

State Reform after the Peace Accords

Negotiating and Implementing an Inclusive Political Settlement
in El Salvador

Roberto Oswaldo López, Carolina Quinteros and
Carlos Guillermo Ramos

IPS Paper 13

Abstract

The Peace Accords that put an end to the internal armed conflict and laid the foundations for a new institutional design in El Salvador were signed 22 years ago between the government and the Farabundo Martí National Liberation Front (FMLN). The breakthroughs achieved as a result of those agreements regarding the establishment of basic civil and political rights are undeniable, and although there are still many pending issues with respect to the enforcement of social rights, it is possible to say that the groundwork for a democratic state has been laid. This paper reviews the historical dynamics of the conflict and the peace process between the FMLN and the Salvadoran state, before analysing the main phases and actors of the informal and formal negotiations. The paper further seeks to determine what the Salvadoran population can possibly expect from the scope of the 1992 Accords more than two decades after they were signed by examining to what extent the needs of the marginalised groups most affected by the political, economic and social situation prior to the war have been taken into account in the accords and their implementation.

About the Publication

This paper is one of two case study reports on El Salvador produced in the course of the collaborative research project 'Avoiding Conflict Relapse through Inclusive Political Settlements and State-building after Intra-State War', running from February 2013 to April 2015. This project aims to examine the conditions for inclusive political settlements following protracted armed conflicts, with a specific focus on former armed power contenders turned state actors. It also aims to inform national and international practitioners and policy-makers on effective practices for enhancing participation, representation, and responsiveness in post-war state-building and governance. It is carried out in cooperation with the partner institutions CINEP/PPP (Colombia, Project Coordinators), Berghof Foundation (Germany, Project Research Coordinators), FLACSO (El Salvador), In Transformation Initiative (South Africa), Sudd Institute (South Sudan), Aceh Policy Institute (Aceh/Indonesia), and Friends for Peace (Nepal). The views expressed in this paper are those of the authors and do not necessarily reflect the views and opinions of the Berghof Foundation, CINEP/PPP, or their project partners. For further information, please contact the project research coordinator, Dr. Véronique Dudouet, at v.dudouet@berghof-foundation.org.

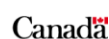
About the Authors

Roberto Oswaldo López is a professor of Social Sciences and a sociologist from the Universidad Centroamericana José Simeón Cañas (UCA), El Salvador, with a Magister Scientiae from the Universidad de Costa Rica. He is currently the Head of the Department of Sociology and Political Science. Prof. López has carried out research on social violence and social integration processes in Central America, and coordinated as well as advised training programmes in territorial management in the Central American region.

Carolina Quinteros is a sociologist from the Universidad José Simeón Cañas (UCA), El Salvador, and holds a Magister Scientiae from the Universidad de Costa Rica. She is currently a professor and researcher at UCA and works as a specialist in political dialogue in the Executive Secretariat of the Economic and Social Council of El Salvador, led by the UNDP. Prof. Quinteros has carried out research on political dialogue, human rights, especially labour rights, gender analysis, social movements and Corporate Social Responsibility. She has also monitored work conditions in transnational companies and participated in the global movement in favour of improved working conditions in *maquilas*.

Carlos Guillermo Ramos is a philosopher from the Universidad Centroamericana José Simeón Cañas (UCA), El Salvador, with a Msc. in sociology from the Universidad de Costa Rica. Since 2009, he has been the director of the El Salvador Programme of the Latin American Faculty of Social Sciences (FLACSO), where he has also served as an academic coordinator and researcher. Prof. Ramos has also held the positions of Executive Director of the Economic and Social Council (CES), Executive Director of the Centre for Information, Documentation, and Research Support (CIDAI), and Executive Director of the PROCESO Seminar at UCA. He has conducted and coordinated research dealing with issues of youth, citizen security, governability, poverty, social exclusion, local development and education, at both the national and Central American level.

This project has been funded with support from the International Development Research Center in Ottawa.



To cite this paper: Oswaldo López, Roberto, Carolina Quinteros & Carlos Guillermo Ramos 2015. State Reform after the Peace Accords. Negotiating and Implementing and Inclusive Political Settlement in El Salvador. *Inclusive Political Settlements Papers* 13, May. Berlin: Berghof Foundation.

Via internet: www.berghof-foundation.com/www.ips-project.org. This paper is also available in Spanish.

Table of Contents

1	Introduction	5
2	Before the War: Emerging Contestation of an Exclusive Political Settlement	6
3	The Eighties: A New Stage in the Conflict	7
4	Bilateral Peace Negotiations	9
	4.1 Incremental Phases	9
	4.2 Evolving Agenda.....	11
5	Supporting Actors and Parallel Participation Arenas	13
	5.1 International Actors	13
	5.2 Arenas for Participation of Civil Society and Political Parties	13
6	Codification and Materialisation: Reforming the Salvadoran State	15
	6.1 Political Reforms	15
	6.2 Reform of the Security Corps	16
	6.3 Judicial and Human Rights Reform	17
	6.4 The Socio-Economic Arena	18
7	Conclusion	20
	Bibliography	21

List of Acronyms

ARENA	<i>Alianza Republicana Nacionalista</i> / Nationalist Republican Alliance
COPAZ	<i>Comisión Nacional para la Consolidación de la Paz</i> / National Commission for the Consolidation of Peace
CNJ	<i>Consejo Nacional de la Judicatura</i> / National Council of the Judiciary
CPDN	<i>Comité Permanente del Debate Nacional</i> / Permanent Committee of the National Debate
ERP	<i>Ejército Revolucionario del Pueblo</i> / People's Revolutionary Army
FES	<i>Foro de Concertación Económica y Social</i> / Forum for Economic and Social Consultation
FIS	<i>Fondo de Inversión Social</i> / Social Investment Fund
FMLN	<i>Frente Farabundo Martí para la Liberación Nacional</i> / Farabundo Martí National Liberation Front
FPL	<i>Fuerzas Populares de Liberación</i> / Popular Liberation Forces

GOES	Government of El Salvador
ONUSAL	United Nations Observer Mission in El Salvador
PCN	<i>Partido de Conciliación Nacional</i> / National Conciliation Party
PC	<i>Partido Comunista</i> / Communist Party
PDC	<i>Partido Demócrata Cristiano</i> / Christian Democratic Party
PRN	<i>Plan de Reconstrucción Nacional</i> / National Reconstruction Plan
PRTC	<i>Partido Revolucionario de los Trabajadores Centroamericanos</i> / Central American Revolutionary Workers' Party
PTT	<i>Programa de Transferencia de Tierras</i> / Land Transfer Programme
RN	<i>Fuerzas Armadas de la Resistencia Nacional</i> / Armed Forces of National Resistance
SC-CSJ	<i>Sala de lo Constitucional de la Corte Suprema de Justicia</i> / Constitutional Chamber of the Supreme Court of Justice
SRN	<i>Secretaría de Reconstrucción Nacional</i> / Secretariat for National Reconstruction
TSE	<i>Tribuno Supremo Electoral</i> / Supreme Electoral Tribunal
UNDP	United Nations Development Programme
UNO	<i>Unión Nacional Opositora</i> / National Opposition Union

1 Introduction

The Peace Accords in 1992¹ represent one of the most significant milestones in Salvadoran history. The negotiations between the government and the Farabundo Martí National Liberation Front (FMLN) put an end to 12 years of civil war and established the basis for a far-reaching state reform. To this day, the terms of these agreements have been more or less complied with, and the process of democratic transition can now be considered mature and institutionalised despite the fact that the accords and the subsequent reform process did not sufficiently address issues of socio-economic marginalisation and grievances. Much has been written and discussed over these past 22 years regarding the accords. However, in view of contemporary global approaches to negotiated agreements and transitions in intra-state conflicts, new questions arise regarding the impact of the Salvadoran Accords and their pertinence to the current domestic political situation. What can already be ascertained is that the accords still continue to determine the ‘rules of the game’, the institutional framework, and political and social life in El Salvador.

One of the key aims of this paper is to assess the degrees of political, social, economic and juridical inclusivity that have been achieved since 1992. In other words, did the Peace Accords manage to provide conflict-affected communities with sufficient mechanisms to access and participate in governance, whether through direct participation in the decision-making processes or by having their demands heard and placed on the political agenda? In particular, did power contenders (understood as the armed groups that challenged the unequal power structure and distribution of wealth in the second half of the 20th century), through their participation in the negotiation, codification and materialisation of a new political settlement, help to bring about inclusive institutions and state/society relations? Are popular demands for spaces of expression and the recognition of human rights taken into account in the Salvadoran politics generally, or in the practices of the new political parties that emerged after 1992?

Twenty-two years seem to be a sufficiently long time period to be able to analyse the process and its consequences from an academic perspective. Consequently, we have adopted an approach that identifies key aspects of the process in order to allow for comparative analysis with similar transition processes that have taken place in other parts of the world. In our analysis we focus on three defining arenas of El Salvador’s transition after 1992. The first is the political settlement itself, defined as the agreement between traditional and emerging political elites that was formalised through the Peace Accords and the national legislation that came to define the new rules of the game for policy-making. The second key concept is that of state-building – understood as the political process of creating and reforming institutions associated with e.g. human rights, rule of law, and public goods – which contributes to granting legality and legitimacy to the political settlement and state-society relations established after the accords. The third concept is governance, defined as a set of public and private institutions that work jointly to resolve social, political and economic problems. A governance approach thus requires an analysis of the distribution of power, the way state decisions are made and how rules are complied with.

Thus, the paper intends to examine the way in which the peace negotiations were carried out, their background, the actors included, their content and especially their results in terms of building a more inclusive state. To that effect, our methodology involved reviewing documents and testimonies of those who participated in the war and in the subsequent peace negotiations, as well as analysing the codification and materialisation process from 1992 until today.

¹ The Chapultepec Peace Accord, signed in 1992, consists of the Geneva Accord, the Caracas Agenda and the Agreement on Human Rights (all of them signed in 1990) as well as the Mexico and New York Accords and the New York Act (all of them signed in 1991). For more information about the different accords and their sequencing, see section 4.

2 Before the War: Emerging Contestation of an Exclusive Political Settlement

The roots of the armed conflict in El Salvador can be traced back to the early 1930s. The 1931 military coup d'état against a civilian president, and the brutal repression that quashed the indigenous peasant uprising of 1932 in the country's coffee-growing regions, laid the foundation for an authoritarian political regime led by the military sector and oligarchic groups engaged in the agricultural export economy of the time (Eguizabal 1984). From that moment on, there were several coups and fraudulent elections, all of which led to a militarisation of Salvadoran politics and established an authoritarian and exclusionary system of governance. These circumstances also prevented the development of the emerging party system that had just begun its process of institutionalisation. Instead, the political regime gradually shifted from a single-party system dominated by the National Conciliation Party (*Partido de Conciliación Nacional* – PCN) for six decades, to a polarising two-party system since the Peace Accords in 1992 (Córdova, Ramos and Loya 2007), with the Nationalist Republican Alliance (*Alianza Republicana Nacionalista* – ARENA) and the Farabundo Martí National Liberation Front (*Frente Farabundo Martí para la Liberación Nacional* – FMLN) as the two main contenders. On top of this, the state's economic model was characterised by profound inequalities that left the large majority of the population's needs unsatisfied despite several attempts to modernise the country.²

These conditions fuelled the radicalisation of segments of society that began to organise in the early 1970s according to different political-military modalities, with varying degrees of radicalism in their struggle.³ Their overall demands centred around political, social and economic grievances, mainly concerning poverty (especially in the rural areas), the shortage of land, structural inequality in the distribution of wealth, and an almost absolute absence of social protection for the population. According to these organisations, the great evils of Salvadoran society derived from this very social inequality, the concentration of wealth in a few hands and a military dictatorship at the service of the oligarchy, which had blocked all attempts for democratisation and offered little space for dissent and freedom of expression (Argueta 2011). They thus aimed to reform the state's exclusion of a great majority of the population and the reproduction of inequality, inequity and lack of citizens' rights.

Although these organisations had rather significant differences regarding their strategy for reforming the state (Artiga 2008), they managed to coalesce into a National Opposition Union (*Unión Nacional Opositora* – UNO), together with opposition parties such as the Christian Democratic Party (*Partido Demócrata Cristiano* – PDC). In 1972, UNO successfully ran for the presidential election. Refusing to accept its defeat, the government committed electoral fraud in order to impose another member of the military as head of state, which led to increased social repression. This scenario repeated itself in the 1977 elections, leading to a further polarisation and radicalisation of the opposition, since it was now clear that the democratic process had to be ruled out as a means of political expression. At that point it was also evident that it was impossible to reconcile the objectives of the opposition forces with those of the forces that controlled the state.

In October 15, 1979 El Salvador suffered a new coup d'état, this time led by progressive sectors of the armed forces in alliance with several civil society groups. The new revolutionary government junta had a reformist agenda but failed to put a halt to the repressive actions of the Army, the National Guard, and the Treasury Police against the population. This led to the junta's resignation three months later and its replacement by a new junta, but the

² For example, under Colonel Oscar Osorio's administration (1950-56), a developmental model of industrialisation was put into place and urban workers were granted benefits such as social security, opportunities to acquire housing and recognition of public sector workers' rights to unionise. Central American integration and the construction of large public infrastructure works were also promoted during that period.

³ For more details on the nature of these organisations, see the other report by the same authors published as part of this series (Ramos et al. 2015).

repression continued. These times were also the heyday of the so-called military-backed 'death squads', which kidnapped, tortured and assassinated individuals suspected of participating in insurgent organisations.

In the midst of this repressive turmoil, the archbishop of San Salvador, Monsignor Oscar Romero, was assassinated while celebrating catholic mass in March 1980. The assassination was severely condemned both in the country and abroad, but the 'correlation of forces' did not change. Even worse, it confirmed that peaceful methods had been utterly exhausted and that the government, the military and the paramilitary groups were determined to prolong the bloodshed, whatever the cost.

In short, by the time the armed conflict broke out in 1980, El Salvador featured a political regime that was incapable of processing and responding to the increasing demands of citizens who in turn pressured for democratisation covenants and social and economic reforms. In the meantime, the country saw the rise of new actors who not only struggled for power but also based their power on the legitimacy of extra-legal means of struggle, while suffering the discredit of the institutional framework, particularly in the electoral structure.

3 The Eighties: A New Stage in the Conflict

The decade of the 1980s opened with the formation of the FMLN as a coalition of five political-military left-wing organisations, most of which were formed as a result of successive divisions within the Communist Party (*Partido Comunista* – PC), in opposition to the electoral path it had opted for and its assessment of the fundamental problems of Salvadoran society. Some of these organisations opted for insurgency, while others chose the path of a protracted people's war.⁴ That meant that some preferred to work with the masses, while others chose to embark directly on the armed struggle. After several years marked by internal disputes and tests of strength, five political-military organisations managed to coalesce into the FMNL in October 1980.⁵ On 10 January 1981, it proclaimed the launch of a "final offensive" against the Salvadoran government, as well as its plan to put an end to a regime that had only favoured the oligarchy. The offensive was not successful; rather, it intensified the involvement of the armed forces and escalated the conflict to a fully-fledged military offensive.

The armed conflict in El Salvador went through several stages and defining moments influenced by the insurgent groups' strategies and the government's and armed forces' reactions. The role and influence of civil organisations in the country also influenced the course of events, as well as the international context.

Historically, the United States have had a tremendous influence in Latin America, given the political and financial support provided to certain political forces, usually those dominating the countries from the perspective of the hegemonic groups. The Salvadoran case was no different, and the intra-state war became part of the peripheral Cold War struggles due to the financial and political interference of the United States.

According to Benítez (1989), neighbouring states in Central America were also going through a revolutionary period at the time. There was an on-going revolution in Nicaragua with a counter-insurgency set up and financed by the United States, a civil war dating back to 1954 in Guatemala marked by brutal levels of repression that especially victimised the indigenous population, and a revolutionary social movement in Honduras. The different

⁴ The concept of insurgency refers to a popular armed uprising against the government. It involves the use of violence and is a quick act aiming for a revolution. This was the strategy followed in the Sandinista Revolution in 1977. The idea of a protracted people's war involves various forms of armed and unarmed struggle, seeking the accumulation of revolutionary forces in the long run. Initially, FMLN's strategy was influenced by the concept of insurgency, a fact that led to the 1981 military offensive. Yet, due to the failure of this military campaign, which clearly showed that its approach was unable to give rise to a revolution, the organisation shifted towards a strategy of a protracted people's war in the following years. This shift, among other factors, caused a series of conflicts within the FMLN.

⁵ The FMLN was made up of the Communist Party, founded in 1930, the Popular Liberation Forces (*Fuerzas Populares de Liberación* – FPL), which appeared in 1970, the People's Revolutionary Army (*Ejército Revolucionario del Pueblo* – ERP), created in 1971, the Armed Forces of National Resistance (*Fuerzas Armadas de la Resistencia Nacional* – RN), which arose in 1975, and the Central American Revolutionary Workers' Party (*Partido Revolucionario de los Trabajadores Centroamericanos* – PRTC), founded in 1976.

characteristics of these processes make a comparative analysis difficult; however, taken as a whole they reflect the region's high level of militarisation and conflict during the 1980s.

These years were also marked by numerous economic, social and political transformations, such as the increase of domestic and international migration, the exhaustion of the agricultural export model, and the rearrangement of the centres of political and economic power (Córdova et al. 2007). The economic elites underwent a shift from the agricultural export sector to the financial services sector and adopted a new vision of the country's leadership and development that required greater foreign investment and access to markets, and thus the modernisation of El Salvador's relations with the rest of the world. However, the domestic war and the perception that El Salvador was a country dominated by the military and plagued by human rights violations were not the best credentials when pursuing these new paths.

During the first half of the 1980s, the prevailing military strategy adopted by the insurgent groups was that of a protracted people's war. The government responded with low-intensity warfare that combined military attacks with attrition tactics aimed at wearing down the enemy, both militarily and politically. The latter included partial democratisation measures and the creation of controlled spaces for the participation of civil society, in order to 'deprive the fish of water'. The result was a kind of 'low-intensity democracy', meaning the creation of precarious democratic institutions whose purpose, as Torres Rivas (2007) writes, was to maintain power using both democratic resources and renewed levels of violence and by promoting seemingly legitimate civilian governments elected through more or less transparent and reliable electoral processes. The fundamental pillar of such democracy was the co-existence of weak civilian governments and a robust army, which resulted in a fragile political party system and the continuity of an authoritarian military culture.

As part of this low-intensity democracy, a constitutional reform took place in 1983 that might be considered the starting point for the process of state reform in El Salvador, since it served as the basis for the future peace accords and continues to serve as a reference point for the establishment of the rule of law until today. The constitution of 1983 was drafted by a Constituent Assembly elected in 1982. The assembly included representatives of conservative parties such as the above-mentioned ARENA⁶, PCN⁷ and PDC⁸.

In this respect, Córdova et al (2007) state:

From a formal point of view, the enactment of the constitution of 1983 laid the foundation for the country's political and institutional restructuring, contributed to the gradual establishment of an institutional environment favourable to political liberalisation, and provided new grounds for the legitimisation of the political regime.⁹

The constitution of 1983 thus established and granted the status of constitutional provisions to at least four principles of unquestionable importance. These principles marked the subsequent processes of political liberalisation and democratisation, while laying the foundation for an (undemocratic) system that was not fully inclusive, but more so than the previous regimes. These new constitutional principles were:

- ≡ The declaration of free, direct, egalitarian and secret voting. This included allowing citizens to decide whether to vote or not (suffrage was previously mandatory) and to select the candidate of their choice (Art. 78)
- ≡ The establishment of a proportional representation system in the legislative assembly (Art. 79) according to the electoral districts defined in terms of the geographic division of the territory (Art. 79)

6 Some of the founders of ARENA were known to have been involved in financing the death squads and its historic leader, founder and presidential candidate in 1984 was mentioned in several debates as responsible for the assassination of Monsignor Romero.

7 The PCN had maintained the presidency of the country since 1948, in close association with the military. It was responsible for two great electoral frauds (1972 and 1977) and was overthrown by the 1979 coup d'état.

8 The PDC led the second revolutionary government junta during the period of brutal repression of popular mobilisations by the army and death squads.

9 All quotes were translated from Spanish.

- ≡ The introduction of a two-round system for presidential elections for those cases in which none of the candidates obtained the majority of the votes, thus establishing the principle of irreplaceability of popular sovereignty (Art. 80)
- ≡ The declaration of the political system as pluralistic, with political parties exclusively representing the will of the people in the government (Art. 85) (Córdova et al. 2007).

Although the spectrum of parties represented in the political system remained limited to those with a right-wing or centre-right orientation, the electoral processes progressively acquired credibility, dissipating the fear for fraud. In 1989, left-wing political parties, whose leaders had been in exile due to political persecution, joined the electoral contest for the first time. The reforms that preceded the peace negotiations had apparently begun to bear fruit with respect to the inclusion of alternative political forces.

4 Bilateral Peace Negotiations

A process of dialogue between the government and the FMLN was initiated in 1984 and went through several stages over the next few years, each of which contributed to the final shape of the peace agreements. It was not so much a smooth path as it was a constant alternating between tension, discouragement and moments of enthusiasm over the inclusion of proposals aimed at reviving the process and salvaging the goals of the negotiations. As commented by Álvaro de Soto, UN Secretary-General representative to the peace negotiations, the process underwent “several key moments, with a little something always left pending” (De Soto 2012). One factor that precipitated the formal negotiations was the balance of power between the state and the guerrilla forces:

The negotiation was possible due to the strategic military equilibrium in which neither of the two sides had the capacity to militarily defeat its opponent. From a political point of view, this translated into a hegemonial crisis in which the main actors had veto power or had been successful at neutralising the initiatives of others, but lacked enough power to impose themselves or their project on the other political actors. Given the impossibility of a military victory on the either side, the main focus of the power struggle shifted to the political setting (Córdova 1993, 16).

4.1 Incremental Phases

Córdova et al. (1997) divide the process of dialogue and negotiation into two phases. The first phase, ‘dialogue without negotiation’, lasted from 1984 until the FMLN’s offensive in November 1989. At least six negotiation rounds were held during that time, both in El Salvador and abroad.¹⁰ During this initial phase, the leadership of the conflicting parties held dialogue sessions, but there was no negotiation agenda as such. The common feature of these meetings was that they were public events and that people interested in acquiring first-hand knowledge about the process held demonstrations outside the meeting venues. In these sessions, the parties mostly discussed general topics, presented their ideological standpoints and adopted maximalist positions. The FMLN demanded the establishment of a broadly participatory provisional government in which it would be included. The government and the military demanded the guerrillas surrender their weapons immediately and abide by the prevailing legal system. These were irreconcilable positions, and although the fact that the meetings had been convened at all implied a qualitative change in the handling of the war by the parties, it was impossible to reach any agreement whatsoever. As argued by Córdova (1993), “the debate focused on whether the political system was democratic, whether it was in transition toward a more democratic form of government, or whether the regime was essentially

¹⁰ The meetings in El Salvador took place in La Palma (15 October 1984), Ayagualo (30 November 1984), Sesori (in 1987, without FMLN representatives), and San Salvador, at the Apostolic Nunciature (19 September and 4-5 October 1987). Those held abroad took place in Mexico (13-15 September 1989) and Costa Rica (16-18 October 1989).

an authoritarian one, with a democratic facade, given that elections continued to be held.” Although these talks did not yield many results, the process did give the guerrillas the status of a belligerent force and granted them the recognition this entailed.

A radical change came about with the FMLN’s military offensive of 1989, which failed to bring about substantial change, thus confirming the delicate equilibrium of forces that had impeded a military solution and making the negotiated solution even more urgent.¹¹ The parties then entered a second phase of negotiations, characterised by a more formal setting, with a specific agenda, clearly defined deadlines and appointed mediators. The negotiations resulted in the Peace Accords of 1992. The United Nations (UN) took on the role as the mediator; the Secretary-General Javier Pérez de Cuéllars appointed his representative Álvaro de Soto as the delegate, who would be directly involved in mediating between the government and the opposition forces. Furthermore, the parties jointly agreed to hold the negotiation meetings behind closed doors, with the UN delegate as the sole official spokesperson (Martínez 2011).

Table 1: Meetings and agreements throughout the formal negotiations between the government and the FMLN (April 1990 – January 1992)

	Date	Place	Agreement Reached
Phase I	4 April 1990	Geneva, Switzerland	Agreement to begin negotiations mediated by the United Nations
	16-21 May 1990	Caracas, Venezuela	General agenda and negotiation process calendar (Caracas Accord)
	19-25 June 1990	Oaxtepec, Mexico	
	20-26 July 1990	San José, Costa Rica	Agreement on human rights
	17-22 August 1990	San José, Costa Rica	
	13-18 September 1990	San José, Costa Rica	
	28-31 October 1990	Mexico City, Mexico	
Phase II	3-5 January 1991	Mexico	
	1-2 February 1991	Mexico	
	19-20 February 1991	Costa Rica	
	21 March 1991	Mexico City, Mexico	
	4-27 April 1991	Mexico City, Mexico	Agreement on constitutional reforms (Mexico Accord)
Phase III	14-17 May 1991	Mexico	
	25 May-2 June 1991	Caracas, Venezuela	

¹¹ The military offensive of 11 November 1989 was FMLN’s biggest demonstration of strength and the most significant military operation launched by the guerrilla group during the Salvadoran armed conflict. The FMLN’s actions covered the entire country, including the capital city and some of its most exclusive neighbourhoods, which until then had not experienced a combat situation of this magnitude. With the aim to force the government to open peace talks with the FMLN, this offensive lasted for more than a month. The Front thus entered the negotiations as a force with whom it was necessary to negotiate ceasefire conditions.

	16-22 June 1991	Querétaro, Mexico	
	9-11 July 1991	Mexico City, Mexico	
	16-25 September 1991	New York, USA	New York Accord
Phase IV	12-22 October 1991	Mexico City, Mexico	
	3-13 November 1991	Mexico City, Mexico	
	25 Nov.-11 Dec. 1991	San Miguel Allende, Mexico	
	16-31 December 1991	New York, USA	New York Act I
	2-13 January 1992	New York, USA	New York Act II
	16 January 1992	Mexico City, Mexico	Final signature of the Peace Accords (Chapultepec Accords)

Source: Córdova (1993, 114)

The negotiation commissions set up by each party remained relatively stable throughout the formal negotiations, even though not all members were present at all the meetings nor did they sign all the partial agreements that were reached. The guerrillas' team was made up of one or two representatives from each of the five organisations comprising the FMLN. These negotiators had considerable decision-making power since they were for the most part members of the FMLN's general command. On the government's side, the negotiation team was made up of a renowned academic and writer as President Cristiani's personal delegate, two high-ranking members of the National Army, representatives of the Minister of Foreign Affairs, and members of the main political parties represented in government and parliament (ARENA and PCN). The roles played by these negotiating teams and the political will that drove them throughout the process, despite the difficulties and pressures they were subjected to, are worth highlighting. The performance of the United Nations, particularly of the Secretary-General and his representative, was also outstanding, in both the negotiation and implementation stages of the accords (see below).

4.2 Evolving Agenda

The agenda for each round of talks was jointly defined by the conflicting parties and refined with the UN mediator, responsible for determining the order of the process. One common goal for both sides was to achieve the cessation of the armed confrontation. Besides this, the FMLN was primarily concerned with conditions enabling its inclusion in legal political life, as a political party allowed to participate in free elections, and with real possibilities of achieving its share of political power at all state levels, from municipal mayorships to the legislative assembly and the presidency. In other words, although inclusivity was defined by the opposition forces as a reaffirmation of civil and political rights that entailed freedom of expression and political participation for all citizens, the main goal of the FMLN was to allow its genuine and sustainable participation as a political party, from the very moment the final agreement was signed. Furthermore, the FMLN also demanded the security and judicial sectors be reformed, in order to allow for respect for the rules of representative democracy to materialise.

For their part, the government circles and the economic elite of the time thought the FMLN's acceptance of representative democracy would impart greater legitimacy on their behalf and, above all, hold the possibility of keeping the economic model more or less intact, without the risks of a potential revolution that could upset or jeopardise their customary prerogatives.

The first agreement reached, the 1990 Geneva Accord, established the work methodology for the dialogue and negotiation process and stipulated that a direct dialogue should be carried out among the negotiating commissions with the participation of the UN Secretary-General or his representative. The Geneva Accord also established adequate and permanent information and consultation mechanisms with political parties and social organisations.

As the negotiations moved forward, it became possible for the parties to envision the series of issues that would make up the work agenda, set forth in the 1991 Caracas Accords, and which would later serve as the basis for the final accords. As Álvaro De Soto (2012) aptly recorded, the negotiation agenda ended up reflecting “the full scope of El Salvador’s problems”, ranging from the reform of the armed forces to human rights, the judicial system, economic and social issues and constitutional reforms.

The sensitivity of the issues brought to the discussion table led to the implementation of work modalities and strategies aimed at overcoming the political-ideological barriers between the negotiating parties, and encouraging them to gradually accept the idea that putting an end to the war entailed a certain degree of sacrifice and proposing innovative ideas. The plan was to create the conditions that would enable undertaking constitutional, legislative and institutional reforms to open spaces for re-establishing and consolidating democracy and guarantee respect for the freedoms and human rights of the entire population. As noted by De Soto (2012), the agreed reforms were marked by the centrality of human rights. Because this was an internal conflict between opposing armed actors belonging to the same society, the negotiation rules departed from conventional procedures generally followed in inter-state negotiations. In fact, it was an innovative case in Latin America, since although the opposition forces did not manage to overthrow the government (as had previously been the case in Nicaragua and Cuba), they managed to successfully join the democratic arena, with good possibilities of coming to power. In order for this to happen, the search for a new political settlement had to advance along paths that would fully ensure the state’s compliance with the agreements and its complete respect for the civil and political rights of the former combatants. Major changes had to be made, which entailed the total restructuring of the state and a learning process for all those involved.

After the roadmap for the negotiations had been established, the parties moved on to address the substantive issues that would serve as the basis for a definitive ceasefire and for further agreements that would enable the reinsertion of the FMLN into civilian life and the end of the armed conflict. The implementation agenda resulting from the accords was organised as a continuous process of mutual compliance with reciprocal obligations, in which one of the parties advanced insofar as the other complied with its previous commitments.

The problems that gave rise to the conflict, the new problems that arose during its development, and the new social pact required to achieve peace led to the conclusion that the Salvadoran transition required agreements robust enough to ensure the transition from an authoritarian, exclusionary regime to a democratic and inclusive system, capable of adapting and responding to the demands of a new, increasingly globalised, interconnected and competitive society. However, it is important to note that the main interest of the negotiators was not to establish an inclusive social dialogue, and that the agenda did not include citizens’ demands for substantive economic and social reform. Civil society was not present at the negotiation table and the Peace Accords were mostly agreed upon by top party and military leaders, focusing on the end of the armed conflict and the construction of a scenario in which individual demands would be resolved through the conventional political arena, thus legitimising democracy. The Peace Accords laid the foundations for a new political settlement redefining the rules of the game and the exercise of citizenship. As stated by the UNDP (2002), the accords meant “a fresh start for the Salvadoran nation” through “new republican institutions”:

The Peace Accord was essentially a political agreement of which not much could be expected in the social and economic spheres, at least not in the short run. Nonetheless, the Peace Accord and the experience of the following ten years do coincide with the objectives set by the parties when they began to negotiate: peace, respect for human rights, democratisation and reconciliation. In the words of the Secretary General, the Peace

Accord is “a master plan” to achieve these objectives. The political will required to continue to build on the basis of this plan is the responsibility of all Salvadoran women and men (UNDP 2002).

5 Supporting Actors and Parallel Participation Arenas

Aside from the official negotiation arenas involving the formal actors in the process (the two conflicting parties and the mediator), other actors played influential roles throughout the negotiations and contributed, directly or indirectly, to the codification (and later materialisation) of the agreements.

5.1 International Actors

Latin American and Central American presidents played crucial supporting roles in the negotiation process. In particular, the **Contadora Group** was an initiative launched by Colombia, Mexico, Panama and Venezuela in order to support peace processes in Central America. The group’s representatives convened on Contadora Island in Panama in 1983, thanks to the efforts of late Swedish Prime Minister, Mr. Olof Palme and three Nobel laureates: Mr. Gabriel García Márquez, Mr. Alfonso García Robles and Ms. Alva Myrdal. In September 1984, they issued the Contadora Act on Peace and Cooperation in Central America, which included a list of commitments for the achievement of peace, democratisation, security and economic cooperation in the region. The document was endorsed by the UN Security Council, the UN General Assembly and other international organisations. Subsequently, the presidents of Peru, Argentina, Brazil and Uruguay joined in by creating the Support Group or Lima Group. The two groups of countries were jointly known as the Group of Eight.

The Contadora agreements were later taken up by the Central American presidents in the **Esquipulas I** and **Esquipulas II** meetings held in May 1986 and in 1987, respectively. The call for a negotiated solution to armed conflicts raging throughout the region was a common denominator in these meetings, thus contributing to the creation of a favourable environment for the achievement of those objectives.

The United Nations, as previously mentioned, also performed a key role in the resolution of the armed conflict in El Salvador. The team of the **UN Secretary General** managed to establish an effective mediation, served as the moderator in the meetings, controlled the agenda, sought external and domestic support, designed the new institutions that came out of the Peace Accords, supervised compliance with the agreements, and reviewed the overall results.

In the immediate aftermath of the accords, the **United Nations Observer Mission in El Salvador** (ONUSAL) was set up to verify observance of the rights to life, citizens’ integrity and security, rule of law and freedom of expression and association. It was made up of four divisions: the military division, the police division, the electoral division and the human rights division, each in charge of verifying specific aspects of the accords. The mission comprised over 1,000 staff, who remained in El Salvador for nearly three years starting in 1991.

5.2 Arenas for Participation of Civil Society and Political Parties

Civil society organisations (such as the catholic church, trade unions, universities, etc.) have played an important role during the peace process; they initially intervened with spontaneous demonstrations around the negotiation venues, before organising in coalitions to participate in the discussions in formal consultative or lobby arenas during the more advanced stages of the talks. These actors lobbied the government, the armed forces and the international community in support for the inclusion agendas of the FMLN. They had high hopes that the Peace Accords would increase the possibility of carrying out changes in favour of the social and economic demands of the

population, further on and when greater levels of power would have been achieved. As the negotiations advanced and insofar as the parties' agendas were narrowed down, however, the social and economic issues that had been initially set forth as the reasons to seek social change were excluded from the discussion.

The Permanent Committee of the National Debate (*Comité Permanente del Debate Nacional* – CPDN) arose in 1988 after the Salvadoran catholic church convened a broadly participatory meeting to discuss the need for a negotiated solution to the armed conflict. It consisted of 83 different civil society entities such as universities, labour organisations, trade unions, cooperatives, human rights organisations, indigenous groups, women's groups, churches and associations of small and medium enterprises. Its mission was to promote peace negotiations and influence the Peace Accords, through actions carried out by civil society members and prominent figures of Salvadoran political life.

Besides holding marches and conferences in the country, the CPDN also met with the negotiating teams so that their issues of interest were taken into account during the negotiations. In particular, it met with the FMLN negotiators a few times in order to inform itself and influence the results of the negotiations. However, as the peace talks took place solely between government elites and the FMLN, civil society did not participate directly at the negotiation table. According to Ramos (cited in Córdova et al 2007), its contribution to the peace process “was defined by its capacity to exert pressure and promote a political solution, rather than by its role as deliberating actor”. Martínez (2011) also states that “grassroots organisations pressured to humanise the armed conflict and force the oligarchy to soften its positions in the course of the negotiations between the FMLN and the GOES [Government of El Salvador]”. The FMLN also met with representatives of the archdiocese of San Salvador in order to keep them informed about the process.

The **Inter-sectoral Organisation** (*La Integremial*) was created in 1990 by a coalition of labour unions and peasant organisations in order to foster the participation of civil society and attempt to exert influence on the negotiations from the outside. The organisation, which was never included at the negotiation table, broke up some time later due to internal conflicts. Nevertheless, together with the CPDN, it expressed the people's support for the dialogue and the negotiated solution to the conflict. One of the signatories of the Peace Accords, who was interviewed by Martínez (2011), holds that the groups that formed part of the Inter-sectoral Organisation and the CPDN, as well as the political parties, were informally consulted, but that in the end, it was the conflicting parties that made the decisions. On the other hand, according to a labour union representative, who was also interviewed, the result of excluding social sectors from the decisions was that “everything having to do with economic and social issues was practically forgotten”.

The **Inter-party Organisation** (*La Interpartidaria*) was created during the same period as the Inter-sectoral Organisation by the political parties represented in the legislative assembly, in order to act as a liaison between them and the negotiation table. The government met with the political parties at the end of the negotiation sessions in order to inform them of the progress of the talks. This space made it possible to expedite the approval of the partial negotiation results that required legislative approval. It was especially useful for the approval of constitutional reforms regarding electoral, human rights and judicial issues resulting from the agreements, even a few hours before the mandate of the legislature was to end.¹² This expeditiousness entailed that another parallel negotiation be carried out, since the political parties brought their own demands to the table. One of the most important ones was the request that the number of deputies be increased from 60 to 84, in exchange for the approval of the constitutional reforms. A member of the inter-party organisations interviewed by Martínez (2011) acknowledges that with this increase “we made [a] mistake ... because it was merely a numerical increase, and it did not have favourable effects within the legislative assembly or benefit the population”.

¹² According to Salvadoran law, a constitutional reform has to be approved by one legislative assembly (with a term of 3 years) and ratified by the following one. Since the peace negotiations demanded constitutional reforms, in order to implement them within the timeframe defined by the agreement, these reforms had to pass parliament before 30 April 1991, the expiration date of the legislative period. This situation required a speeding-up of the negotiations as well as the coordination with the parties of the *Interpartidaria*.

The National Commission for the Consolidation of Peace (*Comisión Nacional para la Consolidación de la Paz* – COPAZ) was created at the suggestion of the United Nations in order to reinvigorate the negotiation process once the UN Secretary-General Javier Pérez de Cuéllar became directly involved in 1991. Pérez de Cuéllar personally convened the conflicting parties and suggested to them the creation of this body that was mandated to supervise and control the change process and act as a consultation entity for the parties. It was also granted the authority to prepare draft bills. COPAZ started operating on 11 October 1991, with the participation of two government representatives (including a member of the armed forces), two from the FMLN, and one from each of the parties or coalitions represented in the legislative assembly; the archbishop of San Salvador and an ONUSAL delegate participated as observers. The commission reviewed and made proposals regarding the formation of the new armed forces and the National Civil Police, the new electoral code, and the draft bill for the creation of the Office of the National Counsel for the Defence of Human Rights. COPAZ also convened the Forum for Economic and Social Consultation (*Foro de Concertación Económica y Social* – FES). After the accords were signed, COPAZ acted as a supervisory entity for the verification of compliance with the agreements, along with the other mechanisms listed below.

6 Codification and Materialisation: Reforming the Salvadoran State

The Peace Accords entailed a number of constitutional, legislative and institutional reforms, plus the design of new institutions (such as the National Civil Police, State Intelligence Organisation, Supreme Electoral Tribunal and the Office of the National Counsel for the Defence of Human Rights). In addition, interim entities and mechanisms were put in place, with participation from external agencies and internal civil society actors, to verify the parties' implementation of their commitments and follow up on pending issues unresolved in the Peace Accords (e.g. the Truth Commission, the Ad Hoc Commission, COPAZ and Forum for Economic and Social Consultation). This section reviews the main thematic areas of reform codified in the Peace Accords and constitutional provisions,¹³ starting with the political party system, followed by national security, the justice and human rights sector and the socio-economic system.

6.1 Political Reforms

The political party system underwent major transformations in the wake of the peace process. In addition to provisions included in the Peace Accords themselves, the more concrete aspects of political reforms were later materialised (as envisaged in the accords) in the new electoral code prepared by the Central Electoral Council and reviewed by a special commission defined by the COPAZ.

The most important provisions emphasised in the accords laid out the conditions for the political participation of the FMLN. These included: a) guarantees for the reinsertion of former combatants into the country's political, civil and institutional life, within the framework of full legality and respect for their political and civil rights, b) freedom for political prisoners and guarantees for the return of individuals exiled due to the armed conflict, c) legalisation of the FMLN as a political party, with all the corresponding guarantees to carry out campaigns, set up an appropriate infrastructure, freely exercise the right to assembly and mobilisation for its leaders and activists, d) freedom to purchase and use advertising space in the media, and e) security measures for the members and leaders

¹³ Although the 1983 Constitution remained in place, the Peace Accords brought about a series of constitutional reforms (24 in total) that affected practically all of the state institutions.

who required such protection. Parallel to this, a process was also set in motion to dismantle the military insurgency structure, under the United Nations' supervision.

This reform meant a great deal in terms of enhancing the inclusivity of the political system, by enabling the participation of an important political and military force that had posed a real threat to the power of the country's political and economic elites and which was now ready to accept to play by the rules of representative democracy and return to civilian life. The insurgent forces that had so far operated outside the formal power of the state acquired concrete means to influence state governance through legal institutional channels. Besides taking part in the electoral process as a legitimate alternative to the ruling parties, they could also participate directly in the control of the system of elections for the presidential office, the legislative assembly and municipal mayorships. In addition, they could also participate in the election of officials appointed by other state branches, such as the Supreme Court of Justice, the Court of Audit (responsible for ensuring the appropriate use of public funds), the Office of the Attorney-General of the Republic (which holds the highest power of decision over who shall be prosecuted for the commission of criminal acts, including acts of corruption), the Office of the Prosecutor-General of the Republic, and the Office of the National Counsel for the Defence of Human Rights. Thus, the accords enabled the inclusion of one of the conflict parties, which in the short-term had proven to be extremely effective in expanding the country's political spectrum and moving forward compliance with civil and political rights.

Electoral reforms also affected the political party system as a whole. Two of these are worth mentioning, namely the reform of the electoral registry – according to which legally registered political parties would be in charge of its preparation, organisation, publication and updating – and the transformation of the Central Electoral Council into the Supreme Electoral Tribunal (TSE) as the highest administrative and jurisdictional authority in electoral matters. The composition of the latter was defined in such a way as to allow for cross-checking and mutual control regarding electoral affairs.

According to Artiga (2008), the reforms established in the constitution of 1983 and the 1991 Peace Accords gave priority to the political parties, the legislative assembly and the electoral process as part of the new democratic institutional framework. On the other hand, they limited citizen participation and the accountability of the political parties. That is, a greater emphasis was given to eliminating the political exclusion of oppositional forces than to eliminating the exclusion of citizen participation in decision-making and monitoring the actions of government actors. For this reason, citizens are still demanding a new reform of the pillars of Salvadoran democracy today, in the second decade of the 21st century.

6.2 Reform of the Security Corps

The Salvadoran army underwent significant changes as a result of the Peace Accords. These included the subordination of the armed forces to civil power, the downsizing of troops and reduction of their privileges, the redefinition of military justice to guarantee that only those cases involving an exclusively military interest be subjected to it, the reconfiguration of military doctrine based on the accords and the constitutional reform provision, and the reform of the educational system for the armed forces. High-ranking military officers involved in the army leadership were requested to resign from their current offices, with correspondent compensation. Additionally, the Truth Commission and the Ad Hoc Commission investigated human rights violations committed during the war and recommended actions against the authors of these crimes.

Both commissions were created as a result of the Mexico Accord and ratified in the Chapultepec Accords. The Truth Commission was assigned the task of investigating all accusations of impunity against armed forces officers, particularly with respect to human rights violations, in order to prevent impunity. Its mission was thus to investigate the violent deeds that had occurred since 1980 and establish criteria to purge and downsize the armed forces. For its part, the Ad hoc Commission (made up of civilians) was created to review the structure and operation of the armed forces and make recommendations regarding their purge and downsizing. According to Córdova et al.

(1997), both commissions achieved mixed results. On the one hand, the recommended purges were implemented to such an extent that all the military leaders that had waged the war were removed entirely and forced to retire. Moreover, many of the recommendations regarding the constitutional reforms these commissions put forward were later approved by the legislative assembly. However, they did not manage to approve enough changes to eradicate immunity in the administration of justice.

The police corps also underwent radical restructuring. On the one hand, the Peace Accords provided for the dissolution of the National Guard, the National Police and the Treasury Police, entities that had been accused of repeated human rights violations and were greatly feared by the civilian population. On the other hand, a new National Civil Police¹⁴ was established, whose mission was to preserve peace, order and public security at both the urban and rural levels under the leadership of civil authorities. A new public security policy was put in place, emphasising several modernising principles, such as the principle of state service to the citizens and subordination to civil authority, and a professional preparation that emphasised the primacy of human dignity, democratic values and respect for human rights. This National Civil Police is managed by an academic council made up of civilians and a teaching staff among whom no political tendency prevails. Former FMLN members joined this corps through quotas equivalent to those of the military and agreed upon in the Peace Accords.

Special considerations were taken to encourage the recruitment of women. Although they did not establish specific quotas, the accords stated that “...a publicity campaign to promote the recruitment of new personnel for the National Civil Police shall be designed and implemented as soon as possible. Special consideration shall be given to the recruitment of women”. In the first graduating class, there were 3 women and 30 men at the higher level, 8 women and 65 men at the executive level, and 11 women and 260 men at the basic entry level. However, twenty years after the accords, women still account for only 8.5% of the more than 20,500 officers (PNC 2011).

The reform of the army and the creation of the National Civil Police entailed a change in the country’s institutional framework and in the very concept of national and citizen security – which had been previously considered a prerogative of the army. Today, citizen security is understood as a function of a non-military government, handled by civil authorities together with a civil police corps. In case the military does intervene in these matters, it does so at the request and under the leadership of non-military authorities, thus relinquishing part of the many prerogatives they had enjoyed during the period of military governments and during the war.

6.3 Judicial and Human Rights Reform

Another significant series of reforms was carried out within the legal system, strengthening entities responsible for guaranteeing the rule of law and the enforcement of human rights. Changes included a reorganisation of the Supreme Court of Justice, along with a new system for the election of justices for all chambers, an annual allocation of funds of at least 6% of the national budget to the Supreme Court of Justice, new election modalities for second-level officials, and the redefinition of the structure of the High Council of the Judiciary in order to ensure its independence. All these reforms are part of the Peace Accords and are contained in chapter 3.

These reforms laid down solid foundations which were further developed in coming years, especially since 2009, following several resolutions of the Constitutional Chamber of the Supreme Court of Justice (SC-CSJ), which radically questioned the control political parties exercised over the state. The justices of this chamber, who had been elected the same year, ruled in favour of reforming one of the main pillars of the election of deputies to the legislative assembly, by allowing citizens to vote for the candidate of their preference, thus enabling vertical control by the voter over the deputy.¹⁵ Likewise, they voted in favour of freeing the election of second-level officials

¹⁴ The Peace Accords also resulted in the establishment of the State Intelligence Organisation, an entity independent from the armed forces and under the direct authority of the president.

¹⁵ Until then, voting was carried out by choosing a party flag, and the parties defined their lists with candidates to be elected as deputies. After the SC-CSJ rulings, lists were unblocked and voting for a specific candidate was allowed, thus ensuring that the candidates with the most votes

and the public ministry from partisan politics.¹⁶ They also underscored respect for the Peace Accords in terms of maintaining civilian control over the Ministry of Public Security and the National Civil Police,¹⁷ and issued many other progressive rulings regarding the abuse of power by the executive and legislative branches, such as unconstitutional taxes or unjustified dismissal of personnel (including the dismissal of victims of sexual harassment).

These actions were not well received by the legislative assembly and the president, who refused to abide by the rulings and attempted different methods to dismantle the SC-CSJ. Starting in 2011, this generated a surge of popular support for the justices, as well as citizen demonstrations in support of the chamber's rulings. As a result, both the legislative assembly and the presidency were pressured to give in and accept the resolutions. This represented the greatest qualitative leap in the Salvadoran political scenario since the Peace Accords, as it introduced new democratic variables that had not been applied previously, such as the separation of powers, the independence of control entities' officials, and the possibility of voting for a candidate rather than for a party in the legislative assembly elections. All of this ultimately implied reducing the power of the political party elites that had signed the Peace Accords and establishing greater control by the citizens.

Changes were also made in order to improve citizens' access to justice and a greater level of respect for human rights. The most concrete reform was the creation of a new National Council of the Judiciary (CNJ), with the aim of guaranteeing its independence from state agencies and political parties. The new council was made up of judges as well as members of other sectors of society associated with the administration of justice. According to its website, the new CNJ's duties include the organisation and operation of the Judicial Training School. The accords especially sought to introduce objective admission criteria to the judicial career according to the principle of equal opportunities for all candidates, and based on the required expertise of the selected applicants.

6.4 The Socio-Economic Arena

With regard to economic and social demands voiced by the population, the accords stated that "one of the prerequisites for the democratic reunification of Salvadoran society is the sustained economic and social development of the country". Several minimum commitments on this matter included:

- ≡ Programmes for the reinsertion into civilian and productive life, as well as land transfer programmes for former combatants, former soldiers and former inhabitants of conflict zones
- ≡ Drafting of an agrarian code to legalise ownership of land and real estate property in conflict zones
- ≡ Establishment of loan, training and technical assistance programmes, as well as measures aimed at alleviating the social cost of structural adjustment programmes
- ≡ Seeking direct external cooperation aimed at promoting community development and assistance projects
- ≡ Creating a Forum for Economic and Social Consultation in order to continue the discussion of pending issues
- ≡ Designing a National Reconstruction Plan.

However, these measures were insufficient to achieve the inclusion of the most vulnerable sectors of Salvadoran society in the country's development. In fact, the productive-economic system that had generated inequality, exclusion and poverty was not transformed. The negotiation agenda focused primarily on political reforms that would allow the FMLN to participate in the exercise of democracy, while reforms related to the question of land

would become part of the legislative assembly. This meant that citizens could reward or punish deputies with their votes, and that if deputies wanted to be re-elected, they would have to concentrate on answering to their constituency rather than to their party leaders.

¹⁶ Previously, second-level positions were distributed according to party quotas and surreptitiously fixed beforehand in the legislative assembly. The resolutions issued by the SC-CSJ required that those elected to these positions be individuals who did not militate in a party and whose irrefutable probity could be proven by the lack of pending cases against them in the institutions they were responsible for leading.

¹⁷ The justices ruled against the decision made by President Funes (2009-2014) to impose a member of the military as head of the National Civil Police and the Ministry of Security.

ownership and socio-economic structural adjustments were relegated to the Forum for Economic and Social Consultation (FES), which started operating after the Peace Accords were finalised, but without the political support necessary for it to reach significant agreements.

According to the classification of issues established by Córdova et al. (1997), only 12.7% of the measures laid down in the accords referred to economic and social issues, while those concerned with the demilitarisation of society and the state accounted for 68.6%, and issues related to the institutional framework, the electoral system and the participation of the FMLN accounted for 18.6%.

The FES was made up of representatives of the labour unions and peasant organisations, the government, and the country's most important business associations. It thus represented an attempt to involve a wide range of actors in decision-making over economic and social policies that had not been addressed in the Peace Accords. It was allocated tasks related to: the distribution of land among the demobilised combatants in conflict zones, the transfer of lands exceeding 245 hectares and state-owned lands that were not natural reserves to peasants and small farmers without farmland, the creation of effective mechanisms to protect consumers, and the promotion of workers' access to the property of privatised companies.

Although the goals of the forum were initially rather ambitious, the political reality of the time narrowed expectations down to reforms of the labour code. It obtained some victories with respect to labour rights (especially concerning the freedom of private sector workers to unionise) but failed to become institutionalised as a permanent mechanism for social dialogue.

Targeted socio-economic measures were also put in place in order to facilitate the reinsertion of persons displaced by the conflict, former FMLN combatants, demobilised members of the armed forces, and members of the security corps that were to be disbanded, with the support of the United Nations Development Programme (UNDP). However, the Land Transfer Programme (PTT) called for in the Peace Accords proved difficult to implement. Thus, the lists of beneficiaries submitted by the FMLN and the armed forces did not always correspond with their actual numbers – some beneficiaries had no interest in dedicating themselves to agriculture. In addition, drawing up deeds of the purchases was complicated due to the absence of valid land titles. The lack of funds to pay all of the original landowners was another bottleneck to be overcome. Despite these difficulties, 95% of the goals had been met three years after the launch of the PPT (UNDP 2002).

In addition, former combatants benefited from housing projects, agricultural and technical training programmes, loan programmes for agricultural activities and small enterprises, and even programmes enabling access to university education. While these schemes helped alleviate the situation of former combatants, they did not concern other sectors of the population due to the state's lack of financial resources. Instead, a Social Investment Fund (FIS) was created (already before the end of the armed conflict) to channel funds from multilateral banks to those most in need through health, education and infrastructure projects. The FIS was originally conceived as a "compensation fund due to the social costs deriving from the economic policy of structural adjustment promoted by the government" (UNDP 2002).

Finally, a National Reconstruction Plan (PRN) was established, with a Secretariat for National Reconstruction (SRN) as the steering entity. Its mission was "to promote the comprehensive development of the areas affected by the conflict, addressing the most immediate needs of those most affected by the conflict and veterans of both sides, and the reconstruction of damaged infrastructure." Its implementation was also plagued with difficulties, as the government excluded the FMLN, its grassroots organisations and NGOs from the list of beneficiaries of these projects. The plan was nevertheless carried out, especially with regards to the reconstruction of infrastructure.

7 Conclusion

The Peace Accords of 1992 represent a turning point in Salvadoran history, since they entailed the in-depth restructuring of the political, military and judicial systems of governance. To date, there have been no other agreements, public policies, or national contracts with such a broad spectrum as that of the agreement between the FMLN and the Government of El Salvador. Furthermore, no other agreement has achieved a greater level of consensus between the elites and the citizens at large. Reaching those agreements, however, was not a simple process. The final documents include a group of partial agreements, worked out over a period of almost three years, with the mediation of the United Nations and the direct participation of the highest decision-making levels of both conflicting parties. These negotiations were preceded by another three years of dialogue and rapprochements. The insurgency groups had initially pressed for a military solution to the armed conflict, but when this path became exhausted, they came to the negotiation table from the position of being in relative balance of power with the state in order to reach an agreement without winners or losers.

The accords provided favourable conditions for building a legitimate state based on the rule of law, a robust representative democracy, the primacy of civil over military power, the respect for human rights – especially civil and political rights – and the strengthening of democratic culture. That is no small achievement and, in fact, the accords have been described as the foundation of democracy in El Salvador (Córdova et al 2007). Nevertheless, their scope was quite limited in terms of overcoming structural problems and satisfying citizens' demands for greater equality in the enjoyment of social wealth, eradicating poverty and achieving the development of vulnerable groups. What little was included regarding these issues was focused on the reinsertion of former combatants and, to a lesser extent, the attention to displaced persons.

In other words, without denying the fact that the respect for human rights and improved access to justice did benefit citizens as a whole, political inclusivity was mostly achieved for the FMLN, which managed to become a political party with real possibilities of coming to state power through elections, and for ex-combatants. The shortcomings of the political system, which have had a negative impact on the strengthening of Salvadoran democracy, have become evident over the years, and part of the root of this problem can be traced back to the fact that the accords granted great power to the political parties. The lack of control and accountability mechanisms with respect to political parties allowed them to abuse authority and discretionary powers in the legislative assembly, among other things.¹⁸

In view of these shortfalls, it is necessary to review the accords and the institutions arising from them in order to strengthen democracy, improve controls and accountability to the citizens on the part of state entities and political parties and increase the participation of non-partisan citizens in control institutions such as the Comptroller's Office or the Supreme Electoral Tribunal.

Zamora (1998) states that the accords initiated a “redistribution of power and reassignment of political duties ... shifting them from the military to the political party system”.

[They] took the parties as they were, without subjecting them to any type of modification, other than that of granting them a greater share of power and responsibility. This would inevitably have consequences, the most significant of which has been the widening of the gap between reality and the parties, with the ensuing critical tensions. In the last few years, the country has transformed its political life significantly, but the parties, which have been actors in these transformations, have not carried them out within themselves, in terms of reviewing the principles guiding their operation, their legal structures, and their modus operandi, in order to adapt to the new realities (Zamora 1998, 318).

¹⁸ It was not until 2013 that the political parties, under pressure, approved their support for the law against the laundering of money and assets, and to date they have not ratified the regulations regarding the funds and donations they receive or measures that ensure transparency in the management of their resources.

Economic and social reforms are still in limbo. There is much to be done in order to overcome the problems generated by exclusion and inequality in the country. In addition to political reforms aimed at discouraging the use of public goods as if they belonged to the political parties or the new elites, it is essential to strengthen a demanding and active practice of citizenship focused on the acknowledgement of individuals' civil, political, economic, social and cultural rights. Thus, a state made up of critical, participative and responsible citizens has yet to be built. The Peace Accords created the possibilities to begin this task, but they must be revised and adjusted with the passing of time.

Bibliography

- Alvarez, Alberto Martín** 2010. From Revolutionary War to Democratic Revolution: The Farabundo Martí National Liberation Front in El Salvador. *Berghof Transition Series* 9, Berlin: Berghof Foundation.
- Argueta, Ricardo** 2011. La guerra civil en El Salvador (1881-1992), in: *El Salvador: Historia Mínima*. San Salvador: Secretaría de la Cultura de la República de El Salvador.
- Artiga, Álvaro** 2008. Reforma Política en El Salvador. *Serie Doctrina Jurídica*, 418. México D.F.: Instituto de Investigaciones Jurídicas de la UNAM.
- Benítez Manaut, Raúl** 1989. La teoría militar y la guerra civil en El Salvador. San Salvador: UCA.
- Córdova, Ricardo** 1993. El Salvador: Las negociaciones de paz y los retos de la posguerra. San Salvador: Instituto de Estudios Latinoamericanos (IDELA).
- Córdova, Ricardo, Carlos G. Ramos, & Nayelly Loya** 2007. La contribución del proceso de paz a la construcción de la democracia en El Salvador (1992-2004), in: Dinorah Azpuru, Ligia Blanco, Ricardo Córdova Macías, Nayelly Loya Marín, Carlos G. Ramos & Adrián Zapata (eds.). *Construyendo la democracia en sociedades posconflicto. Un enfoque comparado entre Guatemala y El Salvador*. Ottawa: International Development Research Centre.
- De Soto, Álvaro** 2012. Chapultepec +20. Reflexiones con beneficio de inventario. *El Faro*, 30 January 2012. Online at www.especiales.elfaro.net/es/lapaz/ensayos/7407/
- Eguizábal, Cristina** 1984. El Salvador: Elecciones sin democracia, in: *Polémica*, 14/15, 16-33.
- Martínez, Óscar** 2011. El Salvador. Las negociaciones de los Acuerdos de Paz, 1990-1992. San Salvador: Editorial Nuevo Enfoque.
- Policía Nacional Civil (PNC)** 2011. Política Nacional de Igualdad y Equidad de Género de la Policía Nacional Civil. San Salvador: PNC.
- Ramos, Carlos Guillermo, Roberto Oswaldo López & Aída Carolina Quinteros** 2015. The FMLN and Post-War Politics in El Salvador: From Included to Inclusive Actor? *Inclusive Political Settlements Papers* 14, April. Berlin: Berghof Foundation.
- Torres Rivas, Edelberto** 1989. Centroamérica: Democracias de Baja Intensidad, in: Rivera, Manuel, Giovani Duarte & María Dolores Marroquín (eds.). *Democratización y desarrollo en Centroamérica y Panamá*. Guatemala: Asociación Centroamericana en Sociología, 266-279.
- Torres Rivas, Edelberto** 2007. La Piel de Centroamérica. Una visión epidérmica de setenta y cinco años de su historia. San José: FLACSO.
- United Nations Development Programme (UNDP)** 2002. El PNUD frente a los desafíos de la paz y el desarrollo: La experiencia de El Salvador 1992- 2002. Online at www.pnud.org/sv/2007/component/option,com_docman/task,doc_download/gid,1671/Itemid,99999999/
- Zamora, Rubén** 1995. Partidos y cultura política: ¿Instrumentos u obstáculo?, in: Roggenbuck, Stefan (ed.). *Cultura Política en El Salvador*. San Salvador: Fundación Konrad Adenauer.
- Zamora, Rubén** 1998. El Salvador: Heridas que no cierran. Los partidos políticos en la posguerra. San Salvador: Facultad Latinoamericana de Ciencias Sociales (FLACSO).