

CHAPTER 2

Under the Best of Circumstances: ONUSAL and the Challenges of Verification and Institution Building in El Salvador

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INTRODUCTION

In February 1992, El Salvador's 13-year civil war finally came to an end. Following an 11-month cease-fire, during which the Farabundo Martí National Liberation Front (Frente Farabundo Martí de Liberación Nacional — FMLN) demobilized its guerrilla army, the former rebels became a political party. In elections in March and April 1994, the FMLN won a significant minority representation in the national legislature, while the incumbent National Republican Alliance (Alianza Republicana Nacionalista — ARENA) party won the presidency and an effective legislative majority. The end of the war and the country's postwar transition to what appears to be a broadly competitive democracy are among the most dramatic and positive recent political achievements in the Western Hemisphere.

The cease-fire began after two years of negotiations that produced a complex set of agreements for fundamental reforms to Salvadorean state institutions. The United Nations initially facilitated the negotiations through its good offices, then went on to play a more active mediating role in which UN negotiators helped write the accords. Among the most important agreements were constitutional amendments and secondary legislation that sharply limited the role of the armed forces in domestic security, provided for a new National Civilian Police force (Policía Nacional Civil — PNC), and created a Human Rights Ombudsman's office (Procuraduría para la Defensa de los Derechos Humanos — PDH). The accords also provided for more limited reforms to the judiciary and the electoral system as well as various measures, such as land transfers, training, and credit, to help ex-combatants rejoin civilian life. The agreements called on the UN to verify implementation of the accords with an in-country mission of observers.

Implementation of the accords was generally successful, but there were numerous setbacks along the way. There continue to be good reasons to question whether the process as a whole will in the end produce a consolidated democracy, much less a "revolution achieved by negotiations," as UN Secretary-General

a working, confidential diplomatic relationship with both sides. In addition to these questions of priorities, the UN did not always have the capacity actually to verify crucial aspects of the accords, such as the FMLN's arms inventory or the government's transfers of military personnel to the new civilian police. In other situations, the mission did have important resources to offer and elected to intervene in situations where national institutions were performing so badly as to threaten the peace process. The chapter examines under what circumstances the benefits of such intervention may outweigh the risk of fostering dependence.

The choices made by ONUSAL are examined regarding these questions to illustrate the trade-offs associated with each and to suggest institutional and political strategies that might have ameliorated these problems to some extent. We argue that the UN was most successful when it offered the parties services that they could not otherwise obtain,⁵ when it correctly read the political interests of domestic actors, and when it successfully combined criticism with conditional offers to help domestic actors achieve their parochial goals. We also argue that principled stands by the UN produced positive outcomes, even when the UN was not in a position to enforce its positions, and that interventions to rescue failed national institutions may be appropriate where vital to the overall process.

DOMESTIC AND INTERNATIONAL CONDITIONS FOR PEACE

Domestic Commitment

By the beginning of the 1990s, international and domestic military, political, and economic conditions combined to create a propitious climate for peace. Not only had the two sides in the conflict reached a point of "hurting stalemate," but the two antagonists themselves had evolved in ways that made them both interested in peace and capable of making it happen.⁶ The most obvious international factor was the demise of the Soviet Union and the crumbling of its allied regimes in Eastern Europe. While these events had little immediate effect on the military capacity of the FMLN guerrillas, whose widely diversified system of financial and logistical support partially insulated them from the loss of any one source of support, the manifest political and economic failure of centrally planned socialist systems in Europe did compel changes in their ideological position. Combined with the electoral defeat of the Sandinista Front in the 1990 Nicaraguan elections, events in Eastern Europe suggested to the FMLN that they might achieve more by negotiating for political reforms than by attempting to seize power.

The collapse of the Eastern Bloc may have had its greatest impact, however, on members of the conservative Salvadorean social elite, who began to see the FMLN less as an instrument of an international communist threat and more as a domestic movement with which compromise might be possible. In June 1989, incoming President Alfredo Cristiani of the right-wing ARENA party announced in his inaugural address that he would negotiate peace with the FMLN. The ARENA party, organized in the early 1980s by former military officer and reputed death-squad leader Roberto D'Aubuisson, was in some ways a surprising protagonist for peace. In the mid-1980s, the party had begun a process of political moderation and

broadening. ARENA successes in the 1988 and 1989 elections confirmed the party's ability to defend the interests of conservative sectors of society in the electoral/political realm rather than depending on the military.

The impulse to negotiate with the rebels was reinforced by the fact that the Salvadorean armed forces (Fuerzas Armadas de El Salvador — FAES) had failed after 10 years of warfare to defeat or even fully contain the FMLN. The guerrillas drove this point home in November 1989 (after an abortive round of negotiations collapsed in October 1989) by occupying parts of the capital city in their largest action of the war. In the midst of the offensive, the armed forces murdered six Jesuit priests and two witnesses at the University of Central America in San Salvador, then attempted to cover up their crime.

The FMLN offensive increased the incentives for the ARENA government to negotiate. Moreover, the armed forces' poor performance in failing to prepare adequately for the offensive, combined with their murder of the internationally prominent Jesuits, stripped them of their ability to veto negotiations as they had in the mid-1980s and in 1989. The FAES was heavily dependent on a steady supply of U.S. spare parts, equipment, and ammunition. Prospects for continued aid dimmed after the Jesuit killings, which caused irreversible damage to political support for the FAES in the U.S. Congress. The November offensive also increased the determination of the FMLN leadership to negotiate. The FMLN's failure to spark a mass insurrection made clear the limits of their own political support. If they were to gain anything from a decade of warfare, it would be at the negotiating table.

When talks resumed, the FMLN focused its demands on reforms to the state and particularly on reductions in the powers and prerogatives of the armed forces, leaving aside economic questions until the very last phase of the negotiations. This negotiating posture dovetailed closely with the FMLN's military strategy, which had sought to drive a wedge between social elites and the military through economic sabotage. ARENA, which represented, among other groups, most of the country's business community, had everything to gain from negotiating and relatively little to lose. A peace settlement would bring an end to guerrilla sabotage, opening up new possibilities for economic recovery and investment. The guerrillas' demands regarding the armed forces might be acceptable because the FAES' utility as defenders of order was by that point being questioned. With its powerful electoral machine, ARENA had good reason to be confident in its ability to hold its own in future elections in which the FMLN would participate.

International Mediation, Verification, and Leverage

Even with a strong commitment by both parties to a negotiated peace, the fundamental distrust the opposing sides had for one another presented a virtually insurmountable obstacle to peacemaking. Here the UN's role was crucial: As intermediary, and later as verifier of the accords, the UN enabled the antagonists to develop trust in the peace process even if they did not trust one another. In December 1989, the FMLN and the Cristiani government separately approached the UN for assistance. The Special Representative of the Secretary-General of the UN, Álvaro de Soto, responded favorably to the overtures. Over the next two years, the parties

reached six separate agreements: the April 1990 Geneva accords, committing both parties to continuous, secret negotiations with UN intermediation; the May 1990 Caracas accords, which laid out an agenda for subsequent talks; the July 1990 San José accords on human rights, which provided the first specific mandate for the UN (human rights verification) and remarkably extensive investigatory powers for a future UN observer mission; the April 1991 Mexico accords on constitutional reform and an eventual Truth Commission to investigate acts of violence; the breakthrough September 1991 New York accords, which provided for a civilian police force and a Commission for the Consolidation of Peace (COPAZ) to verify the accords; and the final accords signed at Chapultepec Castle in Mexico City on January 16, 1992.

During this process, the UN played an increasingly important role. The San José accords resulted from a UN suggestion that an agreement on human rights might help maintain momentum despite a stalemate on military reform and accountability for past abuses. The entire agreement was written by UN human rights expert Pedro Nikken (drawing on several "brainstorming" sessions of international human rights experts and non-governmental organizations [NGOs] convoked earlier by the UN) and signed with virtually no modifications by the parties.⁷ After San José, Álvaro de Soto and his team of advisers took an increasingly active role in the negotiations. To help work around the two antagonists' reactivity to one another, the UN began preparing working papers that compiled the key proposals of both sides. Negotiators found that both sides granted greater legitimacy to proposals if they came from the UN.⁸ With UN mediation so crucial to the process, the impending departure of UN Secretary-General Javier Pérez de Cuellar at the end of 1991 placed increased pressure on the parties. Combined with pressure from the United States, this deadline helped accelerate negotiations from September 1991 to the final accords.

On balance, the UN was in an unusually powerful position in El Salvador. Having actually written much of the language of the accords, UN officials were positioned as authoritative interpreters of what the accords required of each side. Moreover, the accords themselves granted the UN mission extensive powers, including the overall authority to verify both sides' fulfillment of their obligations, to regulate movements of military forces by both sides, to accompany the old National Police during the transition to the new PNC, to assist in the provision of public security in formerly conflictive zones during the transition, to evaluate the content of military doctrine and education, to investigate human rights cases, and to certify the status of the weapons of the FMLN guerrillas. A subsequent invitation from the government empowered the UN to monitor and evaluate the fairness of electoral campaigning, voter registration, and voting. The government also invited the UN to carry out a number of additional roles, including repeated evaluations of the PNC as well as on-the-job training by ONUSAL police for newly graduated civilian police agents.⁹

The fact that the government had so many tasks to complete after the final demobilization of the FMLN meant that the implementation of the peace accords depended very heavily on the cooperation of the government and the ability of the UN to enforce the accords. The UN was assisted in this responsibility by the fact that

it was in a position to influence the government's prospects for reconstruction assistance from foreign donors. Although ONUSAL did not itself control or administer significant reconstruction moneys, donor nations looked to ONUSAL and the UN Secretariat to gauge the government's commitment to the accords and the overall stability of the peace process.¹⁰ A negative review from ONUSAL could diminish the amount of development and reconstruction assistance forthcoming.

Domestic Incentives for Violating the Accords

Looking ahead to the 1994 elections, the FMLN and ARENA each needed to maintain their consolidated bases of political support, while preserving a positive public image that would enable them to attract uncommitted voters. These goals potentially conflicted with concessions that both sides had made in the accords. Many of the conflicts that challenged ONUSAL resulted from efforts by the government and the FMLN to resist implementing provisions that might cost them core supporters or maneuvers to maximize the benefits delivered to their own supporters. All too often, the international costs of taking such actions against ONUSAL's wishes proved less compelling to the parties than their domestic incentives for going ahead. This fundamental limit on the UN's power lay at the heart of most of the challenges that ONUSAL faced in carrying out its mandate.

The same strategy that enabled the FMLN to negotiate a peace treaty with the ARENA government successfully also created serious political liabilities for the rebel organization. By focusing its demands on demilitarization and institutional reforms, the FMLN ran the risk of alienating its most loyal political supporters in rural areas. Throughout the war, the FMLN had claimed that it was fighting to correct socioeconomic injustices, and its ostensible stance on such issues was one of the main sources of its popular support. It, therefore, had strong incentives to push as hard as it could on the implementation of the economic provisions of the accords, which were the slowest to be implemented, to the point of orchestrating land occupations and presenting exaggerated lists of lands and land occupants in order to maximize the amount of land obtained by supporters.¹¹

The FMLN took other disruptive measures to maximize benefits for their combatants. Some FMLN troop commanders delayed demobilization of their forces until international donors promised to finance a special program of scholarships, training, and loans for midlevel commanders, later called Plan 600.¹² Sometimes the quest for increased benefits led the FMLN to adopt a compromising stance on issues that the UN would have preferred to enforce more strictly: Some groups within the FMLN pushed for delays in the purge of high-level military officers and accepted the transfer of certain military units into the civilian police (see below) in exchange for economic considerations in the form of land and improved reinsertion programs.

The government, for its part, took on a different set of political liabilities by signing the peace accords. As already noted, the accords weighed most heavily on the military.¹³ These measures had been necessary to obtain an agreement with the FMLN, but they represented a major breach between ARENA and the military, who, despite tensions and mutual suspicions over the years, had close personal and

ideological ties. The military and the old public security forces, for all of their failings during the civil war, historically had defended the interests of the elite social groups that had helped found ARENA; part of ARENA's grassroots support and part of the party's own leadership had strong personal loyalties to the armed forces. There was a risk that ARENA might face internal divisions as a result of the accords, especially if the implementation of some of the provisions humiliated the armed institution or its leadership. Moreover, there was a risk that elements of the military might openly challenge civilian control if pressed. ARENA thus had incentives to implement the military provisions of the accords as minimally as possible.

Among the first problems this outlook created for the peace process was in its handling of the demobilization of the National Guard and Treasury Police, which the government merely renamed and transferred directly into the army. While the accords did provide for their transfer rather than their complete demobilization, as many were led by the FMLN to believe, the legislation passed did not clearly suppress the old forces. Only after complaints from the FMLN and criticism from ONUSAL did the government issue an "authentic interpretation" of the law that made clear that the National Guard and Treasury Police as such were abolished and that the renamed units would have no police functions. The government also dragged its feet in creating the new civilian police force. The academy opened four months late, in part because the original timetable had been unrealistically short and in part because the government failed to require the military to hand over facilities needed for the new academy.¹⁴ Tensions over military issues sharpened further when the "ad hoc commission" that was to evaluate officers' records sent to the secretary-general of the UN a list of 103 officers, including, apparently, virtually the entire high command.¹⁵ The government failed to carry out these recommendations in a timely way, repeatedly asking the secretary-general to grant extensions on the timetable for implementation.¹⁶

Obviously, the accords were not exclusively negative in their impact on the government. On the contrary, the accords also presented the government with important opportunities for building political capital. President Cristiani gained a very positive image as the "president of peace," and international assistance increased the resources available to the government at a time of structural adjustment, reducing the political costs normally associated with austerity measures.¹⁷ In effect, international programs associated with the peace process helped provide a social safety net that otherwise would have been absent or paid for by the government. Other gains came at the expense of the FMLN and other groups opposed to the government. The government developed a National Reconstruction Plan that favored areas of the country that were more likely to support the government in the coming election and that favored progovernment NGOs over pro-FMLN groups. This political bias ran against the stipulation in the accords that the government use reconstruction programs to further national reconciliation.¹⁸

Overall, the Salvadorean peace process was characterized by unusually favorable international and domestic conditions and unusual powers for the UN. Nonetheless, there were significant domestic political obstacles, and the UN ultimately had limited power to curb the essential autonomy of the Salvadorean antagonists. The next section examines how the UN worked within these constraints.

CHALLENGES FOR THE UN — VERIFICATION

Impartiality

As the foregoing discussion has illustrated, both parties to the accords had strong incentives to violate or twist the meaning of the accords to their own advantage. At the same time, both were highly motivated to avoid a breakdown of the peace process, and both needed to maintain positive international images and the approval of foreign donors. The UN's verification clout was based on these two concerns of the parties. However, there were limits as to how often the UN could declare accord violations a threat to the process: Frequent alarmist warnings about the risk of destabilizing the process either could inure the parties to such warnings or actually undermine their confidence in the process with unpredictable consequences.

A more important dilemma faced by ONUSAL was one enunciated in more general terms by Under-Secretary-General Marrack Goulding in 1993 in reference to the options the UN faces when one party to an agreement fails to comply:

Can the United Nations remain impartial between that party and the other? Should it not take actions against the offending party to persuade or compel it to honor its commitments? Perhaps so. But if it takes that course and allows itself to become the perceived adversary of the offending party, does it not risk forfeiting that party's cooperation, on which the success of the whole enterprise may well depend?¹⁹

In El Salvador, responsibility for delays in the accords fell on the government's shoulders, even though these were in part the result of slow foreign donor flows and an overly ambitious timetable. ONUSAL, therefore, found itself obliged to criticize the government more than the FMLN, precisely the problem Goulding describes. Yet, throughout 1992, ONUSAL was able to deflect government hostility because of the indispensable role it played in mediating ongoing conflicts between the two sides. Such mediation resulted in agreements on "recalendarizations" of the accords in June and August 1992, a binding arbitration formula for solving the land transfer impasse, and, eventually, the rescheduling of the final deadline for demobilization of the FMLN to December 15, 1992.

The end of the cease-fire phase coincided with a difficult confrontation between the UN and the government regarding the implementation of the recommendations of the Ad Hoc Commission for purging the military. UN Secretary-General Boutros-Ghali attended the final demobilization ceremony in San Salvador on December 15, 1992, on the basis of a promise from President Cristiani that he would take the necessary administrative steps to comply with the commission's recommendations by January 1, 1993. During the first week of January, it became clear that Cristiani had broken his pledge.

In this context, the militarily demobilized and politically weakened FMLN began a set of negotiations with the government in which it attempted to exploit its two remaining points of leverage: the government's loss of international approval because of noncompliance with the Ad Hoc Commission recommendations and the FMLN's retention of some of its surface-to-air missiles. The FMLN and the

government negotiated two agreements, on December 22, 1992, and February 4, 1993. In the first, the FMLN accepted the transfer into the PNC of two law enforcement organizations consisting in part of military personnel — the Special Investigative Unit (SIU) and the Executive Anti-Narcotics Unit (UEA) — following screening and training. In the second, the FMLN agreed to a delay in the resignation of certain top-level army officers.²⁰ For these concessions, the FMLN received a package of training, stipends, and credits for 600 former midlevel guerrilla commanders, plus transfer of certain desirable plots of land to FMLN beneficiaries.²¹ Both agreements would have lasting negative consequences: The SIU and UEA transfers harmed the development of the PNC, and the prolonged tenure of hard-line military leadership slowed military reforms and contributed to neglect of social programs for demobilized soldiers.²²

It is important to note that these accords were completed without UN mediation, in large part because the UN, as the principled defender of the Ad Hoc Commission's recommendations, was unwilling to compromise.²³ In effect, by being more insistent than the parties themselves on commitments under specific accords, the UN temporarily marginalized itself. Yet, the UN really had very little choice. To agree to mediate these talks would have undercut the UN's moral authority as a principled actor; moreover, it is unlikely that UN involvement would have altered the outcome, as the parties each had strong incentives to make these deals.

In the long run, UN purism paid off. In particular, it helped to rescue the new civilian police from the disastrous impact of the transfer of the SIU and UEA agreed to by the FMLN in the December 22, 1992, accord. Contrary to the terms of that agreement, minimal screening and no training took place, and some enlisted men in the two units who lacked requisite education and training for leadership roles in the civilian police were made officers upon entering the PNC. By late 1993, a number of ex-UEA officers had assumed command positions outside their area of specialization, bypassing the academy training and educational requirements of PNC officers entering through regular channels. They quickly became a corrosive, militarizing influence within the new force. Ex-UEA agents and officers emerged as the most frequent violators of human rights within the PNC. The former SIU, which became the Division of Criminal Investigations (División de Investigaciones Criminales — DIC), performed badly, and members were implicated in criminal activities, including the murder of a prominent FMLN leader, Francisco Velis.

In 1994, ONUSAL responded to this deteriorating situation by adopting an increasingly firm position that ex-UEA officers could only work within the PNC's Anti-Narcotrafic Division (DAN) and that all ex-UEA and ex-SIU personnel would have to attend a full course of training at the academy. When the government finally agreed to these measures in late 1994, most members of both groups went on strike and eventually resigned from the force.

With its purist stance on these issues, ONUSAL made a positive contribution to the development of the PNC and demonstrated that the UN can, under certain circumstances, successfully counteract ill-advised concessions by the parties. However, an understanding of the circumstances is crucial: The UN's effectiveness on the police issue was contingent upon greater coordination among international

donors and domestic political considerations of two successive Salvadorean presidents. The door opened for a more active UN verification role of the police with the May 19, 1994, "work program," in which the government and the FMLN asked ONUSAL to carry out a substantial evaluation of the PNC and the police academy's (Academia Nacional de Seguridad Pública — ANSP) efforts to date. Over a year later, the Calderón Sol administration invited the successor UN mission, MINUSAL, to provide it with a follow-up comprehensive evaluation of the new public security institutions.²⁴ It appears that these achievements resulted in part from increased coordination between the UN missions and international donors — particularly the United States — who used their economic leverage to reinforce the UN's private criticism and pressure for access to detailed information about the PNC. The timing of the government's agreement to augment the UN's role is partly attributable to the fact that cooperation and coordination between ONUSAL and donors only developed late in the life of the mission.²⁵

That said, domestic factors beyond the control of international actors also played a crucial role in this case. These included a desire by President Cristiani to leave office with a clean bill of health from the international community and the fact that, with the elections finished and ARENA's hegemonic political position well-established, Cristiani no longer needed to worry about offending ARENA's more conservative and nationalistic constituents by making concessions on public security. Moreover, incoming President Calderón Sol needed international support to refurbish his poor international image and therefore had incentives to make concessions to the UN's concerns about the police. Only with the change of leadership among public security authorities in mid-1994 was ONUSAL in a position to receive the collaboration necessary to carry out its diagnostics effectively.

Most significantly, these examples illustrate how strongly domestic conditions influence the UN's ability to manage verification challenges. In the first case, the risk of appearing partial was overcome by the mission's ability to provide invaluable mediation and arbitration assistance in a situation where negotiated solutions were still in the interest of both parties. In the second, when the domestic parties' incentives were contrary to those of the UN, the UN was at a loss to do anything about it. Finally, when a UN verification body was called in by an internationally weakened administration, it was able — with the help of conditionality from international donors — to carry out its verification functions in a surprisingly thorough fashion.

Dependence on the Parties for Information

In verifying the accords, the UN often lacked any independent way of obtaining information other than depending on the candor of the parties. This exposed the mission to two possible risks: The parties could lie, as the FMLN did about its weapons inventory, or the parties could simply exclude ONUSAL from opportunities to verify, as the government did with its reinsertion programs for ex-soldiers. Both of these cases were potentially destabilizing, so the stakes for the UN

were high. Yet, in both cases, ONUSAL reacted to these problems by doing nothing, and both were eventually resolved by forces beyond its control.

From the outset, ONUSAL doubted the accuracy of the FMLN's weapons inventory. Information from other sources, including the United States, suggested that the FMLN had more and newer weapons than appeared in inventory. This was not surprising — most observers expected the FMLN to keep some weapons as a kind of guarantee — but it presented the UN with difficult options. If ONUSAL accepted a weapons inventory that it strongly suspected to be incomplete, it endangered its own credibility as verifier should additional weapons be found. On the other hand, if it challenged the FMLN's claims, and the FMLN insisted that its inventory was complete, it effectively might bring the peace process to a halt. The mission lacked the investigative and intelligence apparatus to discover FMLN weapons dumps independently. Ultimately, the mission certified the inventory and hoped for the best. The accidental explosion at an FMLN cache in Managua was in many ways fortuitous: It occurred before the onset of the electoral campaign, and the domestic and international political costs that it imposed on the FMLN were so great that the former rebels moved to disarm thoroughly, effectively putting the issue of weapons to rest.

The government's reinsertion programs for ex-soldiers presented a different sort of challenge. Although the mission was supposed to verify the programs for ex-combatants, in practice, the government denied ONUSAL access to detailed information about what programs were being offered to its demobilized soldiers. The government's position was that it alone was responsible for handling the reinsertion of its own ex-combatants.²⁶ In fact, government programs were seriously deficient, particularly for certain categories of troops. Despite repeated entreaties to both the government and ONUSAL from groups of demobilized soldiers who had fallen through the cracks, little action was taken on their behalf.

Demobilized soldiers eventually resorted to occupying the legislative assembly building and other government buildings on numerous occasions. Only after the first such action, at the end of 1993, in which the ex-soldiers took all three branches of government hostage, did the government agree to offer severance pay to the first of some 18,000 demobilized soldiers.²⁷ The success of such extra-parliamentary tactics, combined with further delays and often unfair exclusions of some soldiers from programs, contributed to repeated, sometimes violent demonstrations in 1994 and 1995, involving a growing spectrum of former combatants, civil patrollers, and war-wounded. Police, including the new PNC, responded with excessive violence on a number of occasions. ONUSAL played an active and important mediation role in the resolution of each of these conflicts. In retrospect, although the mission was ultimately dependent on the government for information, a more active verification role in demanding opportunities to evaluate the government's ex-combatant programs might have headed off or moderated these crises.

Verification as a Force for Change

The presence of a verification mission like ONUSAL in a small country such as El Salvador produces a number of indirect effects. For example, the mission's visibility in the field automatically discouraged human rights violations. Beyond

such automatic effects, the UN's verification role provided it with opportunities to influence the local situation deliberately. Among the questions that ONUSAL faced were how to carry out its public role in promoting the successful evolution of the peace process and what limits to set on its intervention in the public sphere. These questions particularly applied to four of ONUSAL's roles: the dissemination of information on human rights, public promotion of the peace accords, the impact of ONUSAL's investigations, and its direct assistance with voter registration.

ONUSAL failed to make full use of its mandate under the San José accords to disseminate widely its findings through the public media, to educate the public about human rights, and to explain its own role clearly. Little effort was made to publicize the division's findings in particular cases. The mission used such information in its private communications with the government. Its main public product was a series of reports to the UN secretary-general. Although ostensibly public documents, these were not widely disseminated in El Salvador. Had they been, their value to the public is uncertain, as they were written in a formal legal style that would have been inaccessible to most Salvadoreans. Human rights education efforts were late in starting, under-funded, and grossly inadequate to address the general ignorance of the Salvadorean people regarding their own rights, the responsibilities of their own government, and what kinds of actions they reasonably could expect from ONUSAL. ONUSAL seldom held press conferences on human rights conditions or cases, and when it did, these were not always particularly informative.²⁸ In 1993 and 1994, the Human Rights Division maintained a higher profile in the press through the numerous public declarations of its Chief, Peruvian Diego García-Sayán, but this fell short of a comprehensive strategy of public information.

ONUSAL's reticence to make frequent public declarations on specific cases of human rights violations was a significant missed opportunity. By broadly publicizing its findings, the mission could have contributed significantly to conveying to Salvadoreans a clearer sense of international and domestic criteria for human rights and to clarifying a number of cases that initially appeared to be politically motivated but that proved otherwise upon further investigation. Clarification of such cases might have increased public confidence in the early phases of the peace process and might have increased the impact of reporting on other cases that were, in fact, political in nature.

One of the reasons for the mission's reluctance to publicize cases was methodological: The early expectation of the Human Rights Division, generated by previous NGO reporting, was that the majority of human rights violations would be politically motivated. The absence of clearly "politically motivated" violations led to misplaced confidence within the mission that conditions had improved more than was the case. During 1993, the Human Rights Division began to recognize a more complicated modality of human rights violations in which the boundaries between criminal and political organizations and activities were blurred and in which criminal structures enjoyed the active participation and high-level collaboration of members of the armed forces and National Police. This more sophisticated appraisal was incorporated into ONUSAL reporting and later reinforced in mid-1994 by the Grupo Conjunto report.²⁹

In other areas, there were also tensions between the mission's "high politics" relationship with the government and its contribution to public education concerning the content and implementation of the accords. During the early part of the mission, there was a tendency to maintain a degree of hermeticism about the ongoing negotiations between the government and the FMLN. The various "recalendarizations" of the timetable for implementation of key elements of the accords were ostensibly confidential documents, though in practice they were widely leaked to the press by the parties themselves. This secrecy was understandable in 1992, when tensions ran high and the closed-door negotiations were often delicate, tenuous exercises that risked alienating key constituencies on both sides, but it was less justifiable after demobilization. Under Augusto Ramírez Ocampo, the second chief of mission (1993-1994), the mission made numerous positive pronouncements of progress in the peace accords that not only did not reflect the reality but also undercut the position of those within ONUSAL (and in the FMLN) who were pushing for more rigorous compliance. Later in the process, by initiative of the last chief of mission, Enrique Ter Horst (1994-1995), ONUSAL/MINUSAL began to make agreements between the parties and its own weekly informational bulletin on the accords more public.³⁰ The mission also began sharing information, on a trial basis, with some of the more responsible local journalists and editors. There were no negative effects of this greater openness; perhaps it could have been accomplished somewhat earlier.

While the short-term demands of maintaining working relations with both parties are quite compelling, there is an argument to be made that one of the most long-lasting contributions of a mission is its capacity to communicate directly with the public. By encouraging openness in the negotiations between the parties and by providing ongoing, authoritative, and public analyses of the status of implementation of different accords, a mission can contribute to a more rational discourse, greater transparency, and deeper public understanding. One of the most disturbing aspects of the present state of affairs in El Salvador is the apparently low degree of commitment on the part of the population to the institutional reforms accomplished through the peace accords. In a recent poll conducted by the University of Central America, 76 percent of Salvadoreans expressed agreement with the statement that "What El Salvador needs is a strong, determined man to impose order." Large majorities expressed little confidence in their elected officials, political parties, and state institutions.³¹

A third issue regarding the limits of the UN's role is the appropriate use of its investigative capacity. During the first two years of the mission, the Human Rights Division generally limited itself to verifying that human rights violations had occurred, identifying where possible the party responsible for the violation, and then determining whether state institutions respected due process in the prosecution of those cases. Human rights groups were disappointed consistently that ONUSAL did not use its investigative capacity to "resolve" important human rights cases — that is, identifying intellectual authors and pressuring the government and judiciary to prosecute perpetrators effectively.³² However, the crisis in the final months of 1993 — in which several high-level FMLN leaders were assassinated and which eventually led to the formation of the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups — provoked a more active interest by ONUSAL

in using its own investigations to push for resolution of important cases in the judicial system.

In the case of the summary execution of FMLN leader Francisco Velis, ONUSAL's investigators discovered a key witness who pointed to the participation of an active-duty sergeant in the DIC of the PNC. Alarming in and of itself, this finding also raised questions about further infiltration of the PNC by criminal elements. ONUSAL persuaded the witness to testify, accompanied her to court, and helped secure protection for her within and, eventually, outside the country, in effect providing a kind of ad hoc witness protection program.³³ Moreover, by bringing forward a witness and closely following the case, ONUSAL effectively pressured the courts, prosecutors, and the PNC itself to arrest the accused PNC officer. As a result of delays and leaks on the part of Salvadorean authorities, the suspect managed to evade arrest and flee to the United States. He was later apprehended and extradited to El Salvador to stand trial.

Progress in this especially important human rights case came about only because of ONUSAL's independent investigative and verification activities, a tangible demonstration of the ongoing lack of political interest in important human rights cases on the part of domestic actors. Yet, had the UN gone too far? If, for example, ONUSAL's protective measures had proved insufficient and the witness it convinced to testify had been killed, would the answer to the preceding question be different? Such active verification of cases is only sustainable in a climate in which the corresponding state institutions also have a vested interest in the results. In this case, such an interest was not manifest; only time will tell whether ONUSAL's intervention in this case served as an important precedent and stimulus to future actions by local institutions.

Another instance in which ONUSAL took very direct action that went beyond its verification mandate was its intervention to bail out the voter registration process. By mid-1993, around the time of the opening of ONUSAL's Electoral Division, it became clear that the voter registration process was not moving nearly fast enough to enfranchise new voters, especially among potential constituents of the FMLN, which was newly integrated into the political system as a legal political party.³⁴ The Supreme Electoral Tribunal (Tribunal Supremo Electoral — TSE) appeared to be making only symbolic efforts to improve the process, despite the withholding of U.S. aid and significant political pressure from other international actors including ONUSAL. The leverage of the international community was limited by the fact that the peace accords themselves did not provide strong, specific guidelines for reforms of the patronage-bound TSE, and, as already noted, the parties in control of the TSE had strong internal reasons for not wanting to expand the pool of eligible opposition voters. Given these circumstances (and given the fortuitous availability of over 200 police observers who were underemployed as a result of the suspension of ONUSAL's work with the PNC — see below), ONUSAL decided to invest the greater part of its human and physical resources in the voter registration effort. ONUSAL observers worked alongside TSE employees, drove them to work, and provided important logistical, communications, and even photocopying services. In the process, ONUSAL staff almost became appendices of the TSE itself.³⁵

Without a doubt, ONUSAL went beyond its verification mandate in offering such assistance, and its verification role may have suffered as a result. Yet, this may well have been a sound decision. The entire peace process depended on the elections being broadly free and fair and accepted as such by the parties involved and by the population in general. Without the support of ONUSAL and other important actors, such as the UN high commissioner for refugees (who helped citizens from conflictive zones get identification documents) and USAID (which provided technical assistance to the TSE and funded the work of NGOs in voter education and registration drives), the elections could have been even more highly questioned than they were on the first-round election day.

One could argue that ONUSAL's direct participation in the TSE's work might have created incentives for the mission to neglect its verification responsibilities and give the TSE a clean bill of health. However, there is only limited evidence that this potential conflict of interest actually affected ONUSAL's work. The reports of the Electoral Division, although worded diplomatically, were nevertheless accurate analyses of the problems of the TSE. In the end, this question was moot: There is little evidence to suggest that more strenuous criticism would have produced results with the TSE. Despite ONUSAL's poorly designed verification methods on election day, which did not permit a systematic assessment of irregularities, no one has yet to demonstrate that the deficiencies in the process could have changed the electoral outcome significantly, with the possible exception of a few municipalities.³⁶ A less noted but very important verification measure by ONUSAL was its quick count on election day, which, in light of the tiny additional margin needed by Calderón Sol to win the first round, probably helped forestall triumphalistic declarations of first-round victory by the ARENA party.³⁷

CHALLENGES FOR THE UN — INSTITUTION BUILDING

Access

The San José accord on human rights did not provide clearly for the strengthening of state institutions related to human rights protection (police, courts, and the human rights ombudsman). The only exception was a vague mention of the need for UN support to judicial authorities. This lacuna in ONUSAL's initial mandate, which limited the forms of UN intervention, reflected the fact that the UN itself — like NGOs — has more experience in interpreting human rights law than in working with state institutions to improve the actual practice and implementation of human rights norms. UN experts who helped write the San José agreements did not include an explicit institution-building mandate. For ONUSAL, institutional strengthening was an afterthought stimulated by the increasing recognition that the mission's verification activities alone would not have a lasting impact unless accompanied by corollary changes in permanent state institutions.

In part, as a result of this lack of a precise institution-building mandate, some kinds of UN interventions started too late to be fully effective. For example, human rights training courses for judges, prosecutors, and police were initiated well into the mission, with the result that ONUSAL's contribution seemed "too little, too late" compared to what it might have been, considering the expertise and experience

of mission personnel.³⁸ Notwithstanding these criticisms, some UN institution-building roles did begin early on, and some were fairly successful despite their short duration. Among the most important were direct, hands-on involvement of international personnel in the daily work of new institutions, including the PNC and the PDH.

Admittedly, the mission's initial lack of awareness of the need for institution building contributed to some delays in its efforts, but many of the key constraints were external to ONUSAL. The most obvious limitation: Two of the most important institutions in need of institutional strengthening, the PNC and the office of the Human Rights Ombudsman, only came into existence after the first full year of ONUSAL's presence. More important, however, the mission could not implement institution-strengthening projects unless the government and, more specifically, the institutions themselves were willing to accept ONUSAL's help. In practice, receptiveness varied across institutions and over time, with some agencies abruptly changing their stances toward ONUSAL assistance. For example, the PNC initially was quite open to help from ONUSAL, but then new PNC leadership decided to distance the institution from ONUSAL during a crucial nine-month period. Only after yet another change of leadership did ONUSAL regain its advisory role. The first Human Rights Ombudsman kept ONUSAL at arm's length, then turned to the mission for help in the waning months of his term; the Supreme Court leadership also minimized ONUSAL's opportunities to work with the judiciary during ONUSAL's first three years.

ONUSAL's highly successful (though short-lived) institution-building role with the PNC grew out of ONUSAL's de facto assumption of local police duties in parts of the country. Because of the delay in the start-up of the PNC, the new police were not yet ready to operate in formerly conflictive areas where guerrillas had demobilized. Yet many residents would have viewed incursions by the old National Police into such areas as very threatening. ONUSAL negotiated an interim solution: Civilian police academy cadets, known as the Auxiliary Transitory Police (PATs), after only one month of training, would engage in patrols in these areas under the direct supervision of ONUSAL police personnel, who also provided daily instruction in police techniques. This potentially intrusive role was acceptable to both parties because 1) ONUSAL was already deployed throughout the country and had established itself as a credible, impartial force; 2) it was seen as only a stopgap and not a permanent measure; and 3) no one else could fill that role in the transition period. Despite the potential for problems, ONUSAL's role in operating the PATs was viewed as successful by both parties.

Although ONUSAL's mandate did not provide specifically for a role in helping to develop the National Civilian Police, the PAT experience paved the way for a PNC field training program in which ONUSAL police and legal observers provided technical and logistical support once the PNC began to deploy in February 1993. This effort, though not as well coordinated as it might have been, produced positive results for as long as it lasted. ONUSAL observers verified the activities of the newly deployed PNC agents, often providing on-the-spot technical advice and training, while at the same time filing periodic reports to the PNC and ANSP authorities. As one close observer noted, this program "enabled its recipients to take

advantage of fresh information from the field regarding the shortcomings of the training received at the academy [where ONUSAL's direct influence was minimal] and the operational problems of the PNC," allowing the relevant authorities to make the necessary adjustments.³⁹ This program was viewed as beneficial to the inexperienced new police force and as an important supplement to bilateral efforts, such as the U.S. Justice Department's International Criminal Investigations Training Assistance Program (ICITAP) that was working with both the PNC and the ANSP. ONUSAL's ability to assist the PNC with mission vehicles and radio communications helped compensate for crippling shortages of these necessities in the early months of the PNC's deployment. Unfortunately, ONUSAL's field advisory role was discontinued after only six months, apparently at the behest of the newly appointed deputy police director, a controversial former military officer who was forced out of office in May 1994 before the end of Cristiani's term. By the time the way was cleared for restoration of a close working relationship with ONUSAL, the mission's Police Division was downsizing rapidly and no longer able to provide significant hands-on assistance to the rapidly growing PNC.

A second successful strengthening effort, albeit a very belated one, involved the National Counsel for Human Rights, also called the Human Rights Ombudsman's office. In 1994, just months before the counsel's term was to end and as ONUSAL was phasing out, police and legal observers were stationed at least part of every day in the headquarters and regional offices. All denunciations were verified jointly by the two bodies. This direct collaboration between international and national entities provided a permanent seminar on how to conduct human rights investigations and was arguably the most effective tool ONUSAL could offer for the strengthening of the Counsel's office. However, despite its success and acceptance by the newly elected (and widely respected) Counsel Victoria de Avilés, in March 1995, the program was discontinued as ONUSAL made its transition to the UN Mission in El Salvador (Misión de las Naciones Unidas en El Salvador — MINUSAL), in large part due to inadequate follow-up and infighting by UN personnel.⁴⁰

Given the apparently positive achievements of ONUSAL in working, even very briefly, with the PDH, the two-year delay in developing institutional strengthening programs seems particularly regrettable. The PDH, after all, was responsible for taking over human rights monitoring functions when ONUSAL left the country. Assisting in its development obviously should have been a high priority. However, the fundamental cause for the distance between the two organizations was the personal resistance of Human Rights Ombudsman Carlos Molina Fonseca to outside interference. ONUSAL, in an effort to win over Molina and work its way into the institution, treated the office quite lightly in its reports, until the eleventh report of the Human Rights Division issued in August 1994. Only when it became clear to Molina that he might not have the blessing of ONUSAL (and international donors) for his reelection did he open up to outside assistance.

In contrast to the experience with the PDH, where ONUSAL at least carried out a brief institution-building role, ONUSAL failed almost entirely to carry out significant institution building with respect to the courts and the public ministry. As with the delay in working with the PDH, the failure to work with the judiciary beyond offering a few seminars is attributable mainly to the desire of key domestic actors to keep ONUSAL at bay. The key source of resistance in this case was Supreme Court President Mauricio Gutiérrez Castro, who maintained an authoritar-

ian grip over the judicial apparatus.⁴¹ Gutiérrez Castro questioned the validity of ONUSAL's verification mandate for the judiciary, noting (accurately) that the judicial branch was not a signatory to the peace accords. That a new court was not elected until 1994 was thus an unfortunate fact over which ONUSAL exercised no control. The new court — more pluralistic and more open to reform efforts and assistance — began a slow process of purging corrupt or incompetent judges, based in part on the results of ONUSAL's previous verification activities. Unfortunately, by the time the new court took office, the UN mission no longer had the personnel, resources, or time to make a significant contribution to reform of the judicial system.

A second area in which ONUSAL's institution-building role was decidedly limited was its relationship with local NGOs. ONUSAL's failure to establish good working relationships bolsters the critique of these NGOs that ONUSAL 1) missed an opportunity to engage local NGOs in a way that would help them improve their investigative and reporting capabilities and 2) reinforced NGO suspicions that ONUSAL's human rights work was driven by high-level political considerations.⁴² National human rights NGOs frequently were antagonistic toward ONUSAL, criticizing its unwillingness to adopt in its reporting the requisite firmness or even belligerence in condemning presumed government abuses.

While there was clearly much room for improvement in ONUSAL's outreach to NGOs at the national level, it has been less frequently noted that in ONUSAL's regional offices relationships often were much more productive and supportive. The antagonism toward ONUSAL felt by some NGOs was due to a number of factors. Many NGOs felt excluded from terrain they had occupied for over a decade (probably an unavoidable consequence of an outside verification force) and resented the fact that their own judgments about highly politicized human rights cases were under scrutiny by a more professional and credible authority.

The main weakness in the criticism leveled by domestic and international NGOs, however, is the assumption that greater efforts by ONUSAL automatically would have resulted in increased possibilities for institutional strengthening of local NGOs. This assumption among international human rights organizations reflects a traditional taboo against criticizing local human rights groups. This presumption in favor of local NGOs also preempts important questions: Which NGOs deserve to be strengthened, and under what conditions should the UN actively seek to assist them? ONUSAL was not in a position during its relatively short existence to remedy historical shortcomings, such as lack of trained legal professionals who could enable organizations to engage the judicial process or problems of corruption and political factionalism.⁴³ While it could offer technical assistance, ONUSAL could not remake the organic political structure of organizations with over a decade of history.⁴⁴

Interaction of Verification and Institution Building

The example cited above of the Human Rights Ombudsman's office points to a central difficulty facing the UN in its institutional strengthening efforts: How does the mission balance the supportive approach required for institutional strengthening with the negative, watchdog approach needed for verification? Is there a conflict of

interest when the entity in charge of verification of accords signed by two parties simultaneously develops a close relationship of support with only one of those parties, usually the government?⁴⁵ The same question arises at the level of specific institutions: How far can the verification mission go in criticizing certain institutions without jeopardizing the mission's ability to engage them in constructive institution-building efforts?

There are both advantages and pitfalls to a single body holding the dual roles of verification and institutional strengthening. In the case of the PNC, some have alleged that ONUSAL was too slow in adequately monitoring and criticizing abuses publicly. One ONUSAL observer claimed they were afraid that criticizing the PNC would play into the hands of the PNC's enemies and, as a result, the first real criticisms were not made until the eleventh report in August 1994.⁴⁶ This caution regarding public criticism does not, however, give a complete picture of the relationship between the PNC and ONUSAL. For example, private—not public—criticism was partly responsible in October 1993 for the PNC's distancing from ONUSAL's institution-building efforts.⁴⁷ It is very unlikely that greater public criticism by ONUSAL at this time would have improved its ability to monitor PNC abuses or to assist them in their institutional development.

Significantly, the government agreed to some of ONUSAL's most intrusive oversight of the PNC and ANSP as part of the May 19, 1994, "work program," well before the first public criticism and at a moment when one would expect ONUSAL's influence to have been on the decline. As already noted, this breakthrough was motivated in large part by domestic political factors, though better donor coordination with ONUSAL may have helped as well. While this new role did not provide specifically for institution-building measures, the binding recommendations issued by ONUSAL went far beyond the verification of human rights abuses and into the realm of structural, institutional reforms needed in both institutions.

Observers also have accused ONUSAL of muting its verification responsibilities in deference to its institution-building goals with respect to the National Counsel for Human Rights. This reluctance to criticize the Counsel's office stemmed in part from the political judgment that UN criticism of such a key institution could play into the hands of the counsel's enemies. Yet the mission actively encouraged other, complementary avenues of criticizing the office (namely, the reports of UN independent expert Pedro Nikken). Possible earlier public signals of disapproval from ONUSAL might have pushed the counsel to open up the institution sooner. Yet, timing may have been crucial: Earlier criticism, before Molina realized that he lacked significant domestic support, easily could have backfired. The only clear lesson is that the UN can expect some leaders of local institutions to act according to parochial interests at the expense of the best development of their institutions. International missions may gain greater access to the institutions they want to strengthen by strategizing around such parochial interests. Had ONUSAL combined warnings that it disapproved of his performance with offers to assist him in doing a better job, they might have gained earlier access to opportunities to shape the new institution.

CONCLUSIONS

El Salvador was an unusually favorable context for a United Nations peace-building effort. The two parties to the agreement genuinely wanted to stop the war, a condition that has not always applied in other internal conflict situations. The war was driven by political and economic forces, not ethnic strife, a factor that made resolution and subsequent cohabitation by former enemies easier. The international climate was also favorable. Through good luck and good timing, the Salvadorean context was only minimally affected by the three main limits to UN power identified by Eva Bertram in her article "Reinventing Governments": "member states are stingy," "member states are fickle," and "member states are biased."⁴⁸ As already noted, member states were, in fact, quite generous in financing implementation of the accords, reconstruction, and the mission itself; member states showed consistent and unflagging interest in promoting and defending the Salvadorean process; and the United States, whose historical role in supporting one side during the war might have made it a liability to the process, generally stepped back from the political limelight and donated heavily to reconstruction, land redistribution, and post-conflict institution-building. In retrospect, it would be difficult to imagine a more favorable climate.

Even under these best of circumstances, where the parties to the peace accords had a primary interest in the success of the process, they also had incentives to cheat when their subsidiary political interests were served by doing so and when the costs were tolerable. Moreover, the leaders of specific agencies, such as the PNC and the PDH, had parochial interests that led them to shun the mission, obstructing both its verification and institution-building roles. In some cases, selective use of well-timed criticism by the mission might have overcome such domestic resistance, but on the whole, despite its unusually powerful position in El Salvador, the UN had limited resources to influence the set of incentives facing domestic actors. Moreover, the fact that the UN's role was so extensive and multifaceted created potential tensions and contradictions in its work.

This review of ONUSAL's management of the various challenges that it encountered points to the following conclusions. First, states and other domestic actors are most likely to grant the UN access to information and comply with its wishes when the UN (or agencies cooperating with the UN) has something specific to offer them. Criticism alone can result in alienation and resistance, but domestic actors will tolerate considerable criticism if it is paired with useful offers of assistance. Thus, ONUSAL retained the cooperation of the Salvadorean government during 1992, despite its sometimes strong criticism of the government because the government needed its assistance in mediating disagreements with the FMLN and in preventing a breakdown of the process and because it needed in a general way the mission's seal of approval to receive millions of dollars in assistance.

Conversely, in situations where the mission wants to play an institution-building role and finds itself blocked by agency leadership (as in the case of Molina Fonseca and the PDH), public criticism may be a useful tool for adjusting domestic actors' assessments of where their best interests lie. There are limits to the UN's ability to do this, however. UN criticisms of the judiciary bore little fruit until the new Supreme Court justices took office: The UN had no direct leverage over the old

Supreme Court and nothing to offer commensurate with the existing prerogatives and powers of the justices.

In those situations where it is possible to combine criticism and help, one of the keys to success appears to be effective coordination of the two. This suggests that, for all of the above noted pitfalls associated with combining verification and institution-building functions, the advantages exceed the risks. Combining institutional strengthening and verification activities can produce positive results that are often greater than the sum of the two individual parts. This only works, however, if they are politically synchronized. At times, the mission had sufficient resources of its own to generate a positive response to criticism. ONUSAL's Human Rights Division had the personnel and capacity to offer considerable assistance to the office of the National Counsel for Human Rights, for instance, so the coordination of criticism and a conditional offer to help were relatively straightforward for the mission. Where verification and institution building were carried out by different international actors, agreement on the political objectives enhanced the leverage of both. Failure to make assistance conditional on shared political criteria, on the other hand, contributed to reduced effectiveness of both verification and institution building.

Overall, probably the most important lesson to draw from the ONUSAL experience is that, in the end, domestic political forces were often more determinate of outcomes than the UN's actions. Both the greatest setbacks and most significant breakthroughs of the process can be traced to the domestic political interests of the actors. This should not be surprising — the Salvadorean conflict was, after all, an internal war. Perhaps the greatest accomplishment of ONUSAL was its responsiveness and flexibility in taking advantage of domestically inspired openings and opportunities, such as stepping in to examine intensively the functioning of the PNC in 1994 following an agreement that provided it with a mandate to do so. Even if the UN cannot control events, it can have the most positive impact by retaining the maneuverability to make the most of the opportunities that domestic actors provide.

EPILOGUE

Since this chapter was written in 1996, the moment of euphoria about the UN's potential for peacemaking in civil wars has passed. Sobering experiences in Bosnia-Herzegovina, Rwanda, Somalia, and Angola have made the institution and its member states circumspect in attempting to resolve civil wars. Thus, the cautionary tone we struck in saying that El Salvador's success came under "the best of circumstances" is perhaps less needed than it seemed in 1996. Nonetheless, from an analytical point of view, our arguments stand. In Guatemala, where the UN worked with much weaker political actors and where the peace talks produced vague accords that are difficult to verify, the peace process has stagnated after some initial successes. While the basic demobilization of rebels was accomplished quickly and without incident, other aspects of the accords, such as "officialization" of indigenous languages; increased taxation and social spending; and military, intelligence, and police reforms have either failed or have been implemented in ways contradictory to the accords. The UN mission in Guatemala appears to have

had much less influence over the actions of domestic actors than its counterpart in El Salvador did. This lack of leverage seems to extend to the donor community at large, which seems at a loss in the face of recalcitrance or incapacity on the part of local political actors.

Guatemalan elections in 1999 brought to power a rightist opposition party headed by a populist president committed at least rhetorically to the peace accords. However, internal divisions in the governing party remain to be sorted out; thus, future progress is uncertain. Both the National Advance Party (Partido de Avanzada Nacional — PAN) that negotiated the peace on behalf of the state and the former rebel Guatemalan National Revolutionary Unity (Unidad Revolucionaria Nacional Guatemalteca — URNG) party now hold only minority positions in the national legislature. These difficulties highlight the uncommon advantages the UN enjoyed in El Salvador: strong domestic actors capable of implementing their commitments (when they wanted to); relatively clear and specific accords; and a comparatively high degree of domestic responsiveness to international pressures and financial incentives.

In El Salvador, the peace is now clearly consolidated, and the two parties that negotiated the peace — ARENA and the FMLN — have emerged as the undisputed leaders of the political system. Elections in 1999 brought another ARENA president to power, Francisco Flores, and the 1997 elections had given the FMLN an essentially equal quota of seats in the national legislature. The FMLN also won the mayoral office in the capital city. In March 2000, the FMLN surpassed ARENA as the largest political faction in the legislature, although the number of delegates from both parties is too small to produce anything other than a kind of political stalemate: the FMLN will be able to prevent any initiatives requiring a two-thirds majority (such as constitutional reforms and the approval of foreign loans), but ARENA's bloc will be able to prevent the opposition from overturning any presidential vetoes. Holding the balance of power in the legislature is the National Conciliation Party, the old party of the military in the 1960s and 1970s, to which many former military officers had migrated for these elections. The FMLN's Hector Silva also won for the second time the mayor's office in San Salvador, positioning him to become the favorite for the 2004 presidential contest.

El Salvador continues to enjoy a high degree of political openness, and electoral contests have been largely free of violence. Yet, aspects of the new order are disappointing to many in the country. First, public insecurity reached historic highs in the late 1990s as violent crime soared and the inexperienced civilian police struggled against heavily armed, highly organized criminals. Crime peaked in 1997, with violent death rates exceeding those seen during the years of war. These rates finally began to fall in 1998, although it is too soon to confirm a trend. In retrospect, some decisions motivated by political considerations, such as the immediate demobilization of the National Guard and Treasury Police in the early phases of the peace process, may have contributed to the security vacuum. The initial plan — crafted by UN advisors — for the PNC to take full responsibility for public security with only 6,000 agents and officers was unrealistic. The initial weakness of post-war security arrangements, combined with demobilization of large numbers of former

combatants and sometimes inadequate arrangements for their social reinsertion, allowed a very serious crime problem to take root.

A second general problem for El Salvador is public disaffection with the leading political parties, driven in part by undemocratic decisionmaking at the top levels of both leading parties. Voter turnout has eroded somewhat, and surveys show high levels of general alienation from the political system. The experience of one of the new institutions of the peace process, the National Council for Human Rights, has demonstrated how contingent the success of that institution is on the person in charge. Following the tenure of a very dynamic counsel (ombudsman) in the late 1990s, in early 2000, her successor was removed by the Congress under accusations of corruption. Most Salvadoreans continue to be preoccupied with economic concerns in an economy that has produced slow growth with few improvements in income equity.

Despite these problems, El Salvador stands as a clear success in internationally assisted conflict resolution, but one achieved under circumstances unlikely to be repeated elsewhere.

Notes

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1. See Boutros Boutros-Ghali, 1992, "La larga noche de El Salvador llega a su fin," a speech delivered at the signing of the final Salvadorean peace accords in Mexico City, January 16. Published in Spanish in *Acuerdos hacia una nueva nación* (San Salvador: FMLN, 1992), 151, retranslated from Spanish by the authors.

2. Press release, Instituto Universitario de Opinión Pública (IUDOP), January 1996, based on a survey conducted in late 1995. According to the same poll, 76 percent of respondents had little or no confidence in political parties, 71 percent had little or no confidence in the Legislative Assembly, and over 74 percent had little or no confidence in President Calderón. See also Richard Stahler-Sholk, 1994, "El Salvador's Negotiated Transition: From Low-Intensity Conflict to Low-Intensity Democracy," *Journal of Interamerican Studies and World Affairs* 36(4), (Winter), 1-60.

3. Transcript of press conference held at UN Headquarters, January 5, 1995, upon release of *Supplement to An Agenda for Peace*.

4. Boutros Boutros-Ghali, 1993, *An Agenda for Peace* (New York: Department of Public Information, United Nations); also, Boutros-Ghali, 1995, "Democracy: A Newly Recognized Imperative," *Global Governance* 1 (1), (Winter), 3-11.

5. This is a point that Kevin Hartigan has made with regard to the extraordinary access afforded the UN High Commission on Refugees by the Mexican and Honduran governments. See Hartigan, 1992, "Matching Humanitarian Norms with Cold, Hard Interests: The Making of Refugee Politics in Mexico and Honduras, 1980-1989," *International Organization* 46 (3), (Summer).

6. William I. Zartman, 1986, "Ripening Conflict, Ripe Moment, Formula, and Mediation," in *Perspectives on Negotiation: Four Case Studies and Interpretations*, eds. Diane B. Bendahmane and John W. McDonald, Jr. (Washington, D.C.: Foreign Service Institute, U.S. Department of State), 205-227.

7. Lawyers Committee for Human Rights, 1995, *Improvising History: A Critical Evaluation of the United Nations Observer Mission in El Salvador* (New York: Lawyers Committee for Human Rights), 6; interview with former FMLN coordinator Shafick Handal, July 1995.

8. Interviews with UN officials, October 1992 and April 1995.

9. As will be explained in detail below, ONUSAL's access to such verification and institution-building roles with the PNC was discontinuous and troubled.

10. Interviews, UN officials, September and November 1992.

11. Interviews, local affiliate of National Resistance (formerly FMLN), June 1995; government land bank and land transfer office officials, September 1992 and June 1995.

Frustration on the part of FMLN leaders and supporters was justified: Implementation of the land transfer program was hobbled by extremely complex legal and titling problems, resistance by the government, incompetent implementing agencies, intermittent financial shortfalls, a lack of willing sellers, and nightmarish procedural complications that dissuaded even owners who were initially willing to sell. Four years after land transfers were to have commenced and despite repeated UN measures to keep the process on track, transfers were not yet complete as of mid-1996.

12. The government did not formally agree to Plan 600 until February 1993, well after the FMLN's December 1992 demobilization. However, international donors had committed funds informally prior to the FMLN's demobilization, and National Reconstruction Secretariat internal planning documents reflected Plan 600 as early as December 1992.

13. These included reducing its constitutional prerogatives, ending its politically key roles in internal security and domestic intelligence, disbanding three historically repressive and politically conservative security forces, imposing partial civilian oversight over the military academy, and exposing military officers to outside (civilian) evaluation and criticism.

14. When the academy did open, it soon was revealed that the government had proposed a number of military officers who were patently ineligible as candidates to command positions in the PNC.

15. This recommendation was much stronger than most observers anticipated, since the ad hoc commissioners were all Salvadoreans, and no one seems to have expected them to have had the courage to call for such a sweeping purge of top-level officers.

16. The UN did not certify that the government had fulfilled its obligations on this question until early July 1993. See UN, 1995, *The United Nations and El Salvador, 1990-1995*, Blue Book Series IV, hereinafter *Blue Book*, (New York: United Nations Department of Public Information), Document 84, 471.

17. Interview, U.S. embassy official, June 1995.

18. See Kevin Murray et al., 1994, *Rescuing Reconstruction: The Debate on Post-War Economic Recovery in El Salvador* (Cambridge, Mass., and San Salvador: Hemisphere Initiatives).

19. Marrack Goulding, 1992, "The Evolution of United Nations Peacekeeping," *International Affairs* 69 (3), 458. Cited in Eva Bertram, "Reinventing Governments." An earlier, more narrow articulation of this dilemma, regarding tensions between the human rights verification and diplomatic roles of the UN, was noted in Human Rights Watch - Americas, 1992, "Peace and Human Rights: Successes and Shortcomings of the U.N. Observer Mission in El Salvador (ONUSAL)," IV (8), (September 2), as well as in the El Salvador chapter of *The Lost Agenda: Human Rights and United Nations Field Operations* (New York: Human Rights Watch, June 1993).

20. The purge of the military high command was not completed until the last of the officers in question completed their 30 years of service and retired in accordance with the military's normal procedures on June 30, 1993. Interview, UN official, May 1995.

21. The Ejército Revolucionario del Pueblo (ERP) and the National Resistance (RN) reportedly were the main advocates of this bargain, over the initial objections of other groups in the FMLN. Interviews with U.S. AID and UN officials, July 1993. This negotiation was extremely divisive within the FMLN; although they managed to maintain a unified posture publicly, it helped sow the seeds of the later split. See *Blue Book*, Doc. 84. The UN's hard line on the Ad Hoc Commission issue also provided the FMLN (albeit unintentionally) with political leverage to negotiate for benefits it otherwise might not have received.

22. Both UN officials and disgruntled former soldiers claimed that the old high command headed by General René Emilio Ponce was particularly disinclined to provide benefits to former soldiers, preferring other uses for Defense Ministry funds. The failure to assist the "social reinsertion" of former soldiers led to violent protests and hostage-taking. Interviews with UN officials and leaders of the Association of Demobilized Soldiers of the Salvadorean Armed Forces (ADEFAES), June and July 1995.

23. The ONUSAL chief of mission was present during some of the negotiations but did not function as a mediator. Interview, UN official, May 1995.

24. Two documents were provided to the government on July 15, 1994, and September 28, 1995.

25. Unfortunately, this cooperation came late in the process. See Gino Costa, 1994, *Police Reform in El Salvador*, paper presented at conference entitled "The International Community and Police Reform in Central America and Haiti," Washington, D.C., November 3-4; see also William Stanley, 1996, *Protectors or Perpetrators? The Institutional Crisis of the Salvadorean Civilian Police* (Washington, D.C., and Cambridge, Mass.: Washington Office on Latin America and Hemisphere Initiatives, January).

26. Interview with UN official, July 1993.

27. Interviews with leaders of the Association of Demobilized Soldiers of the Salvadorean Armed Forces, ADEFAES, June 1995.

28. Human Rights Watch - Americas, 1992, "Peace and Human Rights"; Lawyers Committee, 1995, *Improvising History*, 67.

29. See "Report issued on 28 July 1994 by the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups (extract: conclusions and recommendations)," *Blue Book*, Document 113, 568-574.

30. ONUSAL formally closed at the end of April 1995 and was replaced by a much smaller mission, directed initially by Enrique Ter Horst, called MINUSAL.

31. IUDOP press release, January 1996.

32. Lawyers Committee, 1995, *Improvising History*, 74.

33. Interviews with various ONUSAL officials, January-June 1995.

34. Madalene O'Donnell, Jack Spence, and George Vickers, 1993, *El Salvador Elections 1994: The Voter Registration Tangle* (Cambridge, Mass.: Hemisphere Initiatives, July); Madalene O'Donnell, 1993, *El Salvador Elections 1994: Voter Registration Progress and the Tasks Ahead* (Cambridge, Mass.: Hemisphere Initiatives, November).

35. Some ONUSAL officials referred to these tasks derisively as "ant work." See Tommie Sue Montgomery, 2000, "The Good, the Bad, and the Ugly: Observing Elections in El Salvador," this volume.

36. See Jack Spence, David Dye, and George Vickers with Garth David Cheff, Carol Lynne D'Arcangelis, and Ken Ward, 1994, *El Salvador's Elections of the Century: Results, Recommendations, Analysis* (Cambridge, Mass.: Hemisphere Initiatives, July). This is acknowledged also by Felix Ulloa, who, as a member of the Electoral Vigilance Board, was perhaps the most vocal critic of the TSE, and who, as a magistrate on the TSE elected in 1994, continued to hold this assessment. Interview, July 1995.

37. Interview, ONUSAL official, September 1994.

38. Lawyers Committee, 1995, *Improvising History*, 93-118.

39. Gino Costa, 1995, "The U.N. and Reform of the Police in El Salvador," *International Peacekeeping* 2 (3), (Autumn), 377.

40. Interviews with UN officials.

41. The accords produced no immediate reforms of the Supreme Court. They did provide for the future selection of Supreme Court justices through a process of nomination by members of the legal profession and approval by a qualified majority of the legislature, forcing the selection of candidates acceptable to a broader political spectrum and making it more difficult for any one party to control the court. These reforms were all the more crucial because the entire court system is controlled directly by the Supreme Court, an institutional feature that many international observers have criticized.

42. See Lawyers Committee, 1995, *Improvising History*.

43. For example, the two most internationally recognized human rights organizations in El Salvador that produced regular reports on the situation — Tutela Legal of the Catholic Archdiocese and the non-governmental Commission on Human Rights (CDHES) — were difficult recipients of institutional strengthening efforts. Tutela Legal, the best known human rights group, had never been open to criticism of its methodology and became increasingly distant from ONUSAL over time. The CDHES had been plagued by problems of corruption and political infighting (often focused on differences among different FMLN factions). At one point, CDHES, after a change in leadership and cuts in outside funding, agreed to a small ONUSAL effort to help the organization refine its methodology. Shortly thereafter, the CDHES suffered yet another political schism, raising doubts about the lasting efficacy of ONUSAL's efforts.

44. An excellent overview of the challenges facing the United Nations in its relations with NGOs can be found in Thomas G. Weiss and Leon Gordenker, eds., 1996, *NGOs, The UN & Global Governance* (Boulder: Lynne Rienner Publishers), especially the concluding chapter by the editors.

45. See De Soto and Castillo, 1995, "Implementation of Comprehensive Peace Agreements: Staying the Course in El Salvador," *Global Governance* 1 (2), (May-August), 202. They pose this as a potential conflict in discussing the future of MINUSAL and the reasons why the Security Council should remain involved in the political verification of the peace accords.

46. Lawyers Committee, 1995, *Improvising History*, 37.

47. ONUSAL had opposed the appointment of former Army Captain Oscar Peña Durán to the PNC, largely because of his military background. Some ONUSAL officials interpreted

his subsequent severance of ONUSAL's access to the PNC as payback for ONUSAL's opposition to his appointment. The other important factor was the dominant role played by the deputy PNC director, who was "accustomed to command" and particularly hostile to outside interference and criticism. Interview with UN official, August 1993.

48. Eva Bertram, 1995, "Reinventing Governments: The Promise and Perils of United Nations Peace Building," *Journal of Conflict Resolution* 39 (3), (September), 387-418.