994, but has laid dormant in the Legislation Commission. It is now expected that a revised version will be submitted after the new Assembly is installed after the March elections. Despite its importance, administrative law has attracted little attention until recently. In a seminar held in early November, 1996, by UTE and the CCSJ for attorneys on both criminal reforms and administrative law reform, the administrative law sessions outdrew the criminal law sessions by a large margin.

Stakeholders: As one can see in *Stakeholder Map: Administrative Law*, there is virtually no core support for the issue, rather, most is around the margin in the area of weak support. However, it can also be observed that apparently, there is little or no blatant or outright opposition to administrative law reform. The most central support for Administrative law reform comes from three sources, the IDB, which will finance a limited but important set of dissemination activities focussing on a revised Administrative Procedures Code; the Ministry of Justice which prepared and presented a new code three years ago and which is also now working on a revised version (through its technical arm -- the ATJ office in the Ministry) which it will present to the Legislative Assembly; UTE, which as the implementing agency for the new IDB justice sector loan, is charged with organizing and carrying out dissemination activities for the new code; and the law school of the Universidad Centroamericana Jose Simeon Cañas, which has begun to upgrade the content of courses offered in administrative law and to require more courses in its obligatory curriculum. While this support is not insignificant, they are not actors who are at the center of the decision-making process, nor are they actors with reputations for striking political influence -- the exception to this, of course, being the IDB through its financial clout.

For the majority of stakeholders on the Map, the need for reform of administrative law is clear and necessary, but it seems to be one of those issues that is overtaken by other priorities -- and for which no clear action position has really developed. Here one finds private sector organizations such as FUSADES and ANEP; the legal associations such as CEJ; and newer organizations such as consumer defense groups or FUCAD. Even in the Supreme Court, there is a clear recognition of its importance (especially by those in the Administrative Court!) -- but there appear to be no activities supporting more rapid change. There are other potentially important stakeholders, such as political parties, which could play a significant role, but for which no apparent position on the issue exists.

Within the support sectors, there does not appear to be either a strong champion of administrative reform, nor an obvious leader. Although either the Supreme Court or the CCSJ would seem appropriate, neither has adopted the role. Since there is a revised code in progress in the Ministry of Justice, there may well be an assumption that it will pass and then UTE will be able to carry out its designated (by the IDB loan) dissemination activities. However, it should be remembered that a new administrative code was presented to the Assembly and apparently then buried in the Legislation Commission. While perhaps not rightfully located in the opposition sectors, these two actors have not in the past facilitated passage of the revised code. What has changed that would make passage any more likely now? An opportunity may come with the new Assembly, but it may equally imply a step backward as new deputies are incorporated into the Legislation Commission.

While there seems to be little in the way of real opposition to administrative law reform, support is relatively bland and unmobilized. For progress to be made, that support will need to become more vocal and mobilized.

Strategy options: Given the high degree of acceptance of the need for reform and the low degree of opposition to the idea, the main problem seems to be one of mobilizing the present constituency toward action, and providing greater leadership for reform. If the CCSJ had a somewhat clearer strategic vision of justice sector reform, leadership might not be a problem. Strengthening that vision (also mentioned as a key strategic area under criminal reform) could well lead to clearer action and leadership on the issue, either through the CCSJ itself or through delegation to another entity. Who ever that leader should turn out to be, it will also likely need to strengthen its advocacy skills to get some action out of the Asamblea. At the same time, constituency building activity needs to take place not only to build momentum for change but also to assist in structuring the change process. This is particularly salient for fleshing out the changes that need to be effected in law schools, strengthening of the "sala de contenciosa administrativa", the training and development of new capabilities in the legal profession. While there seem to be reasonably clear ideas about what needs to be done in the criminal area and strategies developed, there seems to be little awareness of the dimension of the needs in administrative reforms. While not necessarily original, the idea of an inter-sectoral administrative reform working group (which includes representatives of major stakeholders) could potentially do a lot to fill the gap.

STAKEHOLDER MAP: ADMINISTRATIVE LAW

	OPPOSITION		SUPPORT			OPPOSITION	
EXTERNAL ACTORS				IDB	USAID		
				WORLD BANK?			
SUPPORT ON ISSUE	0	1	2	3	2	1	0
	ADMINISTRATIVE LAW REFORM						
GOVERNMENT ACTORS				Min. de Justicia	CSJ	COM. JURIDICA	
				ATJ	CCSJ	ASAM. LEGL.?	
				UTE	COM. DE MODERNIZACION		
POLITICAL PARTIES			FMLN?			ARIENA?	
						PDC?	
						PCN?	
PRESSURE GROUPS			ICOSEL		UMD	ASOC. DE ABOGADOS	
			FUCAD		UCA	IEJES	
			NGOs - pro Consumer Protection			FUSADES	
						ANEP	
						CEJ	AS

■ **Legal Profession Reform:**

Under this category are included both legal profession reform and reform or upgrading of the law schools. These are both areas which would intuitively seem absolutely indispensable to any major justice sector reform strategy; however, in El Salvador's current strategy both seem to be curiously absent. In the United States and other industrialized countries, the legal profession and schools of law play an extremely important role in upgrading laws, in maintaining lawyers and judges up to date, in the regulation and discipline of members of the bar, in establishing minimal acceptable standards for the practice of law as well as a general ethical framework to which members of the profession are expected to conform. In El Salvador, there is little or no regulation of the profession; that is supposed to be done by the Supreme Court but they admittedly have very little time for disciplining lawyers. At least one Justice said that they would prefer that this task be delegated.

Legal Profession Reform: Unlike most other Latinamerican countries there is no Colegio de Abogados due to a Constitutional provision which prohibits obligatory associations. In several other countries the Colegio serves as the primary disciplinary body for the legal profession. It also may set standards for law school curricula and specifies requirements to obtain a license to practice law. At this writing, the Consejo de Asociaciones Profesionales de El Salvador (CAPES) is attempting to bring together all professional associations in order to lobby to change that provision.

The organized legal profession is highly fragmented -- there are some eight different associations and none appears to be very strong. They are sometimes referred to as "social clubs" rather than serious professional associations. Even those that appeared most active during the run-up to the re-structure in the Supreme Court appear quiet or even dormant. At the moment there is no clear candidate or group with capability of crystallizing interests and organizing demands in the lawyer associations. And because none have capacity for discipline or sufficient prestige to claim a preeminent status there seems to be little clear incentive to try.

Law School reform: At the moment, there is a general sentiment that the law schools and the legal profession need attention, but there is no obvious leadership, nor does there appear to be much in the way of clamor for change. This can be noted in the near complete absence of groups at the center of *Stakeholder Map: Law School and Legal Profession Reform*. Interest in either legal profession reform or upgrading of the law schools is mostly a secondary priority, even though virtually all respondents in the assessment argued that change was vital. The single group that has taken a serious and somewhat committed stance consists of the Law Schools of the University of El Salvador, the Universidad Matias Delgado, and Universidad Centroamericana. The deans of these schools have begun to meet on a quasi-regular basis to discuss needs and recommend changes. In part, this is a response to the quite spectacular growth of private law schools, which it is argued, are more interested in the money to be made than the quality of the graduate. The new law schools are said not to be in favor of greater regulation. An earlier attempt to bring together law school deans as a catalyst for justice reform (the Consejo de Decanos de Escuelas de Derecho) never

progressed, perhaps due to an overly ambitious agenda and objectives. The more limited approach of fewer deans and focus on law schools may be more fruitful.

Few other organizations focus on law school reform. Actors such as UTE, the IDB, and IEJES are interested in upgrading and are willing to support efforts in certain areas of the curriculum such as family law or criminal law. While helpful it does not attend to the overall problem of deficiencies and obsolescence. Actors such as the Public Ministry could potentially have more interest if more regular forms for incorporation of law students as interns and/or assistants in the Fiscalía or defenders office were developed. The CSJ also expresses considerable concern regarding the law schools but has little time to adequately deal with the issue. Finally, the CCSJ has not shown, as in other areas, much concern or direction for the upgrading of law schools.

Options: While the lack of focussed interest in law school or legal profession reform is clearly a negative, but on the positive side, there appears to be almost no open opposition. One must assume that corrupt lawyers would be opposed but it would be difficult to openly organize such opposition. What is obviously lacking is leadership. If effort is to be made in these areas, it should concentrate on crystallizing that leadership.

Support could be given to the incipient Law Schools group (deans of UES, UMD, and UCA) to carry out studies, recruit technical assistance for curriculum upgrades, and for training of professors in oral procedures and other code and procedural reform currently underway or to be implemented in the near future. The group should also be encouraged to work closely with the Supreme Court and the Judicial Training School to begin to develop a clearer vision regarding the evolution of procedures and codes to assure that curriculum and teaching practices are in line with those developments. USAID could support such efforts with minimal investment in workshops and the like. These efforts should be aimed at increasing the constituency for law school reform and to begin to develop strategies for initiating concrete reforms.

USAID could assist in the reform of the legal profession by supporting efforts to coalesce the disparate groups. The problem at the moment is trying to determine who or which group to support. However, preliminary effort will need to be given over to simple identification of potential candidates or in the determination if there is enough interest in putting together a serious effort. It is unclear to the team whether reform of the profession, though clearly needed, has reached the point where it is considered a fully legitimate issue by those with capacity to do something about it.

B. Options in the Area of Municipal Development:

Much of the work that has been carried on in municipal development has been aimed at either capacity building or improving the level of citizen participation at the local level. Technical assistance organizations and NGOs have directed efforts at individual municipalities (eg., through the PROCAP-FUNDAMUNI project or the GTZ interventions in three municipalities), at expanding participation/interaction between the community and the municipality (MEA), or through working with particular officials such as mayors or the financial officers in the municipalities in improving

their skills or capacities. While both decentralization and pluralistic representation on municipal councils appear to be important policy issues to certain groups and stakeholders, relatively little apparent or direct work toward advancing these policies has been done. It may be argued that work with COMURES and sponsorship of certain of their activities does encourage the formation of a broader constituency but this is only at a very incipient stage. We will now examine the level of support for these two issues and gauge what might feasibly be done in the near term to enhance policy change and implementation for both.³⁴

³⁴ Please see Appendix Three, Stakeholder Chart: Municipal Development, for a list and brief description of groups that appear here in the text as well as on the Stakeholder Maps.

STAKEHOLDER MAP: LAW SCHOOL AND LEGAL PROFESSION REFORM

	OPPOSITION		SUPPORT			OPPOSITION	
EXTERNAL ACTORS					IDB	USAID	
SUPPORT ON ISSUE	0	1	2	3	2	1	0
	LEGAL PROFESSION - LAW SCHOOLS						
GOVERNMENT ACTORS					ATJ UPE---CCSJ PGR-FISCALIA ← CSJ	Ministry of Justice Ministry of Education	
POLITICAL PARTIES							
PRESSURE GROUPS		Consumer NGOs??		FESPAD	LAW SCHOOLS: UMD UES UCA	FUSADES CAPES CEJ CEDEM CONSEJO DECANOS DE DERECHO	ANEP -- ASI FED. ASSOC. ABOGADOS ASOC. DE ABOGADOS NEW LAW SCHOOLS

Stakeholder support for pluralistic municipal councils and decentralization: It is not clear to what degree either pluralistic municipal councils³⁵ or decentralization are actually considered legitimate, much less priority, issues by policy decision-makers for serious consideration of possible modification. Although there has been and continues to be substantial interest on the part of donors, certain NGOs, and some municipal officials in the area of decentralization, the team is not aware of any current policy initiative aimed at real decentralization or for markedly increasing authority at the municipal level. In fact, some initiatives, such as SAFI can be interpreted as more indicative of a mood or tendency toward strengthening central authority. Decentralization appears to be an issue which many think to be a good idea but which in fact has made very little if any progress in the actual policy process. Greater pluralistic representation on municipal councils seems to have a more concrete and identifiable constituency and is an issue which is considerably less or even non-threatening to policy decision-making authorities at the center. While "general" support for these issues may be fairly substantial, that support is neither well articulated nor particularly well mobilized in directions to achieve positive change for either issue.

The problem of decentralization is a very complex issue, and much more so than pluralistic municipal councils. To what extent does the nation's history, culture, or values facilitate or predispose the real de-centralization of power desired (at least by the donors)? To the contrary, numerous aspects of culture, values, and history appear to gravitate against de-centralization. In El Salvador as in the rest of Latin America, centralizing paradigms are dominant and permeate culture and values. As has been shown repeatedly, attempts over the past thirty-five years to alter that framework have generally achieved only marginal or unsustainable success.

■ **Decentralization:**

A glance at the *Stakeholder Map: Decentralization*, reveals a relatively large number of actors in the support sectors. However, much of that support is at the margin; those groups either view decentralization as a secondary issue or have little in the way of resources that they can invest to help advance policy change. It can also be seen in the stakeholder tables, that several of those groups have relatively little capability of mobilizing resources toward that end. Moreover, the actual interests of several of these are highly fragmented, with little interaction or communication between those groups. Those elements with decentralization as a primary interest either have little in the way of resources to expend on the issue (MEA, CDAs) or have not formulated a clear strategy to begin to move the issue forward (COMURES).

A greater problem for decentralization proponents lies with the nature of those who either are or appear opposed to the issue. Several of these actors (ARENA, ISDEM, the Assembly,

³⁵ The broader term, pluralistic representation on municipal councils was suggested as an alternative to the more specific term, proportional representation. However, since El Salvador currently uses the proportional representation list system for the selection of deputies to the Legislative Assembly, and since countries tend to be consistent in their electoral modalities, were the system changed it would likely be to proportional representation at the local level. In any case, whether proportional representation is chosen over some other mechanism, such as the single-member district system, it would likely have little or no effect on the balance of stakeholder support or opposition. We will therefore use the term pluralistic municipal councils instead of proportional representation.

and the Ministry of Finance) appear to have little interest in furthering the issue and would certainly be the losers with such a policy shift. However, all are in policy decision-making positions and with both resources and capacity to mobilize serious opposition to increased decentralization. Moreover, and compounding the problem for proponents is the fact that these strong opposition stakeholders all have somewhat different interests in opposing the issue. The Ministry of Finance is mostly concerned about losing fiscal control and the maintenance of an austere budget; ARENA and other parties in the Assembly would lose its prerogatives for deciding what benefits the municipalities are to receive; ISDEM would lose its *raison d'etre*. It is also not helpful that the former Mayor of San Salvador and now President Calderon Sol, has opted not to raise the issue as one of his priorities even though in his inaugural speech he in fact pledged to do so. FORTAS which wields considerable resources through its association with local private sector organization or business and FUSADES is little interested in policy side of decentralization and instead concentrates on solving problems strictly at the local level and with enabling local organizations for improved service delivery. Its efforts should not be discounted because it has no apparent "national policy" concerns since it does play a significant role in developing greater local initiative and self-sufficiency -- important qualities in the decentralization paradigm.

Strategy options: What is needed if a serious interest is to be taken in this activity is not only to develop strategies aimed at increasing support for a decentralization policy but also to increase the capabilities of those supporting stakeholders to mobilize their opinions and interests. This is critical since any activity will face tough, resource rich, and capable opposition. The strategy would probably have most success by trying simply to increase support at both the local level and by developing allies at the national level for decentralization. Most of the current allies of decentralization would not necessarily be effective partners for lobbying decision-makers for increased local power and authority.

Mechanisms and strategies for lobbying decision-making stakeholders such as the Assembly or the Ministry of Finance need to be developed. While it appears that COMURES would be a good lead organization for decentralization, it will depend on leadership within COMURES to mobilize the issue. If ARENA continues to dominate leadership, then COMURES effectiveness in decentralization would be dulled. But should that change and another party become dominant, then the consent of that party's leadership will also be necessary in order to move the issue forward. While many observers think that any other party would move the issue forward, that remains to be seen. It might therefore be useful to assist in developing allies, in order to develop and formulate common strategies, or for the sponsorship of forums aimed at generating a larger volume of support for decentralization.

Although the eventual aim is generating support for policy change in the area of decentralization, important attention should be given to continuing projects or programs aimed at enhancing local participation and capability for participation. The GTZ project, RTI's work and MEA all are important contributions and will hopefully be continued, but would be more effective if expanded. Care should be taken that such programs not be too external "intervention intensive" so as to generate quick self-confidence and capability. Other efforts, such as CDA which attempts to mobilize and coalesce multiple municipalities for common projects could be the base of broader efforts and the assertion of capabilities for

greater autonomy. Broader support to organizing these initiatives (strategy development, development of lobbying and political skills) both as a support and an alternative to COMURES, could help to empower a potentially very important constituency. Greater and more articulate demand from the local politicians cannot be ignored forever -- but without capability such demands will not be sufficiently articulate to distinguish them from other political "noise" and be safely ignored.

STAKEHOLDER MAP: DECENTRALIZATION

	OPPOSITION		SUPPORT			OPPOSITION	
EXTERNAL ACTORS					EU IIB RTI World Bank		
SUPPORT ON ISSUE	0	1	2	3	2	1	0
	DECENTRALIZATION						
GOVERNMENT ACTORS				COMURES CDAs	ANDA COMISION MOD. ESTADO	Calderon Sol FIS(?)	ISDEM Min. Hacienda ASAMBLEA LEGISLATIVA
POLITICAL PARTIES		FMLN?----->			? <-----PDC -----> ?		PCN ARENA
PRESSURE GROUPS			SACDEL FUSAI FLACSO FUNDE? FUNDAUNGO FUNDAMUNI	ISD	ISAM	FORTAS	

■ **Pluralistic municipal councils:**

Municipal power is very important to any but particularly the more dominant political parties such as sources of organizational support during elections and as a mechanism for assurance that votes will be gotten out. Based on "cacique" notions but to the extent that it has developed party organization at the local level -- it is important that the national organization have some degree of control over what happens there -- and an ability to discipline and purge those who don't agree with national party dictates. While perhaps less obvious -- all the major parties benefit from the non-pluralistic councils scheme. The capacity to have complete control is certainly a powerful incentive for many prospective politicians at the local level. The losers want pluralistic councils but the winners do not.

If the issue of pluralistic councils is to be seriously pursued, then the key decision-makers (ie., those at the national party level and the legislative assembly) need to be persuaded that it is in their interests to do so -- thus -- to what extent is there real incentive for either the legislators or central executive to give up such power?

It may be that only when local politicians are capable of actually mobilizing their own power base (and get to the point where the national party leaders depend on them more than they need or depend on the national leaders) will pluralistic councils become a more viable issue. It may also be that the governing party may eventually realize that one day they may lose and recognize that at least some representation on the local council is needed to protect their interests and to foster the development of a local party organization capable of competing.

The stakeholder picture for pluralistic councils is somewhat more favorable than for decentralization. The reason seems fairly obvious: pluralistic councils do not shift the balance of authority from the national to the local level but merely would permit the possibility of opposition on the municipal councils. The *Stakeholder Map: Pluralistic Representation*, reveals several actors in center of support for pluralistic councils. However, much of that support is fragmented and there is powerful opposition in the decision-making bodies necessary to passage of legislation changing the law. Moreover, there does not appear to be a clear leader or champion for pluralistic municipal councils. Although the (opposition) political parties are the most logical lead and perhaps the stakeholders which stand the most to benefit, pluralistic councils does not appear to have a prominent place on their agendas, nor does it appear that they would be capable of sufficiently coalescing over an issue such as pluralistic councils. The opposition of ARENA can only be overcome by convincing COENA to do so or through a coalition of forces, or by a shift in the balance of forces in the Assembly (thought by some to be a possibility in the March, 1997 elections). COMURES has pronounced in favor of pluralistic councils but it is unclear whether they have a strategy for achieving it.

Strategy options: Greater pluralism is vital to increasing participation and developing access to the municipal councils. Indeed, it can be argued that opposition and conflict (through pluralistic councils or some other model) is the essence of democracy. It is especially important to the extent that the municipal governments take on additional tasks and services and for providing a mechanism of accountability for the delivery of those

services. A necessary strategy to gaining pluralistic councils is development of greater support and demand. That can be accomplished through supporting constituency building activities either by COMURES or civil society groups in the pressure group sector. These might be forums or workshops but the aim is to develop a more cohesive and action oriented constituency. These activities should be combined with a strategy for media penetration (use of talk shows on radio, op-eds, etc.) and lobbying the Assembly. It would be ideal or at least better if one or more of the political parties took the lead here but that does not seem likely at the moment. However, a strategy that uses a coalition of pressure groups such as COMURES combined with one or more political parties could have significant impact.

STAKEHOLDER MAP: PLURALISTIC REPRESENTATION

	OPPOSITION		SUPPORT			OPPOSITION	
EXTERNAL ACTORS			GTZ		USAID IDB		
SUPPORT ON ISSUE	-3	-2	-1	0	-1	-2	-3
	PLURALISTIC REPRESENTATION						
GOVERNMENT ACTORS				COMURES CDA's Opposition - Asamblea	FIS?	ISDEM? Pres. Calderon Sol ARENA- Asamblea	
POLITICAL PARTIES			FMLN	PI/C	PCN	ARENA	
PRESSURE GROUPS			FUNDAUNGO FUNDAMUNI SACDEL	ISD	ISAM-ASCIA		

■ **Enhancement of Local Participation:**

Much of the current strategy for local or municipal development targets the enhancement of local participation or the expansion of local participation. USAID through RTI is targeted at this objective as is the GTZ - PROMUDE project. Larger projects such as MEA under SRN also had this objective.

Projects or activities to enhance local capacity and participation seem to meet with little opposition, and perhaps not surprisingly, considerable support (see *Stakeholder Map: Enhanced Participation*). Support for greater local participation can be found at all levels -- among government actors, the most prominent are COMURES and the FISDL which will, apparently, continue the work of MEA begun after the Peace Accords with the SRN, through a major injection of funds from the central government. It is unclear exactly how the FISDL will actually use those funds and how it will continue to develop MEA. COMURES continues to support local participation in decision-making and has looked to developing alternative models to the "cabildo abierto". The CDAs also present alternative paths to local participation. SEMA and ANDA have also attempted to enhance participation in activities undertaken by those agencies. Line ministries, while supposedly interested in the devolvement of some of their services to local communities have been much more hesitant. Others such as the Assembly and ISDEM with positions straddling opposition and support mostly appear to demonstrate indifference rather than near opposition or potential impediments. The government, through the FISDL, also appears committed to enhancing local participation. The FISDL has been allocated significant resources³⁶ (from the national budget) to stimulate and develop greater local participation.

Through a variety of projects, NGOs and pressure groups have also assisted in the promotion and development of local participation. However, these activities tend to be unrelated and diverse. FORTAS, for instance, has established some 30 local NGOs but these are largely unconnected and center on solution of entirely local service delivery problems. The PROMUDE and RTI efforts are limited in terms of the number of municipalities covered, and other projects are even more limited. And some groups, such as SACDEL, are mostly aimed at providing technical assistance for amplifying local participation.

Again, there seems to be little, if any, opposition to enhancing local participation. But while there is ample support, it tends to be aimed at diverse sorts of activities with little attention to issues such as decentralization, for instance. Thus, there may be some question as to what all the activity in fact adds up to.

Options: It seems likely that most of the organizations currently involved in local participation development will remain or expand their activities. USAID has been involved in several activities for increased local participation and it seems unlikely that it will or would want to get out of such activities. One area that would seem amenable to more

³⁶ The team has heard estimates of 250 to 600 million colones. It is unclear what the actual amount will be. What is significant, is that this sum, whatever it will be, is part of the carrot to FISDL to collaborate more closely with local authorities.

activity is coordination of the multiple efforts for developing local participation. Stronger complementarities might be sought by trying to develop a more common focus for these activities. This sort of activity might also assist in the development of a more easily replicable, less resource intensive model for developing local participation. Since there now seem to be several with a low degree of replication, this might not be a bad target. Workshops among the various organizations involved to examine uses of different activities and tools as well as best practices would likely yield valuable lessons.

Working with the option of enhancing local participation has several advantages: enhancing local participation does not raise red flags as does decentralization, it is considerably less or even non-threatening; it can help build capacity not only for greater local initiative but it can build capacity for articulating demands and for actually taking over the responsibilities of local government.

STAKEHOLDER MAP: ENHANCED PARTICIPATION

	OPPOSITION		SUPPORT			OPPOSITION	
EXTERNAL ACTORS				USAID GTZ RTI EU	IDB World Bank		
SUPPORT ON ISSUE	0	1	2	3	2	1	0
	ENHANCED LOCAL PARTICIPATION						
GOVERNMENT ACTORS				COMURES FIS CDAs	ASAMBLEA LEGISLATIVA SEMA ANDA	ISDEM Line Ministries	
POLITICAL PARTIES			FMLN		PDC	ARENA PCN?	
PRESSURE GROUPS			SAGDEL ISD FUNDAUNGO	FUNDAMUNI PROMUDE	FORTAS ISAM	Individual Mayors**	

C. Options for Opening the Legislative Process:

At the moment there appear to be few actual structural or legal impediments to a more "open" legislative process; a process which includes not only a greater level of access on the part of stakeholder groups (civil society organizations or pressure groups) on particular legislative proposals or bills, but which also includes a greater capacity on the part of the legislature to both receive and process demands in a more open and equitable manner. In practice, however, there is little consultation and what little there is tends to be confined to a relatively narrow sector. Both studies by USAID's CDIE and the observations of this assessment find that there are only a handful of civil society groups that actually approach the Assembly to present demands or their opinions on legislative proposals in an articulate and organized manner. Indeed the tendency is to refrain from action until the measure has actually passed. At the same time, both CDIE and this assessment have found that the Assembly's capacity to analyze the substantive bases and more technical arguments for key legislative actions (eg., the budget and other fiscal legislation, among others) is low. In many cases, the legislators lack the criteria or capacity to decide which side of an argument is the correct or most beneficial. Thus, for the legislative process to become more open, it will not be enough just to make rules more conducive to consultation or to issue more frequent invitations to civil society groups to voice their support or objections to actions. To become "effectively" open, greater capacity will be required on both the demand (civil society) and the supply side (the Assembly).³⁷

Stakeholder Support: From a stakeholder point of view (see *Stakeholder Map: Legislative Access and Capacity*), the issue of opening the legislative process is not likely to encounter a great deal of opposition from civil society. What opposition may occur, however, is likely to come from among those groups which favor or benefit from the current status quo. While ANEP, which has developed considerable access over the past five years, will not be opposed it will likely do little to encourage greater access by others. However, it would probably benefit from increased capacity of legislators in that the technical arguments they produce for certain legislative proposals would be more easily absorbed. Similarly, little demand and/or supply for greater consultation clearly favors the interests of the majority party within the Assembly, even though outside points of view might improve the majority's net benefit.³⁸ Indeed, from a strategic point of view, the opposition will likely get further in trying to open the system if it argues the benefits to quality and effectiveness of more consultation, than if it argues from a posture of "rights" and "legislative procedure". The primary problem, however, is that there is relatively little effective and mobilized support for greater consultation. While many, if not most groups may theoretically or in principle favor greater access, it is not clear they will be willing to commit resources to achieving it. Much of the support for greater opening then, tends to be bland at best.

³⁷ In contrast to other Options, no separate Stakeholder Chart was developed for Legislative Access. Descriptions of the groups on the Stakeholder Map, however, can be found on other Stakeholder Charts.

³⁸ It should also be remembered that there are serious risks to completely ignoring opposition demands. When that occurs, the reaction may be organization of strikes, demonstrations, sit-ins or use of the media to protest treatment -- all of which tend to create a perception of lack of openness and responsiveness -- images which the legislature majority may be trying to avoid.

STAKEHOLDER MAP: LEGISLATIVE ACCESS & CAPACITY

	OPPOSITION		SUPPORT			OPPOSITION	
EXTERNAL ACTORS					USAID		
					IDB		
SUPPORT ON ISSUE	0	1	2	3	2	1	0
	LEGISLATIVE CAPACITY & ACCESS						
GOVERNMENT ACTORS			AL: Technical Staff		Min. Publico??	Min. of Finance	
						Comisiones - AL	
						Directorate: Legislative Assembly ???	
POLITICAL PARTIES			FMLN		PDC	ARENA	
			CD			PCN??	
			PD		PRSC		
PRESSURE GROUPS			ICOSEL	FUCAD	COMURES		
			FUNDE			ANEP ----->	
			Labor Organizations	Womens' Organizations			
			Antel Workers		FUSADES		

No party in the Assembly appears to encourage greater consultation. The current ARENA dominated Directorate of the Assembly does little or nothing (if not actually block) to create more access and open debate. Reinforcing this posture is the presence of elements in the executive branch not particularly favorable to more open debate of issues. The current government program of tight fiscal management leaves little room for deals or compromise on budgets or tax matters; negotiations for such deals and compromises as there are, are more around issues of who will be less negatively affected. To the extent that the Ministry of Finance maintains strict budget austerity, one would expect them to be opposed to greater consultation. But one also encounters rather different stances from other (pressure) groups in government. For instance, organizations such as the Fiscalia and the PGR, which are both trying to achieve larger budgets and require legislative action in other areas for updating codes or the passage of updated organic laws, might welcome a more open legislature as a means of bringing larger coalitional forces to bear on the legislative process. And it could be a useful tool for assisting to restructure the budget to gain a more favorable position.³⁹ Likewise, organizations such as COMURES have benefited through greater consultation and would likely be supportive of activities that would allow them to increase their influence in the Assembly.

It might be assumed that other parties within the Assembly would favor greater opening to consultation from the outside and improved technical support and capacity since they should be able to utilize these to increase support for their own agendas. However, in the past none of the parties seems to have aggressively pushed for more access by NGOs or civil society organizations, nor for significantly greater levels of technical support within the Assembly. There has been some effort on the part of some opposition parties to increase access, but this assessment has also found that opposition legislators have not much utilized even the relatively narrow space available for greater consultation. At the same time, it does not appear that legislators, either majority or opposition, use the technical resources available to them to maximum advantage. Part of this may be due to the problem of high turnover and the lack of understanding of the rules of the legislature and/or about what is available to the legislators and how to use those resources.⁴⁰ Thus, rather than being initially highly supportive, they may need to see concrete benefits before committing more solid support.

On the demand side, while one might expect NGOs in general and civil society organizations in particular to favor greater opening and would welcome capacity building to enable them

³⁹ The Assembly has the faculty to restructure parts of the budget but may not raise the overall allocations.

⁴⁰ One element that needs consideration in thinking about investments aimed at strengthening capacity in the legislature is the problem of high turnover. Legislators serve three year terms and while eligible for re-election, on average some two-thirds do not run. Consequently, the risk of loss of capacity almost as soon as it has been installed is relatively high. Indeed, the political parties (as institutionalized organisms) can assist in reversing this process by recognizing that discipline can be used to promote capability and expertise as well as sanction disloyalty of their legislative delegations. While the development of greater capacity and expertise by technical staff can mitigate some of the loss of expertise and memory caused by the problem of turnover, it must be remembered that staff do not make the decisions and do not make the inevitable deals that must be made in passing any important piece of legislation. For the latter, greater expertise on the part of the legislators themselves is indispensable to a more effective role for the legislature.

to more easily access the Assembly, other priorities can and do temper that interest. In such instances they would be neither supportive or opposed -- rather, they may simply be unmobilizable in either direction. For example, labor organizations, which in the past have been highly assertive, have in recent years been decimated by the war, factionalism, and desertion of rank and file. They now have more immediate survival concerns than the need to gain greater access to or enhance their lobbying capabilities with the Legislative Assembly.

There are increasing numbers of groups that are aware of and have successfully used the access available to influence legislative debate and eventual outcome of policies. These include such groups as COMURES on municipal issues and DIGNAS and other Womens groups on women-related issues particularly in the legal reform area. There are also groups which have been less successful or have not felt their efforts to be particularly effective. ICOSEL, in the area of legal reform, argued that its efforts appeared to be largely unfruitful. Likewise, groups such as the ANTEL workers, the Consumer Defense Committee, and the Community Radio Association have also approached the Assembly with petitions. In each case these efforts also proved unsuccessful; thus one would expect these groups to be supportive of activities and efforts to increase access.

While there seems to be little direct or declared opposition to opening the legislative process, unfortunately there does not appear to be an evident or obvious champion for such an effort. Even if that changes with the installation of the new Legislative Assembly in 1997, and there is greater receptivity to greater access and openness, there still does not appear to be a very ample base from which to mobilize greater support on both the demand and supply side. In terms of the implementation tasks, a larger and more capable constituency for reform needs to be built and equipped with the resources to be able to appropriately respond to improved access and openness in the legislative process.

Options: The poor image or insecurity created by ignorance or lack of understanding of an issue's substance can be a strong disincentive to greater openness. The premise here, then, is that if greater capacity is created among legislators, they will be more able to process different technical arguments, and therefore more receptive to more open consultation. In upgrading the technical capacity for analysis in the Assembly, there are two targets, the technical staff of the commissions and members of the commissions themselves. Most of what is required is straightforward -- training in key or priority areas. Care should be exercised that the training is clearly relevant to the needs of the commissions and not simply courses and training that will look good on the resume of the participant -- and this applies equally to technical staff and the members of the Assembly. While technical areas are vital to upgrading capacity, seminars or workshops to familiarize new members with the Assembly's procedures, customs, and "rules of the game" can be just as and even more important in introducing the freshmen legislators to the culture of the Assembly. Without a firm understanding of this "culture", it will be hard for the new legislator to be effective, and much of his/her time will be spent in possibly fruitless activity.

While it would be ideal if new legislators received an introduction to the legislature and its workings before they actually entered, for the 1997 class this would not appear feasible.

Nevertheless, seminars or workshops which deal with the culture and the inner workings of the legislature would still be valuable to the new deputy even several months into his/her term. New legislators are at a disadvantage compared to veterans, are usually much less effective, and are often ignorant of many procedures. A sound knowledge of the rules and culture allows the legislator to better "work the system". Understanding the system is also a necessary step toward opening the system.

Training for technical staff should be keyed into areas that are aimed at specific needs for upgrading or where there are deficiencies such as in the area of budget and fiscal analysis. Both short-term (one-week) and medium-term (three to six weeks) should be contemplated. Longer term training would probably provide the technician with a ticket to the private sector. Brief courses such as those offered through the IMF or the World Bank's Economic Development Institute could be used or any of the number of offerings from INCAE relating to fiscal and budget analysis or other areas identified. Training for the legislators themselves is more difficult because of time obligations or lack of background. Seminars for the commissions on key, specific technical areas, such as the budget or fiscal questions can be organized around the free-time of the members. Considerable care should be given to organization of technical content to assure that it will have high impact and relevance -- information that can be used quickly and directly. Theoretically oriented material should be very limited. Opportunity for legislators to attend INCAE's seminars in San Jose for Legislators should also be considered. These seminars (of two to four weeks duration) are intensive and provide unique opportunities to interact with legislators from other Latin American countries, to develop networks, and to interchange ideas.

Since it is probably unlikely that Commission Presidents (who control access by civil society organizations) will suddenly decide to become more "open", a strategy to create a larger opening for civil society needs to be developed. USAID might consider funding a project to assist in the identification and development of a network of "resource organizations" that can be called upon to assist committees in their deliberations. By developing the skills to "collaborate" (through special studies, the development of testimony, and position papers) with the Assembly, these "resource organizations" may be able to work themselves directly into the policy deliberation process.⁴¹ These organizations, ideally, will be local resource organizations such as NGOs (eg., ICOSEL, CEMUJER), pressure groups (eg., labor groups, business associations, land-reform cooperatives), think tanks (eg., FUSADES, FUCAD), professional associations (eg., Colegio de Medicos), and resources from Universities (eg., IDHUCA at the UCA) among others. Information and/or collaboration from such groups could serve not only to increase the Commissions' understanding of issues but also as a controlled mechanism for enlarging access of civil society to the legislative process.

⁴¹ A model actually exists for this approach. The Center for International Private Enterprise (CIPE) has worked with business organizations and/or associated "think tanks" around the world in assisting them to develop capability for legislative activity tracking and analysis. In some countries, the CIPE "system" of "legislative alerts", position papers, forums and the like has become virtually the sole source for background and analytic information on proposed legislation and has frequently given local business organizations significant leverage. Such a model easily could be applied to groups other than business organizations.

If the system begins to open with the installation of the new Assembly, then the need for civil society groups capable of filling those openings becomes urgent. If groups are invited to participate in discussions in the Assembly they must be equipped to do so. Civil society or pressure groups need to learn how to present their petitions and arguments in useful, effective and persuasive ways if they are to influence the outcomes of legislative proceedings. Training or capacity building can take place at three levels: first, training might be done in targeted technical areas to allow pressure groups to present more cogent and technically sound arguments, and to allow the groups to begin to supply the information needs of deputies.⁴² Second, civil society groups might receive training in understanding how the policy process works, not only with regard to the legislature but also in the executive branch as well. A key to influencing the process is understanding how it works. It generally does little good to begin to take action only after the legislation has been passed. Learning how to map the political process and how to identify those actors or points in the process that need to be influenced are of immeasurable value to effective pressure groups. Third, most of El Salvador's budding civil society groups need to learn something of the techniques of effective lobbying or influence. What are the components of effective lobbying; what sorts of resources are required; and how to develop a sound lobbying strategy are all elements to the development of more effective civil society groups.

What is important to remember here is that opening the legislative process should not be approached as simply a supply problem -- if you build a more open process, they won't necessarily come, and even if they do, they won't be effective. Effort must be made to strengthen the demand side as well, so that when they come they will be effective.

⁴² One of the main functions of the effective lobbyist is the condensing and processing of information for the policy-maker. A lobbying group can do much to reduce the legislator's fear and ignorance of complex technical issues by preparing issue papers, providing data or substantive points for testimony, and coaching witnesses for hearings. Lobbying groups in the United States view this as a prime mechanism for gaining access and influencing policy direction. To the team's knowledge, and with the exception of ANEP through its legislative alert program, no pressure group in El Salvador actually does this.

D. Options in the Area of Electoral Reform: Implementation of the Registro Nacional de Personas Naturales.

Since the signing of the Peace Accords there have been concerns about some features of the electoral process as well as questions regarding the effectiveness and efficiency of the voter registration process. One concern expressed is the lack of provision for voting by place of residence (as is the case in most election systems) rather than according to last name which is the current system. It is argued that the registration lists are plagued with problems of omissions and the failure to delete the dead from the lists. It is also argued by some stakeholders that problems in the mechanics of the registration process has caused persons not to receive their registration card. Proposals have been made to correct both of these problems.

Legislation was passed in October, 1995, which created the Registro Nacional de Personas Naturales (RNPN). The purpose of this institution is to centralize data on vital statistics (births, deaths, marriages, divorces, etc.) for all natural persons. The RNPN was also to emit an identity document which would replace all currently issued documents of the Municipalities and the Election Tribunal, and serve as sole identification for purposes of voting and in the conduct of business or transactions where officially recognized identification is required. The RNPN would also be the source of information for the preparation of voter registration lists by the Election Tribunal. It is argued that once the system is in place it will eliminate some, though not all of the problems associated with the voter registration process.

In December, 1995, the RNPN's Organic Law was established by the Legislative Assembly. However, to this date the RNPN has not yet been implemented -- a Director is yet to be appointed and resources have not been assigned.

It is argued by some observers that for the RNPN to have an effect on the next Presidential election (in 1999), it will need to get underway by June, 1997. What is needed to get the RNPN started seems relatively simple: the appointment of a Director and the allocation of funds. But while that may sound relatively simple, the fact that there has been no movement in well over a year would indicate that there is either a great deal of inertia to be overcome or there is significant opposition to the RNPN's implementation.

Stakeholder Support: Although there is support for the implementation of the RNPN (see *Stakeholder Map: Electoral Reform*⁴³), it is neither very strong support, nor particularly numerous. International organizations, the UNDP and USAID are more directly supportive of the institution than most domestic actors -- but only relatively mild pressure can be applied by these organizations. Not only do they not participate directly in the policy-making process, the funding for elections made available in the past (which bought some leverage) has mostly dried up. Moreover, it is not clear that there is a strategy to lobby directly for the implementation of RNPN. While IFES might provide some support for pressing the issue, its focus is more on voter civic education programs.

⁴³ For a list and brief description of groups which appear on the Stakeholder Map, please see Appendix Four, Stakeholder Chart: Electoral Reform and Political Parties.

Other support illustrated on the stakeholder map is mostly weak support. It either has few resources to invest in moving the issue, or it is unwilling to risk resources for implementation of the RNPN. The Presidential Commission might have appropriate status but it has already presented its proposals on electoral reform. It is not clear that it has a further role. Groups such as the Consorcio de Educación Cívica have different objectives. While the RNPN appears to be an important issue and one with potential large benefits, there is no apparent real champion to press for implementation.

The implementation of the RNPN may suffer from a case of benign neglect. Two important actors, either capable of igniting some action toward implementation, appear ambivalent about the issue. The President, who agreed to reform of the electoral process in 1994, has essentially ignored the needs since then. While not directly opposed, he has done little to move them forward. Likewise, though the Legislative Assembly has passed the appropriate legislation, it has not followed up to assure that the implementation process could and would begin.

The third important actor is the Supreme Electoral Tribunal. Although the TSE does not appear to be directly opposed (despite its placement in the opposition sector), it will lose one of its key functions when (and if) the RNPN is actually implemented -- the emission of the "carnet electoral". Similarly, the municipalities, which issue personal identity cards, will also cease to do so with the emission of the proposed "documento único". The TSE could do much to move implementation along but it mostly appears indifferent.

Options: It is clear that a larger and more active constituency needs to be created for the RNPN. But it is not at all clear where that constituency might come from, nor how quickly it could be assembled. A possibility to expedite the issue might be through the new Legislative Assembly, but since there has not been a champion before, it is not clear that the Assembly is likely to take up the RNPN as a priority issue either quickly or resolutely. Although working through groups such as the Consorcio de Educación or DIGNAS, assuming that resources could be located, would probably assist in generating a larger and more vocal constituency, it would take time. The prospects of getting the RNPN underway by June do not look particularly promising. A longer range strategy but one which can also highlight issues regarding the 1999 elections is needed. Given the importance of the RNPN, the fact that it might not get underway to have full impact on the next Presidential elections should not impede the need to develop a larger and more vocal constituency, one that can begin to penetrate the policy making apparatus.

STAKEHOLDER MAP: ELECTORAL REFORM

	OPPOSITION		SUPPORT			OPPOSITION	
EXTERNAL ACTORS				UNDP USAID IFES			
SUPPORT ON ISSUE	0	1	2	3	2	1	0
			Implementation of Registro Nacional de Personas Naturales by June, 1997				
GOVERNMENT ACTORS				Junta de Vigilancia Comisión Presidencial Reforma Electoral	Pres. Calderon Sol Tribunal Supremo Electoral Municipalities ASAMBLEA LEGISLATIVA		
POLITICAL PARTIES		FMLN	CD? PD?		PDC-----?	ARENA PCN	
PRESSURE GROUPS			Consortio de Educacion Civica DIGNAS		Consortio Flor Blanca		

Appendix One

LIST OF ACRONYMS

A. Justice Sector:

ATJ	Judicial Technical Assistance group (Asistencia Técnica Judicial, located within Ministerio de Justicia)
CAPES	Professional Associations Council (Consejo de Asociaciones Profesionales)
CEDEM	Center for Democratic Studies (Centro de Estudios Democráticos)
CEJ	Center for Judicial Studies (Centro de Estudios Jurídicos)
CEMUJER	Center for Women (Centro de la Mujer)
CESPAD	Center for the Study and Application of Law (Centro de Estudios Salvadoreño para la Aplicación de Derecho)
CNJ	National Judiciary Council (Consejo Nacional de la Judicatura)
CORELESAL	Salvadoran Legal Reform Commission (Comisión de Reforma Legal Salvadoreña)
CSJ	Supreme Court of Justice (Corte Suprema de Justicia)
DIC	Department of Criminal Investigation (Dirección de Investigación Criminal)
FGR	Attorney General (Fiscal General de la República)
ECJ	Judicial Training School (Escuela de Capacitación Judicial)
CCSJ	Coordinating Commission for Justice Reform (Comisión Coordinadora del Sector de Justicia)
DIGNAS	
FUCAD	Central American Foundation for Sustainable Human Development (Fundación Centroamericana para el Desarrollo Humano Sostenible)
FUSADES	Foundation for Salvadoran Development (Fundación Salvadoreño para el Desarrollo)
ICITAP	International Criminal Investigative Training and Assistance Program (within US Department of Justice)
ICOSEL	Instancia Coordinadora de Servicios Legales
IDB	Interamerican Development Bank
IDHUCA	Instituto de Derechos Humanos Universidad Centroamericana
IEJES	Institute for Judicial Studies (Instituto de Estudios Jurídicos de el Salvador)
Ministerio Público	Public Ministry (umbrella "ministry which incorporates FGR, PGR, and PDDH) Supposedly independent of other branches of Government of El Salvador, but without constitutionally allocated revenue share.
MOJ	Ministry of Justice (Ministerio de Justicia)
PDH	Ombudsman's Office for Human Rights (Procuraduría de Derechos Humanos)
PDO	Public Defenders Office (part of the PGR's office)
PNC	National Civilian Police (Policía Nacional Civil)
PGR	(Procurador General de la República)
UNICEF	United Nations Children's Emergency Fund
USAID	United States Agency for International Development

USIS	United States Information Service
UTE	Executive Technical Unit (Unidad Técnica Ejecutiva)

B. Municipal Development

ANDA	National Water Authority
ARENA	Alianza Republicana Nacionalista
CDA	Consejo Departamental de Alcaldes
COMURES	Corporación de Municipalidades de la República de El Salvador
FIS (DEL)	Fondo de Inversión Social (y Desarrollo Local)
FLACSO	Facultad Latinoamericana de Ciencias Sociales
FORTAS	Fortalecimiento de Asociaciones (program of FUSADES)
FUNDAMUNI	Fundación de Apoyo a Municipios de El Salvador
FUNDAUNGO	Fundación Dr. Guillermo Manuel Ungo
FUNDE	Fundación Nacional para el Desarrollo
FUSAI	Fundación Salvadoreña de Apoyo Integral
GTZ	German Development Agency
IBRD	World Bank (International Bank for Reconstruction and Development)
IDB	Interamerican Development Bank
ISDEM	Instituto Salvadoreño de Desarrollo Municipal
ISAM	Instituto Salvadoreño de Apoyo Municipal
ISD	Instituto Salvadoreño de Desarrollo
MEA	Municipalities in Action (Municipalidades en Acción)
PROCAP	Programa de Capacitación
PROMUDE	Programa de Asesoramiento en el Fomento Municipal y la Descentralización
RTI	Research Triangle Institute
SACDEL	Sistema de Asesoría y Capacitación para el Desarrollo Local
SEMA	Secretaría del Estado para el Medio Ambiente
SETEFE	Technical Secretariat for External Financing (GOES)
SRN	Secretaría de Reconstrucción Nacional
UNDP	United Nations Development Program

C. Political Parties and Electoral Reform

ARENA	Alianza Republicana Nacionalista
CD	Convergencia Democrática
DIGNAS	
FMLN	Frente Farabundo Martí de Liberación Nacional
IFES	International Foundation for Electoral Systems
JV	Junta de Vigilancia
AC	Movimiento Auténtico Cristiano
MU	Movimiento de Unidad
PCN	Partido de Conciliación Nacional
PD	Partido Demócrata
PDC	Partido Demócrata Cristiana

PLD	Partido Liberal Democrático
PRSC	Partido Renovación Social Cristiana

D. Civil Society (Business and Labor)

ACOPAI	Asociaciones Cooperativas de Producción Agropecuaria Integradas
AGEPYM	Asociación General de Empleados Públicos y Municipales
AIFLD	American Institute for Free Labor Development
AMCHAM	El Salvador American Chamber of Commerce
ANDES-21	Asociación Nacional de Educadores de El Salvador
ANEP	Asociación Nacional de la Empresa Privada
ASI	Asociación Salvadoreña de Industriales
ATMOP	Asociación de Trabajadores del Ministerio de Obras Públicas
CCI	Cámara de Comercio e Industrias de El Salvador
CGT	Confederación General de Trabajadores
CNTS	Confederación Nacional de Trabajadores Salvadoreños
CST	Consejo Superior de Trabajo
CTD	Confederación de Trabajadores Democráticos
CTS	Confederación de Trabajadores Salvadoreños
CUTS	Confederación Unitaria de Trabajadores Salvadoreños
FEASIES	Federación de Asociaciones y Sindicatos Independientes de El Salvador
FENASTRAS	Federación Nacional Sindical de Trabajadores Salvadoreños
FESACORA	Federación Salvadoreña de Cooperativas de la Reforma Agraria
FESINCONTRANS	Federación de Sindicatos de la Industria de la Construcción, Similares, Transporte y de Otras Actividades
FMS	Frente Magisterial de El Salvador
FOES	Fundación Obrero Empresarial Salvadoreña
FUSADES	Fundación Salvadoreña de Desarrollo
FUSS	Federación Unitaria Sindical de El Salvador
ILO	International Labor Organization
OSILS	Organización de Sindicatos Independientes Libres Salvadoreños
SIPES	Sindicato de la Industria Portuaria de El Salvador
SUTC	Sindicato Union de Trabajadores de la Construcción
UCS	Union Comunal Salvadoreña
UNOC	Union Nacional de Obreros y Campesinos (dissolved)
UNTS	Union Nacional de Trabajadores Salvadoreños

Appendix Two

STAKEHOLDER CHART: JUSTICE SECTOR

GROUP	INTERESTS	RESOURCES	CAPACITY TO MOBILIZE	PRIMARY ISSUE AND POSITION
Corte Suprema de Justicia	Institutionalize Court. Delegate administrative load. Cont. purge of lower courts. Incr. autonomy.	Has fixed % of national budget. Incr. respect and confidence of public. Incr. status. Prob. of high concentration of functions.	Medium to low. Court lacks clear strategy or vision	Instit. of jud. authority.
Ministerio de Justicia	Leadership of legal reform movement. Reform of the jail system.	Executive authority and support. Restricted budget and lack of leadership.	Low	Reform of jail system.
Policia Nacional Civil	Institutionalization. Control and discipline. Growth and deployment and improved capacity.	Growing legitimacy. International. donor programs of TA. Increasing status and perception of honesty.	Medium but increasing.	Institutionalization and growth. Problem of incr. public security
Direccion de Investigacion Criminal	Reorganization and institut. Improved capacity for investigation.	Some question of legitimacy Transfers of "gente con vicios".	Low. Limited technical capacity	Legitimacy of role and improved status. Public security
Procurador General de la Republica	Institutionalization and coordination of multiple functions. Child support.	High public legitimacy. Limited budget and low political influence. Low admin. capacity	Low to medium.	Organizational problem. Child support.

GROUP	INTERESTS	RESOURCES	CAPACITY TO MOBILIZE	PRIMARY ISSUE AND POSITION
Fiscal General	Reform minded, needs resources; wants to expand and to increase capacity of fiscales; develop capacity to lobby for change.	Pressure to change. Large group of reform minded people. Lacks organic law. Low budget and high caseload.	Without increased budget remains low.	Organic law and resource increase.
Procuraduria para la Defensa de Derechos Humanos	Consolidation. Reduce criticism from Min. of Public Security. Economic and Social Rights.	High external legit. Good leadership. High donor support. Low natl. budget support	Mod. effectiveness No mandate. Lacks auth.	Increase impact of recommd.
Consejo Nacional de la Judicatura	Appointment of qualified judges. Cleansing of judiciary.	Lacks full complement -- three more members to be apptd. Good credibility.	Medium to low. Pace in part dictated by external factors.	Good, highly qualified judicial appts.
Escuela de Capacitación Judicial	Develop status and legitimacy, increase programs and coverage to assume full role.	Good reputation, good access to TA to develop courses. Incr. demand.	With TA has been good. With expiry of JRIL, funds may be problem.	Expanded coverage and maintain quality.
Consejo Coordinador del Sector de Justicia	"Rector" for Justice Reform Set direction and priorities. Lacks active leadership	Members are heads of main justice sector institutions. Legal status, authority, IDB support.	Mostly invisible but should increase with IDB funds.	?? Admin. consold.refo rm process.
Unidad Tecnica Ejecutiva	Technical lead for justice reform. Maintain technical authority. Sustainability.	Respected technical staff, now 5 yrs. old. Independence and legal status. Funding from IDB. Contacts	Good influx in CCSJ. Depend. on CCSJ.	Maintain pace of process. Instit. of UTE.Codigo de Menor

GROUP	INTERESTS	RESOURCES	CAPACITY TO MOBILIZE	PRIMARY ISSUE AND POSITION
Asistencia Tecnica Judicial (ATJ)	Update and revise codes and procedures.	Part of M. Justice. Young, recent law grads. ? budget. Legal technocrats	Low -- is part of M. Justice.	Emphasis on crim. code and proced.
Judicial Reform II	Emphasis on penal reform and its implementation.	One year left on contract. Good human resources.	Medium capacity to mobilize. Positively evaluated project.	Maintain momentum of penal reform implem.
Checchi	Staying in the game. Institutional strengthening of Defensoria and Fiscalia.	Only one year left on contract. Good tecnicos. Knowledge of system, key actors. Institutional memory. and TA. No strong counterpart.	Low capacity to mobilize on own initiative	Strengthen Fiscalia and Defensoria.
Comisión de Legislación - Asamblea Legislativa	Pass legis. of Acuerdos Paz. Emph. on prob. of security. Ley de Emerg. Partisan emph.	Has power of legislation - authority. Not tech. skilled. Controlled by ARENA	High capac. in its area.	Public security and delinquency
ICITAP	Professionalization of the police. Meeting peace accord reqmts. Staying in the game.	Support from AID and State and a few others..until?? Lots of consultants, expertise	Moderate, depends on internal leadership	Improving capacity of the police.
CORELESAL	Predecessor to both ATJ and to UTE.	no longer exists.		
USIS	Collaboration with JR II through visitors program.	Diminishing role with end of JR II future role is unclear.	Dependent on funds from JR II. Now low.	??

GROUP	INTERESTS	RESOURCES	CAPACITY TO MOBILIZE	PRIMARY ISSUE AND POSITION
UNICEF	Influence policy on Child and Family law.	Intl. status and credibility. Information and policy design ability.	Medium, in part owed to status of UN in El Salvador.	Monitor new laws on Child and Family??
USAID	Implementation of penal/criminal reforms Maintain level of impact with diminished resources. Broaden process of reform.	Significantly diminished resources. Lessons, experience of Legal Reform I/II. Status as principal player. Contractor in place.	Moderate to low since it works through other agents and/or contractors	Implementation of penal and criminal reforms. Remain as player.
Interam. Development Bank	Ley de Menor and court administration Minor interest in administrative law reform. Large, multi-year project.	\$\$\$ \$27m Loan now underway. Access to intl. experts. Will work through UTE.	Low to moderate-works through UTE, other government agents.	Menores and admin. of courts.
Consejo de Asociaciones de Profesionales - CAPES	Interest in forming council of all professional ass'ns. in El Salvador. In response to possible entrance into NAFTA.	New group. Potential of large base of membership of primary professional associations.	Unknown, but with good potential if it can organize the professional associations.	Gaining elim. of Constit. provision req. obligatory membership in Prof. Colegios.
IEJES (Instituto de Estudios Juridicos de El Salvador)	Continuing education for lawyers/civil education, training. Links with Checchi.	Diminished profile.	Low and decreasing.	Civic education.

GROUP	INTERESTS	RESOURCES	CAPACITY TO MOBILIZE	PRIMARY ISSUE AND POSITION
CESPAD	Popular dissemination of new developments in law. Education. Strong interest and advocacy for penal reform.	International funding Good "poder de convocatoria" and information sources. Most articulate and important civil society group in legal area.	Low to medium	Influence content of reforms through advocacy.
Instituto de la Mujer	Commercial and penal law. Concentrates on women's issues	Money, staff and infrastructure. Attached to First Lady's office.	Good capacity to mobilize within overall govt. policy.	Women's issues. Penal area.
FUSADES	Role in discussion of penal code implementation. Influence private sector agenda on legal reform.	Status. Good legal department. Good access and lobbying capac. Declining resources.	Medium to high. Good personal contacts. Good record on other issues	Influence content of reform.
Federacion de Asociaciones de Abogados	Umbrella organiz. for bar assns. Int. in repeal of law barring obligatory memberships in prof. assns.	Medium status. Umbrella assn. but without status of other umbrella assns.	Low. But has both contacts and status.	Survival and devel. Repeal of prohib. on obligat. assn.
Asociación Salvadoreña de Abogados	Act as gremio or bar assn. Devel. of legal profession and prot. of profession.	One of several bar assn. in a very fragmented professional envir. Medium Status, tradition?	Low.	Survival and devel. of assn.

GROUP	INTERESTS	RESOURCES	CAPACITY TO MOBILIZE	PRIMARY ISSUE AND POSITION
Centro de Estudios Juridicos	Influence policy on legal reform as repres. of law profession.	Status, one of most credible of law assns. Small, few resources.	Rel. low. Has become dormant with sel. of CSJ.	??
Interamerican Bar Federation	Act as "gremio" for attorneys. Espec. for those with intl. links in practice. Associated group with Intl. org.	One of several. Membership voluntary. Intl links. One of more prestigious of law assns.	Medium	Survival and improved devel. of legal "gremio."
Law Schools	Train lawyers, institutional sur-vival. Improve curriculum and quality of lawyers	Now 14(?) schools of law. Influence has diminished with competition? Three stand out and are leaders (UMD, UCA, UNES)	Relatively low -- note failure of Consejo de Decanos	Financial viability and sur-vival.
Consejo de Decanos de Derecho	To influence and provide leadership for legal reform. Now mostly defunct.	When operative, comparatively high status -- but low interest in using group as mechanism for reform.	none at this point	??? assuming it could be revived.
CEDEM	Penal code but also interest in other areas of reform. Wide agenda of democratization.	Small but well-connected group. Status and "poder de convocatoria". No infrastructure or staff.	Limited by low degree of organizat. Mostly a forum.	influence democrat. process.
FUCAD	Penal code. Wants to establish itself as premier "think tank" for center-left.	Diversified financing. Good conn. to private sector. Strong staff.	Medium. Has incr. "poder de convoc" w/ privatiz. conference	Instit. develop. of org. and incr. capacity.

GROUP	INTERESTS	RESOURCES	CAPACITY TO MOBILIZE	PRIMARY ISSUE AND POSITION
ICOSEL	Promotion of judicial reforms. "Alianza" of several NGOs. Advocacy for penal reform, legal services	NGO "counterpart" of the CCSJ. Works with Checchi with resources from AID.	Medium as long as resources last.	Advocacy and promotion of reforms.
IDHUCA	Monitoring and follow-up on human rights. Dissemination of findings.	Credibility. Part of UCA. Good external image and access to external funding	Relatively low. Displaced by other instituts.	Renew import. of human rights on national agenda.
CEMUJER	Rights of women. esp. in penal area. Capac. bldg. and counselling in area Lobbying on family law/code.	Resources from Checci, support from internat'l. donors.	In coalition have been effective. Less capac. on own.	Promotion women's rights issues.
DIGNAS	Increasing women's particip. in legal reform process, influence policy agenda.	European funding. Good working relations with government	Relatively low.	Promotion, strngthen womens role in policy process

Appendix Three

STAKEHOLDER CHART: MUNICIPAL DEVELOPMENT

GROUP	INTERESTS	RESOURCES	CAP. TO MOBILIZE	PRIMARY INTEREST
COMURES	Defense of mayors as gremio. Municipal strengthening, decentralization.	Representation and legitimacy. Strong internal processes. Effective lobby for Municipal reform	Medium - can now be heard in A.L., ISDEM.	Improve both strength of org. and municip.
ISDEM	Technical training and advice. Channels resources to municipios. Decentralization is secondary issue.	Represents central government & ARENA. Channels social development and budget funds to municipios.	Low -- mostly as channel of resources	Maintain position as channel of resources
SRN	Continuation of MEA and transfer of functions to FIS	300M colones to MEA from govt. Greater sophistication in addressing individual municipios.	Being phased out.	Transfer of functions to FIS
FIS	? Supposed to change to more local develop. role/organiz. Cont. of MEA?	World Bank funds. New director from RREE International Cooperation. Still has prestige despite scandal.	With both government and external funds -- capacity to mobilize should improve.	Recover leader-ship role.
FUNDAMUN I	PROCAP project Promotion of Mun. devel. Emphasis on interaction bet. Municipio and community	Good technical team. Limits efforts to two Departments. Euro funding.	Limited. Replicable but not intrstd. as model.	Deepen efforts in two depts.
SACDEL	Local develop. Various activ. local branch - IULA/CELCADEL	Good capacity for investigation. and TA. International support.	Low but growing. Became SACDEL - 9/96	Instit. strngth. of SACDEL

GROUP	INTERESTS	RESOURCES	CAP. TO MOBILIZE	PRIMARY INTEREST
FUNDAUNG O	Civic education, studies and training.	Diverse funding (AID, Ford, EC) Perm. staff. Good technical capacity.	Improving Medium in coalition w/other groups.	Consolid. of mun. program.
GTZ	PROMUDE - program in 3 regions - through ISDEM and COMURES. Work w/USAID on Municip. integrated financial management. Decentralization.	External funds. Contract renewed. good results in microregions. Good TA	High impact in areas where working	Consolid. of PROMUDE.
USAID	Develop greater local participation and move toward greater decentralization	Continuing project. Diminishing resources. Status and continuity.	Probably dropping with fewer resourcesLes s coverage	Greater local participas part of DG SO
RTI	Implement contract. Only works in 15 municip. Financial strengthening	Program resources. Status as AID program. Questions of transfer of capacity.	Good capac. to supply TA but ?? on instit. strgthng.	Execute contract
CDAs	Enhance role as intermediary between central and local gov. Intermunicipal cooperation/lobbying	Increasing status and recognition. Recognition by COMURES.	Now rel. low but has gained recognit.	Local coop. on public works, resources from center.
Comisión Modernizacio n del Estado	Streamlining state. Position on decentralization not clear.	Primary policy maker for modern. which has component of decentraliz.	Has yet to take off but could play role in decent	??

GROUP	INTERESTS	RESOURCES	CAP. TO MOBILIZE	PRIMARY INTEREST
MEA	Formerly to provide assistance for infrastructure. Assumed that it will basically maintain earlier model, but not yet clear.	300M colones from SRN. Unclear about staff and organization and role within the FIS. Not universally admired before.	Now debatable. Under old org. could quickly mobilize.	Reconstitution and consolidation under FIS.
SEMA	Involvement of municipalities in environmental policy-making and implementation.	Project has rel. low profile so far. Organizational problems at national level??	Relatively low.	Enhance role as National environ. agency and policy maker.
Line Ministries.: (MAG, Educ., MOPT, etc)	Transfer services to local govt. Consolidate own role through devolution.	Process still at very early stage. Unclear how far will go, and how many resources will be transferred.	Capacity to block or stall process. Have actual control over resources	Maintain import. as line agencies but reduce current burden??
ANDA	Decentralization of water in pilot municipalities. May be privatized.	National authority on water. National budget and resources. Semi-autonomous	Medium but responds to national agenda.	Has real interest decentralization
FORTAS	Creation of local foundations for local needs. Paternalistic approach.	Good at set up and devel. Financial resources + assist. from local prom. businessmen	medium capac. but aimed strictly at comm. devel. no policy agenda.	Solving local needs & problems.
FUSAI	Repatriation of refugees. Focus on TA.	Broad base of financing gives it independence and credib.	Low to medium - policy agenda?	??
SETEFE	Govt. agency for dispensing counterpart funds.	Clearinghouse for external funds. Mostly executes orders.	Can block or delay request or be difficult to work with.	??

GROUP	INTERESTS	RESOURCES	CAP. TO MOBILIZE	PRIMARY INTEREST
FUNDE	Working in Nejapa. Devel. cooperation of private sector. Int. in replication	Begun in 1992 Studies for USAID. "Think tank" good tec. skills. External funds	Good when using technical skills.	Replic. of method. used in Nejapa??
FLACSO	Studies and increasing understanding of municipal dev. and role of municip. Implicit (?) policy agenda.	Completed broad study of municipalities in El Salvador. Comprehensive information. Status on left-center.	Low - Med Hector Dada is respected credible.	Studies and dissem.
ISAM	Now known as ASCIA. Carries out studies on municipal development and advice to PDC mayors.	Suffering as conseq. of splits in DC. Head is Morales Erlich-still has credibility	Low - has declined from earlier levels.	Work with PDC mayors
ISD	Carries out studies on local elections. Favors proportional repres. ??	Small. Limited funds from euro sources (?)	Low. Not well known	Studies and dissem.
ARENA	Maintain hegemony at national and local level. Against decentralization and pluralistic councils.	Majority in assembly. Control of COMURES.	High - as party in power can control allocat. of resources	Maintain hegemony - avoid proport. repres.?
Opposition Parties	Pluralistic councils. Interest in decentralization not clear or mixed. Blocking ARENA agenda.	Numerical minority, not good at coalition building or maintenance	low - frequent splitting inability to deal	Decentr. not a primary issue. Assert role is primary goal.

Appendix Four

**STAKEHOLDER CHART: ELECTORAL REFORM
AND POLITICAL PARTIES**

GROUP	INTERESTS	RESOURCES	CAPACITY TO MOBILIZE	PRIMARY INTEREST & POSITION
TSE	Legitimize role. Effective management of electoral process. Improve awareness	Lacks extraordinary budget for election. Growing internal cohesion. IFES TA, some CE resources	Medium, but problems with recent elimination of DC member and continued partisan-ship.	A clean election.
Junta de Vigilancia	Vigilance of the TSE. Electoral transpncy. Legitimize role.	Very limited. Are tech. experts on elector. proced.	Low.	Legitimize role.
Comisión Política - Asamblea Legislat.	Block passage of Presid. Comisión Electoral Reform. Maintain status quo on reform.	ARENA has the majority on commission and has majority vote in AL	High	No alteration of status quo.
Consortio de ONGs de Educacion Civica	Promote greater particip. of those that vote. Non-partis. Non-ARENA	External financing - IFES and CE	Medium to low.	Elevate importance of particip.
IFES	Execute contract with AID. Greater transpncy & particip.	New contract is just beginning. New director.	Low now but will likely improve as new contract dev. May be too late for 1997 elections.	Structure team. Timely help to the TSE.

GROUP	INTERESTS	RESOURCES	CAPACITY TO MOBILIZE	PRIMARY INTEREST & POSITION
ARENA	Increase majority in AL and maintain status quo on electoral law.	Control of AL and rest of govern-ment.	High - strong internal discipline.	Maintain status quo and power.
PDC	Survival as single party and PDC values. Prop. Rep. and coalit. building.	Financing from deuda politica and Germans Skilled org base.	Moderate but declining. Infighting has eroded organiz. and prov. desertions and splits.	Survival - other issues are secondary
FMLN	Proportional represent. and decentralization of municip. Some coalition building interest.	Poor finan. resources. Deuda politica. OK (?) re-cruitment. Local/mun. coalit. capacity.	Moderate - good national organizat.	Consolidate as second most important party.
PCN	Survive as a political party. Capacity to negotiate vote in govt. & AL	Rel. few resources - ARENA can find votes elsewhere.	Low but has recently shown some signs of life with possible desertions from ARENA	Survive - keep seats in Asam. Legisl.
PD	Survive - try to become part of center coalition	Few resources. Negotiation with ARENA has proved costly to support.	Low.	Survive and help organize coalition. Gain seats in AL
Convergen. Democrat.	Survive and increase no. of seats in AL Coalition building	Limited resources. Has one vote in AL	Low	Coalition? Increase no. of seats.

GROUP	INTERESTS	RESOURCES	CAPACITY TO MOBILIZE	PRIMARY INTEREST & POSITION
MU	Survive. Poss. of coalition with others	Very limited - one vote in AL	Low	ditto
PRSC	Survive but without entry into coalition immediately	Strong directorate 5 votes in AL. New faces. Appeal to profess.	Low. Lacks financing	survive and increase or maintain current # seats AL
Comisión Presiden. Reforma Electoral	Develop consensus on proposal for elect. reform. Has finished proposal	Good represent. at polit. level. Status.	Less than low.	Gain consent of ARENA for passage???
DIGNAS	Increase participat. in politics and awareness of women re political process	Euro funds. Good working relations with govt.	low but effective	womens issues in politics and polit. particip.



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To whom this concerns,

Please find enclosed two final bound copies of the "Democracy Sector Assessment: El Salvador", USAID Contract #AEP-5468-I-00-6006-00. Delivery Order 6, dated May 1997.

Management Systems International would like to extend its gratitude for the opportunity of conducting this evaluation. We look forward to providing our services in the near future.

Sincerely,

A handwritten signature in cursive script that reads "Christine Preziosi".

Christine Preziosi
Project Assistant

Enclosures: 2 Evaluation Reports